

ORDINANCE # 2015- 12

BE IT ORDAINED BY THE COUNTY OF CONWAY, STATE OF ARKANSAS THAT; AN ORDINANCE TO BE TITLED:

AN ORDINANCE TO AMEND ORDINANCE 2014-11 TO ADOPT THE ARTICLES OF BYLAWS FOR THE CONWAY COUNTY FIRE DEPARTMENT

Article 1. Due to an interest in amending the Articles of Bylaws for the Conway County Fire Department adopted in 2014, there is a need for the Conway County Quorum Court to adopt the amended bylaws that have been approved by the Conway County Administrative Board of the County Fire Department.

Article 2. Attached hereto is a copy of the aforementioned bylaws. The only change is Section D of Article 6 has been removed.

Article 3. An emergency is hereby declared to exist for the immediate preservation of the public health, peace, and safety and this Ordinance shall be in effect immediately upon passage and approval and replaces all prior ordinances or policies in conflict herewith. Said Conway County fire Department Articles of Bylaws shall be on file in the County Clerk's Office and shall be open for inspection and/or copying during regular office hours.

Date:

April 27, 2015

Approved:

Jimmy Hart
Jimmy Hart, Co. Judge

Attest:

Debbie Hartman
Debbie Hartman, Clerk

Sponsor.

Jamie Mall
J.P. Dist. # 11

FILED

APR 28 2015

**DEBBIE HARTMAN, COUNTY CLERK
CONWAY COUNTY**

BY-LAWS
CONWAY COUNTY FIRE DEPARTMENT

Article 1

The organizational leadership and management of the Conway County Fire Department is as follows:

- A. An Administrative Fire Board as defined by Arkansas Code 14-14-705.
- B. A Fire Chief's Committee
 1. The Fire Chief's Committee will be comprised of one fire chief, or his/her representative, from each of the fire districts within the Conway County Fire Department.
 2. The Fire Chief's Committee, at its regular December meeting shall recognize for the coming year. At the October meeting, the Fire Chief's Committee shall elect the Chairman of the Committee, Vice-Chairman and the Secretary. Officers will be elected from the District Chief's. All officers shall take office on the first day of the new fiscal year and shall serve for a term of (1) year, or until their successors assume the duties of the office. They shall be voting members of the Fire Chief's Committee.
 3. Duties of Officers
 - a. Chairman of the Committee. The chairman shall serve as the chief elected officer of the Fire Chief's Committee and shall preside at all meetings of the Fire Chief's Committee.
 - b. Vice-Chairman. The Vice-Chairman shall exercise the powers and authority and perform the duties of the chairman in the absence or disability of the chairman.
 - c. Secretary. The Secretary shall serve as an advisor to the chairman of the committee and shall assemble information and data and cause to be prepared special reports as directed by the chairman of the Fire Chief's Committee and Administrative Fire Board. The secretary shall cause the development of prepared notices, agendas, and minutes of meetings of the Fire Chief's Committee.

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C. A District Chief for each district in the Conway County Fire Department

- 1. Districts may establish a committee, auxiliary, etc. within their district if they so desire. This committee may assist the distinct so long as it does not conflict with Conway County Fire Department policy. Said committee, auxiliary, etc. must establish bylaws and have these bylaws ratified by the Administrative Fire Board.

D. An Administrative Chief may be employed at the Administrative Fire Board's discretion.

The duties and responsibilities are as follows:

A. Administrative Fire Board:

- 1. The Administrative Fire Board shall administer programs and set policy and procedure.
- 2. The Administrative Fire Board is responsible for the budgetary requirements of the Administrative Fund.
- 3. The Administrative Fire Board is responsible for overseeing all managerial and operational responsibilities of the District Chiefs.

B. Fire Chief's Committee:

- 1. The Fire Chief's Committee shall assist the Administrative Fire Board by furnishing advice, gathering information, and making recommendations.
- 2. The Fire Chief's Committee shall perform other duties as requested by the Administrative Fire Board.

C. District Chiefs:

- 1. District Chiefs must reside within the district boundaries of the district in which they are a member. An exception to this requirement may be granted by the Administrative Fire Board in certain cases.
- 2. The District Chief will be elected annually by a majority of the firefighters within their district of the Fire Department.
- 3. District Chiefs will provide the Administrative Board, 911 Dispatch Center, and Administrative Chief with their emergency contact information to include phone numbers and email address.

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4. The District Chiefs will be responsible for the managerial and operational duties of the district in which the District Chiefs serves, including:
 - a. Carry forth any policy or procedure established by the Administrative Fire Board.
 - b. Establish individual district policy and procedure.
 - c. Budgetary responsibilities including completing a yearly budget request.
 - d. Training and readiness as required by Federal and State Law.
 - e. Disciplinary actions against officers and firefighters with the Chief's district.
 - f. Record keeping as required by the Administrative Fire Board, County Offices, or State Law.
 - g. Other duties as required by the Administrative Fire Board.
 - h. Although the duties listed above are ultimately the responsibility of the District Chief, the District Chief may enlist others as needed to help with all duties except disciplinary actions. If any committee, auxiliary, etc. is established, they may assist in all items except disciplinary actions.
 5. The District Chief will be tactical commander during alarms as follows:
 - a. Officer in charge at incidents within the district in which the Chief serves unless these duties are officially transferred to another individual.
 - b. On multi-district responses, the officer in charge will be the chief of the district. In the chief's absence, the officer in charge will be the senior district chief dispatched. This chief shall work closely with the senior officer from the district in which the incident occurs.
 - c. All officers will recognize when they are acting beyond their expertise and will allow another more experienced officer to take charge of the incident.
- D. Administrative Chief:
1. The Administrative Chief will serve at the pleasure of the Administrative Fire Board, while also assisting the Fire Chief's Committee. The duties include:
 - a. Secretary of the Administrative Fire Board and the Fire Chief's Committee.
 - b. Represent the Conway County Fire Department at meetings as required.
 - c. Assist the Districts and compile county wide records.
 - d. Complete correspondence as needed.

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**DEBBIE HARTMAN, COUNTY CLERK
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CONWAY COUNTY FIRE DEPARTMENT

Article 2

Requirements for Conway County Fire Department District Organization:

- A. Each district must obtain certification as defined by Arkansas Act 833. If the district loses certification, the Administrative Fire Board will establish a time period for re-certification.
- B. Each district must have the following officers:
 - 1. District Chief
 - 2. Assistant District Chief
 - 3. Training Officer (ITCO qualified) (The Training Officer may also serve as District Chief or Assistant District Chief).
- C. Each district may have one other line officer per truck (Captain).
- D. Each district must have a minimum of ten (10) certified firefighters and is limited to a maximum of twenty-five (25) certified firefighters.
- E. Other requirements may be established by the Administrative Fire Board.
- F. The qualification for certified firefighters in Conway County Fire Department are as follows:
 - 1. Each member must be at least eighteen (18) years old.
 - 2. Each member must pass a criminal background check.
 - 3. Each member must be in good physical and mental health.
 - 4. Each member may be required to take a physical and/or provide medical records. If a person refuses, then the person will automatically be denied membership in the department.
 - 5. Each member must reside within the district boundaries of the district in which they are a member. An exemption to the requirement is allowed upon agreement by the District Chief where the member resides as well as the District Chief where the member joins.
 - 6. Each member must reside within Conway County. An exemption to this requirement may be granted by the Administrative Fire Board in certain cases.
 - 7. Each member must be licensed by the State of Arkansas to operate a motor vehicle and show proof of financial responsibility (This requirement is not grounds to dismiss a firefighter).

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- 8. All new members will be on probation for a period of ninety (90) days and if the member is dismissed from the department during the probationary period, said member cannot appeal the dismissal to the Fire Board.
 - 9. All new members must be elected into the department by a majority of the members of the district in which they are joining.
- G. Each district may have a reserve firefighter program if they desire (The goal of the reserve program is to allow non-certified firefighters who cannot fully participate a place on the fire department). The non-certified firefighter must meet the following requirements:
- 1. Each reserve member must be at least eighteen (18) years old.
 - 2. Each reserve member must be physically fit for the duties in which they are assigned.
 - 3. Each reserve member must pass a criminal background check.
 - 4. Each reserve member must reside within the district boundaries of the district in which they are a member. An exemption to this requirement may be granted by the Administrative Fire Board in certain cases.
 - 5. Each new reserve member must be elected into the department by a majority of the members of the district in which they are joining.
 - 6. A reserve member without a license to operate a motor vehicle by the State of Arkansas cannot drive a fire department vehicle.
 - 7. Each reserve member is encouraged to attend drills.
 - 8. The number of reserve members per district will be limited to a maximum of six (6) unless an exception is granted by the Administrative Board.
- H. Each district is encouraged to develop individual bylaws to govern their district.
The Conway County Fire Department Bylaws will supersede any conflicting issues.

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BY-LAWS
CONWAY COUNTY FIRE DEPARTMENT

Article 4

Responsibilities of all members of the Conway County Fire Department:

- A. All members are subject to orders by their line officers.
- B. All members must follow the rules set forth by these bylaws, the rules and regulations set forth by the Administrative Fire Board, and any bylaws established by their districts.
 - 1. By-laws rules, rules and regulations shall be kept on hand at each station.
- C. All members must show a willingness to participate in all activities of the fire department including:
 - 1. All members should attend a majority of fire department responses. Failure to do so may result in dismissal from the fire department.
 - 2. All members should attend a majority of the following. Failure to so may result in dismissal from the department:
 - a. Drills
 - b. Business meetings
 - c. Official fire department activities
- D. Members must not abuse or misuse the responsibilities, regulations, or privileges of the Conway County Fire Department

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4. Disciplinary actions taken against a District Chief may be handled by the Administrative Fire Board. Types of disciplinary actions are outlined in Article 5 Section D.
5. Suspension from the department consist of the removal of all rights, responsibilities and privileges for the time specified. In addition, all fire department property will be returned for the period of suspension. Suspended personnel may not respond on any fire department responses.
6. Dismissal from the department is the permanent removal from the fire department and the return of all fire equipment. A person removed may not become a member of another district t of Conway County Fire Department.
- F. Firefighters will be places on Automatic Administrative Leave by the District Chief if they are charged with a Felony or a Class A Misdemeanor. Further action or reinstatement will occur upon determination of guilt by the proper legal authorities.
- G. All disciplinary actions taken will be written and signed by the District Chief or Administrative Board and the person the action is taken against and it will be placed in that person's personnel file.

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CONWAY COUNTY FIRE DEPARTMENT

Article 5

Disciplinary action can be taken against a member if they fail to comply with any of the regulations, responsibilities, or privileges set forth in these bylaws.

- A. The Administrative Fire Board is responsible for disciplinary actions against the following:
 - 1. Complaints against the Administrative Chief
 - 2. Complaints against the District Chief
 - 3. Complaints against any firefighter or officer upon request by the District Chief of the district in which the firefighter or officer is a member.
 - 4. Firefighters or officers when a complaint is lodged by a District Chief outside the district in which the firefighter or officer is a member.
- B. Disciplinary action may be taken by any line officer against any firefighter or reserve in their district.
- C. All disciplinary action taken by any line officer other than the District Chief is of a temporary nature and must be confirmed and approved or denied by the District Chief within seven (7) days.
- D. Disciplinary actions may include:
 - 1. Verbal reprimand
 - 2. Written reprimand
 - 3. Restriction of privileges
 - 4. Suspension for a period of thirty (30), sixty (60), or ninety (90) days
 - 5. Dismissal
- E. Explanations of disciplinary actions are as followed
 - 1. Verbal reprimand consists of verbal consultation by an officer.
 - 2. Written reprimand consists of written specifications of the complaint by the District Chief and disciplinary actions taken as a result.
 - 3. Restriction or privileges consists of restrictions of certain privileges in order to insure compliance with rules and regulations of the fire department.

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CONWAY COUNTY FIRE DEPARTMENT

Article 6

Rights of appeal for disciplinary actions:

- A. Disciplinary action taken or approved by the District Chief may be appealed to the Administrative Fire Board
- B. Disciplinary actions other than verbal reprimand may be appealed to the fire board in writing to at least one (1) member of the fire board within ten (10) days after the action is taken.
- C. The fire board will hear the appeal at their next regularly scheduled meeting, if not sooner.
- D. ~~A committee, consisting of two (2) District Chiefs, two (2) Administrative Board members, and two (2) J.P.'s (Chair of Fire Committee and one (1) at large selected by the County Judge), will be established by the Administrative Fire Board to investigate all complaints which are raised. This committee will report its findings to the Administrative Fire Board in a timely manner. After receiving the committee report, the Administrative Fire Board will take action at their regularly scheduled meeting, if not sooner.~~

(Article 6; Section D removed January 13, 2015)

- E. The ruling of the Administrative Fire Board is final in all disciplinary actions as far as the fire department is concerned. However, this is not intended in any way to infringe on the individual's right to due process of law.

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