

SANTA FE COUNTY

Resolution No. 2002-147

2253650

A RESOLUTION APPROVING AND ADOPTING THE SANTA FE COUNTY FIRE DEPARTMENT BYLAWS

WHEREAS, in 1997 the Board of County Commissioners of Santa Fe County adopted Santa Fe County Fire Department Ordinance 1997-11; and

WHEREAS, the Santa Fe County Fire Department Ordinance 1997-11 provides for the administration and operation of the Santa Fe County Fire Department including the promulgation of rules and regulations; and

WHEREAS, the Santa Fe County Fire Department currently consists of County Fire Administration and fifteen County Fire Districts; and

WHEREAS, over four hundred volunteer firefighters, EMT's and paramedics volunteer their time and energy for these fire districts; and

WHEREAS, each of these fire districts currently utilize separate district bylaws to govern and operate their individual fire districts; and

WHEREAS, it is the desire of County Fire Administration, the County Fire Chief's Association and the County Commission that for the purpose of simplicity and consistency in the administration and operation of these fire districts that one set of Bylaws be approved and adopted for all County Fire Districts of the Santa Fe County Fire Department; and

WHEREAS, the proposed Bylaws have been exhaustingly discussed, reviewed and amended over the course of sixteen months by each of the Fire Districts and have been made available for comment to each individual firefighter, EMT and paramedic within the Department; and

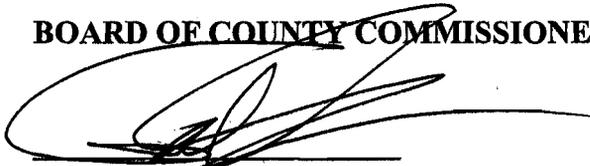
WHEREAS, on September 19, 2002, the proposed Bylaws were unanimously approved by the County Fire Chiefs' Association for recommendation for adoption by the County Commission, now

THEREFORE, BE IT RESOLVED by the Santa Fe County Board of Commissioners that these Bylaws are herein approved, adopted and implemented for the purpose of administration and operation of each and every County Fire District of the Santa Fe County Fire Department.

APPROVED, ADOPTED AND PASSED this 29th day of October, 2002.

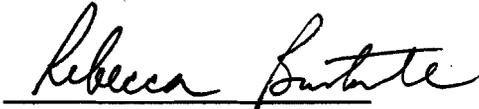
BOARD OF COUNTY COMMISSIONERS

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Paul Duran
Chairman

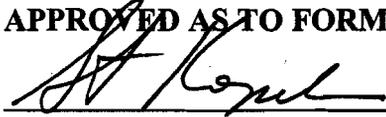
ATTEST:



Rebecca Bustamante
County Clerk



APPROVED AS TO FORM:

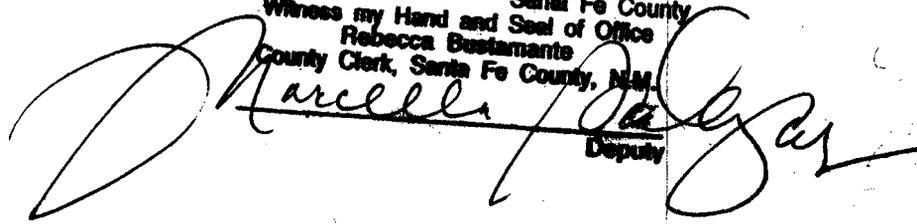


Steve Kopelman
County Attorney



1232 001
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 4 day of NOV. A.D.
20 02 at 9:21 o'clock P.M.
and was duly recorded in book 2253
page 650-670 of the records of
Santa Fe County

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.


Deputy

2253652

Santa Fe County Fire Department

Fire District Bylaws

**Approved and Adopted
This 19th day of September, 2002
By the Santa Fe County Fire Chiefs' Association**

**Approved and Adopted
This 29nd day of October, 2002
By the Santa Fe County Board of Commissioners**

Santa Fe County Fire Department

Fire District Bylaws

2253653

Table of Contents

Article I	Organization	Page 2
Article II	Rules of Order	Page 3
Article III	Meetings	Page 4
Article IV	Members	Page 4
Article V	Officers	Page 10
Article VI	Elections & Appointments	Page 11
Article VII	Cadet Program	Page 14
Article VIII	Discipline & Removal	Page 15
Article IX	Amendment of Bylaws	Page 18

ARTICLE I ORGANIZATION

2253654

Section 1: Organizational Name and Authority

The name of the organization is the Santa Fe County Fire Department, officially named and so designated by order of the Santa Fe County Commission by and through the legal adoption of Santa Fe County Ordinance 1997-11.

Section 2: Purpose of Organization

The Santa Fe County Fire Department and its County Fire Districts were created and established by the Santa Fe County Commission for the purpose of providing necessary fire, rescue and emergency medical services for the residents of and visitors to Santa Fe County. The Department shall act in accordance with all applicable federal, state and local laws and ordinances.

Section 3: Purpose of Bylaws

These bylaws are hereby adopted by the Santa Fe County Commission for the explicit purpose of establishing the means by which the operational business of the Santa Fe County Fire Department and its County Fire Districts will be conducted. Nothing in these Bylaws is intended to conflict with Santa Fe County Ordinance 1997-11, however, if a conflict exists or is found the Ordinance shall prevail.

Section 4: District Preamble

The Santa Fe County Fire Department's Fire Districts are fundamental in the County's ability to provide fire, rescue and emergency medical services to the residents of and visitors to Santa Fe County. It shall be the mission of the Santa Fe County Fire Department, and each County Fire District, to provide the highest quality emergency services to the residents of, and visitors to, Santa Fe County. The goals and objectives of the Department and its Fire Districts shall be drafted to ensure the Department's mission is accomplished and in doing so protect the lives and property of all its residents.

Section 5: District Name

The name of an individual Fire District shall be the name assigned by the County Commission at the time the Fire District was created and/or amended by Commission action. There are presently fifteen Santa Fe County Fire Districts that make up the Santa Fe County Fire Department. All members of a Fire District are members of the Santa Fe County Fire Department and fall under the chain of command established by the Santa Fe County Commission with the adoption of Santa Fe County Ordinance 1997-11.

Section 6: Fiscal Year, Property Ownership and District Management

The fiscal year shall be determined by the Santa Fe County Commission. Santa Fe County Fire 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. Santa Fe County is the fiscal agent for all such 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 County Fire District to provide emergency services. The Chief of the Santa Fe County Fire Department acts in the capacity of fiscal administrator for all funds credited to the Department and its Fire Districts. The District Chief of each Fire District is accountable and responsible for the day-to-day operational management of the Fire District, and is responsible for the expenditure of public funds allocated to the Fire District, in accordance with Santa Fe County Ordinance 1997-11.

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ARTICLE II RULES OF ORDER

Section 1: Quorum

A quorum consisting of 51% of the members qualified to vote and in good standing shall be required to conduct business for the Fire District.

Section 2: Order

The business of each Fire District shall be conducted in an orderly fashion and recorded by the District according to the resolutions and ordinances approved and adopted by the Santa Fe County Commission. The following is an example of the order in which business may be conducted by the Fire District:

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes
- D. Financial Report
- E. Response Report
- F. Communications
- G. Committee Reports
- H. Old Business
- I. New Business
- J. Adjourn

Other categories may be added, as necessary.

Section 3: Conduct

The Ranking Officer present shall conduct the business meeting of the Fire District. Meetings shall be conducted in accordance with the rules, regulations, resolutions or ordinances adopted and approved by the Santa Fe County Commission.

ARTICLE III MEETINGS

Section 1: Business Meetings

Regular monthly business meetings shall be held. The date, time and location of the meetings shall be designated by the District Chief and may be changed provided a minimum forty-eight hour notice is given to the membership.

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Section 2: Special Meeting

A special meeting may be held at the order or call of the District Chief or a majority of the District membership. A minimum forty-eight hour notice must be given to the membership.

Section 3: Training Meetings

Fire and medical trainings will be held not less than monthly at the date, time and location designated by the District Chief. District fire and medical trainings may be conducted in conjunction with regional trainings offered by Regional staff or Fire Administration.

Section 4: Emergency Meeting

An emergency meeting which concerns the immediate welfare of the District may be called by the Ranking Officer at any time provided notification is given to all District members who can be contacted personally by phone and/or pager.

Section 5: Attendance

Regular business meetings shall be open to all members of the Fire District regardless of membership status. Additionally, business meetings shall be open to members of the general public, including prospective members, who are interested in the business and operation of the Fire District; other members of the Santa Fe County Fire Department and, with approval of the District Chief, other invited guests or speakers who may wish to address the District membership.

ARTICLE IV MEMBERS

Section 1: Membership

The operational success of the Santa Fe County Fire Department 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 of the Department to provide such service without monetary compensation, the organizational structure of the Santa Fe County Fire Districts shall be based on democratic principles and shall take into consideration the concerns, ideas and needs of its members. However,

such consideration shall not be given in lieu of the legal obligation of Santa Fe County to operate the Department and the County Fire Districts in accordance with all applicable local, state and federal laws and to do so with the purpose of providing a necessary public service to the residents of and visitors to Santa Fe County.

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Section 2: Membership Application

All residents of Santa Fe County shall be given an opportunity to volunteer their service to their community with the Fire Department. Membership application for a particular County Fire District may be determined based on the applicant's proximity of home or work to the specific Fire District. Membership application and status within the Fire Department shall be determined based on the applicant's ability and willingness to provide a useful service for the Department, the applicant's volunteer and/or employment history, and a background check/review conducted by Fire Administration. 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, or medical condition unless based on a bona-fide occupational qualification. However, physical limitation shall be used as a factor in determining the applicant's ability to function as an EMT or fire fighter.

- A. Application Process:**
New applicants for membership should be considered by the Fire District (approved/disapproved) at the next scheduled business meeting following receipt of the application. Timely review of the application by the officers of the Fire District should be afforded the applicant and a recommendation made to the entire membership for their consideration prior to voting.
- B. Application Approval:**
Applicants that have been approved by the Fire District membership shall be conditionally approved for membership pending a final determination of the Department Chief.
- C. Insurance Coverage:**
Approved membership applications must immediately be filed with Fire Administration to ensure members are covered under the County's Volunteer Insurance program.
- D. Application Denied:**
Those applicants who are not approved by the Fire District shall be forwarded to Fire Administration in a timely manner. Fire Administration shall review the application and consult with the District Chief on the reason for denial.
- E. Final Determination:**
Following a review of the applicant's background check and their employment and/or volunteer history, a final determination of membership status will be made by the Chief of the Department after consultation and recommendation of the District Chief.

Section 3: Rights of Volunteer Members

Each volunteer member shall have a right to voice his or her opinion and the right to fair and equitable treatment and consideration in the Department. Every volunteer member shall, based on status within a specific Fire District, have the right to initial and ongoing training in both fire and emergency medical services and shall be supplied necessary personal protective equipment. Every volunteer member has a right to enroll in the State of New Mexico Fire Fighter Retirement Program, although enrollment does not determine final eligibility. Eligibility for the retirement program is determined by the Public Employees Retirement Association (P.E.R.A) based on strict requirements defined in the Volunteer Firefighter Retirement Act and further defined herein. Membership status in the Department is not determined by the member's eligibility for retirement benefits.

Section 4: Obligation of Volunteer Members

Each member has an obligation to attend meetings and trainings and respond to emergencies as requested in accordance with the requirements set forth within these Bylaws, and pursuant to guidelines unique to and approved by a Fire District that are not in opposition to the policies, protocols, procedures, directives and guidelines adopted by the Department or Santa Fe County Ordinance 1997-11.

Section 5: Oath of Office

All members of the Department shall adhere to the bylaws, policies and procedures, directives and regulations as promulgated, adopted and approved by the Department as required by Santa Fe County Ordinance 1997-11 and shall furthermore swear an oath to do so upon accepting membership in the Department.

The Oath of Office shall be made available to all applicants prior to the swearing in event.

OATH

I, _____, 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 Santa Fe County; that I will be obedient to the Policies, Orders, Rules and Regulations of the Santa Fe County Fire Department; and that I will faithfully and impartially execute the duties of the office of _____ in which I am about to enter, to the best of my ability, so help me God.

Section 6: Status of Volunteer Members

Department or District membership shall be determined and defined as one of the following:

A. Active Duty:

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A volunteer member of the Department or District who performs firefighting and/or emergency medical services for the Department or District, routinely responds to emergencies within the Fire District, attends meetings regularly and otherwise meets the requirements listed below:

1. is at least 18 years of age;
2. meets all physical fitness requirements adopted by the County for this classification;
3. has completed the probationary period and all necessary training requirements;
4. attends a minimum of 50% of all regular business meetings;
5. attends a minimum of 50% of all required trainings;
6. responds to a minimum of 35% of all emergency responses that the member is responsible for;
7. has passed mandatory training and check-out on all vehicles and equipment.
8. has a current New Mexico Driver's License, a clear driving and criminal record and has successfully completed an Emergency Vehicle Operation (EVO) program;
9. has a current CPR card or firefighter first aid training;
10. firefighters must pass a yearly SCBA fit test and remain qualified throughout the year.

Physical fitness requirement. Any fire fighter may be required to obtain a physical examination to determine fitness before classification as an active duty fire fighter. This requirement shall be determined by the Chief of the Department after consultation and recommendation of the District Chief. An annual physical exam shall be mandatory for all fire fighters who are 55 years of age or older who choose to continue as active fire fighters. Mandatory physical exams shall be paid for by the Department.

B. P.E.R.A Qualified Duty:

A member of the Department or District who meets the Active Duty requirements plus the requirements of the Volunteer Firefighters Retirement Act listed below and thus qualifies for PERA Volunteer Firefighter Retirement:

1. is at least 18 years of age but less than 45 years of age at the time of application;
2. attends a minimum of 75% of all regular business meetings;
3. attends a minimum of 75% of all required trainings;
4. responds to 50% of all emergency responses that the member is responsible for.

C. Limited Duty:

A volunteer member of the Department or District who cannot meet the physical fitness requirement and/or is not SCBA qualified but otherwise meets the requirements of an Active Duty member. Limited duty members perform important support services for the Department or District but cannot be interior firefighters. Limited duty members can hold elected office and provide support services on the fire ground. Support services include, but are not limited to, incident command, pump operations, EMS, pulling and loading hose, tanker shuttle operations, assisting firefighters on the fire ground and other duties as assigned by the officer in command. Limited duty members shall be provided necessary personal protective equipment.

D. Probationary:

A volunteer member of the Department or District who is undergoing orientation and/or training in order to obtain Active, Qualified or Limited Duty Status. The normal probationary period for a new member shall be six months. Probationary members shall be provided personal protective equipment necessary for training purposes to ensure their safety during all training exercises. A member may also be placed in this status secondary to a disciplinary process further defined herein. Exceptions may be granted for those members who transfer from one Fire District to another.

E. Restrictions:

A volunteer member of the Department who becomes a full time, paid fire fighter for the County must resign as a volunteer member of a Fire District.

F. Cadet:

A junior volunteer member of the Department who has reached the minimum age of 14 but is less than 18 years old and has the permission of at least one parent or guardian. Cadets must complete a membership application and at least one parent or legal guardian must sign a Department approved waiver prior to participation in any Department related activity. Cadets cannot be firefighters; they can however receive fire training and provide support services on the fire ground similar to those provided by Limited Duty members. Cadets should always be paired with an Active, Qualified or Limited Duty member.

G. Auxiliary:

A volunteer member of the Department who provides administrative, or other support services, for the District or Department. Auxiliary members may participate in all District or Department social activities, meetings, and trainings. Participation in any emergency scene, including fire ground activity, is strictly limited and restricted to an area designated as a safe zone. Auxiliary members may not engage in fire fighting or emergency medical service related activities. However, they may assist with District or Department record keeping, data base

entry, purchasing, fundraising, public education activities, or other District or Department related administrative duties.

H. Charter:

Members who were founding or original members of a Santa Fe County Fire District are herein accorded the status of Charter Member with all rights, privileges and obligations of a retired member of the Department.

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I. Honorary:

Those persons who have been so recognized by a vote of the majority of the members of a Fire 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 elected officers and membership of the Fire District, has made a significant contribution to the efforts of the Fire District.

J. Retired:

Those persons who have been members of the Department and have reached the minimum age of fifty-five and have requested retirement status from P.E.R.A or have incurred from any cause a disability which prevents them from performing the normal duties and responsibilities of an Active, Qualified or Limited Duty member. The determination for eligibility for retired status due to a medical condition shall be based on the evidence submitted by the member for consideration or upon reported evidence of inability to perform tasks at an acceptable level. A retired member of a District may continue service in accordance with the Volunteer Fire Fighters Retirement Act. Retired members who remain active may participate in meetings and functions and shall have voting privileges for the purpose of Fire District business.

Section 7: Leave of Absence

Members may submit a written request for a leave of absence (LOA) when personal, employment, or other circumstances prevent them from fulfilling the requirements of their membership status for an extended period of time. Members who are granted a LOA are required to return all Department owned equipment and personal protective equipment issued by the Department. Upon reinstatement equipment will be re-issued to the member. Members who have been on a LOA may return to the Department or District with no loss of seniority, except for the time loss while on the LOA, and shall have their voting privileges and status reinstated upon return. If the LOA has been for a period greater than six months the member shall be required to perform a standard vehicle and equipment recertification prior to reinstatement.

ARTICLE V OFFICERS

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Section 1: District Officers

The Officers of the Fire District shall have general supervisory responsibility for the operation of a specific County Fire District, including the responsibilities and authorities granted to the District Chief in Santa Fe County Ordinance 1997-11. Other responsibilities and duties of District Officers have been defined in the Santa Fe County Fire Department Job Classification Specifications for those officers. District Officers may assume additional duties and responsibilities as necessary to administer and coordinate daily operations unique to a Fire District in order to ensure the Department's mission is accomplished and/or to ensure the Fire District's ability and readiness to respond to emergencies within that District so long as those duties and responsibilities are not in conflict with Santa Fe County Ordinance 1997-11.

Section 2: Composition of Elected District Officers

The Officers of each County Fire District shall consist of at least the following:

1. District Chief
2. Assistant District Chief
3. One or more District Captains (Fire Captain, EMS Captain, etc.)
4. One or more District Lieutenants (Fire Lt., EMS Lt., etc.)
5. District Fire Prevention Officer

Section 3: Composition of Appointed District Officers

The Appointed Officers of each County Fire District may consist of at least the following:

1. Secretary
2. Financial Officer or Treasurer
3. One or more District Staff Captains
4. One or more District Staff Lieutenants
5. One or more District Engineers

Section 4: Limitations

There shall be no more than one District Chief and one Assistant District Chief per County Fire District. In accordance with Santa Fe County Ordinance 1997-11 the District Chief of each Fire District serves at the pleasure of the Chief of the Department.

Section 5: Term of Office

1. The term of office for each District Officer shall not exceed one year.
2. Terms shall begin on January 1st of each calendar year and subsequently shall expire on the 31st day of December of the same year.
3. There shall be no limitation to the number of terms a member may be elected to office.

ARTICLE VI ELECTION, APPOINTMENT AND DUTIES OF OFFICERS

Section 1: Election of District Officers

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Election of District Officers shall be conducted as follows:

1. A candidate for office must be a volunteer member of the Fire District, and must be an Active, Qualified or Limited Duty member in good standing.
2. Eligible voters. Only those Active, Qualified or Limited Duty volunteer members of the Fire District who have met the requirements of said membership and are in good standing may participate in the nomination of officers and/or vote in the election.
3. A candidate for office is prohibited from nominating him/her self for any office.
4. A candidate for a specific office must meet the minimum job requirements of the office or be granted a waiver from the Chief of the Department.
5. Nomination of candidates for office shall be held in November of each year at the Fire District's normal business meeting. This meeting shall be known as the Nomination Meeting.
6. Election of officers shall be held in December of each year at the Fire District's normal business meeting. This meeting shall be known as the Election Meeting.
7. Elections shall be conducted by secret ballot. However, if only one person is nominated for office that person may be elected by an affirmative vote of the Secretary or a vote of affirmation of the members present.

Section 2: Appointed Staff Officers

The following officers may be appointed by the District Chief and individually approved or disapproved by the members eligible to vote or elected by general membership at the discretion of the Fire District to perform duties consistent with said office:

1. Secretary
2. Treasurer or Financial Officer
3. Staff Captain(s)
4. Staff Lieutenant(s)
5. Engineer(s)

Section 3: Vacancies

If for any reason an elective office is vacated an election shall be held at the next regularly scheduled business meeting, at which a quorum of members eligible to vote is present, to elect an officer to serve out the remainder of the vacated term.

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Section 4: Duties

The duties of the District Officers are defined as follows and may be further defined or updated in the County Fire Department job descriptions of same:

1. District Chief

- A. Assumes responsibility for and supervises the activities of, administration, personnel, budget, training, and emergency responses for the District.
- B. Ensures the District operates under the County Fire Department Chain of Command and that emergency scenes are managed utilizing the Incident Command System and relevant safety/operational procedures.
- C. Chairs all District business meetings.
- D. Ensures all District apparatus, equipment and stations are routinely inspected.
- E. Appoints such standing committees as needed to perform special functions for the District.
- F. Appoints members to perform as staff officers for the District.
- G. Is an ex-officio member of all standing committees.
- H. Attends or appoints a representative to attend the Santa Fe County Fire Chiefs' Association meeting.
- I. Exercises those duties and responsibilities as outlined in the District Chief job description under the direction of the County Chief.
- J. All other duties as assigned.

2. Assistant District Chief

- A. In the absence of the District Chief shall assume all duties and responsibilities thereof.
- B. Supervises training of new members including the assignment of mentors for each new member.
- C. Is responsible for supervising the maintenance of apparatus, equipment and stations for the District.
- D. Exercises those duties and responsibilities as outlined in the Assistant District Chief job description under the direction of the District Chief.
- E. All other duties as assigned.

3. District Captain(s)
 - A. In the absence of a superior officer shall assume all duties and responsibilities thereof.
 - B. Plans and conducts necessary District training.
 - C. Schedules and posts Duty Section Roster as applicable.
 - D. Exercises those duties and responsibilities as outlined in the District Captain's job description under the direction of the District Chief.
 - E. All other duties as assigned.

4. District Lieutenant(s)
 - A. In the absence of a superior officer shall assume all duties and responsibilities thereof.
 - B. Exercises those duties and responsibilities as outlined in the Lieutenant's job description under the direction of the District Chief.
 - C. All other duties as assigned.

5. District Engineer(s)
 - A. Is responsible for one or more engines within a Fire District as assigned by the District Chief.
 - B. Is responsible for coordinating and planning necessary District training for pump operations and emergency vehicle operation under the supervision of the District Chief.
 - C. All other duties as assigned.

6. District Fire Prevention Officer(s)
 - A. Is responsible for preparing fire prevention pre-planning as assigned by the District Chief.
 - B. Is responsible for conducting fire inspections, investigations, etc. under the direct supervision of the County Fire Marshal.
 - C. Is responsible for conducting fire prevention education training for the Fire District.
 - D. All other duties as assigned.

ARTICLE VII CADET PROGRAM

Section 1:

Cadets, as defined earlier within these bylaws, shall follow all applicable Department Rules, Regulations, Policies, Directives and Guidelines as adopted by the Santa Fe County Fire Department.

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Section 2:

Those persons who have attained the age of fourteen (14), and have the permission of at least one parent or guardian, may apply for cadet status in the Department. Cadets may not participate in emergency responses except under the direct and constant supervision of a line officer. Cadets shall not drive any Department vehicle under any circumstance and may not operate equipment except under direct supervision during training exercises. The safety of cadets is of the utmost importance. District officers will make every effort to ensure the safety of cadets at emergency scenes and during training.

Section 3:

New cadets must complete a Department application, have the written approval of at least one parent or guardian and complete an oral interview with Fire District officers prior to appointment to a six-month probationary status. Cadets will not be issued personal protective equipment, badges, or pagers while in probationary status. Cadets must attend seventy-five percent of business and training meetings during which time they will be evaluated to determine their eligibility for Active Cadet status. Cadets who reach their 18th birthday and have successfully completed firefighter I training will be moved to Active or Qualified status within the District following approval of the membership.

Section 4:

A mentor from the Fire District will be assigned to each Cadet during the Cadet's probationary period. A mentor for the Cadet shall be appointed and supervised by the District Chief.

Section 5:

During probation, monthly evaluations of the Cadet may be conducted by the assigned mentor and submitted to the District Chief. Testing of fire and medical training proficiency as well as testing the Cadet's ability to perform station and vehicle maintenance shall be noted in the evaluations. Following the probationary period Cadets remain subject to random testing and evaluation.

Section 6:

Cadets must maintain a 2.0 g.p.a or better in their school work in order to remain in good standing with the Department.

ARTICLE VIII

DISCIPLINE AND REMOVAL OF MEMBERS

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Section 1: Detrimental and Improper Conduct

The following shall be considered conduct detrimental to the welfare and operation of the Department and shall be cause for disciplinary action up to and including immediate suspension and/or dismissal. No officer or member of the Department shall be exempt from these requirements. Each member shall be held accountable and responsible for his/her individual actions accordingly.

1. Insubordination (Failure to follow a direct order of a superior officer).
2. Failure to perform his/her duty. Dereliction of duty.
3. Failure to follow county standards, policies and procedures and/or a Chief's directive.
4. Performing any membership function while under the influence of alcohol, controlled substances and/or mind-altering substances.
5. Negligence.
6. Misuse or mismanagement of Department funds.
7. Conduct unbecoming an officer or member of the Department. Sexual misconduct.
8. Actions that unnecessarily endanger the member, other members, and/or the public.

Section 2: Disciplinary Process

The Department subscribes to the concept of progressive discipline and it should be practiced as a corrective measure whenever possible. However, as noted in Section 1, there are instances when a disciplinary action, including immediate dismissal, is appropriate without first having imposed a less severe form of discipline.

- A. **Oral Warning / Reprimand**
An oral warning or reprimand is used to correct minor infractions of performance, conduct or behavior. Members should be notified that further instances may require additional progressive discipline.
- B. **Written Reprimand**
A member shall receive a written reprimand when an infraction is of a greater degree of seriousness than that for which an oral reprimand may be used, or if a previous oral warning / reprimand was not effective as corrective action.

Step 1: The District Chief shall initiate an investigation to gather information regarding the infraction and shall appoint a district officer to assist in the investigation. The district officer shall obtain written

statements from the offending member and any witnesses as part of the investigation process.

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Step 2: The officer and District Chief should meet with the member to review the information and allow the member an opportunity to respond verbally or in writing.

Step 3: If the allegations are substantiated the officer shall review the information with the District Chief to determine the appropriate disciplinary action to be taken.

Step 4: The officer and District Chief meet with the member and issue the written reprimand. The member should be asked to sign the document to acknowledge receipt. The member's signature does not necessarily indicate concurrence with the content. If the member refuses to sign the document the District Chief and officer will date and sign the document to verify the reprimand was issued in person to the member. A copy of the reprimand should be placed in the member's file for a period of 24 months after which, if no other written reprimands have been issued during that period, the document shall be destroyed.

C. Examples of Infractions Requiring Corrective Action

The following instances shall warrant the initiation of a formal progressive disciplinary process. A written reprimand may include a demotion, temporary suspension or dismissal from the Department.

1. 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 Department.
2. Failure to follow the requirements of a previous disciplinary action.
3. Misuse or abuse of Department equipment or apparatus.
4. Misuse or abuse of Department insignia, identification, or privilege.
5. Misuse or abuse of an emergency vehicle operator permit.
6. Interference with the duties of a law enforcement officer.
7. Misrepresentation of authority and/or any act that implies an inappropriate level of authority and/or intimidates a member of the public.
8. Misuse or abuse of communication equipment and/or violating Department's communication standards.
9. Failure to report damage to any station, Department vehicle or equipment caused by the member or another member of the Department.
10. Willful falsification of Department or District records or reports.
11. Theft of, unapproved appropriation of, or modification to, Department equipment, vehicles, stations, records or supplies.

12. Failure to follow and/or comply with state and county procurement codes, rules and regulations.
13. Misrepresentation of qualifications, level of training or licensure or experience.
14. Harassment (physical, sexual or mental) of another member of the Department.

Section 2: Formal Grievance and Appeal Process

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This formal grievance and appeal process is applicable for disciplinary actions that include suspension, demotion or dismissal from the Department. Members who have completed the probationary period as required in Article IV, Section 6, Paragraph D, have the right to the grievance and appeal process.

A. Request for Hearing

The member shall file a formal written request for hearing with the Chief of the Department within three (3) working days of receipt of the disciplinary action.

B. Schedule Hearing

Within seven (7) working days of receipt of the written request, the Department Chief shall schedule a hearing date, time and location to hear the aggrieved.

C. Hearing

The Department Chief, or his designated hearing officer, shall hear the aggrieved and the evidence and information provided by the District Chief. If a hearing officer has heard the aggrieved a written recommendation shall be forwarded to the Department Chief within 24 hours.

D. Decision

The Department Chief shall then have three (3) days to consider the information and render a written decision to the aggrieved and the District Chief. The decision of the Department Chief is final and cannot be appealed.

Section 3: Criminal Charges or Convictions

In general, the private life of a member of the Department is considered personal and outside the jurisdiction and authority of the county. However, when a member's action or behavior may have a detrimental effect on the Department, another member of the Department, or the County, or when an applicant has applied for membership, such action and/or behavior shall be considered when reviewing an application for membership, or the corrective or disciplinary action or termination of that member.

Any criminal conviction occurring prior to application for membership must be disclosed by the applicant at the time of application. The information will be considered confidential by the Department and will not be shared unless it is considered to be public

information by state statute, attorney general, county attorney or a court of law. It should be noted that any individual who has been convicted of a crime and has subsequently served his/her sentence has the right to be considered for membership by the Department. However, the Department reserves the right to use past criminal conduct, behavior and/or conviction as a reason to deny an application for membership.

ARTICLE IX AMENDMENT OF BYLAWS

2253670

Section 1: County Commission

These Bylaws may only be amended by formal action of the Santa Fe County Commission.

Section 2: Santa Fe County Fire Chiefs' Association

Recommendations to amend these Bylaws may be formalized by a majority vote of the Santa Fe County Fire Chiefs' Association and forwarded to the Santa Fe County Commission for formal approval and adoption by resolution.