

**CITY OF STILWELL ORDINANCE 435**

**AN ORDINANCE REVISING, UPDATING AND CONFIRMING THE VOLUNTEER FIRE DEPARTMENT OF THE CITY OF STILWELL, OKLAHOMA; PROVIDING RULES AND REGULATIONS FOR GOVERNANCE OF SAID DEPARTMENT; AND REPEALING STILWELL CITY ORDINANCES NO. 360, 373, 373-A, 373-B AND ALL OTHER ORDINANCES OR PORTIONS THEREOF IN CONFLICT THEREWITH**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STILWELL, STATE OF OKLAHOMA THE FOLLOWING:**

**2024 REVISION OF THE BYLAWS OF THE**

**STILWELL FIRE DEPARTMENT**

**ARTICLE I. CREATING THE DEPARTMENT**

ORDINANCE NUMBER 61 OF THE CITY OF STILWELL DOES HEREBY CREATE A VOLUNTEER FIRE DEPARTMENT WITH NOT MORE THAN TWO FULL TIME SALARIED FIREFIGHTERS AND NOT LESS THAN 12 NOR MORE THAN 23 VOLUNTEER FIREFIGHTERS.

**ARTICLE II. CREATING THE NAME OF THE DEPARTMENT.**

THE NAME OF THIS ORGANIZATION SHALL BE:

**STILWELL FIRE DEPARTMENT.**

**ARTICLE III. CREATION OF OFFICERS AND REQUIREMENTS FOR OFFICERS.**

*SECTION 1.* THE FOLLOWING SHALL BE ELECTED BY SECRET BALLOT FROM THE MEMBERSHIP OF THE DEPARTMENT, BY THE MEMBERSHIP OF THE DEPARTMENT:

- 1. **CHIEF**
- 2. **ASSISTANT CHIEF**
- 3. **THREE COMPANY OFFICERS (CAPTAINS)**
- 4. **TRAINING OFFICER**

*SECTION 2.* THAT SAID OFFICERS SHALL BE ELECTED BY MAJORITY VOTE OF THE MEMBERS AT THE FIRST REGULAR MEETING IN JANUARY OF EACH YEAR. OFFICERS WILL BE INSTALLED AT THE FIRST MEETING IN JANUARY FOLLOWING THEIR ELECTION IN JANUARY.

*SECTION 3.* THE OFFICERS SHALL BE ELECTED FOR A TERM OF ONE YEAR AND MAY ONLY SERVE THREE TERMS IN SUCCESSION. AFTER BEING OUT OF OFFICE FOR ONE TERM HE/SHE SHALL BE ELIGIBLE TO BE ELECTED AS AN OFFICER AGAIN.

**SECTION 4.** THE FOLLOWING ARE REQUIREMENTS FOR ELECTION OF AN OFFICER:

- A) **THE CHIEF** SHALL BE REQUIRED TO HAVE BEEN A MEMBER OF THE DEPARTMENT FOR A MINIMUM OF SEVEN YEARS AND BE A CERTIFIED FIREFIGHTER CLASS I AND HAVE SERVED AS A CAPTAIN FOR A YEAR, OR HAVE BEEN A MEMBER FOR TEN YEARS AND HAVE SERVED AS A CAPTAIN FOR A YEAR.
- B) **THE ASSISTANT CHIEF** SHALL BE REQUIRED TO HAVE BEEN A MEMBER OF THE DEPARTMENT FOR A MINIMUM OF FIVE YEARS AND BE A CERTIFIED FIREFIGHTER CLASS I, AND HAVE SERVED AS A CAPTAIN FOR A YEAR, OR HAVE BEEN A MEMBER FOR SEVEN YEARS AND HAVE SERVED AS A CAPTAIN FOR A YEAR.
- C) **THE COMPANY OFFICERS (CAPTAINS)** SHALL BE REQUIRED TO HAVE BEEN A MEMBER OF THE DEPARTMENT FOR A MINIMUM OF THREE YEARS AND BE CERTIFIED FIREFIGHTER CLASS 1, AND OR BEEN A MEMBER OF THE DEPARTMENT FOR FIVE YEARS.
- D) **THE SECRETARY/TREASURE** DUTIES ARE APPOINTED TO THE FULL TIME FIREFIGHTER OR FIREFIGHTERS OF THE DEPARTMENT. (UP TO 2 FIREMEN)
- E) **THE TRAINING OFFICER** SHALL BE A CERTIFIED FIREFIGHTER CLASS I, AND IN ADDITION MEET ONE OF THE FOLLOWING REQUIREMENTS:
1. INSTRUCTOR LEVEL 2 AND AT LEAST 3 YEARS ON THIS DEPARTMENT; OR,
  2. INSTRUCTOR LEVEL 1 AND AT LEAST 5 YEARS ON THIS DEPARTMENT.

**ARTICLE IV.** DUTIES OF OFFICERS AND FIREFIGHTERS

**SECTION 1. FIRE CHIEF**

- A) **THE CHIEF** SHALL BE AT THE HEAD OF THE DEPARTMENT, SUBJECT TO THE LAWS OF THE STATE OF OKLAHOMA, THE ORDINANCES OF THE CITY OF STILWELL, AND THE RULES, REGULATIONS AND STANDARD OPERATING GUIDELINES OF THE STILWELL FIRE DEPARTMENT.
- B) **THE CHIEF** SHALL BE RESPONSIBLE FOR THE GENERAL CONDITION AND EFFICIENT OPERATION OF THE DEPARTMENT, THE TRAINING OF MEMBERS AND THE PERFORMANCE OF ALL OTHER DUTIES IMPOSED UPON HIM/HER BY LAW OR MUNICIPALITY.
- C) **THE CHIEF** SHALL INSPECT, OR CAUSE TO BE INSPECTED, THE FIRE HYDRANTS, CISTERNS AND OTHER SOURCES OF WATER SUPPLY AT LEAST TWICE EACH YEAR.
- D) **THE CHIEF** SHALL MAINTAIN A LIBRARY OR FILE OF PUBLICATIONS ON FIRE PREVENTION AND FIRE PROTECTION AND SHALL MAKE USE OF IT TO THE BEST ADVANTAGE OF ALL MEMBERS.
- E) **THE CHIEF** SHALL MAKE EVERY EFFORT TO ATTEND ALL FIRES AND OTHER EMERGENCIES, AND DIRECT THE OFFICERS AND MEMBERS IN THE PERFORMANCE OF THEIR DUTIES, AND ATTEND ANY DEPARTMENT HEAD MEETINGS.
- F) **THE CHIEF** SHALL SEE THAT EACH FIRE IS CAREFULLY INVESTIGATED TO DETERMINE ITS CAUSE AND, IN THE CASE OF SUSPICION OF INCENDIARISM, SHALL NOTIFY THE PROPER AUTHORITIES AND TAKE PRECAUTIONS SECURE AND PRESERVE ALL POSSIBLE EVIDENCE FOR FUTURE USE IN THE CASE.

G) **THE CHIEF** SHALL FILE THE APPROPRIATE ACTIVITY REPORT FORMS WITH THE OFFICE OF THE STATE FIRE MARSHAL IN OKLAHOMA CITY ON AN ANNUAL BASIS. THE ACTIVITY REPORT FORMS SHALL BE DESIGNED BY THE STATE FIRE MARSHAL AND SHALL INCLUDE, BUT NOT BE LIMITED TO: (I) THE AMOUNT OF PROPERTY AND VEHICLE FIRE LOSS, (ii) TYPES OF FIRES, INSPECTIONS AND INVESTIGATIONS, (iii) NOTIFICATION OF ALL FIRE-RELATED CIVILIAN DEATHS AND INJURIES IN THE RESPECTIVE JURISDICTION AND OF FIREFIGHTER DEATHS IN THE LINE OF DUTY AND OF FIREFIGHTER INJURIES IN THE LINE OF DUTY REQUIRING THE SERVICES OF A HOSPITAL OR PHYSICIAN OR BOTH.

H) **THE CHIEF** MAY INSPECT OR CAUSE TO BE INSPECTED ALL PUBLIC AND COMMERCIAL BUILDINGS. HE/SHE IS ALSO EMPOWERED TO TAKE EVERY POSSIBLE PRECAUTION TO PREVENT FIRES AND GUARD THE PUBLIC FROM ANY UNSAFE CONDITIONS WHICH MAY EXIST.

I) **THE CHIEF** SHALL MAINTAIN A CURRENT INVENTORY OF ALL EQUIPMENT AND PROPERTY OF THE FIRE DEPARTMENT.

J) **THE CHIEF**, OR HIS/HER AUTHORIZED APPOINTEE, SHALL BE THE FIRE PREVENTION CODE OFFICIAL IN CHARGE AT THE SCENE OF A FIRE OR OTHER EMERGENCY INVOLVING THE PROTECTION OF LIFE AND/OR PROPERTY. (ADOPTED BOCA HANDBOOK PAGE 195)

K) **THE CHIEF** SHALL HAVE THE AUTHORITY TO APPOINT REPRESENTATIVES FROM THE MEMBERSHIP OF THE DEPARTMENT TO ASSIST IN THE PERFORMANCE OF HIS/HER OFFICIAL DUTIES.

L.) **THE CHIEF** SHALL FOLLOW THE CIVIL DEFENCE ORDINANCE NO. 43 AND THE SECTIONS Their IN.

H **ANY FULL TIME FIREFIGHTER** SHALL NOT BE ALLOWED TO HOLD THE ELECTED POSITION OF FIRE CHIEF OR ASSISTANT CHIEF.

#### **SECTION 2. THE ASSISTANT CHIEF**

A) IN THE ABSENCE OF THE CHIEF, **THE ASSISTANT CHIEF** ON DUTY SHALL COMMAND THE DEPARTMENT AND BE RESPONSIBLE IN ALL ASPECTS WITH THE FULL POWERS AND RESPONSIBILITIES OF THE CHIEF.

B) **THE ASSISTANT CHIEF** SHALL PERFORM ANY OTHER DUTIES AS ASSIGNED BY THE CHIEF.

#### **SECTION 3. COMPANY OFFICERS (CAPTAINS)**

A) **THE COMPANY OFFICERS** (CAPTAINS) SHALL BE SELECTED UPON THEIR ABILITY TO MEET THE FOLLOWING REQUIREMENTS:

1. THEIR KNOWLEDGE OF FIREFIGHTING.
2. THEIR LEADERSHIP ABILITY.
3. THEIR KNOWLEDGE OF RESCUE TECHNIQUES AND EQUIPMENT

THEIR DUTIES SHALL BE TO ASSIST THE CHIEF AND ASSISTANT CHIEF IN THE PERFORMANCE OF THEIR DUTIES.

B) **THE SENIOR OFFICER**(CAPTAIN) SHALL BE THE INDIVIDUAL, WITH THE GREATEST NUMBER OF YEARS WITH THIS DEPARTMENT.

C) IN THE ABSENCE OF THE CHIEF AND ASSISTANT CHIEF, **THE SENIOR OFFICER** ON DUTY SHALL COMMAND THE DEPARTMENT AND BE RESPONSIBLE IN ALL ASPECTS WITH THE FULL POWERS AND RESPONSIBILITIES OF THE CHIEF DURING AN EMERGENCY.

D) IN THE ABSENCE OF ALL OFFICERS **THE SENIOR FIREFIGHTER ON DUTY** SHALL COMMAND THE DEPARTMENT AND BE RESPONSIBLE IN ALL ASPECTS WITH THE FULL POWER AND RESPONSIBILITIES OF THE CHIEF DURING AN EMERGENCY.

#### **SECTION 4. SAFETY OFFICERS**

**THE INCIDENT COMMANDER** SHALL TAKE CONTROL OF THE SAFETY AT THE SCENE AND SHALL BE RESPONSIBLE FOR SAFETY OF ALL MEMBERS OF THE FIRE DEPARTMENT UNTIL THAT TIME WHEN IT IS DEEMED NECESSARY TO APPOINT A SAFETY OFFICER WHO SHALL BE OF OFFICER STATUS. THE SAFETY OFFICER SHALL HAVE THE AUTHORITY TO IDENTIFY AND CAUSE CORRECTION OF HEALTH AND SAFETY HAZARDS WHEN EMERGENCY PERSONNEL ARE UNNECESSARILY ENDANGERED.

#### **SECTION 5. SECRETARY - TREASURER**

THE FOLLOWING SECRETARY-TRESURER DUTIES SHALL BE THE DUTIES OF THE DAY TIME FULL TIME FIRE FIGHTER.

- A) ROLL CALL AT THE OPENING OF EACH MEETING.
- B) RECORDING THE MINUTES OF THE MEETING.
- C) COLLECTING ANY MONEY DUE THE DEPARTMENT BY THE MEMBERS.
- D) BILLING AND PROCESSING ALL RURAL EMERGENCY CALLS MADE BY THE DEPARTMENT.
- E) KEEPING ATTENDANCE RECORDS OF ALL MEMBERS FOR ANY FIRE CALLS THEY ATTEND.
- F) OTHER DUTIES AS ASSIGNED BY THE CHIEF.

#### **SECTION 6. TRAINING OFFICER**

**THE TRAINING OFFICER** OR HIS/HER DESIGNEE SHALL BE RESPONSIBLE FOR MAINTAINING THE MASTER FILE OF TRAINING RECORDS. THE TRAINING YEAR SHALL FROM MAY 1 THRU APRIL 30.

ONE MEMBER SHALL BE ELECTED AS **THE TRAINING OFFICER**, WHOSE DUTIES SHALL CONSIST OF THE FOLLOWING:

- A) SUBMIT A MONTHLY TRAINING SCHEDULE TO THE OFFICERS OF THE DEPARTMENT, FOR THEIR APPROVAL EACH MAY.
- B) CONFORM TO THE REQUIREMENTS OF THE TRAINING AS SET FORTH BY THE FEDERAL, STATE AND LOCAL REGULATIONS.
- C) SUBMIT A QUARTERLY REPORT (TRAINING YEAR QUARTER) OF ALL FIREFIGHTERS COMPLETED TRAINING HOURS TO THE DEPARTMENT AT THE REGULAR BUSINESS MEETING FOLLOWING THE END OF THE QUARTER.
- D) WORK TO MAINTAIN COMPETENCY IN THE FIELD OF FIREFIGHTER/RESCUE INSTRUCTION

## TECHNIQUES.

- E) WORK TO INVOLVE ANY AND ALL QUALIFIED INSTRUCTORS OF THE SVFD IN THE TRAINING.
- F) MAINTAIN INDIVIDUAL TRAINING RECORDS AT THE STATION WHICH SHALL BE AVAILABLE FOR REVIEW BY THE INDIVIDUAL MEMBERS OF THE DEPARTMENT.

**SECTION 7. NEW MEMBERS**

- A) **NEW MEMBERS** SHALL BE SELECTED BY SECRET BALLOT BY A MAJORITY VOTE OF THE MEMBERSHIP AND MUST BE A MINIMUM OF 18 YEARS OF AGE.
- B) **NEW MEMBERS** SHALL BE GOVERNED BY ALL RULES, REGULATIONS, AND STANDARD OPERATING PROCEDURES WHICH APPLY TO ALL VOLUNTEER FIREFIGHTERS.
- C) **NEW MEMBERS** SHALL BE ON PROBATION FOR A PERIOD OF ONE- YEAR AFTER THEIR APPOINTMENT, DURING WHICH TIME THEY SHALL COMPLETE THE MINIMUM NUMBER OF TRAINING HOURS AS REQUIRED TO MEET FEDERAL, STATE AND LOCAL REGULATIONS. UPON COMPLETION OF THEIR PROBATIONARY PERIOD, NEW MEMBERS MUST BE CONFIRMED BY THE MAJORITY VOTE BY SECRET BALLOT FROM THE MEMBERS OF THE DEPARTMENT.
- D) **NEW MEMBERS** HAVING ONE OR MORE YEARS PRIOR EXPERIENCE WITH THE SVFD, AND HAVING LEFT THE DEPARTMENT IN GOOD STANDING, SHALL NOT BE SUBJECT TO PROBATION AND CONFIRMATION.
- E) **NEW MEMBERS** SHALL BE SUBJECT TO A DRUG TEST AND PASS (NEGITAVE)
- F) **NEW MEMBERS** SHALL HAVE AND MAINTAIN A VALID DRIVERS LICENSE AND MAINTAIN A GOOD DRIVING RECORD.

**SECTION 8. VOLUNTEER FIREFIGHTERS**

- A) **ALL VOLUNTEER FIREFIGHTERS** HAVE A DUTY TO RESPOND TO ALARMS OF FIRE AND OTHER EMERGENCIES WHEN NOTIFIED.
- B) **FIREFIGHTERS** HAVE A DUTY TO BE PRESENT AT ALL BUSINESS AND TRAINING MEETINGS, AND SPECIAL TRAINING SCHOOLS PRESENTED FOR THE BENEFIT OF THE ENTIRE DEPARTMENT.
- C) **ANY VOLUNTEER FIREFIGHTER** HAVING TWO UNEXCUSED ABSENCES IN SUCCESSION, OR THREE UNEXCUSED ABSENCES IN A PERIOD OF THREE MONTHS, AS PERTAINING TO SUB-SECTION A AND B ABOVE SHALL BE SUBJECT TO DISCIPLINARY ACTION.
- D) **VOLUNTEER FIREFIGHTERS** LEAVING TOWN FOR AN EXTENDED PERIOD OF TIME ARE REQUIRED TO NOTIFY THE CHIEF OR ANY MEMBER OF THE DEPARTMENT.
- E) **ALL VOLUNTEER FIREFIGHTERS** SHALL COMPLETE THE MINIMUM NUMBER OF ANNUAL TRAINING HOURS AS REQUIRED TO MEET FEDERAL, STATE AND LOCAL REGULATIONS.
- F) **ANY VOLUNTEER FIREFIGHTER** REFUSING TO ATTEND TRAINING CLASSES MANDATED BY THE DEPARTMENT SHALLBE DISCIPLINED ACCORDING TO FIRE DEPARTMENT STANDARD OPERATING PROCEDURES.

G) **ANY VOLUNTEER MEMBER** OF THE FIRE DEPARTMENT MAY HAVE DISCIPLINARY ACTION TAKEN AGAINST THEM BY THE CHIEF FOR JUST CAUSE, INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING OFFENSES:

1. **LISTING OF DEFICIENCIES**

- a) ANY ILLEGAL OR UNETHICAL ACT
- b) ANY UNSAFE ACT
- c) VIOLATION OF SAFETY PROCEDURES
- d) INSUBORDINATION
- e) INEFFICIENCY
- f) NEGLIGENCE OR ABANDONMENT OF DUTY
- g) PARTICIPATION IN PROHIBITED POLITICAL ACTIVITY
- h) SOLICITATION
- i) ABUSE OF ILLNESS, INJURY, DISABILITY OR OTHER COMPENSATED LEAVE.
- j) ATTENDANCE
- k) ABSENCE WITHOUT LEAVE
- l) FALSIFICATION OF RECORDS AND/OR DOCUMENTS
- m) USING OR BEING UNDER THE INFLUENCE OF DRUGS OR INTOXICATION BEVERAGES WHILE ON DUTY.
- n) WASTE, DAMAGE OR UNAUTHORIZED USE OF CITY SUPPLIES, EQUIPMENT OR OTHER PROPERTY.
- o) CONDUCT UNBECOMING A FIREFIGHTER
- p) HORSEPLAY RESULTING IN PERSONAL INJURY OR DAMAGE TO PROPERTY
- q) CONVICTION OF A FELONY
- r) ANY OTHER INAPPROPRIATE BEHAVIOR AS DETERMINED BY THE CHIEF
- s) NOT MAINTAINING A VALID DRIVER LICENSE, OR NOT MAINTAINING A GOOD DRIVING RECORD

2. **TYPES OF DISCIPLINARY ACTION**

a) **ORAL:**

THIS WOULD GENERALLY BE INFORMAL AND INTENDED FOR INSTRUCTION PURPOSES AS WELL AS

CORRECTIVE NATURE. THE CHIEF IS TO DOCUMENT TO THE PERSONNEL FILE THE REASON FOR THE DISCIPLINARY ACTION.

b) **WRITTEN REPRIMAND:**

THIS MUST CONTAIN THE NATURE OF THE INFRACTION, THE LIKELY CONSEQUENCES OF FURTHER INFRACTIONS, THE DATE, THE CHIEF'S SIGNATURE AND FIREFIGHTER'S SIGNATURE INDICATING RECEIPT (NOT NECESSARILY AGREEMENT). THE FIREFIGHTER IS TO RECEIVE A COPY OF THE REPRIMAND WITH THE ORIGINAL BEING PLACED IN THE FIREFIGHTER'S DEPARTMENTAL PERSONNEL FILE AS A PERMANENT RECORD.

c) **WRITTEN REPRIMAND WITH SUSPENSION:**

THIS ORDINARILY, BUT NOT NECESSARILY, FOLLOWS A WRITTEN REPRIMAND. THE SUSPENSION IS WITHOUT PAY AND TAKING OF ANY KIND OF COMPENSATED LEAVE DURING SUSPENSIONS IS PROHIBITED. THE LENGTH OF SUSPENSIONS MAY BE FROM (5) TO (15) DAYS ON THE CHIEF'S AUTHORITY. THE CHIEF, WITH THE SIGNED CONCURRENCE OF THE ASSISTANT CHIEF AND THE SENIOR CAPTAIN MAY INDEFINITELY SUSPEND THE FIREFIGHTER, WITHOUT PAY, PENDING COMPLETION OF ANY INVESTIGATION OF THE INCIDENT.

d) **EXPULSION:**

THIS IS THE CHOICE WHEN ALL OTHER AVENUES HAVE BEEN EXHAUSTED, OR ARE CLEARLY INADEQUATE UNDER THE CIRCUMSTANCES. THE POWER OF EXPULSION RESIDES EXCLUSIVELY WITH THE DEPARTMENT MEMBERSHIP AND SHALL BE EXERCISED ONLY PURSUANT TO THE PROVISIONS OF ARTICLE V.

**SECTION 9. DISCIPLINARY REVIEW BOARD**

A) THERE IS HEREBY CREATED A DISCIPLINARY REVIEW BOARD CONSISTING OF SEVEN ACTIVE MEMBERS AND ONE ALTERNATE MEMBER, COMPRISED AS FOLLOWS:

1. THE FOUR JUNIOR OFFICERS OF THE DEPARTMENT, BEING THE TWO JUNIOR CAPTAINS, SECRETARY-TREASURER AND TRAINING OFFICER; AND,
2. THREE FIREFIGHTERS AND ONE ALTERNATE FIREFIGHTER, TO BE SELECTED BY RANDOM DRAWING ANNUALLY AT THE TIME OF THE ELECTION OF OFFICERS.

B) THE DISCIPLINARY REVIEW BOARD SHALL RESOLVE DISCIPLINARY GRIEVANCES FALLING UNDER ITS AUTHORITY AS FOLLOWS:

1. ALL FORMAL GRIEVANCES OF DISCIPLINARY ACTION RECEIVED UNDER SECTION 8(b) AND (c) ABOVE MAY BE BROUGHT BEFORE THE REVIEW BOARD BY WRITTEN PETITION, SIGNED BY THE FIREFIGHTER, WITHIN TEN (10) DAYS OF THE DISCIPLINARY ACTION. THE BOARD SHALL CONDUCT A REVIEW HEARING WITHIN TWENTY (20) DAYS, AFFORDING NO LESS THAN TEN (10) WRITTEN NOTICE TO THE FIREFIGHTER. THE FIREFIGHTER SHALL HAVE:

- a) THE RIGHT TO ATTEND AND PRESENT WITNESSES AND EVIDENCE TO CHALLENGE THE DISCIPLINARY ACTION; AND,

- b) THE RIGHT TO BE REPRESENTED BY A THIRD PARTY OF THEIR CHOOSING.

2. A SIMPLE MAJORITY OF THE BOARD (4) MUST CONCUR BEFORE FORMAL DISCIPLINARY ACTION

WILL BE REVERSED. DISCIPLINARY ACTION WHICH IS REVERSED BY THE REVIEW BOARD SHALL BE EXPUNGED FROM THE FIREFIGHTER'S DEPARTMENTAL PERSONNEL FILE AND THEIR BENEFITS RESTORED.

3. THE ALTERNATE MEMBER OF THE BOARD MAY ONLY PARTICIPATE IN THE REVIEW PROCESS IF ANOTHER MEMBER IS DISQUALIFIED FROM SERVING BY BEING (I) THE FIREFIGHTER SEEKING REVIEW, (II) AN OFFICER PARTICIPATING IN THE UNDERLYING DISCIPLINARY ACTION; OR IF ANOTHER BOARD MEMBER IS OTHERWISE UNABLE TO SERVE.

**ARTICLE V. EXPULSION OF FIREFIGHTERS AND RECALL OF OFFICERS - DUE PROCESS**

*SECTION 1.* A RECOMMENDATION FOR EXPULSION OF A FIREFIGHTER MAY ONLY BE MADE BY THE WRITTEN CONCURRENCE OF THE CHIEF, ASSISTANT CHIEF, AND SENIOR CAPTAIN. THE GROUNDS AND NATURE OF THE CHARGED INFRACTION(S) OF THESE BYLAWS SUPPORTING THE RECOMMENDATION SHALL BE SET FORTH IN DETAIL, ALONG WITH A HISTORY OF DISCIPLINARY ACTION TAKEN, IF ANY.

*SECTION 2.* A RECOMMENDATION FOR THE RECALL OF AN OFFICER MAY ONLY BE MADE BY TWO METHODS:

- A) THE WRITTEN AND SIGNED RECOMMENDATION OF NO LESS THAN THREE OFFICERS; OR,
- B) A VOTE OF THE MEMBERS AT A REGULAR OR SPECIALLY CALLED MEETING.

IN EITHER CASE, THE GROUNDS AND NATURE OF THE CHARGED INFRACTION(S) OF THESE BYLAWS SUPPORTING THE RECOMMENDATION SHALL BE SET FORTH IN DETAIL.

*SECTION 3.* THE EXPULSION OF A FIREFIGHTER OR RECALL OF AN OFFICER CAN TAKE PLACE ONLY BY A TWO THIRDS (2/3) VOTE OF THE TOTAL MEMBERSHIP AT A REGULAR OR SPECIALLY CALLED MEETING FOR THAT PURPOSE. VOTING FOR THIS PURPOSE SHALL BE BY SECRET BALLOT.

*SECTION 4. THE CHARGED OFFICER OR FIREFIGHTER SHALL BE ENTITLED TO:*

- A) NO LESS THAN TEN (10) DAYS WRITTEN NOTICE OF THE MEETING, TOGETHER WITH A COMPLETE COPY OF THE RECOMMENDATION CONTAINING THE GROUNDS AND NATURE OF THE CHARGED INFRACTION(S) OF THESE BYLAWS;
- B) THE RIGHT TO ATTEND AND PRESENT WITNESSES AND EVIDENCE TO REFUTE THE CHARGES; AND,
- C) THE RIGHT TO BE REPRESENTED BY A THIRD PARTY OF THEIR CHOOSING.

**ARTICLE VI. MEETINGS**

ALL MEETINGS OF THE STILWELL VOLUNTEER FIRE DEPARTMENT SHALL BE OPEN TO THE PUBLIC, AND SHALL CONFORM TO THE REQUIREMENTS OF THE OKLAHOMA OPEN MEETING ACT.

*SECTION 1.* THERE SHALL BE A REGULAR BUSINESS MEETING OF THE FIRE DEPARTMENT TO BE HELD EACH MONTH ON THE DAY SET FORTH BY THE DEPARTMENT. THERE SHALL BE A REGULAR TRAINING MEETING OF THE FIRE DEPARTMENT EACH MONTH ON THE DAY SET FORTH BY THE DEPARTMENT, AND ANY OTHER TRAINING PERIOD AS REQUIRED TO MEET FEDERAL, STATE AND LOCAL REGULATIONS.

*SECTION 2.* THERE MUST BE A SIMPLE MAJORITY OF 51% OF THE TOTAL MEMBERSHIP PRESENT TO CONSTITUTE A QUORUM. A QUORUM MUST BE PRESENT BEFORE ANY BUSINESS MAY BE CONDUCTED. EXCEPT WHERE THESE BYLAWS PROVIDE OTHERWISE, ALL QUESTIONS SHALL BE DECIDED BY MAJORITY



VOTE. A ROLL CALL VOTE MAY BE TAKEN IF APPROVED BY A MAJORITY OF THOSE PRESENT, EXCEPT IN THE CASE OF SELECTION OF NEW MEMBERS, ELECTION OR RECALL OF OFFICERS, OR EXPULSION OF A FIREFIGHTER.

*SECTION 3.* IN THE ABSENCE OF THE CHIEF, THE NEXT RANKING OFFICER SHALL CONDUCT THE MEETING.

*SECTION 4.* SPECIAL MEETINGS MAY BE CALLED BY THE CHIEF OR ASSISTANT CHIEF ONLY. ALL FIREFIGHTERS SHALL BE NOTIFIED BY THE PAGING SYSTEM.

*SECTION 5.* AT EACH MEETING OF THE FIRE DEPARTMENT THE FOLLOWING ORDER OF BUSINESS SHALL BE FOLLOWED UNLESS DISPENSED WITH BY A MAJORITY VOTE OF THE MEMBERS PRESENT:

- 1. ROLL CALL.
- 2. READING OF MINUTES OF PREVIOUS MEETING.
- 3. COMMENTS FROM THE PUBLIC.
- 4. REPORT FROM OFFICERS.
- 5. REPORT FROM SECRETARY.
- 6. NEW BUSINESS.
- 7. ADJOURNMENT.

**ARTICLE VI. DUES**

DUES, IF ANY, WILL BE SET BY A SIMPLE MAJORITY VOTE OF THE MEMBERS OF THE DEPARTMENT.

**ARTICLE VII. FINES**

FINES, IF ANY, WILL BE SET BY SIMPLE MAJORITY VOTE OF THE MEMBERS OF THE FIRE DEPARTMENT.

**ARTICLE VIII. RULES, REGULATIONS AND STANDARD OPERATING PROCEDURES**

RULES, REGULATIONS, AND STANDARD OPERATING PROCEDURES WILL BE ADOPTED BY A SIMPLE MAJORITY VOTE OF THE MEMBERS OF THE FIRE DEPARTMENT.

**ARTICLE IX. AMENDMENTS TO THE BY LAWS**

*SECTION 1.* THESE BY LAWS MAY BE AMENDED, ADDED TO OR ALTERED BY A MAJORITY VOTE OF THE MEMBERSHIP AT ANY REGULAR MEETING OF THE DEPARTMENT, PROVIDED THAT BEFORE ANY AMENDMENT SHALL BE MADE, THE SECRETARY SHALL GIVE NOTICE OF SUCH PROPOSED AMENDMENTS TO EACH AND EVERY MEMBER OF THE DEPARTMENT IN WRITING AT LEAST THREE (3) DAYS PRIOR TO THE MEETING IN WHICH THE VOTE ON SUCH AMENDMENT IS TO BE TAKEN. UPON APPROVAL BY THE FIRE DEPARTMENT THE AMENDMENTS TO THE BY LAWS SHALL BE SUBMITTED TO THE CITY COUNCIL AND BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL.

*SECTION 2.* IN THE EVENT THAT ANY PROVISION OF THESE BY LAWS ARE HELD TO BE INVALID OR UNENFORCEABLE, SUCH INVALIDITY OR UNENFORCEABILITY SHALL NOT AFFECT THE REMAINING PROVISIONS.

Adopted by the Stilwell Fire Department during its regular business meeting on January 23, 2024.

Tilden Martin, Chief

Justin Bruner, Asst. Chief

PASSED by the City Council this 5<sup>th</sup> day of February, 2024.

APPROVED by the Mayor this 5<sup>th</sup> day of February, 2024.

ATTEST:

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Jean Ann Wright, Mayor

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Larry A. Nettles, City Clerk-Treasurer