

# **COSBY VOLUNTEER FIRE DEPARTMENT INC.**



**BY-LAWS**  
**(Revised May 2022)**

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**ARTICLE I**

**Title & Objective**

**Section I: Operational Organization:**

The operational organization shall be known as the Cosby Volunteer Fire Department Inc. hereafter referred to as the (CVFD) and will be composed of two components: 1.) the Board of Directors “Board” and 2.) the Fire Company.

**Section II: Objective:**

The objectives of the CVFD shall be the preservation and protection of life and property from and during fires or other public safety related emergencies as may occur in the service area defined in Section III.

**Section III: Area of Responsibility (AOR):**

The AOR of the CVFD shall include all areas within a five (5) mile radius of a CVFD station located in or adjoining the Fifth Voting District of Cocke County, Tennessee, that is not served by any other volunteer fire departments.

**ARTICLE II**

**Organization**

**Section I: Unpaid Board of Directors**

**Section II: Unpaid Volunteer Firefighter and Officers of the Fire Company**

**Section III: Dues-paying members of the CVFD Association**

## **ARTICLE III**

### **Board of Directors**

#### **Section I: Qualifications & Duties:**

The Board of Directors shall be comprised of nine members who shall be residents or business owners within the AOR for the CVFD Fire Company as described in Article I Section III of these by-laws. All directors and candidates for director shall be paid up members, in good standing, of the CVFD Association or members in good standing of the Fire Company, 18 years of age or older. In order to ensure a proper balance of power, with adequate checks and balances according to accepted democratic procedures:

1. No more than four (4) members of the Fire Company may serve at the same time on the Board. In any event, neither the Fire Chief nor any person acting in the Fire Chief's capacity may serve on the Board.
2. Only one (1) member within an immediate family may serve on the Board at the same time. At no time may a Board member have an immediate family member who is a member of the Fire Company.<sup>1</sup>
3. The Fire Chief shall be an ex-officio member of the CVFD Board who shall sit with the Board during meetings to provide input and discussion, but who shall not have voting rights on Board matters.

#### **Section II: Duties:**

The duties of the Board Directors are to oversee the business operation of the CVFD, to invest and disburse all funds received for the maintenance and improvement of the CVFD and all other responsibilities as further set forth in these by-laws.

#### **Section III: Vacancy:**

Unexpected vacancies to the Board shall be filled by an appointee who shall serve on the Board until the next regular election of the Board of Directors. In filling a vacancy, the appointee shall meet all the requirements for a director as set forth in Section I of these by-laws. An appointment to fill a vacancy must be approved by the majority of Board members present at a regular or special meeting of the Board as defined in these by-laws.

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<sup>1</sup> This restriction is effective with the adoption of these by-laws revisions except that any current Board member with an immediate family member in the Fire Company is so grandfathered.

#### **Section IV: Terms & Officers:**

At the creation of the Board in December 1986, three (3) members were elected to serve three-year terms of office, two (2) members were elected to serve two-year terms of office, and three (3) members were elected to serve one-year term of office. Thereafter, three (3) members have been and shall continue to be elected each November, to serve three-year terms of office beginning with the January meeting. The January meeting shall be called to order by unanimous consent and following the invocation and pledge of allegiance, the Board shall elect officers consisting of Chair, Vice-Chair, Secretary, Treasurer, and Historian. These officers will take their positions immediately and serve for the calendar year.

If any Board Member misses four (4) or more regular meetings without adequate explanation, that Member's position on the Board shall be declared vacant and filled by a Board appointee to serve until the next regular election at which time an election of a candidate for the unexpired term (if applicable) of that position will be included in the slate of candidates for the balloting.

#### **Section V: Election of Board Members:**

On or before the October Board meeting, the Board shall create a Nominating Committee. Any member in good standing of the CVFD Association may nominate a candidate for the Board, following procedures to be established by the Nominating Committee. Candidates' names are to be presented to the Board at the November Board meeting and recorded in the minutes as the official slate of candidates.

Elections for Board members shall be held on the second Tuesday of November from 11:00 a.m. until 6:00 p.m. at Station 1 Firehouse. Any CVFD Association Member (which includes all members of the Fire Company as provided in these by-laws), in good standing may cast a vote. Voting must be in person.

If after a diligent search for candidates, the Nominating Committee fails to identify anyone willing to run for a Board position, the Board of Directors may appoint someone by a majority vote of members present, to fill any such vacancy on the Board for a full three-year term.

#### **Section VI: Meetings:**

The regular monthly meeting of the Board shall be on the first Monday of every month, at 7:00 P.M., except when the first Monday of the month falls on a holiday, in which case the regular Board meeting shall be on the second Monday of the month. All Board meetings are open to the public and shall take place at Station 1 Firehouse. All meetings shall be conducted under Robert's Rules of Order for Small Boards, Revised, and shall begin with an invocation and pledge of allegiance to the flag. A quorum necessary to conduct a regular or special meeting shall consist of five (5) Board Members. At the discretion of the Chair, a special meeting may be

called. Notice of that meeting shall be posted on the CVFD web site no later than 24 hours prior to the meeting.

**Section VII: Duties of the Chair:**

1. Shall co-sign, along with the Treasurer, all checks issued.
2. Shall appoint Board Members each year to serve with the Treasurer as a Finance Committee.
3. Shall appoint two (2) Board Members each year to serve under the Vice Chair as the Fire Company Grievance Committee responsible for handling grievances raised by members of the Fire Company.
4. Shall appoint three (3) Board Members each year to serve as a Building & Grounds Committee responsible for upkeep and improvements.
5. Shall appoint, on or before the regular October Board meeting, a Nominating Committee to for the purpose of the annual election for the Board members as set forth in these by-laws.
6. Shall be in charge of scheduling and granting any private or public usage of any of the CVFD facilities, subject to applicable fees as established by the Board policy.
7. Shall have the authority to appoint such additional Board Committees as it is deemed necessary to carry out the duties of the Board of Directors.

**Section VIII: Duties of the Vice-Chair:**

1. Shall, in the absence of the Chair, discharge all duties of the Chair.
2. Shall assume all duties of the Chair for the remainder of the year in the event the Chair becomes unable to serve. In this event, the Board shall elect a new Vice-Chair for the remainder of the year.
3. Shall preside over the Fire Company Grievance Committee in accordance with policies developed by the Board.

**Section IX: Duties of the Secretary:**

1. Shall be responsible for recording and reading the minutes of all Board meetings, and for handling all necessary correspondence.

**Section X: Duties of the Treasurer:**

1. Shall be bonded by a surety bond.

2. Shall chair the Finance Committee in its regular monthly review and approval of all CVFD financial obligations.
3. Shall co-sign, along with the Chair, all checks issued.
4. Shall issue proper CVFD receipts for all funds received.
5. Shall present a written Treasurer's report at the regular monthly Board meetings.
6. Shall be responsible for generating proper financial records of income and disbursements for of the CVFD and making those records available for annual audit as authorized by the Board.

**Section XI: Duties of the Historian:**

1. Shall maintain an ongoing record of all notable events and other items of historical interest about the CVFD.
2. Shall be responsible for publicizing CVFD events and accomplishments for the previous year with the aim of promoting community pride and support in the CVFD.

**Section XII: General:**

1. All Board member shall be authorized to accept donations to the CVFD, said donations to be promptly turned over to, and receipted by the Treasurer.
2. Amendments to these by-laws shall be approved by a majority vote of seven (7) Board members at a regular or special meeting.
3. All CVFD Board, Association and Fire Company members shall be subject to and uphold the by-laws at all times.
4. It shall be the responsibility of the Board, CVFD Association members, and Fire Company members to ensure that no intoxicating beverages nor illegal drugs shall at any time, be present at any CVFD meeting or function, or on the premises of CVFD sites. No person under the influence of intoxicating beverages or illegal drugs may be present at any CVFD meeting or function.
5. Sale of surplus equipment. Upon the recommendation of the CVFD Fire Company, and upon approval of at least six (6) Board members at a regular Board meeting, surplus or obsolete property or equipment may be sold. The Board shall attempt to sell the property or equipment at the current fair market value for a period of at least 90 days, thereafter, if the property cannot be sold, the item(s) may be sold to the highest bidder according to procedures established by the Board of Directors. For any item(s) that cannot be sold at fair market value and it is deemed greater in value than \$500.00, the Board shall advertise for sale to the highest bidder in such a manner that all interested members of the general public



have an opportunity to place a bid, and according to procedures accepted by other public organizations or bodies for the sale of surplus or obsolete property or equipment.

## **ARTICLE IV**

### **Fire Company**

#### **Section I: Qualifications & Composition:**

1. The Fire Company shall consist of unpaid volunteers, age 18 and older, comprising of Firefighters; Officers; and Inactive Life Members.
2. The Fire Company is authorized to operate a Cadet Firefighter Program for individuals aged 13-17. Policies and Procedures concerning roles and functions of the Cadet Firefighter Program are the responsibility of the Fire Chief and approved by the Board.
3. Candidates for membership shall apply through procedures established by the Fire Company. Candidates shall be subject to a criminal background check and verification of the status and history of their driver's license, prior to being presented to the membership for admission as a member of the Fire Company. Candidates will become members of the Fire Company as Probationary Firefighters upon receiving the majority of votes of the members present at a regular monthly meeting of the Fire Company, after the application for membership has been on file for at least 30 calendar days.
4. A Probationary Firefighter will be subject to a one-year probationary period wherein the Fire Chief, for cause, has the authority to expel the individual from the Fire Company. Prior to a Probationary Firefighter responding to any call for service, they shall successfully complete the training requirements set forth by Federal and Tennessee Laws governing the Fire Service and any other requirements as established by the Fire Company.
5. The Fire Company Members shall elect officers to serve a two (2) year term commencing after the completion of the annual Fire Company Christmas Dinner. Line Officers are: Fire Chief, Assistant Fire Chief, three (3) Captains, two (2) Lieutenants who will serve as a Training Officer and a Safety Officer. Members shall elect two (2) Staff Officers - Lieutenant titled: Engineering Officer & Personnel and Records Officer. No member shall be elected to a Line Officer's position without successfully completing and obtaining certifications for the Basic Firefighting Training and Live Burn requirements established by the State of Tennessee. Members shall either cast a vote in person or by absentee ballot in a manner determined by the membership, if they are unable to attend the meeting to cast an election ballot in person. Additional Officers may be elected or appointed as deemed necessary by the Fire Chief. The Fire Chief reserves the right to add or remove Officer positions as deemed necessary for the efficient and effect operations of the Fire Department.

1. Any Firefighter, who after completing ten (10) years of active service, may request to be placed in an Inactive Lifetime Member status. The decision to grant approval of a request will be made by the Fire Chief.
2. Members that desire to be returned to Firefighter status within three years of their being approved for Inactive Lifetime status must notify the Fire Chief and complete any recertification or training requirements.
3. A member in Inactive Lifetime status shall not be a candidate on the voting ballot for any Officer's position without returning to a regular Firefighter status for a period of no less than six (6) months prior to an election.
4. A member in Inactive Lifetime Member forfeits their department issued personal protective and other equipment and will no longer respond the calls for service.
5. An Inactive Lifetime Member will no longer be listed on the Fire Company's roster as an active firefighter.
6. A member in Inactive Lifetime status forfeits all voting privileges for any and all elections/decisions within the Fire Company unless they attend or participate in at least 50% of the total number of regular or special meetings of the Fire Company; work nights; building and ground maintenance details, fundraising activities; other activities as organized and approved by the Fire Chief.
7. All Fire Company members shall be responsible for all actions on behalf of the CVFD, through the Fire Chief, to the Board.

**Section II: Duties and Responsibilities of the Fire Chief:**

1. Shall supervise all Fire Company members in the exercise of their official duties.
2. Shall assign an officer to be in charge in the event neither the Fire Chief nor the Assistant Fire Chief can be available.
3. Shall be responsible for the development, revision, and enforcement of Standard Operating Guidelines (SOGs) and General Orders (GOs). Will ensure that all active members are informed and trained on the SOGs and GOs.
4. Shall develop, in coordination with the Training Officer, any needed training programs.
5. Shall attend all meetings of the Board of Directors and shall sit with the Board in their deliberations as ex-officio, non-voting Board Member.

6. Shall receive and review all department reports before submission to the Board of Directors. Shall submit a monthly written report to the Board of Directors covering the status of the Fire Company and reviewing its fire protection actions.
7. Shall appoint replacement officers in the event any officer is unable to complete his or her term in office.

**Section III: Duties and Responsibilities of the Assistant Fire Chief:**

1. Shall perform all duties of the Fire Chief in the event of his or her absence.
2. Shall assist the Fire Chief in all areas requested.
3. Enforce and Obey the SOGs, GOs, and all other policies of the Fire Company and CVFD Board of Directors.
4. Shall assume the position of Fire Chief in the event the elected Fire Chief is unable or available to complete his or her term of office. In this event, the Fire Company shall elect a new Assistant Fire Chief to serve the remainder of the term.

**Section IV: Duties and Responsibilities of the Captains:**

1. There will be three (3) station Captains, and each are responsible for the upkeep and maintenance of their designated station.
2. Supervise and support the Lieutenants in the performance of their duties.
3. Enforce and Obey the SOGs, GOs, and all other policies of the Fire Company and the CVFD Board of Directors.
4. Assist the Training Officer in conducting training for personnel.
5. Assume responsibilities of the Assistant Fire Chief when so instructed by the Fire Chief.

**Section V: Duties and Responsibilities of the Training Officer:**

1. Shall be responsible for obtaining training materials and programs, and for coordinating with the Fire Chief in scheduling training sessions. The areas to be covered in training include, but are not limited to, the following:
  - A. Training of Fire Company Officers in directing firefighting and other incident response efforts. Provide training and reference materials to Company Officers to assist them in the performance of their responsibilities and duties.
  - B. Training all Cadets, Probationary Firefighters, and Firefighters in the proper tactics, use of equipment, safety, and Fire Company SOP/SOGs and GOs.

- C. Training all Company Members to ensure compliance with all training and certifications required by federal or state laws governing the fire service.
- D. Enforce and obey the SOP/SOGs, GOs, and all other policies of the Fire Company and the CVFD Board of Directors.

**Section VI: Duties and Responsibilities of the Safety Officer:**

- 1. Shall be responsible for the health and safety of firefighters in the performance of their duties at all calls for service and training sessions as set forth for that position in the codes standards developed by the National Fire Protection Association (NFPA).
- 2. Shall be responsible for the inspection and testing of all fire equipment and tools consistent with requirements of federal and state laws governing the fire service and the codes and standards developed by the NFPA.
- 3. Enforce and obey the SOP/SOGs, GOs, and all other policies of the Fire Company and the CVFD Board of Directors.

**Section VII: Duties and Responsibilities of the Engineering Officer:**

- 1. Shall be responsible for the preventative maintenance and repair of all fire apparatus and equipment.
- 2. In coordination with the Training Officer, develop and provide driver/operator training programs for firefighters in the operation of the fire apparatus.
- 3. Responsible for the regular inspection and reporting on the condition of equipment to the Fire Chief.
- 4. Shall ensure that all firefighters are notified of any equipment that is no longer in service through email notification on the Company email system and a notice posted on the bulletin board of the fire stations.
- 5. Enforce and obey the SOPs/SOGs, GOs, and all other policies of the Fire Company and the CVFD Board of Directors.

**Section VIII: Duties and Responsibilities of the Personnel and Records Officer:**

- 1. Shall be responsible to accurately record, maintain, and report:
  - A. All information required complying with the National Fire Incident Reporting System (NFIRS).

- B. Maintenance of Company personnel records to include a current roster of members; attendance at all Company activities including, but not limited to calls for service; meetings, training sessions, work details, fund raising events, disciplinary actions, etc.
  - C. Recording the results of company meetings.
  - D. Responsible for coordinating the reporting of injuries to Company personnel in the performance of their duties, including, but not limited to; the Company Officers, the Board of Directors, Insurance and workman's compensation filing, Occupational Safety and Health Administration, etc.
2. Enforce and obey the SOPs/SOGs, GOs, and all other policies of the Fire Company and the CVFD Board of Directors.

## **ARTICLE V**

### **General**

#### **Section I: Obligation of Fire Company Members:**

1. All members shall obey all commands of their officers and adhere to all SOPs/SOGs & GOs.
  - A. Failure to comply will result in discipline by the Fire Chief ranging from an oral reprimand to expulsion from the Fire Company.
  - B. A Fire Company Member who receives disciplinary action either resulting in suspension or expulsion may appeal this decision to the Board of Director's Grievance Committee at the next regular meeting of the Board.
2. To remain in good standing, all active firefighters must attend or participate and attain a minimum of an overall (cumulative) participation rate of at least fifty percent (50%) for any of the following activities; calls for service, meetings, work details, standby shifts, fund raising events, and other assemblies as defined and ordered by the Fire Chief. Notwithstanding this minimum participation requirement rate, all active members must respond to at least twenty percent (20%) of the total calls for service in a calendar year. The Fire Chief may adjust the aforementioned participation rates as necessary, for the effective and efficient operation of the Fire Company.
  - A. A firefighter's participation will be measured by calendar year and pro-rated for those who join the Fire Company during the reporting period. For example, in a calendar year, if the total number of events comprised of calls for service, meetings, training sessions, work details, stand-by shifts, fund raising events, and special assemblies ordered by the Fire Chief total 250 and 160 of these events were calls for

service, firefighters must have been present at a minimum of 125 of these events and 32 of these credits must have been responding to calls for service in order to remain in good standing and remain in the Fire Company.

- B. At the end of each calendar quarter, the Personnel and Records Officer will publish a report on member attendance at events and calls for service. It is the sole responsibility of each individual member to monitor his or her participation and attendance.
  - C. Any member who has not obtained an overall participation rate of fifty percent (50%) of all events defined above and the minimum of twenty percent (20%) of the calls for service by the reporting ending December 31st, shall no longer be considered a member of the Fire Company and shall be notified by the Fire Chief who will collect all issued property and identification cards. Expulsion for failure to meet the minimum standards for participation and involvement as set forth in this section is not a disciplinary action and is not subject to an appeal to the Grievance Committee of the Board of Directors.
  - D. Any member who has not obtained an overall participation rate of fifty percent (50%) of all events defined above and the minimum of twenty percent (20%) of the calls for service but, has been noted on the call in log and approved by the Fire Chief as an excusable reason to not be present for example, but not limited to, work, sickness, vacation, death of an immediate family member, sickness of an immediate family member, etc. will not be held accountable of the fifty percent (50%) attendance policy. However, if the member has shown that they are consistent with not attending events as defined above the Fire Chief has the right to bring it to the attention of the Fire Company for a vote of expulsion. If it is voted as a majority vote of the Fire Company by the total number of members present at the next regular meeting it is not a disciplinary action and is not subject to an appeal to the Grievance Committee of the Board of Directors.
- 3. Monthly meetings will take place on the last Tuesday of every month. A quorum of fifteen (15) members must be present to conduct official business. The Fire Chief can reschedule regular meetings and call for special meetings as deemed necessary, with due notice to all members.
  - 4. No Fire Company member, whether active or Inactive Lifetime shall appear at any Fire Company meeting or function in a state of intoxication, nor shall he or she use insulting, indecent, or improper language or other actions as to discredit the CVFD or Fire Company, this includes consuming alcoholic beverages while in a public place while wearing clothing or insignia identifying the CVFD.

## **ARTICLE VI**

### **CVFD ASSOCIATION**

#### **Section. I: General**

1. Any person, 18 years of age or older, or residing on a residential or business property owner located within the CVFD AOR may become a member of the CVFD Association, with full voting rights and other privileges as allowed by these by-laws and CVFD Board Policy. Membership in good standing requires annual dues of \$25.00 for individuals or \$50 for businesses. The voting rights for a CVFD Association Member pertains to the election of CVFD Board of Directors only.

## **ARTICLE VII**

### **Dissolution of the CVFD**

#### **Section I: Decision of the Fire Company**

Should the Fire Company, for any reason, feel it necessary to dissolve the CVFD, the Board of Directors must call a public meeting to present the reasons for advising CVFD dissolution to the CVFD Association, the residents of the Cosby Community, and the other areas served by the Fire Company, allowing adequate time to ensure that all interested CVFD Association Members, residents of the Cosby Community, and the other areas served by the Fire Company are aware of the public meeting.

#### **Section II: Decision of the CVFD Board of Directors**

Should the CVFD Board of Directors deem there is not enough financial capabilities to continue the operation of the CVFD and feel it necessary to dissolve the CVFD, the Board must call a public meeting to present the reasons for advising CVFD dissolution to the CVFD Association, the residents of the Cosby Community, and the other areas served by the Fire Company, allowing adequate time to ensure that all interested CVFD Association Members, residents of the Cosby Community, and the other areas served by the Fire Company are aware of the public meeting.

#### **Section III: Public Agreement to Dissolve**

At the public meeting called for this purpose, the members of the CVFD Association, residents of the Cosby Community, and other areas served by the Fire Company agree that there are sufficient and adequate reasons for dissolving the CVFD, the members of the CVFD Association shall appoint a Dissolution Committee, consisting of no less than nine (9) members, to ensure that the dissolution is carried out in accordance with the wishes of the CVFD Association, residents of the Cosby Community, and other areas served by the Fire Company, and the specific requirements for dissolution as outlined in the CVFD Charter.

**Section IV: Public Disagreement to Dissolve**

If the members of the CVFD Association, residents of the Cosby Community, and other areas served by the Fire Company do not agree that the reason the Fire Company or CVFD Board of Directors supplies for recommending the CVFD dissolution are sufficient and adequate, the members of the CVFD Association shall then select a nominating committee to provide a slate of candidates for the CVFD Board of Directors who are will to continue operating the CVFD in accordance with the by-laws, with the CVFD Charter, and the will of the CVFD Association, residents of the Cosby Community, and other areas served by the Fire Company.

**-END-**

**References to Subsequent Revisions**

<b><u>Date Adopted</u></b>	<b><u>Article,Section, and Paragraph Revised</u></b>	<b><u>Subject Addressed</u></b>
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