

Constitution of the El Paso County Sheriff's Officers Association, Inc.

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CONSTITUTION

OF THE

EL PASO COUNTY SHERIFF'S OFFICERS' ASSOCIATION, INC.

(AS ADOPTED _____, 2003)

ARTICLE I

NAME OF ASSOCIATION AND DURATION OF ASSOCIATION

This Association shall be known as the El Paso County Sheriff's Officers' Association, which is a non-profit association, now existing under and by virtue of a Texas State Charter. This Association shall be for the duration of the existing charter, namely perpetual.

ARTICLE II

OBJECTIVES OF ASSOCIATION

This Association shall be a free and voluntary organization, composed of deputies and

detention officers employed by the El Paso County Sheriff's Office. The general objectives of the Association consist of promoting benevolent, educational, charitable, civic, patriotic, and fraternal activities among the members. The specific objectives of the Association are to preserve and strengthen comradeship among its members; to improve the wages, hours of work, increase job security, better working conditions, and living conditions of its members and their families; to promote the health security, economic, cultural, legislative, educational, social, political, and recreational interests of its members and their families and others; to defend and extend democratic institutions and procedures and civil rights and liberties of its members and their families and all other; to maintain true allegiance and faith in the laws of the State of Texas and the Constitution of the United States of America.

ARTICLE III

STRUCTURE OF ASSOCIATION

The Association shall have an Executive Board of Directors.

ARTICLE IV

THE EXECUTIVE BOARD OF DIRECTORS

SECTION 1. The Executive Board of the Association shall be a President, Vice-President, Secretary, Treasurer, and Six (6) Directors. The President and Vice President shall seek office on a slate and must be one deputy and one detention officer. Secretary and Treasurer shall seek office on a slate and must be one deputy and one detention officer. Directors shall be made up of three (3) deputies and three (3) detention officers. The Executive Board shall have the power to administer the day-to-day affairs of the Association between general meetings of the membership. In addition to the powers enumerated by this Constitution, the Executive Board shall have the power to authorize:

a. the expenditure of the funds or use of the property of the Association for the effectuation of any of the objectives of the Association;

b. the borrowing of money and the pledging of property or securities of the Association as security therefore;

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c. the making of guarantees;

d. the making of contracts; and

e. the buying, selling, exchanging, renting, leasing, or otherwise acquiring or

disposing of real or personal property, however, a majority vote of the

membership is required to pre-approve the acquiring or disposing of real

property.

f. the executive board shall have the authority to conduct fax/e-mail voting

when necessary.

g. The executive board shall require monthly reports from all committees.

SECTION 2. All Members of the Executive Board shall disclose any personal interest in any

entity or individual doing business with the Association, including but not limited to vendors, trusts,

service providers, members, and employees. Guidelines for disclosure and the determination of

personal interest shall be set forth by a majority vote of the Executive Board.

An Ethics Committee will be comprised of (1) Board member, (1) deputy

association/board member in good standing and (1) detention association/board member in

good standing. Committee members shall be selected by a majority vote of the Executive

Board to serve each calendar year at the pleasure of the Executive Board. The selected Board member shall chair the Ethics Committee. The Ethics Committee shall be responsible for reviewing all required disclosure documentation. The Committee shall report to the Executive Board any potential conflict of interest circumstances that may have a negative impact on the Association's operation or credibility. The Committee shall investigate any complaints submitted in reference to disclosure violations and report the findings to the Executive Board. The Committee shall investigate any association member's conflict of interest or circumstances that may have a negative impact on the Association's operation or credibility;

SECTION 3. Elections for members of the Executive Board and Directors shall be held every three (3) years. Three (3) year terms will begin in the 2003 election year and continue thereafter.

SECTION 4. A slate of candidates for President and Executive Vice-President and Secretary and Treasurer shall be nominated at a general membership meeting in August, and shall be elected by a vote of a majority of the membership voting, by secret ballot no later than

September 30. Directors shall be nominated at a general membership meeting in August, and shall be elected by a vote of a majority of the members, by secret ballot no later than September 30.

Any candidate who accepts nomination for a position on the Executive Board who, at the time of the nomination holds an office on the Executive Board other than the one for which said candidate is nominated, shall resign forthwith from the position held at the time of nomination.

SECTION 5. A candidate for the position of President, Vice-President, Secretary or

Treasurer shall be a duly commissioned Deputy or Detention Officer having full membership privileges.

SECTION 6. The President shall be the principal Executive Officer of the Association. He

shall have the following powers:

a. preside at meetings of the Executive Board and Board of

Directors;

b. convene meetings of the membership at least once a

month, and at any time upon request of not less than a

majority of the members of the Executive Board of Directors,

and convene meetings of the Executive Board as deemed

appropriate or upon request of a majority of the Executive

Board;

c. may call and attend meetings of the Executive Board and

general membership;

d. employ and discharge such administrative, technical, and

other employees as may be required pursuant to any existing

contracts between the Association and its employees and

the Rules and Regulations adopted by the Executive

Board;

e. appoint all committees, including the Political Action

Committee, not otherwise provided for by this Constitution;

and

f. have such further powers in addition to those herein enumerated, as are usual to his office. He may delegate any of these powers and duties under this Constitution subject to approval by the Executive Board or general membership.

SECTION 7. The Vice-President and the Directors shall assist the President and shall be responsible to the general membership. The Vice-President shall perform the duties of the President in the President's absence or incapacity. Should the office of the President become vacant, the Vice-President shall become the President for the balance of that presidential term of office.

SECTION 8. The Secretary shall have the following duties:

a. act as a secretary and keep a record of any proceedings.

He shall have custody of the books, records, and papers of the Association;

b. keep a membership register;

c. conduct association correspondence;

d. exercise such further powers, in addition to those enumerated, as are usual to his office and delegate any of his powers and duties under this Constitution, subject to approval by the Executive Board or the general membership.

SECTION 9. The Treasurer shall have the following duties:

a. keep accurate accounts of all financial transactions of the

Association, receive all funds due and deposit in its name,

and deposit or invest them in securities authorized by the

Executive Board or the general membership; and provide a

monthly report to each board member at each board

meeting;

b. submit a financial report to the Executive Board and the

general membership;

c. make appropriate regulations relating to the reimbursement

of expenses or other obligations incurred by officers or
representatives of the Association in the performance of
their duties, subject to the approval of the Executive Board

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or the general membership; and

d. exercise such further powers, in addition to those

enumerated, as are usual to his office and delegate any of

his powers and duties under this Constitution, subject to

approval by the Executive Board or the general membership.

The Treasurer shall give bond in such amount and executed by such surety company as

may be determined by the Executive Board. The premium of the bond shall be paid by the

Association.

SECTION 10. All checks, drafts, and notes of the Association shall be signed by the

Treasurer or by the President, provided however, that in the event of the inability or refusal of the

Treasurer or the President, any officer designated by the Executive Board may sign in his stead.

SECTION 11. The salaries of the Executive Board, if any, shall be fixed by the general membership. The expenses and/or compensation of the executive board and board or directors shall be fixed by the board of directors. The salaries, expenses and/or compensation of employees of the Association shall be fixed by the Executive Board; however, such actions of the Executive Board may be rescinded by a majority vote of the general membership.

SECTION 12. Any vacancy occurring in the office of the Vice-President, Secretary, Treasurer and Directors shall be filled for the balance of that unexpired term by the President with the advice and consent of the Executive Board through appointment of a duly qualified member with full privileges. In the event that the office of the President, Vice President, Secretary and Treasurer are vacant at the same time, or in the event that the Vice President refuses to accept the office of the President or becomes incapacitated, the Executive Board shall appoint a temporary President until such time as the vacant office(s) are filled by election in a manner consistent with this Constitution.

ARTICLE V

THE GENERAL MEMBERSHIP

SECTION 1. The General Membership through a majority vote of the entire membership

by secret ballot shall have the power to rescind any actions of the Executive Board that authorize:

a. the expenditure of the funds or use of the property of the

Association for the effectuation of any of the objectives of

the Association;

b. the borrowing of money and the pledging of property or

securities of the Association as security therefore;

c. the making of guarantees;

d. the making of contracts; and

e. the buying, selling, exchanging, renting, leasing, or

otherwise acquiring or disposing of real or personal

property.

SECTION 2. A one-twentieth (1/20) of the voting members at a general membership

meeting shall constitute a quorum for the transaction of business at any meeting. All decisions of

the general membership shall be by majority vote of the members present.

ARTICLE VI

RECALL OF OFFICERS

On petition of a majority of the general membership, members of the Executive Board may be subject to a recall vote. Any member of the Executive Board subject to a recall vote shall be removed from office by a vote of two-thirds (2/3) of the membership voting, by secret ballot. The recall vote shall take place within sixty days from the date of the petition to the Executive Board.

Any members of the Executive Board subject to a recall vote shall be temporarily removed from the duties of office until the recall vote is held.

ARTICLE VII

MEMBERSHIP POLICIES

SECTION 1. Any individual Deputy or Detention Officer shall be eligible to apply for membership. No member shall be suspended under this section without written notice and the opportunity to appeal to the Executive Board.

SECTION 2. All members in good standing shall have equal rights and privileges to participate in the election of officers, attend membership meetings, participate in the deliberation and voting upon the business of such meetings, to express any views, arguments or opinions on any business properly before such meetings subject to the rules herein contained and as set forth in the Constitution.

SECTION 3. All privileges of membership shall go into effect at the receipt of the first dues. The Executive Board may waive this requirement when special circumstances exist.

SECTION 4. Any member who is sixty (60) days or more in arrears in the payment of dues shall be summarily suspended from all rights and privileges of membership, unless the member is being represented in a termination case by the Association. A member who has been expelled for non-payment of dues or assessments may be reinstated upon payment of all monies due at the time of his expulsion, and such additional indebtedness for dues and assessments as accrued during the period of his expulsion, subject to the approval of the Executive Board of Directors.

SECTION 5. a. Every member with full membership privileges who accepts membership in the Association shall be deemed thereby to have authorized the Association to act as his or her

sole negotiating agent for the purpose of executing agreements with reference to wages, hours, and other conditions of employment, and such members shall be bound by the terms and provisions of any such agreement.

b. Every member with full membership privileges who accepts thereby to have authorized the Association exclusively to act as his or her agent to represent, bind, and speak in the presentation, adjustment and settlement of all grievances, complaints or disputes arising out of the employer-employee relationship, provided that every member shall have the right to appeal from any action or failure to act of the Association in the presentation, adjustment and settlement of any such grievance, complaint or dispute affecting such member.

SECTION 6. No member shall engage, commit, attempt, or direct activities which are in violation of laws of the State of Texas, the United States of America or this Constitution. Any member who violates this section is subject to fines, removal from office, disqualification to run for office, or suspension or expulsion from membership. Charges against a member may be initiated by the Executive Board or by the general membership of the Association. In the event that charges are

initiated against a member, the member shall be entitled to advance written notice of specific charges; a fair and impartial hearing, the right to cross-examine and confront witnesses; representation by counsel; and the right to appeal any decision adverse to the member. The Executive Board of Directors may issue guidelines to implement the provisions of this section.

ARTICLE VIII

DUES AND ASSESSMENTS

SECTION 1. The Executive Board of Directors may set the dues and initiation fees for the membership, provided that such dues and initiation fees are approved by a majority of the members voting by secret ballot in an election held for that purpose.

SECTION 2. The Executive Board of Directors shall have the power to make assessments, provided that the purpose, amount and methods of payment of such assessments are approved by a majority of the members voting by secret ballot in an election among those subject to such assessments.

SECTION 3. The payment of dues by the members of this Association shall be evidenced

in an appropriate manner by the Treasurer.

SECTION 4. Members shall have the right to an accounting of all Association funds. Such accounting shall include, but not be limited to, periodic reports to the membership by the Secretary-Treasurer. Any request for an accounting shall be in writing, specific in nature, and such accounting shall be available within thirty (30) days of said request. Any audit requested by any individual(s) shall be done at the requestor's expense.

ARTICLE IX

CONSTITUTIONAL AMENDMENTS

This Constitution may be amended by a favorable vote of a majority of the membership.

Such vote shall be by secret ballot after such amendment or amendments shall have been submitted in writing and entered upon the minutes of a general membership meeting, and notice by publication of the proposed change or changes and the date of the balloting shall have been given, such date to be at least thirty (30) days prior to the date selected for the balloting.

ARTICLE X

SEPARABILITY-FULL FORCE AND EFFECT

SECTION 1. This Constitution shall be in full force and effect immediately upon adoption.

SECTION 2. Any amendment of this Constitution shall be in full force and effect

immediately upon adoption.