

RIO ARRIBA COUNTY FIRE & EMERGENCY SERVICES



Fire and EMS District Bylaws

2020 Revision





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Preamble

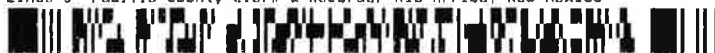
The operational success of the Rio Arriba County Fire and EMS Districts depends heavily on the worthy service of those who are willing to volunteer their time, energy and resources to their community.

In consideration of the willingness of the volunteer members to provide emergency fire and EMS services without monetary compensation, the organizational structure of the Rio Arriba County Fire and EMS Districts shall be based on democratic principles.

These bylaws supersede all previous versions and are applicable to all volunteer Fire and EMS districts located within Rio Arriba County, except for those Fire and EMS districts governed by sovereign tribal nations.

The intent of these bylaws is to establish the uniform structure under which volunteer Fire and EMS personnel and the resources at their command shall be governed.

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Article 1. Purpose and Amendment of Bylaws

Section 1.01 Purpose of Bylaws

- (a) The Rio Arriba Board of County Commissioners (hereinafter referred to as the "BOCC") hereby adopts these Bylaws for the explicit purpose of establishing the uniform structure by which the operational business of the Rio Arriba County Fire and EMS Districts (hereinafter referred to as the "Fire and EMS District(s)" or "the District(s)") shall be conducted.

Section 1.02 Procedure for Amendment

- (a) These Bylaws may only be amended by formal action of the Rio Arriba Board of County Commissioners.
- (b) The County Manager shall be responsible for recommending amendments of these Bylaws to the Rio Arriba Board of County Commissioners for formal approval and adoption.
- (c) The Rio Arriba County Fire districts shall be responsible for recommending changes to the County Fire Marshal. The County Fire Marshal shall be responsible for collecting input from district fire chiefs and bringing forth the proposed changes to the Rio Arriba County Manager for consideration and review.
- (d) These Bylaws may be amended in their entirety or as individual articles as required.
- (e) The revision date of each amendment shall be annotated at the beginning of each article within the Bylaws and the Table of Contents page of this document shall be changed to reflect the most current revision.

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Article 2. Organization

Section 2.01 District Preamble

- (a) The Rio Arriba County Fire and EMS Districts are fundamental to the County's authority to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the County and its inhabitants.

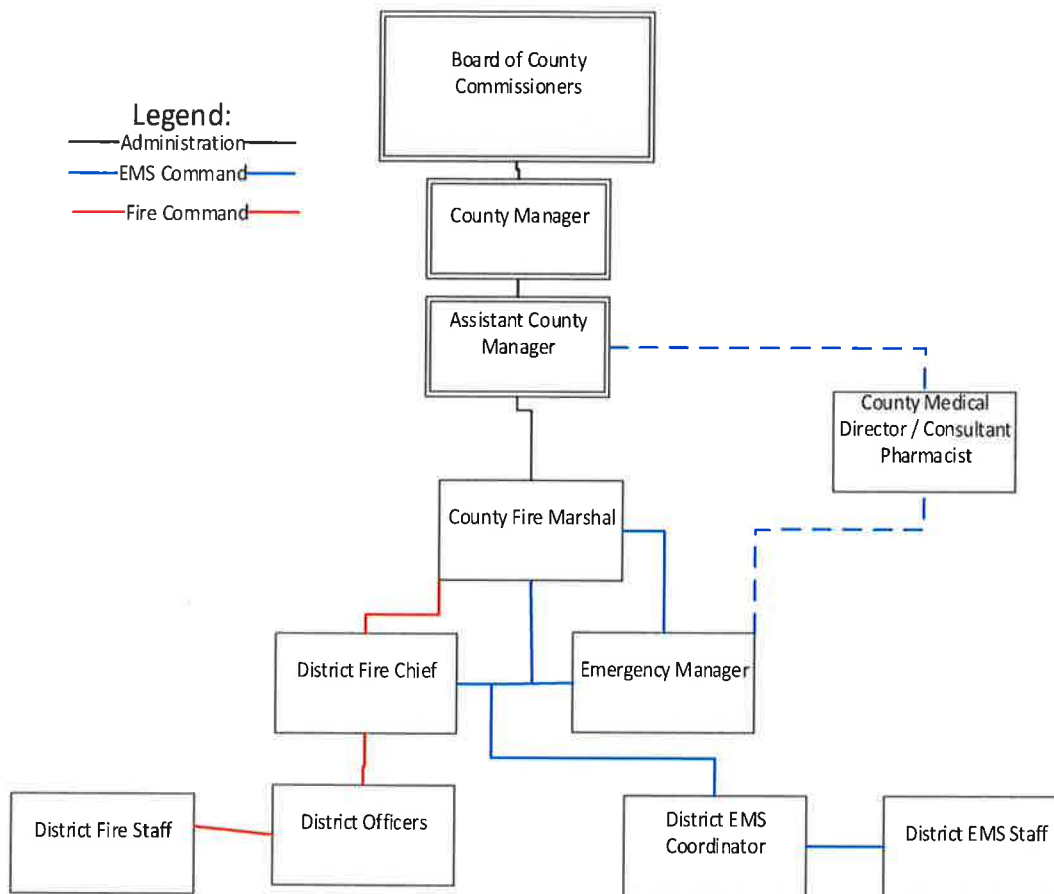
Section 2.02 District Organization

- (a) The Rio Arriba County Fire and EMS Districts were established by and receive their authority to operate from the Rio Arriba Board of County Commissioners.
- (b) Each individual Fire and EMS District shall be known by the District name that was assigned to it at the time of its establishment. There are currently eighteen (18) Rio Arriba County Fire and EMS Districts located in five (5) regions, as follows:
 - (1) Region 1: containing the Coyote, Dulce and Lindrith Fire and EMS Districts.
 - (2) Region 2: containing the Brazos Canyon, Ganjilon, Laguna Vista and Tierra Amarilla Fire and EMS Districts.
 - (3) Region 3: containing the Abiquiu, El Rito and Vallecitos Fire and EMS Districts.
 - (4) Region 4: containing the Agua Sana, Alcalde, Chamita and La Mesilla Fire and EMS Districts.
 - (5) Region 5: containing the Dixon, Ojo Sarco, Truchas and Velarde Fire and EMS Districts.
- (c) The purpose of each District is to provide necessary fire, rescue and emergency services for the residents and visitors of Rio Arriba County.
- (d) The Districts shall act in accordance with all applicable federal, state and local laws and ordinances, including these Bylaws.
- (e) The District Chief of each District shall be accountable and responsible to the County Fire Marshal, County Manager and the Board of County Commissioners for the day-to-day operational management of the Fire District and shall be responsible for the proper expenditure of public funds allocated to the District.
- (f) Rio Arriba County Fire and Emergency Services Organization Chart

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Section 2.03 Fiscal Year, Property Ownership and District Management

- (a) Rio Arriba County Fire and EMS 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.
- (b) The fiscal year shall be determined by the State of New Mexico.
- (c) Rio Arriba County shall be the fiscal agent for all operational and grant 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 District to provide emergency services.

Section 2.04 District Fundraising and Community Funds

- (a) The objective of this section shall be to provide uniform and consistent guidelines for those funds that are donated to the Fire and EMS Districts by members of the public, herein referred to as "Community funds." Community funds may be received with the understanding that they shall be used for the betterment of the



Fire and EMS District, improving its ability to staff and retain sufficient personnel, secure and maintain firefighting equipment and apparatus, and improve fire and rescue service to the community.

- (b) Fire and EMS District Fundraising. Each Fire and EMS District may conduct fundraising activities pursuant to the following conditions:
- (1) In order to conduct fundraising activities, a Fire and EMS District shall first open a checking account in the Fire and EMS District's name, with the District Chief and the Treasurer as signatories. The signatories shall be updated upon any change to the composition of the District Chief and Treasurer positions. This checking account shall be solely dedicated to community funds.
 - (i) No debit cards or credit cards shall be issued for any community funds checking account.
 - (ii) Upon a majority vote of the membership in good standing as further defined by these Bylaws, surplus community funds may be deposited into federally insured certificates of deposits in the District's name, but no community funds may be invested in stocks, bonds or any other financial instrument where the funds may be at risk.
 - (2) For any fundraising activities that involve the receipt of cash donations, the District Chief or his/her designee and one (1) other District officer shall be responsible for a full accounting of the amount received immediately following the fundraising activity. All cash received shall be deposited into the District's bank account no later than the next business day following the fundraising activity.
 - (3) For any fundraising activities that involve the receipt of donations in the form of checks, the District Chief or his/her designee shall mark the back of each check with "FOR DEPOSIT ONLY" and make a deposit into the District's bank account within five (5) business days of receipt.
 - (4) The District Chief or his/her designee shall report all donations that the District has received in the next regular business meeting following the receipt and the donation amount, a description of all expenditures of community funds made in the preceding month, and the updated balance of the community funds shall be recorded in the meeting minutes.
 - (5) A current ledger of all donations and community funds shall be maintained by the Treasurer or his/her designee.
- (c) Expenditures of Community Funds.
- (1) Authorized expenditures. All expenditures of community funds shall be directly related to District activities or providing support to the community. Examples of expenditures of community funds include but are not limited to: flowers and/or cards for members who are sick, injured or who



experience a death in their immediate family, certificates or awards for members or past members recognizing their contributions to the District, license plates, non-PPE District T-shirts or clothing, recognition dinners, plaques, food and water supplies for the District. No personal loans may be issued from community funds.

- (2) Authorized expenditures during an emergency response. A Fire and EMS District shall utilize State fire funds, grant monies and the fiscal procedures of Rio Arriba County to purchase items that fall within the guidelines of acceptable use of those funds. In the event that expenditures are necessary during an emergency response, community funds may be used for purchases.
 - (3) Official and legible proofs of purchase (i.e. receipts, quotes or estimates) shall be acquired, submitted and maintained for all expenditures of community funds.
 - (4) Expenditures of community funds over \$250 must be approved by the membership in good standing at a meeting of the District with said approval documented in the meeting minutes.
 - (5) A member who expends his/her personal funds for District activities may seek reimbursement of those expenditures from community funds. Prior to expending his/her personal funds, the member shall seek approval from the District Chief or the highest-ranking District Officer if the District Chief is unavailable. Legible proof of purchases (i.e. receipts) must be kept in order to qualify for reimbursement.
 - (i) Reimbursement Procedure. A member seeking reimbursement of an authorized expenditure of his/her personal funds shall submit an Expense Reimbursement Form with accompanying receipt to the District Chief within thirty (30) days from the date of the expenditure. Failure to submit within thirty (30) days shall result in the expenditure being considered a donation by the member to the District.
 - (ii) The District Chief shall review all Expense Reimbursement Forms and accompanying receipt(s) for completion, timeliness, legibility and whether the original expenditure was authorized. If approved, all reimbursements shall be issued to the member by check signed by the Treasurer. If the Treasurer is unavailable, the District Chief shall be authorized to issue a reimbursement check.
 - (iii) All submitted Expense Reimbursement Forms and supporting documentation shall be maintained by the Treasurer.
- (d) Audit of community funds. Rio Arriba County reserves the right to conduct an unannounced audit of a Fire and EMS District's community funds records at any time, including but not limited to the review of all official checking account and certificate of deposit statements, ledgers, meeting minutes, expenditures,



reimbursement forms and any other documentation related to the management of the District's community funds.

- (1) Rio Arriba County shall initiate the audit of community funds by making contact with the District Chief or Treasurer. Failure of the District to turn over all community funds records within seventy-two (72) hours from the initial contact may result in the suspension of the District's authorization to conduct fundraising activities.
- (2) Rio Arriba County staff or their designee shall schedule a review of all District community funds records within thirty (30) days of their submission, during which time further expenditures of community funds may only be made with the written approval of the County Fire Marshal. The District Chief and/or his/her designee shall be afforded the opportunity to be present during this review to respond to any questions that may arise.
- (3) Rio Arriba County staff or their designee shall issue audit findings within fifteen (15) days of the review. The findings may include a recommendation to the County Manager for corrective action, including but not limited to direct County oversight of community funds, the garnishment of the District's community funds, suspension or revocation of the District's fundraising activities.
- (4) The County Manager shall make a final determination on the audit findings, including the imposition of any corrective action, within five (5) days from the date of the County staff's recommendation.
- (e) Failure to comply with the requirements of Section 2.04 may result in the suspension or revocation of a District's fundraising activities. Theft or misappropriation of community funds may result in a referral to law enforcement for investigation and prosecution.

Section 2.05 Quorum

- (a) A quorum consisting of a minimum of fifty-one percent (51%) of District members in good standing as defined by Section 4.05(c)(1) of these Bylaws shall be required to convene a business, special or emergency meeting and to conduct District business.
- (b) The District Chief and/or Meeting Chair shall update the District roster prior to each business, special or emergency meeting in order to determine members in good standing eligible to vote.
- (c) If a quorum is present, the District Chief and/or Meeting Chair shall state for the record the names of the members present who are in good standing and eligible to vote. The names of the members establishing quorum shall be recorded in the meeting minutes.
- (d) If a quorum is not present, the District Chief and/or Meeting Chair shall state for the record that a quorum is not present and the meeting will proceed as an



informational or discussion session and no actions may be taken or items voted upon, including the election or appointment of officers.

(e) The business of each Fire District shall be conducted in accordance with Robert's Rules of Order.

(1) The following is an example of the order in which the District may conduct business:

- Call Meeting to Order
- Report of Active Members in Good Standing
- Roll Call to establish Quorum
- Approval of meeting agenda
- Approval of meeting minutes from previous meeting(s)
- Financial Report
- Emergency Responses Report
- Committee Reports, as applicable
- Old Business
- New Business
- Executive Session
- Other categories as necessary
- Adjourn

Section 2.06 Meeting Chair

(a) The ranking elected officer present shall chair any business, special or emergency meeting of the District. Each member seeking to voice his/her opinion in a meeting shall first seek the floor and be recognized by the Meeting Chair prior to doing so. Members expressing themselves in a disruptive, unruly, repetitive, argumentative or unreasonably lengthy manner may be limited at the discretion of the Meeting Chair.

Section 2.07 Business Meetings

- (a) Regular monthly business meetings shall be held. The District Chief shall designate the date, time and location of the monthly meetings.
- (b) The District Chief may postpone or cancel a regular monthly meeting via a page-out through the Espanola/Rio Arriba E911 Communications Center (hereinafter referred to as "Central Dispatch" or the "ERA E911 system") and/or by providing additional notice to the membership, the County Manager and County Fire Marshal by the following preferred forms of communication: in-person notification, telephone call, text message or email.
- (c) Forty-eight (48) hours' notice utilizing the methods listed in Subsection (b) above shall be required in order to reconvene a postponed, cancelled or rescheduled meeting.

Section 2.08 Special Meetings

- (a) A special meeting of the District may be held at the request of the District Chief, the County Manager or the County Fire Marshal.
- (b) The District Chief may request a special meeting by providing a minimum forty-eight hour (48) notice as listed in Section 2.07(b) above to the entire membership, the County Manager and the County Fire Marshal. The notice of the meeting shall state with particularity the date, time and place of the special meeting and the subject matter of the items to be discussed.
- (c) The County Manager or the County Fire Marshal may request a special meeting by sending a written request to the District Chief stating with particularity the proposed date, time and place of the special meeting and the subject matter of the items to be discussed. The proposed date shall allow for a minimum of forty-eight hours from the date of the request.
- (d) Upon receiving a request from the County Manager or County Fire Marshal for a special meeting, the District Chief shall immediately contact the entire membership to inform them of the proposed meeting date, time and place and subject matter.

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Section 2.09 Training Meetings

- (a) Training meetings shall be held on a monthly basis and shall be open to the entire District membership. Monthly training meetings may be conducted after the District's regular monthly business meeting or scheduled separately. If scheduled separately, the District Chief shall be responsible for notifying the entire membership as to the date, time and location that the training meeting will be conducted at least forty-eight hours prior to the training meeting taking place.
- (b) Training sessions offered by Regional staff or Fire Administration may satisfy a Fire District's monthly training meeting requirement if they are available to the entire District membership.
- (c) Sign-in sheets for all training meetings shall be filled out and maintained, and shall include the date, time, location, duration of training and signatures for every member and guest in attendance. Training meeting sign-in sheets must be separate from business meeting sign-in sheets.

Section 2.10 Emergency Meetings

- (a) Events which concern the immediate welfare of the District may be cause for an emergency meeting which may be called by the County Manager, County Fire Marshal, District Chief and/or ranking officer in the District Chief's absence.
- (b) Notice of the emergency meeting to the membership, County Manager and County Fire Marshal may forego the generally required forty-eight hour minimum.
- (c) The District Chief or the ranking officer in the District Chief's absence shall call an emergency meeting of the membership via a page-out through Central Dispatch and shall provide notice to the County Manager and County Fire Marshal by any means necessary, including the following preferred forms of communication: in-person notification, telephone call, text message and email.
- (d) The County Manager and/or County Fire Marshal shall call an emergency meeting by either contacting the District Chief to request a page-out of the Department membership through Central Dispatch or by utilizing the Code Red mass notification system.

Section 2.11 Attendance

- (a) All meetings shall be open to all members of the District regardless of membership status, and the general public.
- (b) Guests and members of the general public shall only participate in training meetings in an observational capacity.
- (c) Guests and members of the general public shall only participate in District membership meetings at the discretion of the District Chief or County Manager and/or County Fire Marshal.
 - (1) No person shall willfully refuse or fail to leave the property, station or substation of a Fire and EMS District when requested to do so by a lawful custodian of same if the person is committing, threatens to commit or

incites others to commit any act which would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of the District. Any person who violates this provision may be referred to law enforcement.

- (d) Certain portions of District meetings may be closed to the public pursuant to a valid exception of NMSA 1978 Section 10-15-1, otherwise known as the "Open Meetings Act".

Section 2.12 Meeting Documentation

- (a) Meeting minutes for all business, special and emergency meetings shall be taken and approved by the membership at the next regularly scheduled monthly business meeting.
- (b) Sign-in sheets for all business, special and emergency meetings shall be filled out and maintained and shall include the date, time, location of the meeting, and signatures for every District member, guest and member of the general public in attendance. Members and guests shall be differentiated on the sign-in sheets.
- (c) Each business and special meeting shall follow a written agenda approved by a majority of the membership eligible to vote. Emergency meetings may forego the requirement of following a written agenda.
- (d) A copy of the minutes and/or recordings of every business, special and emergency meeting shall be submitted to the County Fire Marshal's Office no later than two (2) weeks after they are approved by the membership, along with a copy of the sign-in sheet and written agenda for the meeting the minutes pertain to. These records shall be maintained according to the pertinent New Mexico statutes and regulations governing records retention.

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Article 3. District Membership Application Process

Section 3.01 Policy Statement

- (a) Rio Arriba County strives for swift emergency response times within its Fire and EMS Districts in order to promote the health, safety and welfare of its residents. The Fire and EMS Districts shall therefore be populated with individuals maintaining residences within said Districts or within close geographical proximity to the Districts as set forth below.

Section 3.02 Geographical Location

- (a) A prospective applicant maintaining their residence within the boundaries of an established volunteer Fire and EMS District shall submit an application for membership to the Rio Arriba County Fire & Emergency Services Administrative Office.
 - (1) A prospective applicant who has submitted an application as set forth in Subsection (a) above that is not approved for membership may submit an application for the closest Fire and EMS District that is geographically contiguous to the District in which they maintain their residence.
 - (2) A prospective applicant who has submitted applications pursuant to Subsections (a) and (a) (1) above that are not approved for membership may not submit further applications to any other Fire and EMS District.
- (b) A prospective applicant maintaining their residence outside of the boundaries of an established volunteer Fire and EMS District shall submit an application for membership to the closest Fire and EMS District that is geographically contiguous to the location where they maintain their residence.
 - (1) A prospective applicant who has submitted an application as set forth in Subsection (b) above that is not approved for membership may submit an application to the next closest Fire and EMS District that is geographically contiguous to the location of the individual's residence.
 - (2) A prospective applicant who has submitted applications pursuant to Subsections (b) and (b) (1) above that are not approved may not submit further applications to any other Fire and EMS District.
- (c) In order to determine which Fire and EMS Districts are closest to a prospective applicant's residence, the County Fire Marshal shall measure the shortest drivable distance from the individual's residence to the Fire and EMS District's fire station and/or base of operations.
- (d) Sections 3.02(a)-(c) shall not be applied retroactively to individuals who are members of a District on the date of enactment of these Bylaws.



Section 3.03 Application Process

- (a) Prospective applicants for membership in a Fire and EMS District shall hand-deliver a complete application together with a copy of their valid New Mexico Driver's License (front and back) and documentary verification of their place of residence to the Rio Arriba County Fire & Emergency Services Administrative Office.
 - (1) Application forms shall be made available online at the Rio Arriba County website, every Fire and EMS District station and at the Rio Arriba County Fire & Emergency Services Administrative Office.
 - (2) For good cause shown, the District Chief or County Fire Marshal may waive the requirement of providing a valid Driver's license and/or documentary verification of the applicant's place of residence. Examples of good cause may include a shared family residence or the absence of a Driver's License with no suspension or revocation in place.
 - (3) Any former member of a Fire and EMS District who was expelled pursuant to the processes contained in Article 7 of these Bylaws or administratively dismissed pursuant to Section 4.05(c)(3)(i) shall not be eligible for consideration of membership at any Rio Arriba County Fire and EMS District.
- (b) Upon receiving an application for membership, the Fire Marshal/Deputy Fire Marshal shall review the application and the District's budget for the following:
 - (1) Application completeness;
 - (2) Geographical location of residence and proximity to Fire District station;
 - (3) Past and present fire service experience and history;
 - (4) Past and present employment experience and history;
 - (5) Whether the Fire and EMS District has the financial and/or budgetary capacity to support new membership.
- (c) Applicants who have submitted a complete application will then be processed for a thorough background check to include a driving record.
- (d) Applicants shall disclose any and all criminal charges and convictions on their application.
 - (1) Applicants convicted of a felony or crimes of moral turpitude, DWI/DUI within the last three (3) years or having two (2) or more DWI/DUI convictions on their record, and applicants who have previously engaged in moral turpitude conduct may not be considered for membership.
 - (2) A prospective applicant who has been convicted of a misdemeanor crime that is not a crime of moral turpitude and has subsequently served his/her



sentence may be considered for membership. The District and/or the County nevertheless reserve the right to use past criminal conduct, behavior and/or convictions as a reason to deny an application.

- (3) Failure to disclose prior criminal history on an application shall result in:
 - (i) An application not being considered for membership by the District; or
 - (ii) Immediate disqualification from membership if the undisclosed criminal history is discovered by a background check.
- (4) The absence of a valid New Mexico driver's license on an application for membership shall result in immediate disqualification if the absence is discovered by a background check.
- (e) 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, veteran's status or medical condition unless based on a bona-fide occupational qualification.
- (f) If the Fire Marshal/Deputy Fire Marshal determine that an application is incomplete, the Fire Marshal/Deputy Fire Marshal shall contact the applicant at the telephone number listed on the application within thirty (30) days of the determination to inform him/her that the application was deemed incomplete and that the applicant has ten (10) days to complete the application. Applications that are not completed within ten days shall not be considered further.
- (g) Applicants who have successfully completed the background investigation will then have their application referred to the Fire District for Chiefs review and presentation to the district membership.
 - (1) The District Chief shall contact a prospective applicant at the telephone number listed on the application at least three (5) days prior to the date of the regularly scheduled meeting at which the application will be considered by the membership. The District Chief shall inform the applicant of their opportunity to make a presentation on the application prior to a membership vote-taking place.
 - (2) Upon completion of the applicant's presentation to the membership, the District Chief shall make a recommendation for either approval or denial and state the reasons for the recommendation.
 - (3) Upon receiving the recommendation from the District Chief, the membership shall vote on the proposed application by either secret ballot or acclamation, as determined by the District Chief.
- (h) Applicants approved by the Fire and EMS District membership shall receive conditional membership pending final approval by the County Fire Marshal.



- (1) Approved applications shall be submitted to the County Fire Marshal by the District Chief within five (5) business days of approval in order to complete the application process.
 - (2) The County Fire Marshal shall then contact the new member and schedule an appointment for the member to be issued an official identification card and a copy of the Rio Arriba County Fire & Emergency Services Fire & EMS District Bylaws. Once this process is complete the member may begin active duty with the Fire District.
- (i) Applicants who have fully completed the application process and been approved for membership will be covered under the Volunteer Firefighter Insurance Service (hereinafter referred to as "VFIS"). The member can now begin attending department functions and responding to emergency and non-emergency incidents. The Department Chief shall maintain a copy of the member application for department records.



Article 4. Volunteer District Members

Section 4.01 General Membership

- (a) The County shall strive to balance the needs, concerns, ideas and safety of the members with the County's legal obligation to operate the Fire and EMS Districts in accordance with all applicable local, state and federal laws and with the purpose of providing a necessary public service to the residents of and visitors to Rio Arriba County and a harmonious working environment within the Districts.

Section 4.02 Duties of the Fire and EMS District

- (a) Within thirty (30) days of being accepted as a member of a Fire and EMS District, volunteer members shall be provided an orientation on the operations of the District. This orientation may include an explanation of the command structure of the District, a tour of the District, the District station and District apparatus, and the proper use of personal protective equipment, subject to availability.
- (b) While on probationary status, new members shall be provided with temporary personal protective equipment necessary for training purposes to ensure their safety during all training exercises and fire and emergency responses.
- (c) Upon successful completion of an active duty member's probationary period, if the member is in good standing as defined by these Bylaws, the Fire and EMS District shall order and issue the member a complete set of bunker gear and if applicable, wildland gear. Any and all gear issued to a member shall not be embroidered, stenciled or personalized with the member's name in a permanent fashion. Any District gear that is personalized with a member's name shall be through the use of removable materials, i.e. hook and loop name patches or labels.
 - (1) Prior to being issued to a member, all Fire and EMS District gear and equipment shall be inventoried and the member shall sign a form approved by the County Fire Marshal specifying the make, model, type and quantity of gear and equipment issued, date of issue, and any applicable serial number or identifying information. The District Chief shall submit a copy of the signed form to the County Fire Marshal and maintain the original for District use. The Fire and EMS District shall not exceed the financial and operational capacity of the District to provide the minimum training and equipment necessary to comply with local, state and federal guidelines and these Bylaws.



Section 4.03 Privileges and Rights of Volunteer Members

- (a) Every volunteer member of a Fire and EMS District may request ongoing training in fire and emergency services, subject to availability of funding, space restrictions, courses offered, prerequisite requirements and the discretion of the District Chief and/or County Fire Marshal.
- (b) Every volunteer member shall be entitled to enroll in the State of New Mexico Volunteer Firefighter Retirement Program. Enrollment will not determine eligibility for benefits. Eligibility for the volunteer firefighters' retirement program is determined by the Public Employees Retirement Association (PERA) based on the requirements defined in the Volunteer Firefighter Retirement Act and further defined herein.
- (c) Every volunteer member shall be entitled to enroll in the Volunteer Firefighters Insurance Service.

Section 4.04 Refusal of Assignments

- (a) All Fire and EMS District members have the right to refuse to perform a task on an emergency scene or training exercise when they believe in good faith that by their training, experience, mental or physical condition, lack of adequate firefighting equipment and/or PPE or that risk versus gain is unacceptable for any reasonable benefit to be achieved they are incapable of performing said task without creating a hazardous condition for themselves or any other person.
- (b) An Incident Command/Emergency Scene Supervisors may propose modifications to the task to address the member's concerns. A member who still believes in good faith that they are incapable of performing the modified task without creating a hazardous condition shall have the right to refuse the modification.
- (c) Any Fire and EMS District member who refuses in good faith to obey orders based on the grounds in sub-paragraphs (a) and (b) of this Section shall not have disciplinary action taken against them for said refusal, but may be required to undergo remedial training at the discretion of the District Chief.
- (d) An Incident Command/Emergency Scene Supervisor may relocate a member who refuses to perform a task to a safe zone outside of the emergency scene or training exercise. Any refusal by a member to relocate shall constitute insubordination.

Section 4.05 Duties of Volunteer Members

- (a) All members of a Fire and EMS District shall adhere to these Bylaws, and all applicable policies, procedures, directives and regulations.
- (b) All members of a Fire and EMS District shall have the duty to conduct themselves in a manner that promotes harmonious relations among the members of the District and that recognizes that divisive conduct undermines the common loyalty and trust that makes a Fire and EMS District successful.



- (c) Each Rio Arriba Fire and EMS District member has a duty to maintain good standing in the District by attending District business meetings, training meetings and by responding to emergency calls in accordance with the requirements set forth below, within these Bylaws and/or other pertinent guidelines approved by the District Chief, the County Fire Marshal or the County Manager and/or the BOCC as applicable.
- (1) Active Member in Good Standing. An active member in good standing shall be in compliance with the following:
- (i) Is at least 18 years of age;
 - (ii) Has completed the probationary period and is not currently on disciplinary probation, subject to pending disciplinary action or on an approved leave of absence;
 - (iii) Attends a minimum of fifty-percent (50%) of all regular business meetings in the preceding twelve (12) months of any given date;
 - (iv) Attends a minimum of fifty-percent (50%) of all required District training meetings in the preceding twelve (12) months of any given date;
 - (v) Responds to a minimum of thirty-five percent (35%) of all emergency fire and EMS responses that the member's District is paged out for by Central Dispatch in the preceding twelve (12) months of any given date;
 - (a) Stand-by Responders. Members who respond to a fire or EMS emergency page out by reporting to the District station in a stand-by capacity shall be considered to have responded to a call despite the fact that the member did not respond to the emergency scene and should be included in the National Fire Incident Reporting System report (hereinafter referred to as "NFIRS").
 - (b) EMS Support Responders. Firefighters who are not certified EMS responders shall respond to EMS calls in a support capacity only, and shall receive credit for meeting their obligation to respond as required by sub-paragraph (v), above and should also be included in the NFIRS report.
 - (vi) Has a clear criminal record with no current or pending criminal charges;
- (2) Any active member in good standing as of the date of a District meeting shall be eligible to vote on District business.
- (3) Inactive Member. Any member who fails to attend District meetings, training meetings and respond to emergency fire and EMS responses for seven (7) consecutive months without having filed a written leave of



absence in accordance with these Bylaws shall be considered to be inactive in the District.

- (i) Administrative Dismissal. Inactive members may be considered to have abandoned their membership with the District and may be administratively dismissed by the District Chief. For the purposes of this sub-section, administrative dismissal shall constitute written notice of dismissal by the District Chief sent to the member by both First Class U.S. mail and Certified Mail Return Receipt Requested to the member's last known address.
 - (ii) Appeal of Administrative Dismissal. A member who has been administratively dismissed may appeal the dismissal by filing a written request for a hearing with the District Chief within ten (10) calendar days from the date of dismissal. Upon receipt of the written request, the District Chief shall follow the requirements of Section 7.04(b)(4)(i)-(viii), and shall act as the hearing officer or designate a hearing officer. No further appeals of an administrative dismissal may be taken.
- (4) Active Member not in Good Standing. Any member who does not fulfill the requirements of good standing but whose participation is sufficient for them to not be considered inactive. Active members not in good standing may not vote or serve in elected or appointed positions.
- (d) Any member whose membership terminates from the District for any reason, including but not limited to resignation, administrative dismissal, expulsion, etc. shall return all District gear and equipment issued to him/her to the District Chief within ten (10) days from the date of termination. The member shall be solely responsible for obtaining a written receipt indicating the date and type of gear and equipment returned.
- (1) Failure to return all gear and equipment issued to the member within ten (10) days from the date of termination of membership may result in an invoice of the purchase value of the gear and equipment being sent to the member's last known address. If the invoice remains unpaid or the gear and equipment are not returned after thirty (30) days from the date of invoice, a lien may be placed on the member's properties and/or the matter may be referred to law enforcement for investigation and prosecution of any applicable criminal violations related to the missing gear and equipment.



- (e) Members shall immediately disclose any criminal arrests, convictions or loss of driving privileges to the District Chief and the County Fire Marshal. The County Fire Marshal shall obtain copies of the criminal information filed against the member in consultation with the County Attorney and shall disseminate this information to the District Chief to determine the appropriate action to be taken.
- (1) Members arrested for felony or misdemeanor offenses shall be placed on administrative leave pending resolution of the offense and may not attend meetings, training sessions or respond to emergency calls.
 - (2) Members on administrative leave for more than thirty (30) days shall turn in all District-issued equipment and gear in accordance with Section 5.05(a)(1)-(3).
 - (3) Members shall not qualify for the Volunteer Firefighter Retirement Program (hereinafter referred to as "PERA") or the VFIS for the time period that they are on administrative leave.
 - (4) Members convicted of misdemeanor offenses shall be placed on disciplinary probationary status for a period not to exceed six (6) months. During the probationary period, any subsequent criminal action(s) by the member shall result in disciplinary action up to and including dismissal.
 - (5) Members convicted of a felony shall be immediately dismissed from membership and shall turn in all District issued equipment and gear in accordance with Section 5.05(a)(1)-(3).
 - (6) Members who lose their driving privileges for any reason shall not drive their personal vehicles or District apparatus to emergency scenes and shall not drive their personal vehicles to District meetings or training sessions until they can provide written proof of reinstatement. Violation of this sub-section shall be grounds for immediate dismissal.

Section 4.06 Oath of Office

- (a) The following Oath of Office may be used for swearing in a volunteer member of a Fire and EMS District:

OATH

I, [insert name], do solemnly swear 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 Rio Arriba County; that I will be obedient to the Bylaws, Policies, Orders, Rules and Regulations of the Fire and EMS District; that I will conduct myself with integrity and in a manner that promotes harmonious relations among the members of my District; that I will recognize that divisive conduct undermines the common loyalty and trust that makes a Fire and EMS District successful, and that I will faithfully and impartially execute the duties of a member of this District to the best of my ability, so help me God.



Section 4.07 Status of Volunteer Members

Fire and EMS District membership shall be determined and defined as one of the following:

- (a) **Active Duty:** A volunteer member of a Fire and EMS District who performs all aspects of firefighting and/or emergency services and otherwise meets the requirements listed below:
 - (1) Is in good standing in accordance with these Bylaws;
 - (2) Has undergone training on the operation of all District apparatus, vehicles and equipment.
 - (3) Has a valid New Mexico Driver's License and/or a valid class E license to operate any apparatus;
 - (4) Is without medical restrictions and is physically capable of performing all aspects of firefighting and/or emergency services.

- (b) **Limited Duty:** A volunteer member of a Fire and EMS District who because of injury or medical restriction(s) is unable to perform all aspects of active duty firefighting and/or emergency services. A limited duty member shall be required to meet all of the requirements of an active duty member except for subparagraph (4), above.
 - (1) A member who wishes to be temporarily or permanently placed on limited duty shall submit supporting documentation to the District Chief from a licensed medical provider verifying the need to be placed on limited duty, including the activities which the member is able and/or unable to perform.
 - (2) A member on temporary limited duty shall submit a medical release from a licensed medical provider removing all restrictions prior to returning to active duty status.
 - (3) Subject to their specific injury or medical restrictions, a limited duty member may provide support services on a fire and/or emergency scene,
 - (4) Limited Duty members in good standing may hold elected and appointed office.

- (c) **Probationary:** A new volunteer member of a Fire and EMS District.
 - (1) The probationary period for a new member shall be six (6) months. At the discretion of the District Chief and County Fire Marshal, the probationary period may be reduced or waived for members who transfer from one Fire and EMS District to another or who can provide documentation of training and/or experience in firefighting or emergency services from another jurisdiction or agency.



- (2) While on an emergency scene, probationary members may only be assigned duties outside of the fire zone under direct supervision.
 - (3) Probationary members shall be required to adhere to the attendance requirements specified in Section 4.05(c)(1) of these Bylaws.
 - (4) Probationary members are encouraged to successfully complete HAZMAT Awareness, CPR/First Aid, minimal wildland training (L180-S130 and S190) and Incident Command System 100 and 200 self-study courses prior to the completion of their probationary period.
 - (5) Probationary members shall not be eligible to vote or hold elected or appointed office but may participate in PERA and shall be covered by VFIS during their probationary period.
 - (6) Members on the probationary period may be dismissed or expelled without cause and will not be entitled to the due process provisions in these Bylaws. Dismissals and expulsions of probationary members shall not be subject to appeal.
- (c) **Disciplinary Probation:** A member placed on probation as a result of a disciplinary action. Members on disciplinary probation shall not be eligible to vote or hold elected or appointed positions. Members holding elected or appointed positions when placed on disciplinary probation shall forfeit that position for the entirety of their probation. A member may be placed on disciplinary probation for a period not to exceed six (6) months. Further disciplinary action up to and including dismissal may be taken on any member who violates any provision of these Bylaws or commits criminal action(s) while on disciplinary probation.
- (d) **Junior Firefighter/Cadet:** A member of a Fire and EMS District who has reached a minimum age of sixteen (16) but is less than eighteen (18) years old who is participating in the Junior Firefighter/Cadet Program outlined in Article 9. In accordance with NMSA 1978 Section 50-6-4(A)(7), children under the age of sixteen (16) are prohibited from firefighting.
- (e) **Auxiliary:** A member of a Fire and EMS District who provides administrative or other support services for the Fire and EMS District.
- (1) Auxiliary members may participate in all Fire and EMS District social activities, business meetings, and training meetings, including but not limited to assisting with District record-keeping, database entry, purchasing, fundraising, public education and outreach activities and other District-related administrative duties.
 - (2) Auxiliary members may respond to any fire or EMS call but their participation shall be limited to duties performed in the safe zone.
 - (3) An auxiliary member with current "Coaching the Emergency Vehicle Operator" certification, (otherwise known as "CEVO certification") and "E" licensure may drive and/or operate an apparatus with the approval of the District Chief or his designee.



- (4) Auxiliary members who maintain the requirements of good standing shall be eligible to vote and hold an appointed office, but may not hold elected office.
- (5) Auxiliary members shall be covered under VFIS and may participate in PERA.
- (f) Charter: A member of a Fire and EMS District who was a founding or original member of a Rio Arriba County Fire and EMS District may be granted the status of Charter Member. Charter Members may attend business meetings but shall not be eligible to vote, hold elected or appointed office, respond to emergency calls or participate in PERA or be covered by VFIS.
- (g) Honorary: A member of a Fire and EMS District who has been so recognized by a vote of the majority of the members of a 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 membership of the District, has made a significant contribution to the efforts of the District. Honorary members may attend business meetings but shall not be eligible to vote, hold elected or appointed office, respond to emergency calls or participate in PERA or be covered by VFIS.
- (h) Retired: A member of a Fire and EMS District who has reached the minimum age of fifty-five (55) and is receiving a volunteer firefighter's pension from PERA.
 - (1) A retired member of a Fire and EMS District may continue service but may not accrue additional PERA service credits in accordance with the Volunteer Firefighters Retirement Act. Retired members who meet the requirements of good standing shall be eligible to vote, hold elected and appointed office and be covered by VFIS.
 - (2) Members may also be considered retired if they have incurred a disability which prevents them from performing the normal duties and responsibilities of an Active, Limited Duty or Auxiliary member as certified by a licensed medical provider. Members who are retired based on a disability shall not be eligible to vote, hold elected or appointed office or accrue additional PERA service credits.

Section 4.08 Leave of Absence

- (a) Members of a Fire and EMS District may submit a written request to the District Chief for a leave of absence when personal, employment, or other circumstances prevent them from fulfilling their membership duties for an extended period of time greater than ninety (90) days.
- (b) The District Chief shall respond to a request for a leave of absence in writing. If a leave of absence is granted, an agenda item at the District's next business meeting shall reflect the name of the member(s) taking a leave of absence.
- (c) At the discretion of the District Chief, members who are granted a leave of absence may be required to return all District owned radios, gear and equipment issued to the member by the District for storage or re-issue to other members.



- (d) Members returning to the District shall have their membership status reinstated to the status they held at their time of departure. Members on a leave of absence may not receive PERA credit for the time the member is on leave.
- (e) District officers shall relinquish their position upon taking a leave of absence. Reinstatement to the position upon return from a leave of absence shall be at the discretion of the District Chief.

Section 4.09 PERA Member Qualifications

- (a) A member of the Fire and EMS District who meets the annual Active, Limited, Auxiliary or Junior Firefighter/Cadet duty requirements and the requirements of the Volunteer Firefighters Retirement Act listed below shall receive one (1) service credit for each year that the requirements are met.
- (b) The eligibility requirements for PERA are as follows:
 - (1) The member attended fifty percent (50%) of all scheduled fire drills that the District held the member responsible to attend;
 - (2) The member attended fifty percent (50%) of all scheduled business meetings that the District held the member responsible to attend;
 - (3) The member participated in at least fifty percent (50%) of all fire and EMS emergency response calls that the District held the member responsible to attend.
- (c) It is imperative that all District members understand that the Fire and EMS District requirements for a member in good standing are less stringent than the eligibility requirements for PERA service credits. Although a member may be in good standing with the District for a given year, that member may not necessarily have met the requirements listed above to receive PERA service credit for that same given year.
- (d) If for any reason an individual has secured membership in more than one (1) Fire and EMS District, under no circumstances may that individual claim PERA service credits for more than one (1) District or multiple service credits in one (1) year.



Article 5. Elected and Appointed Positions

Section 5.01 District Officers

- (a) The Officers of a Fire and EMS District assume the general supervisory responsibilities and authorities granted by the BOCC and the County Manager to administer and coordinate the daily operations of the District and to facilitate the District's ability and readiness to respond to emergencies within the District.

Section 5.02 Eligibility to serve as an Elected and/or Appointed District Officer.

- (a) Only members in good standing who have no convictions, suspended sentences, deferred sentences or conditional discharges for felony offenses, crimes of moral turpitude or crimes of violence shall be eligible to serve as elected or appointed District Officers.
- (b) A candidate for elected or appointed office is encouraged to acquire a minimum of basic firefighting training consisting of Introduction to Fire Fighting, Basic Wildland and ICS 100, 200 and 300.

Section 5.03 Composition and Duties of District Officers.

- (a) Each Fire and EMS District shall consist minimally of the following:
 - (1) District Chief. The District Chief must be an active or limited duty member and the duties of the position shall include the following:
 - (i) Assume responsibility for and supervise the administration and operation of the District, including personnel, budget, training, equipment inventory and emergency responses.
 - (ii) Ensure the District operates under the local, state and federal statutes governing Fire and EMS response organizations, all other pertinent Standard Operating Guidelines, and in compliance with these Bylaws.
 - (iii) Manage emergency scenes utilizing the Incident Command System (ICS) and other relevant safety/operational procedures.
 - (iv) Be responsible for all reporting as required by statute to include but not limited to the New Mexico Emergency Medical Services Tracking and Reporting System (otherwise known as "NMEMSTARS") and NFIRS.
 - (v) Preside over or appoint a representative to preside over all District meetings.
 - (vi) Ensure all District apparatus, equipment and stations are routinely inspected and maintained in a ready status.



- (vii) Appoint standing committees as needed to perform special functions for the District.
 - (viii) Serve as an ex-officio member of committees involving the District under their command.
 - (ix) As necessary, ensure the efficient and competent operations of the District by separating and delegating the duties listed for other District Officers to any other member whose qualifications and capacity allow them to fulfill those duties.
 - (x) Attend or appoint a representative to attend the Rio Arriba Fire and Rescue Association business meetings.
 - (xi) All other duties as required by the County Fire Marshal or County Manager.
- (2) Assistant District Chief. The Assistant District Chief must be an active or limited duty member and the duties of the position shall include the following:
- (i) Assume all duties and responsibilities of the District Chief in their absence or inability to perform.
 - (ii) Supervise training of new members including the assignment of mentors for each new member.
 - (iii) Be responsible to the District Chief for supervising the inspection and maintenance of apparatus, equipment and stations within the Fire and EMS District.
 - (iv) All other duties as assigned by the District Chief, County Fire Marshal or County Manager.
- (3) Finance Officer/Treasurer. The Finance Officer/Treasurer must be an active, limited duty or auxiliary member. This position may be consolidated with the Secretary position at the discretion of the District Chief, and the duties of the position shall include the following:
- (i) Be responsible to the District Chief and Assistant District Chief for the diligent accounting of the District budget and expenditures using standard accounting methods.
 - (ii) Maintain and report to the membership on a regular basis regarding the balance of checking accounts and community funds obtained through donations and fundraising events using standard accounting methods.



- (4) Secretary. The Secretary must be an active, limited duty or auxiliary member, and the duties of the position shall include the following:
 - (i) Be responsible to the District Chief and Assistant District Chief for the maintenance and keeping of all District records including but not limited to recordings of meetings and/or meeting minutes, meeting agendas, training and business meeting sign-in sheets, personnel files and District apparatus and equipment maintenance records.
 - (ii) Maintain accurate and ongoing District membership rosters, including members in good standing.
 - (ii) Report to the membership on the status of membership rosters, VFIS and PERA eligibility requirements.
 - (iii) Prepare and submit annual reports to the District Chief for signature and reporting to the County Fire Marshal for PERA.
 - (iv) Maintain an accurate and ongoing record of District emergency calls and responses and enter the required data into NFIRS and NMEMSTARS or any other reporting requirements as necessary. Submit reports regarding these systems to the District Chief and County Fire Marshal as requested.

- (b) At the discretion of the District Chief, the following appointed positions may be created as needed:
 - (1) District EMS Coordinator. The EMS Coordinator must be an active or limited duty member and hold a current State of New Mexico EMS License.
 - (2) District Captain(s). A District in need of additional command structure may establish the District Captain position(s). If appointed, the District Captain position(s) must be active or limited duty members and the duties of the position(s) shall be as follows:
 - (i) Perform any and all duties as assigned by the District Chief or other command officer.
 - (ii) Report to the District Chief up the chain of command regarding the performance of any and all assigned duties.
 - (iii) In the absence of the District Chief and the Assistant District Chief, the senior Captain shall assume all leadership duties and responsibilities thereof.
 - (3) District Lieutenant(s). A District in need of additional command structure may establish the District Lieutenant position(s). If appointed, the District Lieutenant position(s) must be active or limited duty members and the duties of the position(s) shall be as follows:



- (i) Perform any and all duties as assigned by the District Chief or other command officer.
 - (ii) Report to the District Chief up the chain of command regarding the performance of any and all assigned duties.
 - (iii) In the absence of the District Chief, the Assistant District Chief or District Captain(s), the senior District Lieutenant shall assume all leadership duties and responsibilities thereof.
- (4) District Engineer/Maintenance Officer. The District Engineer/Maintenance Officer position may be established by a District as necessary. If appointed, the District Engineer/Maintenance Officer position must be an active, limited duty or auxiliary member and the duties of the position shall be as follows:
- (i) Be responsible for inspection, maintenance and operation for one or more apparatus and emergency vehicles within a Fire and EMS District as assigned by the District Chief.
 - (ii) Be responsible for coordinating and planning necessary district training for apparatus, pump operations and emergency vehicle operation under the supervision of the District Chief or the Assistant District Chief.
 - (iii) Maintain an accurate and ongoing list of members who are qualified by training and experience to drive and operate District apparatus, and schedule initial and refresher apparatus trainings on a regular basis.
 - (iv) Review and approve qualified members' applications to receive "E" licenses from the Motor Vehicle Division of the State of New Mexico.
 - (v) All other duties as assigned by the District Chief or other command officer.
- (5) District Fire Prevention and/or District Fire Training Officer(s). The District Fire Prevention and/or District Fire Training Officer positions may be established by a District as necessary. If appointed, the District Fire Prevention and/or District Fire Training Officer positions must be active, limited duty or auxiliary members and the duties of the positions shall be as follows:
- (i) Prepare and present fire prevention assessment reports to the membership. These reports shall be the result of fieldwork that identifies fire dangers and potentially dangerous conditions in the District.
 - (ii) Conduct fire prevention training to the membership and conduct fire prevention education to District residents.



- (iii) All other duties as assigned by the District Chief or other command officer or official.

- (6) Miscellaneous Positions. The District Chief may create miscellaneous appointed positions as necessary. The District Chief shall provide written notice of the creation of miscellaneous appointed positions to the County Fire Marshal.

Section 5.04 Terms of Office and Term Limits.

- (a) There shall be no more than one District Chief and one Assistant District Chief per Fire and EMS District.
- (b) The elected and/or appointed term of office for each District Officer shall be one (1) year. All members elected to a District office may serve a maximum of four (4) consecutive terms in that office.
- (c) An elected District Officer who is termed out of office shall wait a minimum of one (1) term of office before being eligible for nomination and election to that office, but shall be immediately eligible for nomination, election and/or appointment to a different office.
- (d) The County Fire Marshal or County Manager may provide written authorization for extensions of the term limits and/or waivers of the waiting period set forth above.



Article 6. Election and Appointment of District Officers

Section 6.01 Election of District Officers

- (a) The District Chief and Assistant District Chief shall be nominated and elected on an annual basis by active, limited duty, auxiliary or retired members in good standing as defined by these Bylaws.
- (b) The annual election shall be held at the regular business meeting in June of each year.
- (c) Prior to the election, eligibility to vote shall be determined by the presiding member of the meeting and a roll of eligible members shall be recorded in the minutes. If no quorum is present at the annual election meeting, a Special Meeting shall be scheduled within ten (10) days to conduct the election. If no quorum is present at a Special Meeting duly scheduled, the elected and appointed positions in the District shall be considered vacant and the County Fire Marshal shall have the authority to fill those positions by appointment until such time as a valid election can be conducted.
- (d) Prior to the election, eligible voting members shall select the method of election. The method of election shall be either secret ballot or acclamation. The selected method shall be recorded in the minutes.
- (e) Eligible candidates for elected office shall be nominated, seconded and the nominations opened for discussion prior to a vote being taken. Eligible candidates may not nominate themselves or second their own nominations.
- (f) Eligible candidates must receive a majority of the votes cast to prevail in an election. If only one person is nominated for elective office, that person may be elected by a vote of acclamation by a majority of eligible voting members present. In the event of a tie vote, the County Fire Marshal shall cast the deciding vote as soon as practicable.
- (g) The District Chiefs shall submit the results of their District elections to the County Fire Marshal within ten (10) days from the date of election. The County Fire Marshal shall review the election results for full compliance with these Bylaws and any other applicable legal authority and make a recommendation to the County Manager that the results be either accepted or rejected.
- (h) The County Manager shall review the County Fire Marshal's recommendation and shall only take action if the determination is made to reject the election results. If the election results are rejected the election shall be considered null and void. The County Manager shall state the reason(s) for the rejection in writing with directives for how the District must come into compliance with these Bylaws and any other applicable legal authority before a new election is held.



- (i) Newly elected officers shall take office July 1st unless the results of the election have been rejected by the County Manager, in which case the new officers shall not take office until the reasons for the rejection have been resolved and a new election has been held. If election results are rejected, the previous administration of elected officers shall continue to fulfill their duties until such time as an election has been approved.

Section 6.02 Appointment of District Officers.

- (a) Immediately upon being elected, the District Chief shall make the following appointments of District Officers:
 - (1) Finance Officer/Treasurer
 - (2) Secretary
 - (3) At least one (1) District Captain, if the District Captain position has been created pursuant to Section 5.03(b)(2).
- (b) At any time during his/her term, the District Chief may make the following appointments of District Officers:
 - (1) District EMS Coordinator
 - (2) Additional District Captains, who will report to the senior District Captain.
 - (3) District Lieutenant(s)
 - (4) District Engineer/Maintenance Officer
 - (5) District Fire Prevention and/or District Fire Training Officer(s)
 - (6) Miscellaneous Position(s)
- (c) All mandatory appointments made by the District Chief upon being elected shall immediately be submitted to the eligible voting members present for majority approval by acclamation. Any further appointments made by the District Chief shall be made in a regular business meeting and shall immediately be submitted to the eligible voting members present for majority approval by acclamation. In the event that any appointment is not approved by a majority of eligible voting members present, the appointed position shall be considered vacant until an approved appointment is made.

Section 6.03 Vacancies

- (a) If for any reason the District Chief position becomes vacant, an election shall be held at the next regularly scheduled business meeting at which a quorum of members in good standing who are eligible to vote is present. The Assistant District Chief shall assume the position until such an election is held. If a quorum cannot be reached, appointment of the District Chief shall be made by the County Fire Marshal and approved by the County Manager.



- (b) If for any reason the Assistant District Chief position becomes vacant, an election shall be held at the next regularly scheduled business meeting at which a quorum of members in good standing who are eligible to vote is present. The next senior position in the District's command structure shall assume the position until such an election is held.
- (c) If for any reason both the District Chief and the Assistant District Chief positions become vacant, appointment of the District Chief and the Assistant District Chief positions shall be made by the County Fire Marshal and approved by the County Manager. Appointees made by the County Fire Marshal pursuant to this section shall serve the remainder of the vacated elected term, at which time the regular election procedure in Section 6.01 shall apply. Filling a vacated elected term shall not count towards term limit requirements.
- (d) Elections conducted pursuant to this section shall conform to the relevant procedural requirements in Section 6.01.
- (e) If for any reason the Secretary, Finance Officer/Treasurer or District Captain positions become vacant, the District Chief shall make a new appointment at the next regularly scheduled business meeting and the appointment shall be submitted to the members in good standing eligible to vote pursuant to Section 6.02(c).
- (f) If for any reason any other appointed position becomes vacant, the position may be filled at the discretion of the District Chief and the appointment shall be submitted to the members in good standing eligible to vote pursuant to Section 6.02(c).
- (g) Any elected or appointed position held by a member who is subject to disciplinary action, criminal investigation, criminal prosecution or administrative dismissal shall be considered vacant and subject to election proceedings or appointment regardless of the amount of term remaining.



Article 7. Discipline and Expulsion of Members

Section 7.01 Authority Granted.

- (a) The District Chief shall have disciplinary authority over any member of a Fire and EMS District, up to and including expulsion from the District.
- (b) The County Fire Marshal shall have disciplinary authority over any member of a Fire and EMS District, including the District Chief.
- (c) The membership in good standing of a Fire and EMS District shall have the authority to expel members from the District pursuant to the procedure set forth in Section 7.05.

Section 7.02 Progressive Discipline.

- (a) This section shall apply to all disciplinary actions initiated by either the District Chief or the County Fire Marshal.
- (b) Disciplinary actions initiated by either the District Chief or the County Fire Marshal shall subscribe to the concept of progressive discipline for all members who have completed the probationary period. However, there may be instances when a disciplinary action including immediate dismissal may be appropriate without first having imposed a less severe form of discipline.
- (c) Verbal Warning. A verbal warning may be used to correct minor infractions of performance or conduct. Members who are issued a verbal warning shall be notified that further infractions may result in additional disciplinary action being taken. The District Chief shall document the date, time, reason for and discussion of the circumstances of the verbal warning in writing and place a copy in the member's District file.
- (d) Written Reprimand. A written reprimand may be issued for the following:
 - (1) Repeated minor infractions.
 - (2) When an infraction is more substantial than that for which a verbal warning may be issued.
 - (3) When a previous verbal warning is not complied with.
- (e) Suspension. A member may be suspended from all District activities for a single, serious infraction or for continued inadequate performance or misconduct after previous disciplinary action(s) have not been effective.
- (f) Additional Disciplinary Actions. The following disciplinary actions may be combined with Written Reprimands or Suspensions.
 - (1) Demotion or Loss of Rank.



- (2) Disciplinary Probation.
- (g) Expulsion. A member may be expelled from the District for a single, serious infraction or for continued inadequate performance or misconduct after previous disciplinary action(s) have not been effective.
- (h) Good cause for disciplinary action. Disciplinary action on members who have completed the probationary period shall be based on good cause. Good cause for disciplinary action, up to and including expulsion, shall include but not be limited to the following:
 - (i) Insubordination or failure to follow a direct order given by a superior Officer or Incident Commander.
 - (ii) Dereliction of duty or gross negligence in the performance of duties.
 - (iii) Performance of any membership duties or being on County or District premises while under the influence of alcohol, controlled substances and/or mind-altering substances.
 - (iv) The theft, unauthorized use, misuse, abuse or mismanagement of District resources, including but not limited to funds, equipment, apparatus, records, stations and premises.
 - (v) Misuse or abuse of Fire and EMS District insignia, identification, or privilege, including but not limited to misrepresentation of authority and/or any act that implies an inappropriate level of authority and/or intimidates a member of the public.
 - (vi) Conduct unbecoming an officer or member of the Fire and EMS District.
 - (vii) Sexual misconduct or physical, mental or sexual harassment of another member of the District or a member of the public.
 - (viii) Actions that endanger the member, other members, and/or the public.
 - (ix) 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 Fire and EMS District.
 - (x) Failure to follow the requirements of a previous disciplinary action.
 - (xi) Misuse or abuse of an emergency vehicle operator permit or license.
 - (xii) Interference with a law enforcement officer.
 - (xiii) Misuse or abuse of District radio or communication equipment and/or



violating Federal, State, County or District communication protocols.

- (xiv) Failure to report damage to any station, District apparatus, vehicle or equipment caused by the member or by another member of the District.
- (xv) Destruction of District records or reports.
- (xvi) Submission of inaccurate and/or untimely District records, reports or correspondence.
- (xvii) Failure to follow and/or comply with State and County procurement codes, rules, regulations and Finance Department procedures.
- (xviii) Misrepresentation of firefighting and/or EMS qualifications, level of training, licensure or experience.
- (xix) The display, use or presentation of firearms while on an emergency response or on any District stations or premises.
- (xx) Fighting, striking, assaulting, threatening, intimidating, coercing, using abusive or vulgar language, or interfering with the performance of other members, members of other Districts or members of the public.
- (xxi) Criminal activity or acts of moral turpitude.
- (xxii) Providing medical treatment without the appropriate licensure or having patient contact without having received approval from the County Medical Director.
- (xxiii) Should any of the conduct listed above take place during an incident response, any member may be ordered to vacate a scene at the discretion of the Incident Commander.

Section 7.03 Disciplinary Process.

- (a) The disciplinary process in this section shall apply to all disciplinary actions initiated by the District Chief or County Fire Marshal on members who have completed the probationary period.
 - (1) When it appears that good cause exists to take disciplinary action, the District Chief or County Fire Marshal shall conduct an investigation into the possible infraction(s).
 - (2) The District Chief may appoint a district officer to assist in the investigation.
 - (3) The County Fire Marshal may appoint a designee to assist in the investigation.
 - (4) If applicable, the District Chief, County Fire Marshal and/or assisting district officer and designee shall review relevant documents, videos or



recordings regarding the infraction and speak with potential witnesses during the investigation process.

- (5) If the District Chief or County Fire Marshal has first-hand knowledge of the infraction(s), disciplinary action may be initiated without an investigation being first conducted.
- (b) Due Process. Members who have completed the probationary period shall be entitled to notice and an opportunity to respond.
- (1) Notice. The District Chief or County Fire Marshal shall provide written notice of proposed disciplinary action. The notice shall contain the following:
 - (i) A summary of the allegations against the member;
 - (ii) An explanation of the evidence that supports the allegations;
 - (iii) The proposed discipline;
 - (iv) The date, time and location of a pre-determination hearing during which the member shall be given the opportunity to respond to the allegations and explain why the proposed discipline should not be taken.
 - (2) The following methods of service of the notice upon the member may be utilized. Notice shall be served upon the member via the method most likely to be successful.
 - (i) In person hand delivery;
 - (ii) By both First Class U.S. mail and Certified Mail Return Receipt Requested to the member's last known address;
 - (a) Valid service may be presumed to have taken place when the member does not sign for the Certified Mail but the First Class U.S. mail is not returned.
 - (iii) Email, if the member is known to regularly access email;
 - (iv) Any combination of the above mentioned methods.
 - (3) Pre-Determination Hearing. The following procedure for pre-determination hearings is hereby established:
 - (i) The District Chief or the County Fire Marshal shall convene the pre-determination hearing with the member and a District Officer or other third party selected by the District Chief or County Fire Marshal. The District Officer or the third party shall be present in an observational capacity only;
 - (ii) The hearing shall be recorded;



- (iii) The District Chief or County Fire Marshal shall present the allegations, the evidence supporting the allegations and the proposed discipline to the member and ask for a response and an explanation as to why the disciplinary action should not be taken;
 - (iv) The member shall not be allowed legal representation or a third party to speak for them at a pre-determination hearing.
 - (v) If the member makes a response, said response shall be truthful. Failure to be truthful in a pre-determination hearing shall constitute good cause forsaking the proposed disciplinary action.
 - (vi) The member may choose to refrain from making a response.
 - (vii) The District Chief or County Fire Marshal shall make a decision after the pre-determination hearing deemed appropriate in light of the investigatory findings and the member's response. The decision shall be in writing, issued no later than fifteen (15) days from the date of the pre-determination hearing and served upon the member pursuant to the methods authorized in Section (b)(2)(i)-(iv), above.
- (4) Post-Disciplinary Appeal Procedure. For disciplinary actions that include suspension or expulsion, members who have completed the probationary period may appeal the decision as follows:
- (i) By filing a written request for an appeal to the County Manager with copies provided to the District Chief and County Fire Marshal within seven (7) calendar days from the date of the decision.
 - (ii) The written request shall specify the disciplinary action being appealed, the date of the decision, the date the written request is being filed, and the relief requested by the member and include a copy of the disciplinary decision.
 - (iii) Failure to file the written request for an appeal within seven (7) calendar days from the date of the decision shall constitute waiver of the member's right to appeal.
 - (iv) If the written request is filed within seven (7) calendar days, the County Manager shall schedule a hearing to take place within thirty (30) days from the date of the request.
 - (v) The hearing shall be recorded.
 - (vi) The County Manager may serve as the hearing officer or appoint a hearing officer to act on his/her behalf.
 - (vii) The hearing shall be conducted in a quasi-judicial manner. The member and District Chief or County Fire Marshal may elect to have legal representation and shall be afforded the opportunity to



submit exhibits and call and cross-examine witnesses. The technical Rules of Evidence shall not apply to any hearings conducted pursuant to this section.

- (viii) Decisions made by the County Manager or hearing officer pursuant to this section shall be considered final and not subject to further appeal.
- (5) Verbal warnings, written reprimands, demotions/loss of rank and placement on disciplinary probation are excluded from the disciplinary appeal procedure. A written rebuttal of these disciplinary actions may be submitted by the member and placed in the member's file.

Section 7.04 Removal from Office or Expulsion by District Membership.

- (a) Policy statement. Firefighting and emergency response are inherently dangerous activities that require members to function in the closest coordination with each other for the benefit of the public that they serve. The continued success of the Fire and EMS Districts is therefore contingent upon trusting and harmonious relations among members. The following conduct and actions are hereby declared to be good cause for the District membership to vote upon whether to remove a member from elected or appointed office or to expel the member from the District altogether:
 - (1) Conduct that is divisive and/or detrimental to the morale of the District.
 - (2) Conduct that renders a member unfit for duty.
 - (3) Actions that are detrimental to the best interests of the District.
 - (4) Actions that undermine the authority of the District officers.
 - (5) Actions that undermine the efficiency or effectiveness of the District.
- (b) Removal or Expulsion Process. When a good faith belief exists that conduct or actions in violation of sub-section (a)(1)-(5) above are occurring, any three (3) active members in good standing of a District may file a petition with the County Fire Marshal for removal from elected or appointed office or expulsion of the member(s) from the District who are alleged to be engaged in said conduct, with a copy of said petition provided to the District Chief. The petition shall be in writing and state with reasonable particularity the allegations against the member(s).
 - (1) Upon receipt of a petition for expulsion, the County Fire Marshal shall provide notice of the allegations to the accused member(s) in accordance with the notice provisions set forth in Section 7.04(b)(2)(i)-(iv).
 - (2) The County Fire Marshal shall then empanel a committee composed as follows:
 - (i) The County Fire Marshal or his/her designee;



- (ii) The Emergency Manager or his/her designee;
 - (iii) The Chairperson of RAEMSAC or his/her designee;
 - (iv) The Chairperson of the Fire and Rescue Association or his/her designee.
- (3) The committee shall review the petition to make a preliminary determination as to whether a good faith basis and/or merit in the petition exists. The committee may conduct interviews, request supplementary documentation, additional evidence, or sworn statements as necessary.
- (i) After review, the committee may either dismiss the petition or refer the petition to the District membership with a recommendation to either expel or remove the member or a recommendation not to expel or remove the member.
 - (ii) Dismissal of the petition by the committee shall not be appealable.
- (4) If the petition is referred to the District membership by the committee, it shall be placed on the agenda for discussion and consideration at the next regularly scheduled business meeting of the District.
- (i) The members appearing on the petition shall make a presentation to the District membership in support of the petition for expulsion or removal. The presentation may be made individually or as a group and may include the submission of documentation or witness testimony in support.
 - (ii) The accused member(s) shall be entitled to make a presentation to the District membership in defense of the allegations. The presentation may include calling witnesses or submitting documentation in support, and questioning witnesses speaking in opposition. The accused member(s) shall not be entitled to legal representation or to have a third party speak in their place.
- (3) Following the presentation(s), the membership in good standing shall deliberate and vote on the petition for removal or expulsion by secret ballot. An affirmative vote in favor of removal from elected or appointed office or expulsion by a two-thirds supermajority of the membership in good standing shall be required for the petition to be granted.
- (4) Any member(s) who have been expelled from a Fire and EMS District by an affirmative vote of the District membership shall be entitled to the post-disciplinary appeal process set forth in Section 7.04(b)(4)(i)-(viii).
- (5) Any member(s) who have been removed from elected or appointed office by an affirmative vote of the District membership shall not be entitled to any further appeal or process.



Article 8. Failure of Fire and EMS District to Maintain Operational/Functional Status

Section 8.01 Statutory and Regulatory Authority.

- (a) Pursuant to NMSA 1978 Section 59A-53-14, "If any fire department operated by a... county fire district should go out of existence or for any reason cease to operate and function for a period of ninety days, title to all firefighting equipment and apparatus paid for in whole with distributions from the fire protection fund and held by or for the benefit of the fire department shall vest in the marshal and all money distributed from the fire protection fund and held by or for the fire department shall revert to the fire protection fund."
 - (1) Operational/functional status defined. Pursuant to NMAC 10.25.10.7(V), a Fire and EMS District maintains operational/functional status when it "has sufficient membership to ensure the response of at least four members to structure fires; all four members shall have sufficient structural firefighting protective clothing and be, as a minimum, competent at the firefighter I level as established by the NMFTA bureau;"
 - (2) Pursuant to NMAC 10.25.10.11(A)(2), "To achieve operational/functional status, the department shall have sufficient membership to ensure the response of at least four trained members to fires in structures. To meet this minimum number, the department should have at least 12 adults willing and able to volunteer their services as firefighters."

Section 8.02 Failure to maintain Operational/Functional Status.

- (a) If for any reason a Fire and EMS District fails to comply with the above-mentioned statutory and regulatory authority for a period of sixty (60) days, the County Fire Marshal reserves the right to assume operational control of the District until such time as compliance is restored or the District's firefighting equipment and apparatus vest with the State Fire Marshal's Office and monies held on behalf of the District revert to the fire protection fund.
- (b) The County Fire Marshal shall assume operational control of a non-compliant District by delivering a letter declaring same to the District Chief or the next highest ranking District Officer if the District Chief is unavailable.
- (c) During the time period that a Fire and EMS District is under County control pursuant to this section, the County Fire Marshal shall either assume the duties and responsibilities of the District Chief or delegate those duties and responsibilities to a designee who will report directly to the County Fire Marshal.
- (d) In the event that operational/functional status is returned and vacancies in the elected positions of a District exist, the election procedure in Section 6.03 of these Bylaws shall apply.



Article 9. Junior Firefighter/Cadet Program.

Section 9.01 Junior Firefighter/Cadet Program Guidelines.

- (a) Prospective Junior Firefighters/Cadets shall follow the District Membership Application Process specified in Article 3 of these Bylaws and must include written permission to join the District from at least one (1) parent or legal guardian.
- (b) Junior Firefighters/Cadets shall not be eligible to vote or hold elected office but may participate in PERA and sign up to be covered under the VFIS.
- (c) Probationary Period. New Junior Firefighters/Cadets shall be subject to a six (6) month probationary period.
 - (1) Each new Junior Firefighter/Cadet shall be assigned a mentor by the District Chief during the Cadet's probationary period, during which monthly evaluations of the Cadet may be conducted by the assigned mentor and submitted to the District Chief.
 - (i) The Junior Firefighter/Cadet's fire training proficiency and ability to perform station and vehicle maintenance shall be noted in the evaluations. Following the probationary period Junior Firefighters/Cadets shall remain subject to periodic evaluations.
 - (2) Junior Firefighters/Cadets must attend fifty (50%) percent of Fire and EMS District business and training meetings during the probationary period.
 - (3) Upon satisfactory completion of the probationary period, the Fire and EMS District membership in good standing shall conduct a vote during a regular business meeting whether to add the Junior Firefighter/Cadet to the District roster as an Active Cadet.
 - (4) Junior Firefighters/Cadets not added to the roster as Active Cadets after the (six) 6 month probationary period may continue in a probationary status at the discretion of the District Chief for a period of three (3) months, after which the membership in good standing shall conduct a second vote whether to add the Junior Firefighter/Cadet to the roster as an Active Cadet.
 - (5) After the additional three (3) month probationary period, any Junior Firefighter/Cadet who does not achieve Active Cadet Status may be dropped from the roster and may no longer participate in any Fire and EMS District activities.
- (d) Junior Firefighters/Cadets shall not be classified as firefighters but may receive fire and EMS training and provide support services on District premises, safe zones on incident scenes to include mutual aid dispatches.



- (e) Junior Firefighters/Cadets shall always be paired with an Active or Limited Duty member when engaged in District business or activities.
- (f) Junior Firefighters/Cadets shall be under adult supervision at all times when on District premises or when engaged in District business or activities.
- (g) Junior Firefighters/Cadets shall not drive or operate any Fire and EMS District vehicles, apparatus or equipment except: (1) under direct supervision during training exercises by a member with the appropriate qualifications to drive or operate; and (2) if the Junior Firefighter/Cadet has a valid driver's license.
- (h) The safety of Junior Firefighters/Cadets is of the utmost importance. District officers will make every effort to ensure the safety of Junior Firefighters/Cadets while participating in District activities.
- (i) Junior Firefighters/Cadets shall not be issued personal protective equipment or badges with the exception of identifying clothing, gloves, safety vests, safety shoes, eye/ear protection, and on scene radios.
- (j) Junior Firefighter/Cadets who reach the age of eighteen (18) and have successfully completed firefighter training may upon their written request be moved to Active Duty or Limited Duty status within the District. Their written request shall then be brought before the membership in good standing for consideration and a vote.
- (k) Junior Firefighters/Cadets shall follow all applicable County and Fire and EMS District rules, regulations, policies, directives and procedures.



Article 10. Mutual Aid and other District Activities

Section 10.01 Mutual Aid.

- (a) Any emergency response outside of a Fire District's boundaries shall be considered mutual aid.
- (b) No more than fifty percent (50%) of a District's resources (apparatus or personnel) shall be deployed to a mutual aid request unless absolutely necessary as determined on a case by case basis.
- (c) Mutual Aid within County boundaries. Upon receipt of a request, call out or page from Central Dispatch, a Law Enforcement Agency or another District Chief, the requested Fire District may respond to an incident within Rio Arriba County under the terms of the County-wide Mutual Aid Agreement.
- (d) Mutual Aid outside County boundaries. Upon receipt of a request, call out or page from Central Dispatch or another Emergency Dispatch Center, the requested Fire District may respond to an incident in another county without prior approval from the County Fire Marshal, Emergency Preparedness Manager or County Administration under the following conditions:
 - (1) The incident shall be an emergency requiring an immediate response to another County or agency's request for aid. If a Rio Arriba County Fire District arrives on scene first, it shall take whatever actions are necessary to mitigate the situation, including the relay of pertinent information to the affected County. When the agency having jurisdiction arrives, incident command shall be transferred at the earliest convenient time, and the responding Rio Arriba County District senior officer will request release at the earliest practicable time.
 - (2) The County being responded to shall be contiguous to Rio Arriba County.
 - (3) The incident commander for the District shall make Central Dispatch aware of the response, and frequent communications arrangements shall be established and maintained.
 - (4) Upon release from the incident commander, all mutual aid resources shall withdraw from the incident as soon as safely possible, and return to their station.
- (e) Any Fire and EMS District responding to a request for mutual aid shall be responsible for notifying the County Fire Marshal either directly or via request through Central Dispatch.

Section 10.02 Other District Activities.

- (a) A Fire and EMS District may participate in an official capacity representing Rio Arriba County or the individual district in the following circumstances:
 - (1) Funerals of District members past and present;
 - (2) Training sessions within or outside of District boundaries;

- (3) Community events within or outside of District boundaries.
- (i) For all community events that a Fire and EMS District desires to participate in, a written notification specifying the date, time, location and information regarding the event shall be submitted to the County Fire Marshal no less than fourteen (14) days prior to the date of the event. The County Fire Marshal shall retain the discretion to prohibit a Fire and EMS District from using County property in a community event.
 - ii. A Fire and EMS District shall not deplete fifty percent (50%) of its resources (apparatus or personnel) by participating in any of the events described in subsection (a), above.

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Article 11. Standard Operating Guidelines (SOGs)

Section 11.01 Standards and Objectives.

- (a) The primary purpose of Rio Arriba County Standard Operating Guidelines (SOGs) shall be to establish guidelines which are standardized across all departments and which offer the best practices for safety and limitation of liability for firefighters, EMS personnel and residents of Rio Arriba County. The following standard objectives and priorities shall be integral to the development of SOGs:
 - (1) The safety of Firefighters, EMS personnel and other responders, and the public in general shall be the primary criteria for all responder activities.
 - (2) The protection of public, private and District property and equipment.
 - (3) The maintenance of a professional and appropriate public image for each member of a District.
 - (4) Training requirements.
 - (5) Procedures that promote appropriate, effective and efficient emergency responses.
- (b) Development of Fire and EMS District SOGs. The County Fire Marshal may authorize the development of SOGs that will apply to all Fire and EMS Districts, including guidelines that address patient care. The development of these SOGs may include feedback and input from the Rio Arriba County Fire and Rescue Association and RAEMSAC. Draft versions of the SOGs shall be submitted to the BOCC for action and entry into these Bylaws as appendices. Upon the BOCC's adoption of the draft SOGs, all other SOGs previously adopted by any Fire and EMS District shall be deemed obsolete.
- (c) Each Fire and EMS District may adopt the standard SOGs by majority vote of the membership in good standing and tailor them to the individual needs and circumstances of the District to include but not be limited to the following:
 - (1) ISO Fire Protection Classification
 - (2) Call volume
 - (3) Geographical conditions
 - (4) Population distribution
 - (5) Training and experience levels
 - (6) Equipment
- (d) Each Fire and EMS District who tailors the standard SOGs to their District shall do so by majority vote of the membership in good standing and shall submit a copy of the approved SOGs to the County Fire Marshal.

- (e) All SOGs shall comply with all appropriate Federal, State, and local laws, Regulations, Ordinances and these bylaws.
- (f) In the event that any guideline in a Rio Arriba County SOG may become obsolete prior to a replacement SOG being approved by the BOCC, the Incident Commander (IC) and/or District Chief are hereby authorized to follow the newest best practices based on more current procedures or legal requirements. If the IC or District Chief becomes aware that any portion of an SOG has become obsolete, he or she shall immediately inform the County Fire Marshal so that the SOG may be revised accordingly.

PASSED, ADOPTED AND APPROVED THIS 29TH DAY OF SEPTEMBER 2020.

**BOARD OF COUNTY COMMISSIONERS
RIO ARRIBA COUNTY, NEW MEXICO**

**James J. Martinez,
 Commissioner, District I**

**Leo V. Jaramillo, Chairman
 Commissioner, District II**

**Danny J. Garcia
 Commissioner, District III**



ATTEST:
**Linda J. Padilla
 Rio Arriba County Clerk**

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