

**AMENDED & RESTATED  
BY-LAWS  
OF  
LAKEVIEW FIRE PROTECTION DISTRICT, INC.  
A Non-Profit Corporation**

## **ARTICLE I – IDENTIFICATION**

**Section 1.1 Name:** The name of the Corporation is Lakeview Fire Protection District, Inc. hereinafter referred to as “Corporation”.

**Section 1.2 Principal Office:** The address of the principal office of the Corporation is 21289 Phyllis Drive, Lake View AL 35111. The Corporation may have such other offices either within or without the State of Alabama as the Members may designate or as the business of the Corporation may from time to time require.

## **ARTICLE II – MEETING OF MEMBERS**

**Section 2.1 Management:** The business of the Corporation shall be under the management of the Board of Directors and officers.

**Section 2.2 Meetings:** The annual meeting of the Members of the Corporation shall be held on the third Tuesday of October of each year, at 7:00 PM if not a legal holiday and if a legal holiday, then on the next day following, or such other date may be prescribed by the President for the purpose of

- A. Considering and acting upon the reports of officers and Directors
- B. Transacting such other business as may come before the meeting

**Section 2.3 Special Meetings:** Special meetings of the Members may be held at any time whenever called by the President, a majority of the Board of Directors, or by any Members whose number is equal to or greater than one-third the total Membership.

**Section 2.4 Notice:** Notice of any member meeting of the Corporation shall be given to the Members of the Corporation by posting of a notice which specifies the time, date, place and general purpose of the meeting along with a preliminary agenda. Notice shall be posted not less than 14 days prior to the meeting, or as is otherwise authorized by the Alabama Open Meetings Act. Notice shall be posted at the following locations:

- The Corporation Business office
- Each Fire Station
- Lake View City Hall and Fire Station 2
- Community Boards at Tannehill General Citgo on (22732 Bucksville Rd)
- The Club at this Lakeview (21026 Agnes Drive).

**Section 2.5 Waiver:** Any Member may waive notice of any meeting of Members by a written waiver of notice signed by such Member before, at, or after such meeting. Meetings may be held by conference telephone call or by like means in accordance with Section 10-2A-65(c) of the Code of Alabama 1975.

**Section 2.6 Proxy:** At any meeting of the Members, a Member may vote either in person or by written proxy on an official proxy form provided by the District and delivered to the business office within 10 days prior to the meeting to allow for verification.

**Section 2.7 Quorum:** For the transaction of business at any meeting of the Members, the Members present shall have the power to conduct the meeting without notice other than announcement at the meeting.

**Section 2.8 Voting:** All questions and elections shall be determined by a majority vote of the Members present at any meeting, except as otherwise provided by law.

**Section 2.9 Place:** The Board of Directors may designate any place either within or without the State of Alabama as the place of meeting for any annual or special meetings of the Members. In the absence of any designation, all meetings shall be held at the principal office of the Corporation.

**Section 2.10 Voting Record:** At least ten days before each meeting of the Members, the Secretary shall make a complete list of the Members entitled to vote at such a meeting. Such list shall be prepared in alphabetical order and shall show the address of each Member. The list shall be kept on file at the principal office of the Corporation and shall be subject to inspection at any time during normal business hours by any Member making written request therefore. The list shall be produced and kept open at the time and place of the meeting and shall be subject to inspection by any Member during the meeting.

### **Article III – Meeting of Directors**

**Section 3.1 Monthly Meeting:** The monthly meeting of the Directors of the Corporation shall be held on the third Tuesday of each month at 7:00 PM if not a legal holiday. If the date falls on a legal holiday the meeting shall be held the following day (at a time to be determined by the Board of Directors) or such other date as may be prescribed by the President for the purpose of:

A. Considering and acting upon the reports of the officers and the Fire Chief; and

B. Transacting such other business as may come before the meeting

**Section 3.2 Special Meetings:** Special meetings of the Directors may be held at any time whenever called by the President or a majority of the Directors with notice provided as is authorized by the Alabama Open Meetings Act.

**Section 3.3 Notice:** Written notice of special meeting shall be given to each Director at his address as it appears on the books of the Corporation. Notices of special meetings shall specify the purpose, place, day and hour of the meeting. Notice shall be given no less than two (2) days nor more than ten (10) days before a special meeting or as is otherwise authorized by the Alabama Open Meetings Acts.

**Section 3.4 Quorum:** For the transaction of business at any meeting of the Directors, a majority of the said Directors must be present in person, except as otherwise provided by law. In the event any Director should miss three (3) consecutive meetings he may be removed by majority vote of the remaining Directors and his replacement elected by like vote.

**Section 3.5 Place:** The Board of Directors may designate any place either within or without the State of Alabama as the place of meeting for any annual or special meetings of the Directors. In the absence of such designation, all meetings shall be held at the principal office of the Corporation.

**Section 3.6 Directors:** Only two Lakeview Fire Protection District firefighters and no career firefighters employed by Lakeview Fire Protection District shall serve on the Board of Directors at the same time.

#### **Article IV – The Officers**

**Section 4.1 Officers:** The Officers of the Corporation shall be elected by the Board of Directors and shall consist of a President, a Vice – President, a Secretary, and a Treasurer.

**Section 4.2 Election:** The Directors at their annual meeting shall elect a President, a Vice-President, a Secretary, and a Treasurer, and such other officers as shall be deemed appropriate. One person may hold no more than one office.

**Section 4.3 Other Agents:** The Directors may elect such other officers and agents as they shall

deem appropriate. Such officers and agents shall exercise such powers and perform such duties as shall be fixed by the Directors.

**Section 4.4 Term of Office:** The term of office for an officer shall be the twelve-month period following election and until a successor is duly elected and qualified or until his earlier death. Any vacancy occurring in any office of the Corporation shall be filled by vote of the Directors until the next annual meeting of the Members when the person so elected shall be confirmed by the Members.

**Section 4.5 Removal:** Any officer elected by the Directors may be removed at any time with or without cause by vote of the Directors.

**Section 4.6 Duties:** Each officer shall have the duties usual and customary to his office or as hereafter set by resolution of the Directors, including but not limited to the following:

*A. President:* The President shall be the chief executive officer of the Corporation. He shall preside at all meetings of the Members and shall have the general supervision and management of the business of the Corporation. The President shall see that all orders and resolutions are carried into effect. The President shall have authority to execute instruments and documents on behalf of the Corporation in the ordinary course of the business.

*B. Vice-President:* The Vice-President shall have the same authority as the President in the event the President is unable to perform his duties and shall have such duties as are assigned by the President.

*C. Secretary:* The Secretary shall attend all meetings of the Members and Board of the Directors and shall record all votes and minutes of all meetings in a book to be kept for that purpose. The Secretary shall give notice of all Member's and Director's meetings and shall be custodian of the corporate records.

*D. Treasurer:* The Treasurer shall have custody of the Corporation's funds and securities and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Corporation. The Treasurer shall deposit all monies and all valuable effects in the name of the Corporation in such depositories as may be designated by the Directors, except such petty cash funds as may be provided by the Directors. Such funds so deposited shall be subject to withdrawal on checks signed by the treasurer, President or by such other person as the Director may designate.

## **Article V- Amendments**

Amendments: These By-Laws may be amended or repealed, and new By-Laws may be adopted by the Members at any meeting of the Members or at a special meeting of the Members called for such purpose.

## **Article VI – Fire Chief**

Fire Chief: The Fire Chief shall be both elected and, if need be, removed by a  $\frac{3}{4}$  majority vote of the Board of Directors. The Fire Chief shall formulate the rules and regulations to govern the Fire Department, and shall be responsible for the personnel, morale, general efficiency of the department and the day-to-day operation of the District and Administrative Office. The Fire Chief shall determine the number and kind of companies of which the department is to be composed and shall determine the response of such companies to alarms. The Fire Chief shall, at least monthly, conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the district, fire prevention, water supplies and all other matters generally considered essential to good firemanship and safety of life and property from fire. He shall preside at all fire department meetings. The Fire Chief is further required to assist all lawful authorities in suppressing the crime of arson by investigation or causing to be investigated the cause, origin, and circumstance of all fires. The Fire Chief shall report monthly to the Board of Directors of the Corporation the condition of the apparatus and equipment, the number of fires during the month, their location and cause, the date of same and the loss occasion thereby.

In addition, the Fire Chief shall report the number and purpose of all runs made whether for fires, or otherwise, and the number of Members responding to each fire or other run. The Fire Chief shall make an annual report to the Corporation within one month after the close of the fiscal year, such report to include the information specified above, together with comparative data for previous years and recommendations for improving the effectiveness of the department.

## **Article VII – Notices**

Notices: Whenever the provisions of these By-Laws or the laws of the State of Alabama require notice to be given to any Member, notice shall be given by reminders at monthly meetings, community announcements, bulletin boards, and all social media and internet outlets on which the department maintains a presence. Any Member may waive any notice to be given by law, the Articles of Incorporation, or the By-Laws.

## **Article VIII – Fiscal Year**

Fiscal Year: The fiscal year of the Corporation shall begin on the first day of October and end on the last day of September in each year.

## **Article IX – Records and Financial Reports**

**Section 9.1 Minute Book:** The Secretary shall keep and maintain a minute book containing the Articles of Incorporation, By-Laws, minutes of the meetings of the Member, Directors and committees, and other pertinent records of the Corporation.

**Section 9.2 Records of the Transactions:** The Secretary shall maintain at the principal office of the Corporation correct and complete records of all transactions of the Corporation in the minute book, of copies thereof.

**Section 9.3 Financial Statement:** The Directors shall direct the Treasurer to mail to each of the Members such financial information as may be required by laws of the State of Alabama.

## **Article X – Service Charges or Fees**

**Section 10.1 Service Charges or Fees:** Any service charge or fee for the expenses of Corporation are governed in accordance with Alabama Acts No. 86-656 or any amendment thereunder.

**Section 10.2: Exemption:** To ensure those exempt from paying property taxes are exempt from paying service charges or fees, all property owners and parcels located within the District meeting the total property tax exemption requirements at the Tuscaloosa County level, will be exempt from paying the District service charges or fees. Exemptions must be on file with the Tuscaloosa County Tax Assessor's office prior to the start of the fire service charge billing cycle. Exemptions will be verified through the Tuscaloosa County Tax Assessor's office. Anyone not qualifying for an exemption at the county level will be required to pay dues or petition the Corporation for a hardship waiver.

**Section 10.3: Hardship Waiver Policy:** The Corporation shall adopt a hardship waiver policy to provide relief of service charges or fees either completely or partially to property owners suffering a hardship not eligible for a county exemption.

Approved on: 5/10/2022 by majority vote at a special meeting of the members designated for the purpose of reviewing and voting on bylaws