



# Village of Cuba

PO Box 426  
Cuba, NM 87013  
(575) 289-3758

Administrative Offices

Mayor  
Richard R. Velarde  
Mayor Pro Tem  
Gilbert Dominguez  
Council Members  
Sandra K. Weippert  
Cecilia M. Delgado  
Monica A. Olivas

CUBA VOLUNTEER FIRE DEPARTMENT

BY-LAWS

January 26, 2022

This is your copy

## **Section 1: ORGANIZATION**

**Section 1:** This organization shall be known as the Cuba Volunteer Fire Department.

**Section 2:** The purpose of the organization shall be preservation and protection of life, property, private or public.

## **Section 2: MEETINGS**

**Section 1:** The regular meeting of the organization shall be held on the first Tuesday of each month.

**Section 2:** The chief shall have the right to change the date or time of any regular meeting provided he/she notified the members in writing or by telephone no less than twenty-four (24) hours prior. Exemptions to this rule, for less than twenty-four (24) hours are for extreme emergency situations.

## **Section 3: OFFICERS**

**Section 1:** The officers of the department shall be Chief, Assistant Chief, Department Administrative Assistant, EMS Captain, Training Captain, Maintenance Captain, Compliance Officer, Truck Engineers, and such committees as may be deemed necessary for the proper transaction of the business.

**Section 2:** The chief shall have the power to appoint committees and officers, as he deems necessary at any time.

**Section 4:** The Chief Officer shall be duly appointed by the Village of Cuba Mayor in accordance of the Village of Cuba Employee Handbook.

## **Section 5: DUTIES OF CHIEF AND FIRST ASSISTANT**

**Section 1:** It shall be the duty of the chief to call all regular and special meetings, to preside at all meetings, to preserve order, and decide all points of order that may arise; subject to an appeal from this decision to the members of the department. On such appeals, a two-thirds (2/3) majority of all members present shall be necessary to reserve his/her decision.

**Section 2:** Chief shall see that each subordinate performs his duty.

**Section 3:** The Chief shall cast a vote in cases of a tie. The Chief shall carry out and enforce the by-laws of the department to the best of his ability.

**Section 4:** It shall be the duty of the Chief to call a special meeting of the department upon a written request of at least five (5) members. Such request must state the reason for the meeting.

**Section 5:** It shall be the duty of the first Assistant Chief to perform the duties of the Chief in the case of his/her absence.

**Section 6:** In the event of the death or resignation of the Chief, The Assistant Chief shall become Chief if ratified by the Village of Cuba Mayor. In the event of death or resignation of any other officers, the Chief shall appoint a successor from the list of all members in good standing.

**Section 7:** It shall be the duty of the Chief to appoint any needed officers or committees as soon as deemed necessary.

**Section 6: DUTIES OF THE SECOND ASSISTANT CHIEF AND NON-OFFICER POSITIONS**

**Section 1:** It shall be the duty of the Department Administrative Assistant to keep a record of all proceedings of the department, to call the roll at all meetings, to record all absences, to keep the books up to date and to preserve the records of the department. He/she shall handle all the moneys due the department, giving proper receipts; and shall keep a regular account of all such moneys received, paying out bills due on the order of the department. Such order and payments must be properly signed by the Chief and Assistant Chief. He/she shall provide the department with monthly report of all moneys received and paid out, along with the reporting the balance on hand. He/she shall submit his/her books and officer and members upon request. He/she shall give each member at least one (1) day's notice of any special meeting. He/she shall notify each person elected a member of the department of such election and furnish that person with a copy of the by-laws of the department. He/she retain keep a master copy of the by-laws of the department, making any approved changes immediately to keep the by-laws up to date and available for inspection at any time. The Department Administrative Assistant shall be compensated in the amount of three hundred (\$300.00) dollars per month. Payment of these funds will be dependent on the Village of Cuba having sufficient appropriations and authorizations have been made final.

**Section 2:** It shall be duties of the Maintenance Captain/s to:

- a) Maintain all Department Vehicles and other equipment in good working order.
- b) Regular inspection of all such vehicles and equipment.
- c) Perform all routine service checks including oil, antifreeze checks, and changes, hose inspections, and any needed cleaning and maintaining of the pumping apparatus on each vehicle.
- d) Always maintain full water and gas tanks on all department vehicles.
- e) Regularly inspect, clean and maintain all protective clothing and other equipment.

Section 3: It shall be the duty of the Chief to appoint other non-officer positions, permanent or temporary, and to assign the duties of the position.

#### Section 7: IMPEACHMENT OF OFFICERS

Section 1: Any officer of the department, for the abuse of his/her authority or for the misconduct in office, may be impeached from office by a vote of two-thirds (2/3) of the members present at a meeting. Provided that the charge/s against the officer be made in writing and presented to the members at a regular meeting.

#### Section 8: APPLICATION

Section 1: Any person desiring membership in the department must be eighteen (18) years of age or older and must submit a written application. Such application must be signed by at least two (2) members of the department who will act as sponsors, and must be present at the regular meeting of the department.

Section 2: Any person desiring membership in the Junior Fire Department must be between sixteen (16) and eighteen (18) years of age and must submit a written application. Such application must be signed by at least two (2) members of the department who will act as sponsors, and must be present at the regular Junior Fire Department meeting.

Section 3: Each applicant must be balloted upon secretly and separately. The Chief may, in the interest of justice, order a new ballot to be taken at the next regular meeting of the department.

Section 4: A rejected applicant may re-apply at the next regular meeting.

#### Section 9: DUTIES OF THE MEMBERS

Section 1: It shall be the duty of each and all members of the department to obey all commands of their officers while on duty.

Section 2: It shall be the duty of all members to be prompt for all meetings and drills.

Section 3: All members responding to an alarm shall assemble without delay and assist in setting up the equipment at the discretion of the officer/s present. Any member not actively participating in the suppression of fires, drills, or meetings will be dropped from the rolls at the discretion of the Chief.

Section 4: All members attending a drill or fire must stand by to refill the gas and water tanks, and service the trucks and equipment until dismissed by the officer in charge.

Section 5: No member shall appear on duty or at a meeting in a state of intoxication; or shall use insulting, or indecent or improper language; or shall behave in a

manner unbecoming a lady or gentleman. The Chief shall reprimand or dismiss any member found guilty of violation of this or any section of these by-laws.

Section 6: All motions made and seconded by members at a meeting must be voted upon and may pass with a simple majority in favor.

#### **Section 10: RULES OF THE JUNIOR FIRE DEPARTMENT**

Section 1: Junior members will have the same duties as regular members with the exception of the following:

- a) Will not drive department vehicles.
- b) Will have their own by-laws and meetings.
- c) The Junior Chief will attend the regular meeting of the Fire Department.
- d) Will not enter into any structure, vehicle or hazardous area.

Section 2: The members of the Fire Department Must approve all By-laws of the Junior Fire Department.

Section 3: Junior Fire Department members will follow the rules and regulations of the Fire Department.

Section 4: The Junior Fire Department Chief will be responsible for enforcing all Department rules. Upon appeal of the Junior Fire Chief's decisions, the Fire Chief shall make final decisions.

Section 5: The Junior Fire Department members will follow the orders of the regular Fire Department member/s.

#### **Section 11: RULES OF THE DEPARTMENT**

Section 1: No unauthorized, non-members or Junior Fire members of the Department shall operate a Department vehicle or equipment unless authorized by the Chief.

Section 2: All members must contact the Chief for authorization to use any department equipment or facilities, in case other than emergencies.

Section 3: All members seeking formal training/education whether Federal, State, Or County funded shall meet Fire Department Retirement Act Guidelines.

Section 4: Upon the absence of the Chief, the officers shall take charge of all meetings, fires, and drills in the following order:

- a) Assistant Chief.

- b) Department Captains with highest training.
- c) Junior Officer with highest training

Section 5: The officer in charge of the fire drill shall make the necessary reports and appoint a safety officer to record the members present. That person will also keep unauthorized persons away from the department vehicles and equipment and out of the immediate area of the fire or fire hazard.

Section 6: The members shall be paged for all meetings, fires and drills, and at the discretion of the Chief.

#### **ARTICLE 12 - AMENDMENTS**

Section 1: No alterations or amendments shall be made to these by-laws unless proposed in writing at a regular meeting. Such changes shall be then referred to a special committee for review, who will report their findings and recommendations at the next regular meeting, when it shall be acted upon and may be adopted by a vote of three-fourth (3/4) of the members present and voting.

#### **ARTICLE 13 - GUIDELINES FOR PARTICIPATION IN FIRE FUNDED TRAINING**

Section 1: Any member of the department having seventy-five (75) percent participation and actively being a member ninety (90) days prior to such training is eligible; such Eligibility guidelines set forth in the retirement act will be followed.

#### **ARTICLE 14 - RULES OF ORDER**

Section 1: Robert's Rules of Order shall apply at all meetings of the Department. The Company Administrative Assistant shall keep a copy available at all times.

Section 2: The order for the Department shall be as follows:

- a) Flag Salute.
- b) Roll Call.
- c) Reading of minutes of previous meeting.
- d) Treasurer's report.
- e) Report of committees.
- f) Presentation of and action of bills.
- g) Application of candidates for membership.

- h) Election of officers and members.
- i) Unfinished and miscellaneous business.
- j) New Business.
- k) Adjournment.

#### **ARTICLE 15 - VOLUNTEER RECRUITMENT AND RETENTION INCENTIVE NOMINAL FEE PROGRAM**

**Section 1:** Each Volunteer Firefighter and Volunteer Emergency Medical Technician, and Volunteer EMS Responder participating in the Incentive Program shall be paid the sum of \$10.00 for an emergency response.

**Section 2:** Each Volunteer Firefighter and Volunteer EMS responder participating in the Incentive Program shall be paid the sum of \$10.00 for entering the response information into the NFIRS and IMAGETRENDELITE Incident Reporting System.

**Section 3:** Each Volunteer Firefighter and Volunteer EMS responder participating in the Incentive Program shall be paid the sum of \$10.00 for training approved by the Fire Chief. Online training shall be paid the sum of \$10.00 for every 2 sessions.

**Section 4:** Each Volunteer Firefighter and Volunteer EMS responder participating in the Incentive Program shall be paid the sum of \$10.00 for attending monthly District business meetings.

**Section 5:** Each Volunteer Firefighter that is required to upgrade their driver's license to a Class "E" License will be paid a one-time reimbursement fee of \$10.00. Once a Volunteer Firefighter upgrades their license to a Class "E" License The Village of Cuba will not pay for subsequent driver license renewals.

**Section 6:** Each Volunteer Firefighter and Volunteer EMS responder participating in the Program shall be paid a lump sum upon completion and certification/licensure see Appendix A.

**Section 7:** In order to receive a payment as provided herein, a Volunteer Firefighter or Volunteer EMS Responder must be a member good standing as defined in the Cuba Volunteer Fire Department Policies and Procedures and has completed all Village of Cuba Human Resource Department and Payroll Department forms.

**Section 8:** In order to receive a payment as provided herein, a Volunteer Firefighter or volunteer first responder must complete the Village of Cuba Fire Department Volunteer Recruitment and Retention Incentive Nominal Fee Program Pay Voucher (Pay Voucher) for a payment and must complete and provide all attachments required by the Fire Department before the payment will be processed.

**Section 9:** A separate Pay Voucher must be completed for each month by each active duty volunteer. The Pay Voucher will document attendance at District Business Meetings, Formal District Trainings, fire and EMS incident reporting, and formal station duty with completion of assigned tasks. Coursework will be documented on a separate Pay Voucher indicating the course title and instructor.

**Section 10:** The volunteer firefighter or volunteer emergency medical first responder must sign the Pay Voucher and thereby attest to its accuracy. The Cuba Volunteer Fire Chief must sign the Pay Voucher and thereby attest to its accuracy.

**Section 11:** In order to receive a payment as provided herein, the Pay Voucher must be submitted to the Village of Cuba Fire Department Administration per the annual schedule and intervals that has been determined by the Village of Cuba Finance Clerk.

**Section 12:** The Fire Department will verify all activities recorded on the Pay Voucher are accurate and the individual requesting payment participated in the activities for which a payment is requested.

**Section 13:** The Fire Department may take all appropriate actions with respect to a Pay Voucher it deems to be false, fraudulent or misleading, including suspension or termination of the volunteer from further service and/or other appropriate action. No payment shall be made upon an application deemed to be false, fraudulent or misleading.

**Section 14:** Payments provided under this Incentive Program are subject to appropriations by the Village of Cuba Council, who may discontinue the program at any time, without notice.

**Section 15:** The Incentive Program, as described herein, is contingent upon sufficient appropriations and authorizations being made by the Village of Cuba Council. If sufficient appropriations and authorizations are not made in this or future fiscal years, this Program shall terminate immediately, with or without notice to participants. Any such termination of the Incentive Program shall be without penalty to the Village, and the Village shall have no duty to reimburse persons for calls made for which a payment has not yet been made.

**Section 16:** The Village of Cuba Council is expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered and approved for expenditure. The Village's decision as to whether sufficient appropriations and authorizations have been made shall be final.

**Section 17:** The terms of this Resolution, and the payments described herein, do not create, nor are they intended to create, an employment relationship between any Volunteer Firefighter or Volunteer EMS responder and the Village of Cuba Council. The payments described herein are therefore intended, not as compensation for work, but solely as partial compensation for expenses volunteers incur performing volunteer service for the Village. The payments are not wages or salary.



create an employment relationship between any Volunteer Firefighter or Volunteer EMS Responder and the Village of Cuba Council, and therefore any volunteer entitled to payments shall be considered a volunteer, not an employee of the Village and by accepting payments described herein, each Volunteer Firefighter or Volunteer EMS Responder acknowledges this legal relationship. Volunteers accepting payments pursuant to this Resolution shall not accrue leave, participate in village employee retirement plans, insurance plans, or any employee benefit designated for Village employees.


This Resolution shall be governed by the Ordinances of the Village of Cuba, NM and the laws of the State of New Mexico.

This Resolution shall become effective on: 01-26-2022  
and Adopted on: 01-26-2022

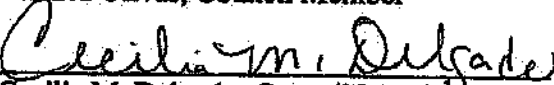
**Passed, Approved**

Village of Cuba Council

  
Richard Velarde, Mayor

  
Gilbert Dominguez, Mayor Pro tem

  
Monica Olivas, Council Member

  
Cecilia M. Delgado, Council Member

  
Sandra Weippert, Council Member

  
ATTEST Vandora Casados, Village Clerk

Approved as to legal form:



*Frank Salazar*

January 26, 2022

Frank C. Salazar, Village Attorney

#### Appendix A

The following list of courses is not intended to be all inclusive. The Fire Chief can pre-approve other courses as needed.

-Example Only-

- |  |                                |
|--|--------------------------------|
| a) First Responder   | (\$70.00) 7 Classroom days     |
| c) EMT-Basic and EMT-Intermediate  | (\$210.00) =>21 Classroom days |
| e) CPR and First Aid   | (\$20.00) 2 Classroom days     |
| f) IFSAC Hazmat Operations   | (\$50.00) 5 Classroom days     |
| g) IFSAC Firefighter I   | (\$210.00) =>21 Classroom days |
| h) Wildland S-130, S-190   | (\$50.00) 5 Classroom days     |
| i) IFSAC Vehicle Extrication   | (\$30.00) 3 Classroom days     |
| j) Other courses as pre-approved by the department chief (up to \$300.00) or<br>\$10.00/Classroom day (between 2 and 8 hours) whichever is less. |                                |