

EVERY COUNTY FIREMAN'S ASSOCIATION, INCORPORATED
BY-LAWS

ARTICLE I

TERMS OF OFFICE

The President, Vice-President, Secretary and Treasurer shall take office at the close of the August meeting (at which they are elected) and shall serve for one year.

ARTICLE II

DUTIES OF THE OFFICERS

Section 1

PRESIDENT: The President shall preside at all meetings of the Association and the Board of Directors. He shall appoint all committees not otherwise provided for and perform such other duties as may be required of him by the Association or the Board of Directors. He shall be an ex-officio member of all committees except as otherwise provided in these By-Laws.

Section 2

VICE-PRESIDENT: In the absence of the President, the Vice-President shall perform all of the duties of that office.

Section 3

SECRETARY: The secretary shall be responsible for all the recordings of the proceedings of the annual meeting and at any regular or special meeting as directed by the President and shall perform such other secretarial duties as may be required by this office.

Section 4

TREASURER: The treasurer shall be responsible for the funds of the Association. He shall present to the Association at the annual meeting and all regular meetings, a complete statement of the status of all monies of the Association. All checks issued against the Association shall be drawn by the Treasurer according to the direction and the approval of the Board of Directors. The Treasurer shall perform such duties as may be required of his office.

Section 5

January, 2008

BOARD OF DIRECTORS: It shall be the duty of the Board of Directors to conduct all of the business of the Association. Regular meetings shall be held on a monthly basis. The Board shall also meet at the call of the President. As soon as possible following each meeting, the member departments shall be given a full report by the member organization's designated Directors. Fifty percent of the Board of Directors shall constitute a quorum at Board Meetings. The President shall be a member of the Board of Directors for two years following his term of office.

Section 6

FIRE COMMISSION APPOINTEES: Fire Commission Appointees shall serve on the Avery County Fire Commission and represent the Avery County Firemen's Association interest's as part of that commission. Appointees shall keep members of the Fire Association informed on a regular basis of all decisions of the fire commission
(recommendation: cannot be a fire chief)

ARTICLE III

MEMBERSHIP

Section 1

ACTIVE MEMBERS: The Active Membership shall consist of:

- (1) Organizations qualified under ARTICLE III, Section 1, of the Constitution and who meet the training requirements and other prerequisites as established by the Board of Directors.
- (2) Persons holding membership in member organizations as qualified under ARTICLE III, Section 1, of the Constitution and who meet the training requirements and other prerequisites as established by the Board of Directors.

ARTICLE IV

COMMITTEES:

Section 1

GENERAL: The composition of all standing and special appointive committees, the members of which shall be appointed by the President, shall also be determined by the President .

January, 2008

Section 2

NOMINATING COMMITTEE: The Nominating Committee shall consist of five members who shall be appointed by the President no later than thirty days prior to the annual meeting. Each appointee shall be from a different department with departments rotating each year. It shall be the duty of the committee to review the qualification of all candidates for office in the association and submit its report of nominations to the members assembled at the August Annual Meeting.

ARTICLE V

QUALIFICATIONS OF OFFICERS:

All officers (President, Vice-President, Secretary, Treasurer, and Board of Directors) shall be a member of a **member organization** which is also a member of the Avery County Fireman's Association. Any officer who becomes disassociated with their **organization**, and is not associated with any organization qualified to and holding membership in the association, their office shall become vacant, and an election shall be held at the next Board of Directors meeting to fill the vacancy. **(In event said officer's department disbands or ceases to hold membership in the association, the officer may continue in that office until his term expires, at which time the office will be declared vacant.)** In event said director's **organization** disbands or ceases to hold membership in the association, his directorship shall cease to exist.

ARTICLE VI

ELECTION OF OFFICERS:

The Election of Officers shall be by secret ballot by the members of the Association. There shall be one minute of time after the last nomination of an officer before a motion to close the nominations will be accepted by the presiding officer. **Secret ballot votes shall be collected and tallied by a teller committee composed of three directors appointed by the president who are not running for office.**

ARTICLE VII

ORDER OF BUSINESS:

Unless otherwise provided herein, all meetings of the Association shall be conducted in accordance with "Robert's Rules of Order."

January, 2008

ARTICLE VIII

AMENDMENTS:

Proposed amendments to the By-Laws shall be presented in writing to the Secretary not less than sixty days prior to the meeting at which action will be taken on the proposed amendment(s). The Secretary shall submit a copy of all proposed amendment(s) to the membership not less than thirty days in advance of the date set for action on the proposed amendment(s). Such action may be taken at any regular meeting of the Board of Directors. A two-third's vote for the Board of Directors present and voting shall be required for the adoption of and amendment. All such amendments become effective upon ratification by the Board of Directors.

**ADDITION TO AVERY COUNTY FIREMAN'S ASSOCIATION,
INCORPORATED BY-LAWS**

ARTICLE IX

Section 1

AUTHORITY: The Avery County Fire Association shall maintain for the use of its member departments a Ladder Company, which shall be subject to the By-Laws of the Association and such rules and regulations as may be hereinafter adopted.

Section 2

PURPOSE: The Ladder Company shall be formed to acquire, operate, and maintain Special ladder equipment, which is to be used wherever needed throughout the county.

Section 3

PARTICIPATION: Any active member of any Volunteer Fire Department in Avery County shall be eligible to participate in the Ladder Company upon agreeing to confirm to the rules, regulations and requirements thereof.

Section 4

SUPERVISION: The Ladder Company shall be operated under the supervision of the officers of the Ladder Company, in accordance with the rules, regulations, and budget which will be subject to the approval of the Board of Directors of the Association.

January, 2008

Section 5

ELECTION OF LADDER COMPANY OFFICERS: The Ladder Company shall be directed by five officers: Chief, Assistant Chief, Captain, Lieutenant, and finance

officer. Officers shall be elected on an annual basis at the August meeting from the participating membership. Officers shall serve for a period of one year. Vacancies of unexpired terms shall be filled by a vote of the remaining officers.

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

**SECRETARY'S CERTIFICATE
OF AUTHENTICITY OF
CONSTITUTION**

I, Sandra Lusk, duly elected corporate secretary of the Avery County Fireman's Association, Inc., having examined the corporate records of Avery County Fireman's Association, Inc., and have a reasonable inquiry, do hereby certify: That the Avery County Fireman's Association Inc. has adopted a constitution, not in conflict with the corporation's Articles of Incorporation or By-Laws, and a true and accurate copy of the Corporate Constitution, as it presently exists, is attached hereto as Exhibit "A" and incorporated herein by reference.

AVERY COUNTY FIREMAN'S ASSOC., INC.
BY: _____
Sandra Lusk, Secretary

STATE OF NORTH CAROLINA

COUNTY OF AVERY

ATTORNEY'S CERTIFICATE

I, John A. Turner, a duly qualified and practicing attorney in the State of North Carolina, having examined the Articles of Incorporation, Constitution, and By-Laws for the Avery County Fireman's Association, Inc., do hereby certify that the Constitution of the Avery County Fireman's Association, Inc., attached hereto as Exhibit "A", does not conflict with the Corporation's Articles of Incorporation of By-Laws. This the 20th day of September, 1989.

BY: _____
John A. Turner
Finger, Watson, Di Santi & McGee
P.O. Box 193
Boone, NC 28607
(704) 264-6126

January, 2008

CONFIRMED COPY

AVERY COUNTY FIREMAN’S ASSOCIATION,
INCORPORATED CONSTITUTION

ARTICLE I

The name of the organization shall be the Avery County Fireman’s Association, Incorporated, and shall hereinafter be referred to as the “Association.”

ARTICLE II

The objectives of the Association shall be:

1. To promote the concept of organized emergency fire protection, **1st response/medical, and rescue** services for Avery County.
2. To promote and assist the establishment of fire protection, **1st response/medical, and rescue** services and training.
3. To promote to the fullest possible extent the objectives of accident & fire prevention.
4. To develop and maintain a code of high ethical standards among **(fire)** service personnel.
5. To promote the general welfare of the members of the Association.
6. To bring together in the Association all non-profit organizations committed to the above objectives.

ARTICLE III

Section 1

Membership in the Association shall be open to any non-profit organization actively engaged in fire protection, **1st response/medical, and rescue**, and its membership, which supports and sustains the objectives set forth in Article II, of this constitution and which conforms to the requirements hereinafter set forth in the By-Laws.

January, 2008

ARTICLE IV

Section 1

The officers of the Association shall consist of President, Vice-President, Secretary, Treasurer, Executive Director and two Directors from each member organization.

Section 2

The President, Vice- President, Secretary, and Treasurer, shall be elected at the August meeting of the Association and shall hold office as provided in the By-Laws.

Section 3

There shall be a Board of Directors which shall be composed of the President, Vice-President, Secretary, Treasurer, and 2 Directors from each member organization as elected by the organization. **Directors elected to officer's positions shall be replaced by their respective departments for their term of office.** The Board of Directors is charged with the responsibility and vested with the authority to transact any and all business of the Association. Such business may be conducted at any and all of the regularly scheduled meetings including the Annual Meeting of the Association, at which meetings each member of the Board shall have one vote. Member organizations shall confirm their two directors and one alternate at the July meeting of the association.

Section 4

There shall be two members of the association elected by the directors to represent the Association as members of the Avery County Fire Commission. Fire Commission Appointees shall serve two year terms and shall be elected in alternating years at the annual meeting of the association. Should an appointee become disassociated with their organization and not associated with any other organization holding membership in the association, their office shall become vacant and an election shall be held to fill the vacancy at the next meeting of the board of directors.

ARTICLE V

A quorum for the conduct of Association affairs shall be fifty percent of the members of the Board of Directors **present.**

January 2008

ARTICLE VI

Purposed amendments to this Constitution shall be presented in writing to the Secretary not less than thirty (30) days prior to the meeting at which action will be taken on the proposed amendment(s). The Secretary shall submit a copy of all

proposed amendments to the membership not less than thirty (30) days in advance of the date set for action on the proposed amendment(s). Such action may be taken at any regular meeting of the Board of Directors. A two-thirds (2/3) vote of the Board of Directors present and voting shall be required for the adoption of an amendment. All such amendments become effective upon ratification by the Board of Directors.

January, 2008