

BYLAWS

OF

**WHISPERING PINES VOLUNTEER FIRE DEPARTMENT
RURAL FIRE PROTECTION DISTRICT**

ARTICLE I. NAME AND PURPOSE

Section 1. Name and Purpose.

1. The name of this organization shall be known as the “Whispering Pines Volunteer Fire Department Rural Fire Protection District” (District), a body corporate and politic organized pursuant to the provisions of SDCL 34-31A *et seq.*
2. The purpose of this organization shall be to prevent and suppress fires, educate and train firefighters, and equipping one or more fire stations within the District.
3. The annotations following certain paragraphs are cites to specific provisions contained in South Dakota Codified Laws, Chapter 34-31A *et seq.* If no specific statutory cite is shown, the origin of the language is from the District's prior bylaws.

ARTICLE II. BOARD OF DIRECTORS

Section 1. Board of Directors.

1. The governing body of the District shall consist of the Board of Directors who have been elected to the District Board. (34-41A-13)
2. The Whispering Pines Volunteer Fire Department Fire Chief may sit with the Board as an ex officio, non-voting member, of the District Board.

Section 2. Number, Qualifications and Elections.

1. The District Board shall consist of seven members. (34-31A-13).
2. District Board members shall be registered voters who reside within the District. (34-31A-12 and 43)
3. District Board members shall hold office for a period of two (2) years and until their successors have been elected and qualified. (34-31A-15)
4. Annual elections shall be held at the regular meeting of the District in the first calendar quarter of each calendar year. (34-31A-43)

A. Notice of the annual election shall be given by the Secretary-Treasurer by at least one (1) publication in a legal newspaper of general circulation within the county. (34-31-43)

B. The annual meeting shall be held not less than seven (7) days, nor more than fourteen (14) days after the date of publication of the notice. (34-31A-43)

C. Vacancies on the District Board shall be filled by the Pennington County Board of Commissioners appointing a resident voter of the District to complete the unexpired term. (34-31A-15.1)

D. The District Board shall select the following officers: President, Vice President, Secretary, and Treasurer. The office of Secretary and Treasurer may be held by the same person. (34-31A-14)

Section 3. Duties of the Board of Directors.

1. The primary responsibility of every District Board member shall be that of attendance and participation in the Board meetings as scheduled. In the event a Director fails in his responsibility to attend these meetings and misses three (3) consecutive meetings, the remaining Board of Directors may request the Pennington County Commission to declare a vacancy and to appoint a replacement member to the Board of Directors for the unexpired term.

2. A majority of Directors shall constitute a quorum at any scheduled meeting or special meeting.

3. The Board of Directors shall meet monthly and shall also be subject to the call for special meetings.

4. The Board of Directors shall call an annual meeting of the District in the first quarter of each year.

5. The Board shall prepare an annual budget of the expenditures necessary to carry out the general fire protection program for the District. Grants, resources of the Whispering Pines Volunteer Fire Department, and other revenue shall be considered by the Board when preparing the revenues available to fund the District's budget. (34-31A-20(1)) The Board shall submit such annual budget to the Pennington County Auditor no later than the 10th day of June of each year, or as directed by the County Auditor.

6. The Board shall annually certify an estimated tax levy request in dollars to the Pennington County Auditor in the manner provided in SDCL 34-31A-21. (34-31A-20(2))

7. The Board shall operate the District pursuant to South Dakota state law as provided in SDCL 34-31A, *et seq.*

Section 4. Powers of the Board of Directors.

1. The Board of Directors shall have the following general powers:
 - A. To determine upon a general fire protection program for the District; (34-31A-17(1))
 - B. To manage and conduct the business affairs of the District; (43-31A-17(2))
 - C. To make and execute contracts in the name of and on behalf of the District; (34-31A-17(3))
 - D. To purchase or lease such firefighting equipment, supplies, and other real or personal property as shall be necessary and proper to carry out the general fire protection program of the District; (43-31A-17(4))
 - E. To incur indebtedness on behalf of the District within the limits prescribed by SDCL 34-31A-31, and to authorize the issuance of evidences of such indebtedness permitted under this subdivision, and to pledge any real or personal property owned or acquired by the District as security for the same; (34-31A-5))
 - F. To organize, establish, equip, maintain, and supervise a fire department or company to serve the District; (43-31A-17(6))
 - G. Generally, to perform all acts necessary to fully carry out the purposes of this chapter; (34-31A-17(7))

Section 5. Duties of the President.

1. Preside over all meetings of the general membership and the Board of Directors.
2. Call special meetings.
3. Perform all acts and duties usually performed by an executive and presiding officer.
4. Perform such other duties as prescribed by the Board.
5. Appoint annually an auditing committee prior to the annual meeting to conduct a District audit. The committee will consist of three (3) appointees from the

general membership to be assisted by the District Secretary and Treasurer. This committee shall submit written reports of the audits at the annual meeting.

6. Co-sign all warrants of the District, along with the Treasurer. (34-31A-33)

Section 6. Duties of the Vice President.

1. In the absence, disability or resignation of the President, the Vice President shall perform the duties of the President.
2. Be responsible for buildings, property, and leases.
3. Be responsible for maintaining current inventory of District property.

Section 7. Duties of the Secretary.

1. Keep a record of all organization meetings.
2. Keep attendance record of all Board meetings.
3. Provide a copy of minutes of all meetings to all Board members.
4. Prepare and maintain all other general correspondence or records as prescribed by the President or the Board.

Section 8. Duties of Treasurer.

1. To work with a bookkeeper to present all pertinent information when needed.
 - A. Keep a complete financial record of the District.
 - B. Present a financial report to the Board at monthly meetings.
 - C. Perform all other duties required by law.
2. The Treasurer shall execute a surety bond in an amount of at least \$5,000. (34-31A-25)
3. The Treasurer shall, at each annual public meeting of the District, present a financial report concerning the affairs of the District.

ARTICLE III. MEMBERSHIP

Section 1. Eligibility and Voting Rights.

Any resident voter within the District shall be eligible to run for a position on the District Board of Directors and shall be entitled to a vote at the annual and special meetings of the District. (34-31A-43)

ARTICLE IV. DISTRICT FUNDS

Section 1. Maximum Indebtedness of District.

1. The District may not incur debt greater than an amount equal to twenty times the annual maximum tax levy authorized by SDCL 34-31A-21. (34-31A-31)

2. The District may borrow money and issue appropriate evidence of indebtedness within the limits authorized by state law. (34-31A-31)

Section 2. Deposit in Bank of District Receipts – Warrants for Disbursement.

All VFD and District funds collected through the levy of taxes; all donations, contributions, bequests, or annuities; and all borrowed money received by or on behalf of the District shall be deposited in a state or national bank to the credit of the VFD or District fund, as appropriate, and shall be drawn out only by warrant. (34-31A-32)

Section 3. Claim Vouchers for District Funds.

All expenditure of District funds shall be as authorized by the Board and shall bear the signature of the Treasurer and the counter signature of the President. (34-31A-33)

Section 4. Filing of Financial Report with County Auditor – Examination of District Records.

On or before January 31st of each year, the Secretary-Treasurer of the VFD and District shall file a financial report of the previous calendar year with the County Auditor. (34-31A-34)

ARTICLE V. AMENDMENTS/REVISIONS

Section 1. Amending or Revising the Bylaws.

1. Whenever two-thirds (2/3's) of the Board shall deem it necessary, or upon a petition signed by not less than ten percent (10%) of the registered voters residing in the District, an amendment to the Bylaws may be proposed. All votes and notifications will follow South Dakota legal notice guidelines.

2. Adoption of the amendment/revision requires a two-thirds (2/3) of resident voters attending any general or special election of the District.

3. No amendment to these bylaws shall be effective if such amendment would be contrary to the provisions set out in SDCL 34-31A *et seq.*

REVISED BYLAWS ADOPTED BY A VOTE OF THE ELECTORS PRESENT AT THE SPRING ANNUAL MEETING OF THE WHISPERING PINES VOLUNTEER FIRE DEPARTMENT RURAL FIRE PROTECTION DISTRICT HELD FEBRUARY 19TH, 2018.