



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

RESOLUTION 6-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT APPROVING REVISED FIRE DEPARTMENT BYLAWS.

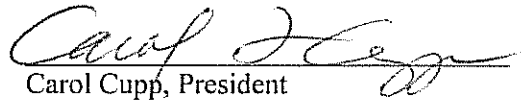
WHEREAS, the Lake Shastina Fire Department Bylaws establish the rules and procedures by which the Department operates; and

WHEREAS, the Board of Directors has deemed it necessary to update the current Fire Department Bylaws.

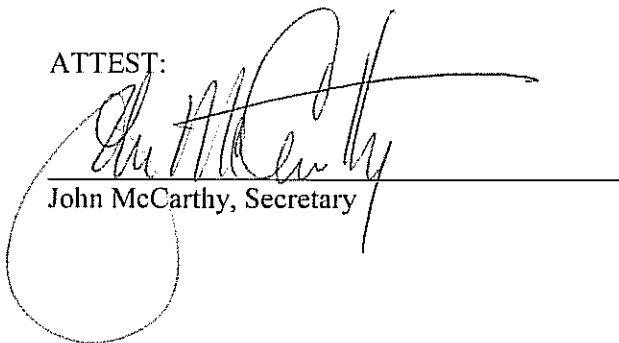
NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves the revised Fire Department Bylaws, per Exhibit A.

I hereby certify that the forgoing is a full, true and correct copy of Resolution 6-10 duly passed and adopted by the Board of Directors of the Lake Shastina Community Services District, Siskiyou County, California, at a meeting thereof duly held on the 21st day of July, 2010, by the following vote:

AYES: Directors Cupp, Dean, Roths and Wetter
NOES: None
ABSENT: Director Pavlic


Carol Cupp, President

ATTEST:


John McCarthy, Secretary

LAKE SHASTA



FIRE DEPT.

BYLAWS

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ARTICLE I

TITLE, PURPOSE AND MISSION

SECTION 1.1 TITLE

This organization shall be known as Lake Shastina Fire Department.

SECTION 1.2 PURPOSE

This Fire Department was developed for the protection of life and property of the citizens of Lake Shastina and surrounding subdivisions whom may have contracted services (see Ordinance 3-80, Section V) of the Fire Department.

SECTION 1.3 MISSION

The mission of the Fire Department is “To provide service to the community by protecting life, property and environment through prevention, public education and emergency response with well maintained equipment and highly trained and dedicated personnel.”

ARTICLE II

MEMBERSHIPS

SECTION 2.1 MEMBERSHIPS

Memberships in this organization shall be open to any person who is a resident of the community of Lake Shastina. Any candidate for membership must be physically sound and at least 18 years of age at the time of appointment. Upon acceptance to this organization, shall remain physically sound and capable of operating in fire conditions with a self-contained breathing apparatus. All members must complete and pass a yearly physical. Applications are selected for membership by a majority vote of the Fire Department members as positions become available.

SECTION 2.2 NUMBER OF MEMBERS

This organization shall not exceed twenty-five (25) members. The Department may be augmented by members residing in areas outside the Lake Shastina Community Services District if such areas have contracted for fire protection services to be provided by the District. It is the desire to have members that live in Lake Shastina. The Fire Chief has overall discretion on the residing locations of its firefighters.

SECTION 2.3 APPLICATION

Application for the membership shall be on an official form. A background investigation will be completed before acceptance of the individual for membership. The Background Investigation shall include a Department of Motor Vehicles (DMV) inquiry as to the status of the driver’s license, past work history and criminal record. The DMV inquiry shall be completed annually after that as a condition of continued membership. All applications for membership shall be retained for at least one year.

SECTION 2.4 APPLICATION PROCESS

All applicants will submit their application to the Fire Chief for review. The Lake Shastina Police Chief will complete a Background Investigation of the applicant. The applicant, during this time, will be allowed to attend Fire Department Training and Meetings. After 3 Meetings or Trainings the Officer's will complete an interview process of the applicant. After the interview process the officer's will then vote on membership on the prospective applicant. There must be a majority vote of the interviewing Officers.

SECTION 2.5 FIREFIGHTER TRAINING

All new members must complete Firefighter Training prior to the issuance of a pager and prior to responding to emergency incidents. The Training will cover basic firefighting, basic knowledge of the Fire Department, knowledge of the apparatus and knowledge of Fire Department policy.

SECTION 2.6 CLASSES OF MEMBERSHIP

There shall be two (2) classes of membership -- probationary members and regular members -- more particularly described as follows:

- A. Probationary members: These members serve a probationary period of one year, starting at time of appointment. These members do not have the right to vote on Fire Dept. Issues.
- B. Regular Members: Those that successfully completed their probationary period and have been with the Dept. one year. They have the right to vote on Fire Dept. issues.

SECTION 2.7 APPOINTMENT OF FIREFIGHTER

Every member upon completion of the Firefighter Training shall be Sworn in by the Fire Chief and must sign the following oath:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties as a Member of the Lake Shastina Fire Department as a volunteer to the best of my ability, so help me God."

"I further agree that I will be an active member of this Fire Department for the full term of my appointment unless prevented by sickness, removal from the Department, or a written notice of intent to end membership."

All members must comply with the Fire Department ByLaws and CSD Personnel Policy.

SECTION 2.8 EQUIPMENT ISSUE

2.8.1 The Captain or other person assigned by the Fire Chief shall issue the personal equipment to the member consisting of: Complete set of structural firefighting protective equipment, wildland protective equipment, pager and other equipment as deemed necessary by the Fire Chief.

2.8.2 All equipment will be noted on an equipment inventory sheet and logged in to the department's inventory program on the computer. A copy of the issued equipment will be provided to the member at their request.

2.8.3 Upon leaving the organization the member will turn in all issued equipment to a Captain or the person assigned by the Fire Chief. The member may request a copy of the inventory sheet showing the assigned equipment returned and signed by the Captain or the person assigned by the Fire Chief.

ARTICLE III

DUTY OF MEMBERS

SECTION 3.1 EMERGENCY RESPONSE

It shall be the duty of all members to respond to all emergency alarms, unless reasonably prevented from doing so or has been properly excused. Each member will obey all commands from superior officers while at incidents, meetings or training, unless their safety is in jeopardy.

Note: It is standard practice in the fire service that all orders be followed unless an order given would immediately threaten the firefighter's safety and the commanding officer was unaware of the hazard.

SECTION 3.2 EMERGENCY RESPONSES (UNDER THE INFLUENCE)

No member shall appear at any fire, meeting, training session, or loiter about community property under the influence of a controlled substance or alcohol or in a state by which the member could reasonably endanger themselves or others. Nor shall any member use offensive or indecent language while on active duty nor be guilty of conduct any time or place that has a natural tendency to bring disgrace or disrepute upon the members of the Organization, the department or the community.

ARTICLE IV

OFFICERS

SECTION 4.1 OFFICERS OF THE ORGANIZATION

- A. Fire Chief
- B. Assistant Fire Chief
- C. Fire Captains (2)
- D. Lieutenants (2)
- E. EMS Captain
- F. Officers as deemed necessary by the Fire Chief

SECTION 4.2 OFFICERS APPOINTMENT

All officers will be appointed by and serve at the pleasure of the Fire Chief. Upon appointment, the officer will assume their duties and carry them out to the best of their ability. The Fire Chief will be selected by the Community Services District Board, upon recommendation from the General Manager and in consultation with the members.

SECTION 4.3 CANDIDACIES FOR OFFICER

Members wishing to become a candidate for office must meet the following requirements:

- A. Must exhibit leadership abilities and competence to perform the duties.
- B. Must have attended ninety percent (90%) of all regular training meetings for at least one year, unless properly excused.
- C. Successfully completed their probationary period.

SECTION 4.4 VACANCIES

Vacancies occurring in any office shall be declared at the next regular meeting. At the time of the vacancy members may submit applications for the position. The Fire Chief has the discretion to appoint a member to fill the position.

ARTICLE V

DUTIES OF OFFICERS

SECTION 5.1 DUTY OF FIRE CHIEF/ASSISTANT CHIEF

As per Lake Shastina Community Services District Ordinance 3-80 Section V, Paragraph C, Including items 1-10.

SECTION 5.2 FIRE CAPTAINS

Captains may be appointed by the Fire Chief. The duties of the Captains shall be:

- A. Responsible for equipment and personnel assigned to him/her, overseeing proper operation of same.
- B. Help in supporting the good morale of the Organization.
- C. Provide ideas as to the training agendas to the Fire Chief.
- D. Provide recommendations to the Fire Chief for equipment, tactics and overall organization as needed.
- E. Investigate the Cause and Origin of fires.
- F. Assume the role of company officer on emergency incidents.
- G. Act as the Incident Commander as needed.
- H. Drive and operate apparatus as needed.

SECTION 5.3 LIEUTENANTS

Lieutenants may be appointed by the Fire Chief. The Duties of the Lieutenants shall be:

- A. Responsible for equipment and personnel assigned to him/her overseeing proper operation of same.

- B. Help in supporting the good morale of the Organization.
- C. Assume the role of company officer on emergency incidents in the absence of a Captain.
- D. Act as the Incident Commander as needed.
- E. Drive and operate fire apparatus as needed.

SECTION 5.4 E.M.S. CAPTAIN

The E.M.S. Captain shall be appointed by the Fire Chief. Duties shall:

- A. Be responsible for equipment and all LS Fire Department apparatus.
- B. Conduct monthly drills and training instruction in emergency medical care.
- C. Be responsible for maintaining copies of all EMT/First Responder certification in files and assuring that all members have valid certifications.

ARTICLE VI

ADVISORY COMMITTEE

SECTION 6.1 SELECTION

An Advisory Committee may be selected by the Fire Department Membership.

SECTION 6.2 NUMBERS OF MEMBERS

The Advisory Committee may consist of 3 members. They will not be active members of the Fire Department.

SECTION 6.3 MEETINGS

The Advisory Committee shall meet at the pleasure of the Fire Department Membership or at the Discretion of the Fire Chief.

SECTION 6.4 DUTIES

The duties of the Advisory Committee shall be to help the Fire Department Membership in the study of the operation of the Department and to suggest methods and means to increase efficiency and morale. The Advisory Committee works at the discretion of the Fire Chief and reports to him or her, and assists with future planning needs of the Fire Department.

ARTICLE VII

MEETINGS

SECTION 7.1 GENERAL MEETING

The General Meeting will normally be held on the 1st Wednesday of every Month prior to the start of Departmental Training. The Advisory Committee may be present at these meetings.

SECTION 7.2 REGULAR TRAINING

Regular Training meetings will normally be held on the 1st and 3rd Wednesday of each month and will be designated as Fire Training. The 4th Wednesday of each month will be designated as Medical Training. The 3rd Saturday of each month will be designated as Fire Training and will be hands-on type training. These dates are subject to change at the discretion of the Fire Chief.

SECTION 7.3 REGULAR TRAINING TIMES

Wednesday training will start at 1800 hours. Saturday training will start at 1000 hours. These times are subject to change at the discretion of the Fire Chief.

SECTION 7.4 SPECIAL MEETINGS

Special meetings may be called by the Fire Chief.

SECTION 7.5 ATTENDANCE

- A. Members must attend 80 percent of the training meetings, unless properly excused. If attendance is less than 80 percent for any six month period, the member will be required to appear at the General Meeting or meet with the Fire Chief to provide cause. The Fire Chief will make a decision as to discipline, if any.
- B. If a member anticipates missing considerable meetings and/or fire responses, they shall ask the Fire Chief for a temporary leave of absence from the Department. This request will be in writing.

ARTICLE VIII

DISCIPLINE OF OFFICERS AND MEMBERS

SECTION 8.1 DISCIPLINE

Any officer or member of the Lake Shastina Fire Department may be disciplined pursuant to this article. "Discipline" for purpose of these bylaws includes, but is not limited to, reprimand, penalty, suspension, removal from office, or dismissal by the General Manager. The Fire Chief may be removed from office by the Community Services District Board of Directors. However, nothing contained herein shall prevent the membership from seeking the removal of the Fire Chief by first expressing their grievance to the Fire Chief, then the General Manager, then, if necessary, to the Community Services District Board of Directors.

SECTION 8.2 CAUSE

Cause for discipline includes, but is not limited to:

- A. Abuse of authority
- B. Misconduct in office
- C. Dishonesty

- D. Neglect of duty
- E. Excessive absenteeism further described in Article VII Section 5.0
- F. Under the Influence of a controlled substance or alcohol while in performance of Fire Department Duties
- G. Conduct that endangers or could endanger the individual or others without reasonable excuse
- H. Failure to follow the rules and regulations of the Organization, including these Bylaws and the Firefighter Oath
- I. Insubordination

SECTION 8.3 PROCESS

The Fire Chief, on his own or upon written complaint alleging one or more of the above causes for discipline, will examine the charges. The Fire Chief decides that formal action is required which could result in a suspension or dismissal, and he/she shall impose such action.

SECTION 8.4 PROBATIONARY MEMBERS

Probationary members may be disciplined as outlined above. Probationary members may be dismissed during their probationary period, without cause and without right to appeal.

SECTION 8.5 APPEALS

Any officer or regular member, against whom an order of discipline or dismissal from the department has been ordered, may appeal to the General Manager in writing within ten (10) calendar days of the date of the order. The appeal process will follow the same guidelines as outlined in the Grievance Procedures in Article IX.

ARTICLE IX

GRIEVANCE PROCEDURES

SECTION 9.1 POLICY

The Department hereby establishes a grievance procedure to deal promptly and equally with member grievances that are properly presented. No member shall be subject to reprisal or disciplinary action for making a grievance in good faith.

SECTION 9.2 DEFINITION

A grievance is a written objection that adversely or unfairly affects a member and there is no other procedure for administrative relief.

Subject matter of a grievance may include:

- A. Working conditions that are not covered by the Bylaws
- B. Interpretation of the Bylaws
- C. Violation of the Bylaws by an officer or member
- D. Work assignments exceeding qualifications

SECTION 9.3 INITIATION AND FILING

Before the initiation of a written grievance, the matter shall be discussed informally (within five (5) days after the member knew, or reasonably should have know, of the circumstances which form the basis for the alleged grievance (Step 1) with the member's immediate supervisor. If not satisfied with the immediate supervisor's oral response (within three (3) days after the presentation of such evidence), the member may file a written grievance (Step 2) with the next higher authority (within ten (10) days after the occurrence of the act or omission giving rise to the grievance).

A grievance shall include a description of the following:

- A. Circumstances causing the grievance
- B. The adverse effect on, or unfairness to, the member
- C. The relief sought
- D. The immediate supervisor's oral response

A grievance may be amended in writing any time without prejudice. It may be withdrawn any time and may be refilled without prejudice providing that no time limit has expired.

The authority with whom the grievance is filed shall confer with the employee and others involved, and shall respond in writing within five (5) days explaining his or her decision and proposed action. If not satisfied with the response in Step 2, the member may appeal, in writing, within five (5) days to the General Manager (Step 3). A copy of the Step 2 response shall be included with a copy of the grievance and a cover letter.

The General Manager may call a special meeting to review the grievance with the Fire Chief, confer with the member and others involved, and consult with experts. The General Manager shall respond in writing within five (5) days explaining the decision and proposed action. If not satisfied with the action or response from the General Manager, the member may appeal, within five (5) days of the decision/response, in writing to the CSD Board of Directors (Step 4). A copy of the responses obtained in all previous steps shall be included with a copy of the grievance and a new cover letter. The CSD Board of Directors shall receive and review the grievance in accordance with CSD personnel policy.

SECTION 9.4 TIME LIMITS

Grievances shall proceed within the prescribed time limits unless there is an extension of time by mutual consent between the member and the Department, or the General Manager exceeds any time limit, the grievance shall be considered denied and referred to the next step in the procedure, if desired.

SECTION 9.5 RESOLUTION

Resolution of a grievance at any step of the procedure shall be final and binding on the Department and the member.

SECTION 9.6 REPRESENTATION

The member shall have the right to consult with and be helped by a representative during all steps of the grievance procedure. Any expenses incurred by the member in the retention of representation shall be at the expense of the member.

ARTICLE X

RESIGNATIONS AND LEAVES OF ABSENCE

SECTION 10.1 RESIGNATION

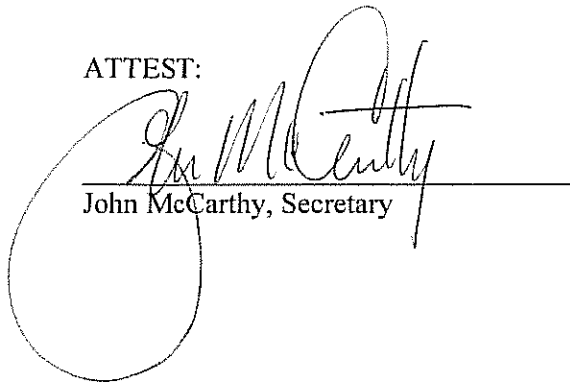
Any member may resign from the Department by submitting a written resignation to the Fire Chief. Such resignation shall become effective upon announcement to the Department at any regular meeting and entry into the minutes. Before this time, any resignation may be recalled.

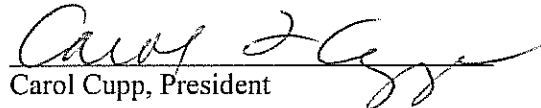
SECTION 10.2 LEAVES OF ABSENCE

Voluntary leaves of absence may be granted to members of the Organization by the Fire Chief. The leave period will be mutually agreed upon between the Chief and the member requesting the leave of absence.

Adopted by the LSCSD Board of Directors on July 21, 2010, per Resolution 6-10.

ATTEST:


John McCarthy, Secretary


Carol Cupp, President

Motion by Dir. Wetter second by Dir. Roths to authorize emergency expenditures of up to \$15,000 for repair of the generator from the water reserves, as well as a prorated amount from the sewer fund.

Ayes: Directors Cupp, Dean, Roths and Wetter
Noes: None
Absent: Director Pavlic

9. Fire Department ByLaws update – Resolution 6-10 (GM McCarthy): The Board discussed.

✓ Motion by Dir. Wetter second by Dir. Roths to approve the changes to the Fire Department ByLaws and adopt Resolution 6-10.

Ayes: Directors Cupp, Dean, Roths and Wetter
Noes: None
Absent: Director Pavlic

10. Permanent appointing of Mike McWilliams as LSCSD Fire Chief (Pres. Cupp)

Motion by Dir. Roths second by Dir. Wetter to appoint Mike McWilliams as the Lake Shastina Fire Chief.

Ayes: Directors Cupp, Dean, Roths and Wetter
Noes: None
Absent: Director Pavlic

Mike McWilliams was sworn in as Fire Chief.

11. Recycling proposal – Wayout Recycling (GM McCarthy): GM McCarthy, the Board and owners of Wayout Recycling discussed District counsel's recommendation that the District and Wayout Recycling enter into a franchise agreement with a nominal franchise fee.

Motion by Dir. Wetter second by Dir. Roths to approve that the District's attorney draft a Franchise Agreement between the District and Wayout Recycling and authorize the President and Secretary to negotiate and execute the agreement.

Ayes: Directors Cupp, Dean, Roths and Wetter
Noes: None
Absent: Director Pavlic

BOARD MEMBER COMMENTS: Dir. Wetter (Siskiyou Arts bus was vandalized, Montague Water Conservation District taking water samples from Lake Shastina), Dir. Dean (speeding tickets), Pres. Cupp directed staff to include on August agenda establishing committees regarding 1) the use of the Administration Building and 2) concern regarding traffic/speeding.

ADJOURNMENT:

Motion by Dir. Wetter second by Dir. Roths to adjourn meeting at 6:10 p.m. to Regular Meeting on August 18, 2010 at 5:00 p.m. (Closed Session at 4:00 p.m.)

Ayes: Directors Cupp, Dean, Roths and Wetter
Noes: None
Absent: Director Pavlic

Approval Date: _____

Carol Cupp, President

ATTEST:

John McCarthy, District Secretary