

# CONSTITUTION

Of the

# CEDARVILLE FIREMEN'S ASSOCIATION INC.

Cedarville, Ohio

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# ARTICLE I

## NAME AND PURPOSE

### SECTION 1

This organization shall be known as the Cedarville Firemen's Association, known hereafter as the Association. It is a corporation, not for profit, incorporated under the laws of the State of Ohio.

### SECTION 2

Its purposes are the preservation and protection of life and property from and during such fires, emergencies and life threatening perils as may occur in Cedarville Village and Cedarville Township, Greene County, Ohio, and the rendering of assistance to neighboring cities, villages, townships, and communities when requested under contracts, mutual aid agreements or direction by competent authority.

### SECTION 3

The Association accomplishes its purposes by providing to the Cedarville Fire Department trained and certified personnel to prevent and combat such fires, emergencies and life threatening situations. It does this by operating equipment and material for use in these situations and by advocating fire prevention and safety awareness to the fire department, Village and Township authorities, other organizations and the citizens and residents of Cedarville, Ohio.

### SECTION 4

The Association does not discriminate against any person based on race, religion, age, sex or national origin. Where the words he / his or gentleman appear, they may be read as she / her or lady as appropriate. The term Firemen's Association is meant to be used generically and is considered an appropriate title for the entire membership of the Association.

## ARTICLE II

### MEMBERSHIP

#### SECTION 1

Membership of the Association shall consist of five (5) categories: probationary, associate, voting, inactive, and honorary. Refer to Article VI for Rules of Membership.

#### SECTION 2

All issues pertaining to membership shall be conducted by secret ballot. Exception: Resignation from the Association shall be submitted in writing to the Executive council. No vote shall be required to ratify the resignation.

#### SECTION 3

Probationary members shall be appointed by the Executive Council. They shall be entitled to no vote.

#### SECTION 4

Associate members shall be elected by the Association by a three-quarter (3/4) vote of the voting members present. They shall be entitled to no vote. Exception: Associate members appointed to the Department shall be entitled to a vote on Department officer positions.

#### SECTION 5

Voting members shall be residents of Cedarville Township, Greene County, Ohio, unless otherwise approved by the Association. They shall be 18 years of age or older, and of sober and good moral character.

Residency shall be defined as ones place of voting, or address filed on income tax form, or address on drivers' license; and intent to establish permanent residency. Voting members shall be elected by a three-quarters (3/4) vote of the voting members present. They are entitled to vote on all business presented to the Association. However, only Department members shall be entitled to vote on Department officer positions.

#### SECTION 6

Inactive members were voting members who have requested a leave of absence. They must have 5 years of service as a member. A voting member, by personal written request, may be approved for inactive membership by three-quarters (3/4) vote of the voting members present. Reasons such as age, health, or personal job conflicts will be reasons for applying. They will maintain all rights and privileges of membership but are entitled to no vote. An inactive member may return as a voting member by written request and by approval of three-quarters (3/4) vote of voting members present.

## SECTION 7

Honorary members shall, by contributing financially or by performance of some beneficial act, be elected by a three-quarters (3/4) vote of the voting members present. They shall be entitled to no vote.

## SECTION 8

All probationary members of the Cedarville Firemen's Association shall take the following pledge: **"I state name, as a probationary member, pledge myself to fulfill to the best of my ability, the duties of a good Association member and to abide by the Cedarville Firemen's Association Constitution. Furthermore, to complete the requirements set before me and actively participate in Association functions. I will respect my fellow members and reflect a positive image as I represent the Association."**

All associate / voting members of the Cedarville Firemen's Association shall take the following prescribed pledge: **"I state name, as an associate/voting member pledge myself to fulfill to the best of my ability, the duties of a good Association member and to abide by the Cedarville Firemen's Association Constitution. Furthermore, I will continue to regularly attend meetings and actively participate in Association functions. I will respect my fellow members and reflect a positive image as I represent the Association."**

# ARTICLE III

## OFFICERS

### SECTION 1

The officers of the Association shall consist of, in order of authority; the President, Vice President, Secretary, and Treasurer. These officers shall be elected annually by the association.

### SECTION 2

The officers of the Association shall control and manage the business, funds, and property in the best interest of the Association. They will preside over meetings to address association business. They may adopt regulations not inconsistent with this Constitution; promulgate and enforce rules governing the use of the property and privileges of the association.

### SECTION 3

The Executive Council shall be comprised of the President, Vice President, Secretary, Treasurer, Chief, Assistant Chief, Fire Captain and EMS Captain.

The Executive Board shall be comprised of the President, Vice President, Secretary and Treasurer.

## ARTICLE IV

### SPECIFIC DUTIES OF THE OFFICERS

#### SECTION 1

It shall be the duty of the President to preside at all regular and special meetings and to preserve order. He shall appoint all committees and be an ex officio member of same.

#### SECTION 2

It shall be the duty of the Vice President to assist the President in the discharge of his duties and to officiate in his absence. The Vice President shall also oversee all fundraising events and Association property.

#### SECTION 3

The Secretary shall keep a correct roll of all classes of membership of the Association and shall keep strict account of all absentees. He shall record a full account of the proceedings of all official meetings. He shall receive and disseminate all correspondence for the Association. He shall notify new Association officers of their election within one (1) week after same and furnish each with a copy of the Cedarville Firemen's Constitution. He shall post a current committee roster on the bulletin board. He shall assist in planning the Christmas banquet. He shall perform such other duties as the Association may assign him within the scope of this office.

#### SECTION 4

The Treasurer shall collect all monies due to the Association and safely keep same for the use and benefit of the Association. He shall deposit all monies in the name of the Cedarville Firemen's Association, in a depository named by the Association. He shall provide, at the regular Association meeting, a written account of monies received and bills to be paid. He shall provide a monthly written report to the Audit Committee and Secretary after the report is approved by the Association.

#### SECTION 5

The President and two (2) members appointed by the President shall act as Trustee's for the Association. They shall represent the Association in any and all dealings with the Township Trustee's and Cedarville Village Council, and perform such other duties as may be assigned to them. At least one (1) of them shall attend all Trustee meetings and report on them at the next Association meeting.

# ARTICLE V

## MONEY AND EQUIPMENT

### SECTION 1

All money on deposit or hereafter deposited under the name of the Cedarville Firemen's Association is the exclusive property of the Association and may be disbursed by the treasurer following a majority vote of the voting members present or under the authority of the Executive Board per Section five (5).

### SECTION 2

Any equipment used strictly for Association business, purchased by the Association will be solely the property of the Association until it is disposed of by a majority vote of the voting members present. Any equipment for fire department use purchased fully or partially by the Association shall automatically become the property of Cedarville Township.

### SECTION 3

Any member leaving the Association either voluntarily or by request automatically forfeits his equity in all equipment owned by the Association or Cedarville Township. Said equipment shall be returned to the Association or Cedarville Township within 30 days of forfeiting membership.

### SECTION 4

A standing audit Committee of at least three (3) individuals shall be established. The duties of the committee will be to audit the Treasurer's books quarterly and at the end of the reporting year. They will provide an annual written report of their findings to the Association.

### SECTION 5

The four (4) Association officers and the Fire Chief will be on the account signature card kept on file at the bank. Two Executive Board members may approve purchases which shall be submitted at the next Association meeting. Two Association officers or the Fire Chief and an Association officer must sign all checks and notify the Treasurer of the expense.

### SECTION 6

Expenditures are to be paid by a check.

### SECTION 7

Money or checks and bill or purchase orders received by someone other than the Treasurer should be placed in a sealed envelope with an explanation and deposited in the designated drop slot.

# ARTICLE VI

## RULES FOR MEMBERSHIP

### SECTION 1

All applications for membership will be presented in the following manner; (A) Applications will be presented to the Secretary, (B) then turned over to an Investigating Committee (Appointed by the Executive Council) consisting of a minimum of three (3) members who will do a background and records check. The Committee shall return the application along with their findings to the Executive Council within thirty (30) days. (C) The Executive Council will vote either to accept or reject the application. If accepted, the applicant will then be presented to the Association as a probationary member. At that time the probationer will be issued a handbook containing the Constitution.

The probationary period shall last a minimum of four (4) months, but not more than twelve (12) months. During this time the probationer shall achieve certification in Fire, Rescue or EMS. An extension, beyond twelve (12) months, may be granted only by the Executive Council for unusual reasons or when certification is imminent.

After the four (4) to twelve (12) month period the Executive Council may recommend the applicant for membership into the Association. The probationer must receive a three-quarter (3/4) majority vote of the voting members present to become an associate or voting member.

### SECTION 2

Any member missing three (3) consecutive regular meetings will automatically forfeit his membership in the Association. This provision, however, shall be waved providing before 7 pm on the night of the Association meeting the member obtains the express permission of one of the Executive Council members or Lieutenants to miss the meeting. Members may be excused from the monthly meetings for valid reasons. Some of the reasons are illness, accidents, work or school related requirements or family situations.

Any member missing two (2) regular meetings without being excused shall be notified in writing by the Secretary.

### SECTION 3

All members shall strive to conduct themselves in an upstanding manner at all times. When the conduct of a member appears to be in willful violation of this Constitution, the member may be placed on probation, suspended or expelled from the Association. These actions will depend upon the nature and severity of the alleged incident or incidents. Any member may file charges against another by a verbal complaint followed by a written statement within twenty-four (24) hours of the incident. These complaints shall only be made to an Association officer. The Secretary shall then notify the accused member in writing by certified mail (return receipt requested) within seven (7) days of receipt of written complaint of the alleged violation of the Constitution. If the accused member does not acknowledge notification, charges will stand as filed and appropriate action taken.

A formal hearing will be held within seven (7) days after receipt of certified letter to hear the charges and determine what action will be taken. At that time, the accused member may present his defense. At least three (3) Association officers and the person filing the accusation must be present at the hearing. The hearing will proceed without regard of the presence of the charged party. After the hearing before the Association officers, a recommendation for disciplinary action will be made to the Voting members of the Association if warranted. A three quarters (3/4) vote of voting members present shall determine the final association action. Any member who has had three (3) complaints or charges upheld against him in five (5) years will be dismissed from the Association.

Acts for disciplinary action include, but are not limited to the following; incompetence, inefficiency, dishonesty, gossip, drunkenness, immoral conduct, slander, insubordination, discourteous treatment of the public and members, any act of oppression or tyranny, neglect of duty, violation of Constitution, any other failure of good behavior, or any acts of malfeasance as a member of the Cedarville Firemen's Association. This section is intended as a guide for disciplinary action only. It should not be used for personal reasons, but for the betterment of the Association.

#### SECTION 4

No person shall hold the Cedarville Firemen's Association, Cedarville Township, or any individual members liable for disciplinary action or dismissal from the Association.

## ARTICLE VII

### MEETING

#### SECTION 1

The regular meeting of the Association shall be held the second Tuesday in each month at 8:00 pm unless otherwise specified by the President. If a quorum, of twelve (12) voting members in good standing, is not present by 8:30 pm the meeting shall be cancelled.

#### SECTION 2

Only members and scheduled guests shall be admitted to the meetings.

#### SECTION 3

The Association officers may call for a special meeting at any time they feel necessary with a twenty-four (24) hour notice.

#### SECTION 4

After a quorum has been established, roll call taken and meeting begun, should a voting member enter the room, he shall be recognized by the President and his arrival time marked in the meeting minutes. If a member leaves during a meeting, at least twelve (12) voting members must remain to finish the meeting.

## ARTICLE VIII

### ALTERATIONS OR AMENDMENTS

#### SECTION 1

No alterations or amendments shall be made to this Constitution unless proposed in writing at a regular meeting. The proposal shall be referred to the Association officers and if approved at the next regular meeting by a three-quarters (3/4) vote of the voting members present shall become effective immediately.

# ARTICLE IX

## RULES OF ORDER

The following procedures will govern Association meetings:

1. But one (1) member shall be entitled to the floor at one time.
2. Any member desiring the privilege of the floor shall address the Chair.
3. A member shall not be entitled to speak until properly recognized by the Chair.
4. A motion can not come before the Association until properly moved and seconded and declared open for discussion by the Chair.
5. Any member may call for the ayes and nays on any motion whereby each member shall be required to answer to his name on roll call, unless excused by the Chair.
6. All motions, unless otherwise stated in the Constitution, shall be decided by a majority of votes cast.
7. A member shall not speak for more than five (5) minutes, on any one subject at any time, or more than twice on the same subject, except by the permission of the Chair.
8. Whenever a point of order is raised by any member, the person having the floor shall relinquish it until the point is decided by the Chair, when, if proper, he may resume.
9. Whenever a motion is properly presented before the Association, it must be disposed of before another may be entertained. A motion shall not be subject to more than two (2) amendments.
10. A tabled motion shall not be taken up again during the same meeting.
11. A motion to reconsider must come from a member who voted with the majority when the action to be reconsidered was taken.
12. Any question of parliamentary procedure not mentioned in the Constitution shall be decided by Roberts Rules or other recognized authority.

# ARTICLE X

## ORDER OF BUSINESS

1. Pledge of allegiance
2. Opening prayer
3. Roll call
4. Approval of previous meeting minutes
5. Treasurer's report and presentation of bills
6. Committee reports
7. Communications
8. Report from Executive Council meeting
9. Unfinished business
10. New business
11. Run reports
12. Membership issues
13. Officers' reports
14. Good of the Association
15. Adjournment

# ARTICLE XI

## PRECEDENCE AND EFFECT

### SECTION 1

Provisions to this Constitution in direct conflict with the laws, ordinances, regulations or rules of the State of Ohio, Greene County, Cedarville Township, Cedarville Village, or the Cedarville Fire Department shall not be valid. Any provision of this Constitution which may become in conflict with any such law, ordinance, regulation or rule is automatically null and void and the applicable law, ordinance, regulation or rule shall prevail.

### SECTION 2

Any other Constitution and By-laws of this Association supposedly or actually in existence are hereby declared null and void.

### SECTION 3

We, the members of the Cedarville Firemen's Association, Incorporated, meeting in regular session at Cedarville, Ohio on March 13, 2007 by an affirmative vote of three-quarters (3/4) of the voting members present, do hereby ordain and proclaim this Constitution for the governance of our Association.

President: Kevin S. Dougherty Date: March 13, 2007

Vice President: Thomas L. Selden Date: March 13, 2007

Secretary: Kristin R. Miller Date: March 13, 2007

Treasurer: Michelle S. Baldwin Date: March 13, 2007