

# Socorro County Fire Department & Fire District Bylaws

Approved and Recommended

This 2nd day of April, 2008

By the Socorro County Fire Chiefs' Association

The Socorro County Fire Marshal

Is Recommending to

The Board of County Commissioners

For Approval and Adoption

This 22nd day of April, 2008

Approved and Adopted

This 27th day of May, 2008

By the Socorro County Board of County Commissioners

# County of Socorro


## ESTABLISHING BYLAWS FOR THE SOCORRO COUNTY FIRE DEPARTMENT & COUNTY FIRE DISTRICT'S

### BYLAWS APPROVAL AND ADOPTION

Currently the County Fire Districts in Socorro County are either following a set of older bylaws that were written for their particular fire district or they have no bylaws to follow at all. Recently, during the process of trying to locate a set of bylaws for each County Fire District it was determined that the Fire District Bylaws were nonexistent or of those that were able to be located, they were each different and in most cases outdated. By the adoption of these new Bylaws for the Socorro County Fire Department we will ensure, all current and future operations of the County Fire Districts and their personnel that they will be governed by and will be following the same set of bylaws. Our goal with these new bylaws is for each County Fire District to operate the same but most importantly that they will be more effective and efficient in executing the County's duties in the general operation of the district, during all emergencies and during special events or activities.

Concurred with and Recommended By:

  
Matejka Kay, Socorro County Manager

  
Kelly Voris, President  
Representing the Socorro County  
Fire Chief's Association

  
Fred Hollis, County Fire Marshal  
Socorro County Fire Marshal's Office

Approved, Adopted, and Passed on this 27<sup>th</sup> day of May, 2008

### BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SOCORRO

  
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\_\_\_\_\_  
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Reviewed By  
Rosie Tripp  
County Attorney  
Bylaws

## **ARTICLE I ORGANIZATION**

### **Section 1: Organizational Name and Authority**

The name of the organization is the Socorro County Fire Department, officially named and so designated by order of the Socorro County Commission by and through the legal adoption of Socorro County Fire and Emergency Services Administrative Ordinance Number 2005-003.

### **Section 2: Purpose of Organization**

The Socorro County Fire Department and its County Fire Districts were created and established by the Socorro County Board of County Commissioners for the purpose of providing the necessary fire, rescue, medical and other emergency services for the residents of and visitors to Socorro County. The Department shall act in accordance with all applicable federal and state laws, state rules and regulations and county ordinances, plans, and policies.

### **Section 3: Purpose of Bylaws**

These bylaws are hereby recommended by the Socorro County Fire Marshal (Fire Chief), the Socorro County Fire Chief's Association and adopted by the Socorro County Commission for the explicit purpose of establishing the means by which the operational business of the Socorro County Fire Department and its County Fire Districts will be conducted. Nothing in these Bylaws is intended to conflict with Socorro County Fire and Emergency Services Administrative Ordinance Number 2005-003, however, if a conflict exists or is found, the Ordinance shall prevail.

### **Section 4: District Preamble**

The Socorro County Fire Department's Fire Districts are fundamental to the County's ability to provide fire, rescue, medical and other emergency services to the residents of and visitors to Socorro County. It shall be the mission of the Socorro County Fire Department, and each County Fire District, to provide the highest quality emergency services to the residents of, and visitors to, Socorro County. The goals and objectives of the Department and its Fire Districts shall be drafted to ensure the Department's mission is accomplished, and in doing so protect the lives and property of all its residents.

### **Section 5: District Name**

The name of an individual Fire District shall be the name assigned by the County Commission at the time the Fire District is created and/or amended by Commission action. There are presently six Socorro County Fire Districts that make up the Socorro County Fire Department. All members of a County Fire District are also members of the Socorro County Fire Department and therefore fall under the jurisdiction, policies, guidelines, rules and regulations of the department and county government. All members will follow the chain of command established by the

Board of County Commissioners of Socorro County with the adoption of Socorro County Fire and Emergency Services Administrative Ordinance Number 2005-003.

**Section 6: Fiscal Year, Property Ownership and District Management**

The Board of County Commissioners of Socorro County shall determine the Fire Department/Districts fiscal year. Socorro County Fire Districts receive operational funds from the State of New Mexico Fire Protection and EMS Funds as set forth in applicable state statutes and other state, federal and local sources. Socorro County is the fiscal agent, owner and maintains control of all such funds, regardless of source, and holds title to all property, including real property, equipment, apparatus, stations and other items purchased with such funds and utilized by the County Fire District to provide emergency services. [See New Mexico Attorney General Opinion 80-35 issued November 14, 1980 stating that, an independent fire district cannot own property in its own right.] The Fire Marshal (Fire Chief) of the Socorro County Fire Department is responsible for all activities of the Fire Department and he/she acts in the capacity of fiscal administrator for all funds credited to the Department and its Fire Districts. The District Chief of each Fire District is accountable and responsible for the day-to-day operational management of the Fire District and is responsible for the expenditure of public funds allocated to the Fire District, in accordance with State and Socorro County Policy.

**ARTICLE II RULES OF ORDER**

**Section 1: Quorum**

A quorum consisting of 51% of the members qualified to vote and in good standing, shall be required, to conduct business for the Fire District.

**Section 2: Order**

The business of each Fire District shall be conducted in an orderly fashion and recorded by the District according to the resolutions and ordinances approved and adopted by the Socorro County Commission. The following is an example of the order by which business may be conducted by the Fire District.

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes
- D. Financial Report
- E. Response Report
- F. Communications
- G. Committee Reports
- H. Old Business
- I. New Business
- J. Adjourn

Other categories may be added, as necessary.

### **Section 3: Conduct**

The Ranking Officer present shall conduct the business meeting of the Fire District. Meetings shall be conducted in accordance with the rules, regulations, resolutions or ordinances adopted and approved by the Socorro County Commission.

## **ARTICLE III MEETINGS**

### **Section 1: Business Meetings**

As a minimum, there shall be two regular business meetings held yearly. The date, time and location of the meetings shall be designated by the District Chief and may be changed provided a minimum forty-eight hours notice is given to the membership.

### **Section 2: Special Meetings**

A special meeting may be held at the order or call of the County Fire Marshal (Fire Chief), District Chief or a majority of the District Membership. A minimum forty-eight hours notice must be given to the membership.

### **Section 3: Training Meetings**

Fire and/or medical (if applicable) training meetings will be held not less than twice a month (minimum 24 trainings per year) at the date, time and location designated by the District Chief. District fire and medical trainings may be conducted in conjunction with other trainings offered by Federal, State, Regional or County Fire staff.

### **Section 4: Special Training Meetings**

Special fire and medical (if applicable) training meetings will be scheduled and held at dates, times and locations designated by the County Fire Marshal's (Fire Chief's) Office, or by the District Chief. District fire and medical trainings may be conducted in conjunction with other trainings offered by Federal, State, Regional or County Fire staff.

### **Section 5: Emergency Meetings**

An emergency meeting which concerns the immediate welfare of the District may be called by the Ranking Officer at any time, provided notification is given to all District members who can be contacted personally by telephone, by radio or pager.

### **Section 6: Notice of Meetings**

Notice of scheduled business and training meetings shall be posted at the District Fire Station by the Ranking Officer two weeks, but no less than 48 hours, in advance of all scheduled meetings. The posted notice can be in the form of the Fire Districts yearly events calendar and it shall contain the date, time and location of the meeting. Additionally it shall be the responsibility of the Ranking Officer or his

designee to notify, prior to the start of the meeting, all members of the District of a meeting by contacting them personally by telephone, radio or by pager.

**Section 7: Attendance**

Regular business and training meetings shall be open to all members of the Fire District regardless of membership status. Additionally, business and training meetings shall be open to members of the general public, including prospective members who are interested in the business and operation of the Fire District; other members of the Socorro County Fire Department, and with approval of the District Chief, other invited guests or speakers who may wish to address the District membership.

**Section 8: Cancellation of Meetings**

Cancellation of business and training meetings should be avoided. The District Chief being unable to attend a meeting is not reason to cancel a meeting. A Ranking District Officer can run the meeting or training in the District Chiefs absence. If a meeting has to be canceled all efforts to reschedule the meeting shall be made. When a meeting is canceled due to an emergency or other qualifying reason, notification must be made as soon as possible to all Fire District members. Notification should be in person, by telephone, by radio or by pager.

**ARTICLE IV MEMBERS**

**Section 1: Membership**

The operational success of the Socorro County Fire Department depends heavily on the worthy services of those who are willing to volunteer their time, energy and resources to their communities. In consideration of the willingness of the volunteer members of the Department to provide such services without monetary compensation, the organizational structure of the Socorro County Fire Districts shall be based on democratic principles and shall take into consideration the concerns, ideas and needs of its members. However, such consideration shall not be given in lieu of the legal obligation of Socorro County to operate the Department and the County Fire Districts in accordance with all applicable rules, policies, regulations and laws of our local, county, state and federal government and to do so with the purpose of providing a necessary public service to the residents of and visitors to Socorro County.

**Section 2: Membership Application**

All residents of Socorro County shall be given an opportunity to volunteer their services to their communities with the Fire Department. Membership application for a particular County Fire District may be determined based on the applicant's proximity of home or work to the specific Fire District. Membership application and status within the Fire Department shall be determined based on the applicant's ability and willingness to provide a useful service for the Department, the

applicant's volunteer and/or employment history, and a review by the County Fire Administration. Consideration for membership shall be given to all applicants without regard to race, color, religion, national origin, ancestry, gender, age, sexual orientation, mental or physical disability, or medical condition unless based on a bona-fide occupational qualification. However, physical limitation shall be used as a factor in determining the applicant's ability to function as a medical first responder, firefighter or as support staff.

**A. Application Process:**

New applicants for membership shall submit a completed Socorro County Fire Department Membership Application to the Socorro County Fire Marshal (Fire Chief) or to the District Fire Chief of the Fire District to which he or she is applying. The new applicant for membership should be considered by the District Fire Chief with a recommendation to approved or disapproved at the next scheduled monthly business meeting following receipt of the application. Timely review of the application by the officers of the Fire District should be afforded the applicant and a recommendation made to the entire membership for their consideration prior to voting.

**B. Application Approval:**

Applicants that have been approved by the Fire District membership shall be conditionally approved for membership pending a final determination of the Fire Marshal (Fire Chief) of the Socorro County Fire Department.

**C. Insurance Coverage:**

Approved membership applications must immediately be filed with the County Fire Administration to ensure members are covered under the County's Volunteer Insurance program.

**D. Application Denied:**

Those applicants who are not approved by the Fire District shall be forwarded to the County Fire Administration in a timely manner. The County Fire Administration shall review the application and consult with the District Chief on the reason for denial.

**E. Final Determination:**

Following a review of the applicant's employment and/or volunteer history, a final determination of membership status will be made at the Socorro County Fire Department Administration Office by the

County Fire Marshal (Fire Chief) after consultation and recommendation of the District Chief.

**Section 3: Rights of Volunteer Members**

Each volunteer member shall have a right to voice his or her opinion and the right to fair and equitable treatment and consideration in the Department. Every volunteer member shall, based on status within a specific Fire District, have the right to initial and ongoing training in both fire and emergency medical services (if such service is provided) and shall be supplied necessary personal protective equipment. Every volunteer member has a right to enroll in the State of New Mexico Fire Fighter Retirement Program, although enrollment does not determine final eligibility. Eligibility for the retirement program is determined by the Public Employees Retirement Association (P.E.R.A.) based on strict requirements defined in the Volunteer Firefighter Retirement Act and further defined herein. Membership status in the Department is not determined by the member's eligibility for retirement benefits.

**Section 4: Obligation of Volunteer Members**

Each member has an obligation to attend business meetings, special meetings, training sessions/meetings and to respond to emergencies as requested in accordance with the requirements set forth within these Bylaws, and pursuant to guidelines unique to and approved by a Fire District that are not in opposition to the policies, protocols, procedures, rules & regulations, guidelines and directives adopted by the Socorro County Fire Department and authorized by the Socorro County Fire and Emergency Services Administrative Ordinance Number 2005-003.

**Section 5: Oath of Office**

All members of the Department shall adhere to the bylaws, guidelines, policies, procedures, directives, rules and regulations as promulgated, adopted and approved by the Department as required by the Socorro County Fire and Emergency Services Administrative Ordinance Number 2005-003 and shall furthermore swear an oath to do so upon accepting membership in the Department.

The Oath of Office shall be made available to all applicants prior to the swearing in event.

**OATH or AFFIRMATION**

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of New Mexico and the Ordinances of Socorro County; that I will be obedient to the Policies, Orders, Rules and Regulations of the Socorro County Fire Department; and that I will faithfully and impartially discharge the duties of the office of \_\_\_\_\_ in which I am about to enter, to the best of my ability, so help me God.



## Section 6: Status of Volunteer Members

Department or District membership shall be determined and defined as one of the following:

### A. Active Duty:

A volunteer member of the Department or District who performs firefighting and/or emergency medical services for the Department or District, routinely responds to emergencies within the Fire District, attends meetings regularly and otherwise meets the requirements listed below:

1. is at least 18 years of age;
2. meets all physical fitness requirements adopted by the County for this classification;
3. has completed the probationary period and all necessary training requirements;
4. attends a minimum of 50% of all regular business meetings;
5. attends a minimum of 50% of all required trainings;
6. responds to a minimum of 35% of all emergency responses **that the member is responsible for (e.g.: from 6 pm to 6 am and weekends or days off)**;
7. has passed mandatory County and State training requirements and been checked-out on all vehicles and equipment assigned to use or operate;
8. has a current New Mexico Driver's License, a clear driving and criminal record and has successfully completed an Emergency Vehicle Operation (EVO) program;
9. pass a yearly SCBA fit test and remain SCBA qualified throughout the year.

### B. P.E.R.A. Qualified Duty:

A member of the Department or District who meets the Active Duty requirements plus the requirements of the Volunteer Firefighters Retirement Act listed below and thus qualifies for PERA Volunteer Firefighter Retirement:

1. is at least 18 years of age;
2. attends a minimum of 75% of all regular business meetings;
3. attends a minimum of 75% of all required trainings;
4. responds to 50% of all emergency responses **that the member is responsible for (e.g.: from 6 pm to 6 am and weekends/days off)**.

### C. Limited Duty:

A volunteer member of the Department or District who cannot meet the physical fitness requirement and/or is not SCBA qualified but otherwise

meets the requirements of an Active Duty member. Limited duty members perform important support services for the Department or District but cannot be interior firefighters. Limited duty members can hold elected office and provide support on the fire ground. Support services include, but are not limited to, incident command positions, pump operations, EMS, pulling and loading hose, tanker shuttle operations, assisting firefighters at the fire scene (not direct structural fire suppression operations) and other duties as assigned by the officer in command. Limited duty members shall be provided necessary personal protective equipment.

**D. Probationary:**

A volunteer member of the Department or District who is undergoing orientation and/or training in order to obtain Active or Limited Duty Status. The normal probationary period for a new member shall be six months. Probationary status can be extended if the volunteer member has not completed the State required training. Probationary members shall be provided personal protective equipment necessary for training purposes to ensure their safety during all training exercises. A member may also be placed in this status subsequent to a disciplinary process further defined herein. Exceptions may be granted for those members who transfer from one Fire District to another.

**E. Restrictions:**

A volunteer member of the Department who becomes a full time, paid firefighter for the County may be limited in the duties he or she performs as a volunteer member of a Fire District.

**F. Cadet:**

Is a junior volunteer member of the Department who has reached the minimum age of sixteen (16) but is less than eighteen (18) years old and has the permission of at least one parent or guardian. Cadets must complete a membership application and at least one parent or legal guardian must sign a Department approved waiver prior to participation in any Department related activity. Cadets cannot be firefighters; they can however, receive fire training and provide support services on the fire ground similar to those provided by Limited Duty members. Cadets should always be paired with an Active or Limited Duty member.

**G. Auxiliary:**

A volunteer member of the Department who provides administrative or other support services for the District or Department. Auxiliary members may participate in all District or Department social activities, meetings, and training. Participation in any emergency scene, including fire ground activity, is strictly limited and restricted to an area designated as a safe zone.

Auxiliary members may not engage in fire fighting or emergency medical service related activities. However, they may assist with District or Department record keeping, database entry, purchasing, fundraising, public education activities or other District or Department related administrative duties.

**H. Charter:**

Founding or original members of a Socorro County Fire District are hereby accorded the status of Charter Member with all rights, privileges and obligations of a retired member of the Department.

**I. Honorary:**

Those persons who have been so recognized by a vote of the majority of the members of a Fire District who are in good standing and eligible to vote at a regular meeting at which a quorum of members is present. This honor may be bestowed upon anyone who, in the opinion of the elected officers and membership of the Fire District, has made a significant contribution to the efforts of the Fire District.

**J. Retired:**

Those persons who have been members of the Department for ten (10) or more years, have reached the minimum age of fifty-five (55) and have requested retirement status from P.E.R.A. or have incurred from any cause a disability which prevents them from performing the normal duties and responsibilities of an Active or Limited Duty member. The determination for eligibility for retired status due to a medical condition shall be based on the evidence submitted by the member for consideration or upon reported evidence of inability to perform tasks at an acceptable level. A retired member of a District may continue service in accordance with the Volunteer Fire Fighters Retirement Act. Retired members who remain active may participate in meetings and functions and shall have voting privileges for the purpose of Fire District business.

**Section 7: Leave of Absence**

Members may submit a written request for a leave of absence (LOA) to the County Fire Marshal (Fire Chief) when personal; employment, or other circumstances prevent them from fulfilling the requirements of their membership status for an extended period of time. Members who are granted a LOA by the County Fire Marshal (Fire Chief) are required to return all Department owned equipment and personal protective equipment issued by the Department. Upon reinstatement equipment will be re-issued to the member. Members who have been on a LOA may return to the Department or District with no loss of seniority, except for the time

lost while on the LOA, and shall have their voting privileges and status reinstated upon return. If the LOA has been for a period greater than six months, the member shall be required to perform a standard vehicle and equipment recertification prior to reinstatement. If the member is on LOA due to Active Military Duty, said member may return to the Department or District with no loss of seniority and shall have their voting privileges and status reinstated upon return.

## **ARTICLE V           DISTRICT OFFICERS**

### **Section 1:   District Officers**

The Officers of the Fire District shall have general supervisory responsibility for the operation of a specific County Fire District, including the responsibilities and authorities granted to the District Chief in Socorro County Fire and Emergency Services Administrative Ordinance Number 2005-003. Other responsibilities and duties of District Officers have been defined in the Socorro County Fire Department Job Classification Specifications for those officers. District Officers may assume additional duties and responsibilities as necessary to administer and coordinate daily operations unique to a Fire District in order to ensure the Department's mission is accomplished and/or to ensure the Fire District's ability and readiness to respond to emergencies within that District so long as those duties and responsibilities are not in conflict with Socorro County Fire and Emergency Services Administrative Ordinance Number 2005-003. All elected and appointed officers must meet the job and training qualifications as specified in the Socorro County Fire Department Job Classification Specifications for those officers. Exceptions to the job and training qualifications may be made for good cause but they will have to be approved in writing by the County Fire Marshal (Fire Chief). An example of an exception is a newly established fire district or where there are no experienced or qualified personnel within a fire district.

### **Section 2:   Composition of Elected District Officers**

The Officers of each County Fire District shall consist of, as a minimum, at least the following (Districts that have more than one Main Station will require additional officers):

1.     District Fire Chief
2.     Assistant District Fire Chief
3.     One or more District Captains (Fire Captain, EMS Captain, etc.)
4.     One or more District Lieutenants (Fire Lt., EMS Lt., etc.)
5.     District Training Officer (may have rank of Lieutenant or higher)

### **Section 3:   Composition of Appointed District Officers**

The Appointed Officers of each County Fire District may include the following:

1. Secretary
2. Financial Officer or Treasurer
3. One or more District Staff Captains
4. One or more District Staff Lieutenants
5. One or more District Engineers

**Section 4: County Commission Approval Required for District Fire Chief**

In accordance with Socorro County Fire and Emergency Services Administrative Ordinance Number 2005-003, the District Chief of each Fire District serves at the pleasure of the Chief of the Department and must be approved and appointed by the Board of County Commissioners. A District Chief shall not take office until he/she has been elected pursuant to Article VI Section 1 infra. and the election is approved by a majority vote of the Board of County Commissioners.

**Section 5: Limitations**

There shall be no more than one District Chief and one Assistant District Chief per County Fire District. In accordance with Socorro County Fire and Emergency Services Administrative Ordinance Number 2005-003, the District Chief of each Fire District serves at the pleasure of the Chief of the Department and must be appointed by the Board of County Commissioners.

**Section 6: Term of Office**

1. The term of office for each District Officer shall not exceed one year.
2. Terms shall begin on January 1<sup>st</sup> of each calendar year and subsequently shall expire on the 31<sup>st</sup> day of December of the same year.
3. There shall be no limitation to the number of terms a member may be elected or appointed to office.

**ARTICLE VI ELECTION, APPOINTMENT AND DUTIES OF OFFICERS**

**Section 1: Election of District Officers**

Election of District Officers shall be conducted as follows:

1. A candidate for office must be a volunteer member of the Fire District, and must be an Active or Limited Duty member in good standing.
2. Eligible voters: only those Active or Limited Duty volunteer members of the Fire District who have met the requirements of said membership and are in good standing may participate in the nomination officers and/or vote in the election.

3. A candidate for office is prohibited from nominating himself/herself for any office.
4. A candidate for a specific office must meet the minimum job requirements of the office or must be granted a waiver from the County Fire Marshal (Fire Chief) of the Socorro County Fire Department.
5. Nomination of candidates for office shall be held in November of each year at a special meeting called to nominate candidates for the District Fire Officer positions. This meeting shall be known as the Nomination Meeting.
6. Election of officers shall be held in December of each year at the Fire District's normal business meeting. This meeting shall be known as the Election Meeting.
7. Elections shall be conducted by secret ballot. However, if only one person is nominated for office that person may be elected by a vote of affirmation of the members present.
8. Any person receiving the greatest number of votes for a particular office cast by a quorum of members eligible to vote and present at the Election Meeting shall be elected to that office.

## **Section 2: Appointed Staff Officers**

The following officers may be appointed by the District Chief and individually approved or disapproved by the members eligible to vote or elected general membership at the discretion of the Fire District to perform duties consistent with said office:

1. Secretary
2. Treasurer or Financial Officer
3. Staff Captain(s)
4. Staff Lieutenant(s)
5. Engineer(s)

## **Section 3: Vacancies**

If for any reason an elective office is vacated, an election shall be held at the next regularly scheduled business meeting or at a special meeting, at which a quorum of members eligible to vote is present, to elect an officer to serve out the remainder of the vacated term. A vacancy in the office of District Chief must be filled pursuant to the provisions Article V Section 4 infra. relating to the approval of the County Commission.

## **Section 4: Duties**

The duties of the District Officers are defined as follows and may be further defined or updated in the County Fire Department job descriptions of same:

1. District Chief

- A. Assumes responsibility for and supervises the activities of administration, personnel, budget, training, and emergency responses for the District.
- B. Ensures the District operates under the County Fire Department's Chain of Command and that emergency scenes are managed utilizing the Incident Command System and relevant safety/operational procedures.
- C. Chairs all District business meetings.
- D. Ensures all District apparatus, equipment and stations are routinely inspected.
- E. Appoints such standing committees as needed to perform special functions for the District.
- F. Appoints members to perform as staff officers for the District.
- G. Is an ex-officio member of all standing committees.
- H. Attends or appoints a representative to attend the Socorro County Fire Chiefs' Association meeting.
- I. Exercises those duties and responsibilities as outlined in the District Chief's Job description under the direction of the Fire Marshal (Fire Chief).
- J. Completes and submits all required or requested reports to meet the designated timelines established. (ie: fire reports, PERA reports, EMS reports, reimbursement request etc.)
- K. All other duties as assigned.

2. Assistant District Chief

- A. In the absence of the District Chief shall assume all duties and responsibilities thereof.
- B. Supervises training of new members including the assignment of mentors for each new member.
- C. Is responsible for supervising the maintenance of apparatus, equipment and stations for the District.
- D. Exercises those duties and responsibilities as outlined in the Assistant District Chief job description under the direction of the District Chief.
- E. All other duties as assigned.

3. District Captain(s)

- A. In the absence of a superior officer, shall assume all duties and responsibilities thereof.
- B. Plans and conducts necessary District training.
- C. Schedules and posts Duty Section Roster as applicable.

- D. Exercises those duties and responsibilities as outlined in the District Captain's job description under the direction of District Chief.
  - E. All other duties assigned.
4. District Lieutenant(s)
- A. In the absence of a superior officer, shall assume all duties and responsibilities thereof.
  - B. Exercises those duties and responsibilities as outlined in the Lieutenant's job description under the direction of the District Chief.
  - C. All other duties as assigned.
5. District Engineer(s)
- A. Is responsible for one or more apparatus within a Fire District as assigned by the District Chief.
  - B. Is responsible for coordinating and planning necessary District training for pump operations and emergency vehicle operation under the supervision of the District Chief.
  - C. All other duties as assigned.
6. District Training Officer(s)
- A. Is responsible for preparing fire training as assigned by the District Chief.
  - B. Is responsible for conducting fire training, etc.
  - C. Is responsible for conducting fire prevention education training for the Fire District.
  - D. All other duties as assigned.

## **ARTICLE VII CADET PROGRAM**

### **Section 1:**

Cadets, as defined earlier within these bylaws, shall follow all applicable Department Rules, Regulations, Policies, Directives and Guidelines as adopted by the Socorro County Fire Department.

### **Section 2:**

Those persons who have attained the age of sixteen (16), and have the permission of at least one parent or guardian, may apply for cadet status in the Department. Cadets may not participate in emergency responses except under the direct and constant supervision of a line officer. Cadets shall not drive any Department vehicle



under any circumstance and may not operate equipment except under direct supervision during training exercises. The safety of cadets is of the utmost importance. District officers will make every effort to ensure the safety of cadets at emergency scenes and during training.

**Section 3:**

New cadets must complete a Department application, have the written approval of at least one parent or guardian and complete an oral interview with Fire District officers prior to appointment to a six-month probationary status. Cadets will not be issued personal protective equipment, badges, or pagers while in probationary status. Cadets must attend seventy-five percent (75%) of business and training meetings during which time they will be evaluated to determine their eligibility of Active Cadet status. Cadets who reach their 18<sup>th</sup> birthday and have successfully completed Firefighter I training will be moved to Active status within the District following approval of the membership.

**Section 4:**

A mentor from the Fire District will be assigned to each Cadet during the Cadet's probationary period. Such mentor for the Cadet shall be appointed and supervised by the District Chief.

**Section 5:**

During probation, monthly evaluations of the Cadet may be conducted by the assigned mentor and submitted to the District Chief. Testing of fire and medical training proficiency as well as testing the Cadet's ability to perform station and vehicle maintenance shall be noted in the evaluations. Following the probationary period Cadets remain subject to random testing and evaluation.

**Section 6:**

Cadets must maintain a 2.0 grade point average (g.p.a.) or better in their schoolwork in order to remain in good standing with the Department.

**ARTICLE VIII DISCIPLINE AND REMOVAL OF MEMBERS**

**Section 1: Detrimental and Improper Conduct**

Each member shall be held accountable and responsible for his/her individual actions. No officer or member of the Department shall be exempt from these requirements.

In cases where County property, other department members or citizens or their property are at risk because of the members actions, the Officer in Charge shall put the member on immediate dismissal until a hearing is held and a decision is rendered pursuant to Article VIII Section 3 of this policy.

The following shall be considered conduct detrimental to the welfare and operation of the Department and shall be cause for disciplinary action up to and including immediate suspension and/or dismissal.

1. Insubordination (Failure to follow a direct order of a superior officer);
2. Failure to perform his/her duty; Dereliction of duty;
3. Failure to follow county's standards, policies and procedures and/or a Chief's/Officer's directive;
4. Performing any membership function while under the influence of alcohol, controlled substances and/or mind-altering substances;
5. Negligence in the performance of duty including negligence in the operation of County vehicles or equipment;
6. Negligence or failure to adhere to established safety rules or regulations as well as willful unsafe conduct;
7. Misuse or mismanagement of Department funds;
8. Conduct unbecoming an officer or member of the Department; sexual misconduct;
9. Actions that unnecessarily endanger the member, other members, and/or the public.

## **Section 2: Disciplinary Process**

The Department subscribes to the concept of progressive discipline and it should be practiced as a corrective measure whenever possible. However, as noted in Section 1, there are instances when a disciplinary action, including immediate dismissal, is appropriate without first having imposed a less severe form of discipline.

### **A. Oral Warning/Reprimand:**

An oral warning or reprimand is used to correct minor infractions of performance, conduct or behavior. Members should be notified that further instances may require additional progressive discipline.

### **B. Written Reprimand:**

A member shall receive a written reprimand when an infraction is of a greater degree of seriousness than that for which an oral reprimand may be used, or if a previous oral warning/reprimand was not effective as a corrective action.

Step 1: The District Chief shall initiate an investigation to gather information regarding the infraction and shall appoint a district officer to assist in the investigation. The district officer shall obtain written statements from the offending member and any witnesses as part of the investigation process.

Step 2: The officer and District Chief should meet with the member to review the information and allow the member an opportunity to respond verbally or in writing.

Step 3: If the allegations are substantiated, the officer shall review the information with the District Chief to determine the appropriate disciplinary action to be taken.

Step 4: The officer and District Chief shall meet with the member to issue the written reprimand. The member should be asked to sign the document to acknowledge receipt. The member's signature does not necessarily indicate concurrence with the content. If the member refuses to sign the document, the District Chief and officer will date and sign the document to verify reprimand was issued, in person, to the member. A copy of the reprimand should be placed in the member's file for a period of 24 months after which, if no other written reprimands have been issued during that period, the document shall be destroyed.

### **C. Examples of Infractions Requiring Corrective Action**

The following instances shall warrant the initiation of a formal progressive disciplinary process. A written reprimand may include a demotion, temporary suspension or dismissal from the Department.

1. Failure of a member to attend required meetings, trainings or to respond to emergency responses as required to maintain the member's status in the Department.
2. Failure to follow the requirements of a previous disciplinary action.
3. Misuse or abuse of Department equipment or apparatus.
4. Misuse or abuse of Department insignia, identification, or privilege.
5. Misuse or abuse of an emergency vehicle operator permit.
6. Interference with the duties of a law enforcement officer.
7. Misrepresentation of authority and/or any act that implies an inappropriate level of authority and/or intimidates a member of the public.
8. Misuse or abuse of communication equipment and/or violating Department's communication standards.
9. Failure to report damage to any station, Department vehicle or equipment caused by the member or another member of the Department.
10. Willful falsification of Department or District records or reports.
11. Theft of, unapproved appropriation of, or modification to, Department equipment, vehicles, stations, records or supplies.
12. Failure to follow and/or comply with state and county procurement codes, rules and regulations.

13. Misrepresentation of qualifications, level of training or licensure or experience.
14. Harassment (physical, mental or sexual) of another member of the Department.
15. Negligent damage to property and/or person(s);
16. Failure to report duty injuries, accidents or vehicle collisions;
17. Unauthorized use or abuse of County property (e.g. cell phones, vehicles, equipment).
18. Fighting while on-duty or on County property;
19. Failure to report loss of driver's license
20. Operation of a County vehicle or a private vehicle while on fire department business without a valid driver's license.
21. Acceptance of a bribe or kick-back;
22. Use of official position or authority for personal profit or advantage;
23. Theft or destruction of County property;
24. Being convicted of a felony or misdemeanor;
25. Falsification of official documents;
26. Lying to a superior officer.

### **Section 3: Formal Grievance and Appeal Process**

This formal grievance and appeal process is applicable for disciplinary actions that include suspension, demotion or dismissal from the Department. Members who have completed the probationary period as required in Article IV, Section 6, Paragraph D, have the right to the grievance and appeal process.

#### **A. Request for Hearing**

The member shall file a formal written request for hearing with the Chief of the Department within three (3) working days of receipt of the disciplinary action.

#### **B. Schedule Hearing**

Within seven (7) working days of receipt of the written request, the Department Chief shall schedule a hearing date, time and location to hear the aggrieved.

#### **C. Hearing**

The Department Chief, or his designated hearing officer, shall hear the aggrieved and the evidence and information provided by the District Chief. If a hearing officer has heard the aggrieved, a written recommendation shall be forwarded to the Department Chief within 24 hours.

#### **D. Decision**

The Department Chief shall then have three (3) days to consider the information and render a written decision to the aggrieved and the

District Chief. The decision of the Department Chief is final and cannot be appealed, except as provided by NMSA 1978 Section 39-3-1.1 (1999).

**Section 4: Removal of District Fire Chief**

District Fire Chiefs may be removed from office by a majority vote of the Board of County Commissioners held pursuant to the requirements of NMSA 1978 Section 10-15-1 et. seq.

**Section 5: Criminal Charges or Convictions**

In general, the private life of a member of the Department is considered personal and outside the jurisdiction and authority of the county. However, when a member's action or behavior may have a detrimental effect on the Department, another member of the Department, or the County, or when an applicant has applied for membership, such action and/or behavior shall be considered when reviewing an application for membership, or the corrective or disciplinary action or termination of that member.

Any criminal conviction occurring prior to application for membership must be disclosed by the applicant at the time of application. The information will be considered confidential by the Department and will not be shared unless it is considered to be public information by state statute, by the State Attorney General, by the County Attorney or by court of law. It should be noted that any individual who has been convicted of a crime and has subsequently served his/her sentence has the right to be considered for membership by the Department. However, the Department reserves the right to use past criminal conduct, behavior and/or conviction as a reason to deny an application for membership.

**ARTICLE IX AMENDMENT OF BYLAWS**

**Section 1: County Commission**

These Bylaws may only be amended by formal action of the Socorro County Commission.

**Section 2: Socorro County Fire Chiefs' Association**

Recommendations to amend these Bylaws may be formalized by a majority vote of the Socorro County Fire Chiefs' Association, approved by the Socorro County Fire Marshal (Fire Chief) and forwarded to the Socorro County Commission for formal approval and adoption by resolution.

