**ARTICLE I**

**GENERAL**

**Section 1 NAME**

This organization shall be known as the COMMISSIONERS OF FIRE DISTRICT NO. 2 IN THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN hereinafter referred to as the “Commissioners” or “Commissioner” or “Board.”

**Section 2 PURPOSE**

The purpose of the Commission is the administration of the fire district. The Commission shall endeavor to cooperate in any cause which is for the good of the community; such as, but not limited to, the protection of life and property and the preservation of law and order.

**Section 3 CREATION**

Pursuant to N.J.S.A. 40A:14-70, the Commission was created by ordinance of the Township Committee of the Township of Dover, County of Ocean and approved by resolution on

February 8, 1929.

**Section 4 GENERAL POWERS**

The Commissioners were created pursuant to N.J.S.A. 40:14-70. The general powers of the Commissioners are specifically set forth in N.J.S.A. 40A:14-81 and supplemented by various statutory sections in N.J.S.A. 40A:14, et seq.

**Section 5 LIMITS OF THE FIRE DISTRICT**

The limits of Fire District No. 2 of the Township of Toms River are as follows: All lands within the physical boundaries of the Toms River Fire District No. 2 as the same may exist from time to time.

**Section 6 CONFLICT**

These By-Laws and all provisions thereof shall govern the Board of Fire Commissioners except in conflict with the Constitution and laws of the State of New Jersey or the United States of America.

**Section 7 SEAL**

The official seal of the Commissioners shall consist of an embossed impression of a circular metallic disc containing, in the outer rim the words “The Commissioners of Fire District No. 2, Township of Toms River.”

**Section 8 BUDGET**

 A. The Commissioners shall introduce and approve the annual budget in accordance with Title 40A.

 B. The Fire District fiscal year shall begin on January 1 and end on December 31.

 C. The Commissioners’ budget shall conform to the requirements of Title 40A.

 D. Any and all expenditures, regular or emergent, made by the Commissioners shall be made in accordance with the requirements of Title 40A.

 E. The Commissioners may bond for certain expenditures in accordance with

 Title 40A.

**Section 9 JURISDICTION**

The Commissioner shall exercise authority over all firematic matters within the boundaries of Fire District No. 2 in the Township of Toms River, and in that regard shall have the authority in all respects over all volunteer and other fire companies or departments operating within the boundaries of the said fire district, and no fire company shall be formed nor any existing fire company continue to operate as except as hereinafter provided.

**Section 10 DEFENSE REPRESENTATION AND COSTS**

 A. The Board of Fire Commissioners shall provide a member or officer of the Fire Company who is a defendant in any action or legal proceeding arising out of or incidental to the performance of his/her duties, subject to the exception in (B), with counsel and cost incidental to such representation for the defense of such action or proceeding.

 B The defense representation and costs provided under (A) shall not be available for a member or officer’s defense in a disciplinary proceeding instituted against him/her by the Board of Fire Commissioners or in a criminal proceeding instituted as a result of a complaint on behalf of the Board of Fire Commissioners. However, if such disciplinary or criminal proceeding shall be dismissed or finally determined in favor of the member or officer, they shall be reimbursed for the expense of their defense.

**ARTICLE II**

**MEMBERSHIP**

**Section 1 COMMISSIONERS**

Pursuant to the provisions of N.J.S.A. 40A:14-70 et seq., the Commission shall consist of five (5) persons elected by ballot by the legal voters of said Fire District.

 A. The Board of Fire Commissioners shall cause the Treasurer’s records to be audited in accordance with Title 40A.

 B. Each member of the Board of Fire Commissioners shall receive as compensation in accordance with Title 40A.

**Section 2 ELECTION**

Elections to membership to the Commissioners are regulated by N.J.S.A. 40A:14-70 through N.J.S.A. 40A:14-78, inclusive, all elections for membership to the Commissioners are to be held to compliance with said statutory sections.

**Section 3 TERM OF OFFICE**

Commissioners are elected for a three-year term with no term limits.

**Section 4 VACANCY**

If a vacancy shall occur in the membership of said Commissioners, said vacancy shall be filled by the remaining members until the next succeeding annual election, at which time a resident who is also a registered voter of the Fire District shall be elected for the unexpired term. The vacated unexpired term can be filled by any person appointed by a majority of the existing Commissioners until the next regular election where an election will be held.

**ARTICLE III**

**ELECTED OFFICERS**

**Section 1 TITLES**

The elected officers of the Commissioners shall consist of the following:

 Chairman

 Vice Chairman

 Clerk

 Assistant Clerk

 Treasurer

**Section 2 TERMS OF POSITIONS**

 A. These officers shall be elected by the Commissioners from its members at the annual organizational meeting each year, which meeting shall be held on the first regular meeting after the election regarding Commissioners membership, which is held each year. The said officers shall be elected to and hold office pursuant to the provisions of Article II of this document.

 B. The officers of the Commission shall be the Chairman, Vice Chairman, Clerk, Assistant Clerk and Treasurer.

 C. The officers shall be members of the Commission, and their appointments shall be

 for a term of one year; they shall be elected at the reorganization meeting.

 D. The duties of the officers will be as set forth in Title 40A.

 E. Each member of the Commission shall receive as compensation in accordance

 with Title 40A.

**ARTICLE IV**

**OFFICERS AND THEIR DUTIES**

**Section 1 CHAIRMAN**

 A. The Chairman shall preside at all meetings of the Commissioners; provide general supervision and direction of the affairs of the Board; appoint committees, and act as a member Ex-Officio of the same; make all appointments not otherwise provided for in these By-Laws; call all special meetings, as necessary; act in the capacity of the Chief Executive Officer of the Board; and sign all contracts, drafts, and checks relative to the Commissioners general account. Said checks are, also, to be signed by the Treasurer and a third member of the Commissioners as designated. The Chairman shall perform such other duties as are necessary and incidental to said office.

 B. The Chairman shall be responsible for interfacing with Landlords on matters related to rented space.

**Section 2 VICE CHAIRMAN**

 It shall be the duty of the Vice Chairman, in the absence of the Chairman, to assume and perform all duties of the office as specified in ARTICLE IV, Section 1. Also, he/she may be called upon to assist in such administrative duties as may be required by the Chairman.

In the event of the absence of both the Chairman and Vice Chairman from any meeting, the Commissioners may, by a majority vote of those present, delegate the parliamentary power of such officer to any commissioner present for the purpose of conducting Commissioner business at such meeting. If said Chairman and Vice Chairman are absent from said meeting, the senior member present (said seniority to be determined by the terms of continuous service) shall preside at said meeting.

**Section 3 CLERK**

 A. The Clerk shall be responsible for ensuring that the following occurs: prepare the agenda for all meetings, provide notice of meetings to members, arrange proper and legal notice of hearings, be responsible for all aspects of the Fire Commissioners Election, attend to correspondence, and perform other duties as are necessary and incidental to the office of Clerk.

 B. In addition, the Clerk shall be the custodian of the official seal of the Commissioners and shall attest to and be responsible for the compilation of all minutes, documents, resolutions, agreements, and obligations.

 C. The Clerk shall be responsible for all major purchases required by the Board and shall perform such other duties as are necessary and incidental to purchasing. These responsibilities shall include:

 1. Acquisition of price quotes for the item(s) to be purchased. These price quotes will be presented at the board meeting for the selection and approval of the vendor prior to completing a purchase order.

 2. Completion of purchase order form(s) shall be granted and sent to vendor as soon as possible.

 3. The filing and tracking of all purchase orders approved.

 D. In the event the Clerk cannot perform the defined duties, the Assistant Clerk shall be authorized to act on behalf of the Clerk for purchasing matters.

**Section 4 TREASURER**

 A. The Treasurer shall have care and custody of and be responsible for all funds of the Commissioners in such bank or banks as the Commissioners may designate.

 B. Subject to the direction of the Commissioners and in accordance with such requirements for countersignature as the Commissioners may provide, the Treasurer shall sign, make, endorse in the name of the Commissioners, together with the Chairman and any third member of the Commissioners as designated, all checks, drafts, and orders for payment of money.

 C. After approval by the Commissioners, the Treasurer shall pay all vouchers and approve such requisitions and purchase orders as may be authorized by the Commissioners.

 D. The Treasurer shall render a report of the finances of the Commissioners at each regular meeting and at such other time as may be requested.

 E. The Treasurer shall be responsible to ensure accurate and current books of accounts of all business transactions, requisitions, purchase orders, vouchers, and invoices as are necessary and incidental to the operations of the business of the Commissioners. The Treasurer shall perform such other duties as are necessary and incidental to said office

 F. When requested by the Commissioners, the Treasurer shall give such security for the faithful discharge of his/her duties as the members may direct, including a corporate surety bond, premiums for which shall be paid by the Commissioners.

**Section 5 COMMITTEE LIAISONS**

 A. Two liaisons will be designated for each of the standing committees. These officers shall be elected by the Commissioners from its members at the annual organizational meeting each year, which meeting shall be held on the first regular meeting after the election regarding Commissioners membership, which is held each year. The said officers shall be elected to and hold office pursuant to the provisions of Article II of this document.

 The function and formation of said committees/liaisons shall be as so established at the annual reorganization meetings or anytime as necessary or required

 It is the policy of the commissioners to operate as a committee of the whole on matters of policy, decisions, and expenditures. However, since the details of the commissioners are sometimes voluminous in nature, it is the Commissioners policy to have members assigned to one or more committees or as liaisons so concentrated efforts may be spent on a particular segment of the Commissioners work.

 The Chairman, during his/her term in office, may appoint permanent and/or special committees/liaisons at his/her discretion for determined periods of time. These appointments shall not exceed the term of office of any member.

 Standing Committees:

 Communications/IT

 Apparatus/Equipment/Facilities

 Fire Prevention Bureau

 Fire Academy

 First Aid

 Joint Monies (one representative/existing treasurer)

 Awards Program

 Insurance

 Substation Building

 Fire Officers’ Association

 B. These officers shall be elected by the Commissioners from its members at the annual organizational meeting each year, which meeting shall be held on the first regular meeting after the election regarding Commissioners membership, which is held each year. The said officers shall be elected to and hold office pursuant to the provisions of Article II of this document.

 **1. Communications/IT** – The Commissioners of Communications/IT shall be responsible for the Commissioners’ computer system which consists of direction and control of the following:

* Dispatcher functions/operations
* Hardware
* Software
* Website
* Maintenance
* Training
* Radios
* Opti-com

 The Commissioners/Liaisons of Communications/IT shall interface with the Toms River Fire Dispatcher Supervisor & Operations and any outside consultants retained by the Board. Shall assure that all requirements for the Website postings are up-to-date.

 **2. Apparatus, Equipment, and Facilities**

 a. The Commissioners of Apparatus, Equipment, and Facilities shall be responsible for maintenance and/or repair of all fire apparatus, firematic equipment, and facilities. Additionally, the Commissioners of Apparatus, Equipment, and Facilities shall perform all such duties as are necessary and incidental to said office. These responsibilities included:

 (1) matters pertaining to the maintenance and repair of all the fire apparatus and firematic equipment owned, leased, or administered by the Board.

 (2) matters pertaining to the maintenance and repair of all district owned facilities, buildings, and building additions, repairs, or related projects.

 (3) interface with the Fire Company Trustees and Facility Committee regarding building additions, repairs, or related projects.

 (4) submit a report at monthly meetings as to the status of all apparatus and equipment.

 b. The Liaisons of Apparatus, Equipment, and Facilities or the Fire Chief shall have the authority to authorize apparatus or equipment repairs up to $500. Said repairs shall be reported to the Board at the next regularly scheduled meeting. Should repairs exceed $500, the Administrator

 may straw poll the other Commissioners for approval or request that a special

 meeting be called.

 c. The Commissioners of Apparatus, Equipment, and Facilities shall be an active participant of any Apparatus Committee regarding the purchase of new or used Fire Apparatus or equipment. This representative shall not also be a “fire officer” in any of the Fire District No. 2 fire companies.

 **3. Insurance** – The liaisons of insurance shall be responsible for the administration of all insurance provided by the Commissioners. These responsibilities consist of the following and are normally managed by the District Business Administrator:

* Filing accident reports
* Payment of premiums
* Clarification of coverage when requested

**ARTICLE V**

**APPOINTED POSITIONS**

**Section 1. ATTORNEY**

(1) The Commissioners shall appoint an attorney, or attorneys, contingent upon special circumstances or needs as appropriate who shall be paid such compensation as the Commissioners may, from time-to-time, provide.

(2) The attorney, or attorneys, shall furnish the Commissioners all legal services outlined in the attorney’s contract with the Commissioners; and such legal advice and counsel as shall be requested, and shall represent the Commissioners in all legal matters.

**Section 2. AUDITOR**

(1) The Commissioners shall appoint an auditor, as appropriate, who shall be paid such compensation as the Commissioners have awarded.

(2) The auditor shall be a registered municipal accountant or a certified public accountant and shall render such auditing or **accounting services** as may be required by the Commissioners.

**ARTICLE VI**

**MEETINGS AND HEARINGS**

**Section 1. REGULAR MEETINGS**

 The regular meeting of the Commissioners for the transaction of its business shall be held on the first and third Wednesday of each month at 7:30 p.m. unless otherwise scheduled by the Commissioners.

**Section 2. SPECIAL MEETINGS**

 Special meetings will be called/scheduled as needed and must follow all the requirements of a regular meeting.

**Section 3. ORGANIZATION MEETINGS**

 The annual organization meeting of the Commissioners for the election of officers and for the transaction of other business as may come before the Commissioners shall be held at the start of the first regular meeting following the regular election in each year.

**Section 4. OPEN PUBLIC MEETINGS ACT**

(1) All regular or special meetings held by the Commissioners shall be held in compliance with the Open Public Meetings Act of the State of New Jersey, P.L. 1974, C-231. Notification of said meeting shall be in compliance with said Open Public Meetings Act of the State of New Jersey.

(2) Notice of such meetings shall be communicated once in two newspapers of general circulation within the district at least **48 hours** prior to the date thereof, and such notices shall be posted in a prominent place in the Municipal Building.

**Section 5. QUORUM**

 A majority of the entire authorized membership of the Commissioners shall constitute a quorum. Action may be taken by the Commissioners by a vote of a majority of the authorized membership.

**Section 6. VOTING METHOD**

(1) Votes on all resolutions and motions as deemed necessary at the discretion of the Chairman shall be by roll call vote; signifying “ayes” or “nays.” No secret ballots may be used.

**Section 7. ORDER OF BUSINESS**

(1) Meetings shall follow the following order of business:

* Call to order – Pledge of Allegiance and Moment of Silence
* Chairman’s Statement and Certification of Public Meeting Law
* Roll call
* Application for membership
* Receipt of bids (when applicable)
* Reading and approval of minutes from previous meeting
* Review and payment of bills
* Correspondence
* Report of Committees/Liaisons
* Report of Chiefs
* Report of Administrator
* Unfinished business
* New business
* Address to Board members of the public
* Adopt resolution to hold closed session (when required)
* Adjournment

(2) The order of business is subject to change at any time prior to said meeting by order of the Chairman of the delegated Commissioner in the absence or incapacity of the Chairman.

**Section 8. HEARINGS**

(1) In addition to those required by law, the Commissioners may at their discretion, hold public hearings which they deem to be in the public interest.

(2) Notice of such hearings shall be published once in two newspapers of general circulation within the district at least five (5) days prior to the date thereof, and such notices shall be posted in a prominent place in the Municipal Building.

(3) A record of those appearing shall be kept. However, formal proofs will not be required without prior notice thereof to the parties in interest.

**ARTICLE VII**

**ATTENDANCE (NON-COMMISSIONERS)**

**Section 1. CHIEF OF FIRE COMPANY**

(1) It is hereby required by the Commissioners that the Fire Chiefs of the volunteer fire companies within the fire district, or his/her duly authorized representative, attend all Commissioners’ Business meetings which are held in accordance with ARTICLE VI of this document.

(2) It is specifically determined by the Commissioners that the said Fire Chiefs, or his/her duly authorized representative, shall be required to attend all other special meetings of the Commissioners as required when notified within a reasonable period of time at the discretion of the Commissioners.

**ARTICLE VIII**

**OTHER**

**Section 1. MEMBER CONFLICTS OF INTEREST**

(1) A Commissioner, Fire Officer, or Executive Officer shall not have any direct pecuniary interest in a contract with the fire district, nor shall a member furnish directly any labor, equipment, or supplies to the fire district in exchange for any monetary compensation.

(2) In the event a Commissioner, Fire Officer, or Executive Officer is employed by a corporation or business or has a secondary interest in a corporation or business which furnishes goods or services to the fire district, the member shall declare his/her interest and refrain from discussing or voting upon the question.

(3) It is not the intent of this policy to prevent this fire district from contracting with corporations or businesses where a member is an employee of same. This policy is designed to prevent placing a member in a position where his/her interest in the fire district and his/her interest in his/her place of employment or other indirect interest may conflict and to avoid appearances of conflicts of interest even though such conflicts may not exist.

**Section 2. COMPENSATION FOR MEMBERS**

 N.J.S.A. 40A:14-88 provides for compensation for members in such amounts as the Commissioners shall fix pursuant to Public Law. Said members may receive compensation in accordance with said statutory section.

**Section 3. HIRING OF EMPLOYEES**

 N.J.S.A. 40A:81.1 et seq. authorizes the Commissioners to hire various employees in compliance with that procedure as set forth in said statutes. The Commissioners shall hire employees in compliance with said statute.

**ARTICLE IX**

**AMENDMENTS**

 These by-laws may be altered, amended, or repealed at any regular meeting by four-fifths vote of the total membership upon fourteen (14) days prior notice to all members of such desired alteration, amendment, or repeal. Said alteration, amendment, or repeal will not be effective until same has been voted upon and passed with the above required four-fifths majority of each of two (2) consecutive meeting by the Commissioners and subsequently adopted by said Commissioners.

**ARTICLE X**

**FIRE COMPANIES**

**Section 1. ESTABLISHMENT OF FIRE COMPANIES**

1. Fire Companies may be established in accordance with the Title 40A.

**Section 2. BYLAWS**

1. No Fire Company’s Constitution or By-Laws shall conflict with the Rule and Regulations as set forth by the Board of Fire Commissioners.

**Section 3. MEMBERSHIP**

1. An application for Membership in any Fire Company in Fire District No. 2 must possess the qualifications set forth in N.J.S.A. 40A:14-9 and must:
2. Possess a valid New Jersey Drivers License and have a driving record not inconsistent with fulfilling the duties of a firefighter.
3. Must meet the following requirements for residence:
4. When applying to either the Pleasant Plains or Silverton Fire Companies must live within a reasonable response distance to the fire house in order to respond within an acceptable time frame or meet the minimum required attendance as stated within guidelines of the Department.
5. An applicant must be not less than 18 years of age at the time of application for Membership
6. An applicant shall be required to submit to and pass a fully NFPA physical, Criminal Background Check, and mental health evaluation to the extent which has been determined by the Board of Fire Commissioners. Along with any other evaluation standards the Commissioners may deem necessary each applicant shall meet all New Jersey physical and mental standards and shall submit to and pass the Drug and Alcohol Testing/Screening procedures as required by the Fire Commissioners. Each applicant shall be required to sign any authorization necessary for the Board of Fire Commissioners to receive the outcome of the tests and procedures. If during the examination process a pre-existing condition is diagnosed, the applicant shall be responsible for the cost of any additional testing.
7. No applicant shall be a valid firefighter of any Fire Company in Fire District No. 2 until such person’s applications has been approved by the Board of Fire Commissioners and such person has complied with all accompanying procedures required thereto by the Board of Fire Commissioners.
8. The Board of Fire Commissioners may, at its discretion, require a member at any time to undergo a physical examination. In such a case, any member of the Fire Company may retire or may be retired by the Board of Fire Commissioners if:
9. Said member refuses to submit to said physical examination; or
10. Said member is unable to pass said physical examination.
11. All officers and members of the fire companies are required to adhere to all policies and procedures set forth by the Board of Fire Commissioners.