

# THE SWARTZ CREEK AREA FIRE BOARD

## BY-LAWS

### ARTICLE I

#### Organization:

The City of Swartz Creek and the Township of Clayton, located in the county of Genesee, State of Michigan, pursuant to the provisions of MSA 5.2640(6), created a joint Board for uniform and orderly control of fire protection, fire department practices and organizations and financing within the territorial limits of the municipalities of the city of Swartz Creek and the Township of Clayton.

### ARTICLE II

#### Name:

The name of this Board shall be THE SWARTZ CREEK AREA FIRE BOARD, hereinafter referred to as the Board, and the Board members shall be appointed pursuant to an agreement between the municipalities.

### ARTICLE III

#### Purpose:

The purpose of the Board is to establish and maintain an on-call fire department; to organize and maintain fire companies; recommend appointment of a Chief to each municipality; to make and establish rules and regulations for the government of the department, employees, firefighters and officers thereof and for the care and management of the engines, apparatus, property and buildings pertaining to the department, and the prescribing of the powers and duties of such employees, officers and firefighters.

The purpose of the Fire Department is to promote public safety, specifically in the public's need for fire suppression, prevention, and public education about fire safety. The Department shall also perform such other public safety functions as are particularly suited to the equipment and training of the department's personnel as determined by law and as determined by the Swartz Creek Area Fire Board.

The Swartz Creek Area Fire Department operates under an inter-governmental compact. In the event that the rights and duties of the Fire department or any governmental unit covered by the Fire Department's service area are questioned or refused the Chief of the Department shall notify the Fire Board Chairperson who may place the item initiating such inquiry on the Fire Board Agenda or may notify the governmental unit(s) covered by the Fire Department of the need for a meeting to resolve the issues of inter-governmental co-operation affecting the Fire Department.

### ARTICLE IV

#### Officers:

- Section 1: The officers of the Board shall be the Chairperson, Vice-Chairperson, and Secretary-Treasurer.  
Section 2: At the April meeting each year the Board shall elect the officers to serve for the term of one (1) year.  
Section 3: Duties of Officers:

(A) Chairperson

The Chairperson shall be the Chief Executive Officer of the Board, and it shall be his/her responsibility to supervise and coordinate all activities of the Board, and to preside at all meetings of the Board, and he/she shall appoint appropriate committees for the conduct of the activities of the Board, and he/she shall require reports from all such appointed committees at the April meeting or at such other times as the Chairperson shall determine to be necessary.

(B) Vice-Chairperson

The Vice-Chairperson shall, in the absence of the Chairperson, act as Chairperson and assume all the duties pertaining to the Chairperson.

(C) Secretary/Treasurer

- (1) The Secretary shall be responsible for the records, books, paper and official documents of the Board. The Secretary shall prepare or cause to be prepared at the Secretary's direction the book of records of Board minutes of the proceedings of every Board meeting and shall cause such records to be entered into the Board's official record book. The Secretary shall also cause to be maintained a record of the By-laws, all rules and regulations of the department and all contracts of the department.

The official books and records of the Board shall be maintained at the fire department under the control and direction of the Secretary of the Board. The Secretary shall verify Board action and perform such other tasks as are required by the laws of the State of Michigan.

- (2) All checks drawn on the Fire Department shall bear two signatures to be valid. The Treasurer and the Chief of the department shall be primarily responsible as signatories and shall routinely provide the two signatures on the checks. The Chair and Vice-Chair may be signatories on the checks to provide the efficient administration of the department and may sign instead of the treasurer and the Chief of the department or the Treasurer or the Chief of the department.

Additionally, the authorized signatories for Department checks shall be bonded. The Treasurer shall provide a bond for the faithful discharge of all of the duties of Treasurer in such sums and with such surety or sureties as the Department Board shall determine to be sufficient. The expense of providing bonds shall be paid by the Fire Department.

The Treasurer shall be responsible for the overseeing the effective administration of the department's finances including the following:

- (a) Control of all funds, securities and assets of the Department;
- (b) Overseeing procedures to receive and give receipts for monies due and payable to the Department from any source whatsoever, and overseeing and revealing deposits all such monies in the name of the Department, Trust Company, or other depositories as shall be selected in accordance with the decisions of the Fire Board and in accordance with state law;
- (c) To oversee the general performance of all the duties incident to the office of Treasurer and other such duties as from time to time may be assigned to the Fire Board.

## **ARTICLE V**

### **Section 1:**

All meetings of the Board shall be advertised by posting at the fire stations as to the place and time and shall be open to the general public. A summary of business conducted at a Fire Board meeting shall be available in the fire department office as soon as possible following the meeting.

### **Section 2:**

The Board, unless a quorum is not available, shall meet at least once a month, such meetings to be held the third Monday of each month at a fire station, unless a different time and place is designated by the Chairperson. Firefighters will be permitted to express their opinions at these meetings. (Comments of Department Personnel {Through the Chief and/or his/her Designates}) And Chain Of Command Appeal To The Board.

### **Section 3: Special Meetings;**

- (a) Special meetings of the board may be held at such times and places as may be set by the Board at any regular meeting or, in the discretion of the Chairperson, when it appears advisable. Upon the call of the Chairperson of a Special Meeting, the Secretary shall give notice of the time and place of such meeting to each Board member either in person or by leaving a written notice at his/her address, such notice to be delivered at least 24 hours before such meeting is to be held.
- (b) A Special Meeting may be called by any three (3) members by giving three (3) days advance notice in writing to each member of the Board and such notice shall specify the reasons for such meeting and the time and place and be called in accordance with the requirements of the Open Meetings Act.
- (c) The Chairperson shall have the right to call a Special Meeting of the Board under the provisions of Section 3 (a) when requested by the Chief for the purpose of a hearing.

### **Section 4: Executive Sessions;**

- (a) Executive sessions shall be discouraged and may only be held for matters authorized by general State laws, as may be amended from time to time.

- (b) All members of the Board entering any Executive session shall be informed of the reason for such meeting.
- (c) The Chairperson or Board member may ask for an Executive meeting after a determination that the executive session requested may be held in compliance with the provisions of the Open Meetings Act.
- (d) No official action of any kind shall take place at an Executive session.

**Section 5: Quorum:**

A Quorum shall be a minimum of five (5) members with at least one member each from the City of Swartz Creek, and Clayton Township for all purposes in the By-Laws.

**Section 6: Rules of Order;**

- (a) Robert Rules of Order shall govern all meetings of the Board.
- (b) The following shall be the Order of Business at all meetings, unless the rules are suspended by an affirmative vote of five members:
  1. Call to Order
  2. Approval of Minutes
  3. Correspondence
  4. Professional Service Report (Accountant, Attorney, and/or Consultants, Financial Report, Bills)
  5. Old Business
  6. New Business
  7. General Information
  8. Open to Public
  9. Comments of Department Personnel (through the Chief and/or his/her designates)
  10. Chain of Command Appeal to the Board
  11. Comments of the Board
  12. Adjournment of Meeting

**ARTICLE VI**

**Executive Duties**

**Section 1: Administration:**

- (a) The Board shall recommend a Fire Chief who shall serve at the pleasure of the Board.
- (b) The Fire Chief shall be an ex-officio member of the Board and shall be present at all regular and special meetings. In his/her absence, he/she shall designate an officer of the Fire Department to represent him/her.

**Section 2: Authority:**

- (a) No member of the Board shall exercise any authority whatsoever as an individual.
- (b) All authority shall rest with the Board acting as a committee of the whole.
- (c) The Board shall exercise its authority only through the Fire Chief or his/her designated representative.
- (d) The Board shall promulgate general rules, and orders, as they are needed to assure the efficient operation of the Fire Department.
- (e) All rules and orders promulgated by the Board shall be in writing and made available to any member of the Fire Department.
- (f) The Fire Board may hold a Special Joint Meeting with the Firefighters, at the discretion of the Board. The Joint Meeting will be held for the purpose of collectively and cooperatively discussing Swartz Creek Area Fire Department operations and developing an appraisal of Department's effectiveness. Rules of the Chain of Command shall be suspended permitting unreserved comment by the Firefighters, restricted only by accepted rules of order. Appropriate Board Action relative to the discussion may be taken.

**ARTICLE VII**

- 1. Alterations or amendments to these By-Laws, must be proposed in writing at a stated meeting of the Board. A vote can only be taken at the next meeting and must be adopted by an affirmative vote of five (5) members, before the proposed alteration or Amendment shall be enacted. Proposed by law alterations shall be submitted for municipal approval.