

# Constitution of the Deputy Sheriff's Association of Bexar County (DSABC)

## Article I

### Name

The name of the organization shall be the Deputy Sheriff's Association of Bexar County (DSABC).

## Article II

### Affiliations

The DSABC may affiliate/disaffiliate itself with any other union, association, or organization ~~as~~ if approved by majority ~~vote~~ of the entire membership during a special election for such purpose.

## Article III

### Objectives

To provide a superior service to our members in the area of professional standards and education and to be an active advocate for all its members in the way of employee wages, benefits, working conditions and the overall morale within the Bexar County Sheriff's Office regardless of assignment or status of the members.

## Article IV.

### Membership and Dues

**Section 1. Qualifications.** All persons regularly employed as a uniformed officer, regardless of rank, are eligible for membership in the DSABC subject to the requirements of this Document.

**Section 2. Members in good standing.** Members in good standing are defined as dues paying members in accordance with section 5 of this article. 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 brought before such meeting subject to the rules herein contained and as set forth in this document.

- A. Any member in good standing who shall become subject to involuntary military activation or who shall become totally incapacitated due to accident or illness, may, at the discretion of the Executive Board be granted a gratuitous membership continuing during the military activation or the incapacity.
- B. Any member in good standing who is honorably retired shall be entitled to a retired membership status. He/she will not be required to pay membership dues during the period of

retirement. Honorable retirement shall entitle him or her to all privileges of membership except no member under this section may vote in any election or ballot, hold any Association office, be appointed to any Association Committee, attend any Association meeting of the Executive Board or Board of Directors, be represented by any individual or group at any Association Executive Board or Board of Directors. He/she will not be represented by any member of the Association for any reason without the express consent of the President.

- C. Associate/Honorary Membership. Any person may be granted an Associate/Honorary membership within the DSABC. An Associate/Honorary membership will be granted with approval of the Executive Board. No member under this section may vote in any election or ballot, hold any Association office, be appointed to any Association Committee, attend any Association meeting of the Executive Board or Board of Directors. He/she will not be represented by any individual or group at any Association Executive Board or Board of Directors meeting, or be represented by any member of the Association for any reason without the express consent of the President.

**Section 3. Membership Representation.** Every member with full membership privileges who accepts membership in the DSABC shall be deemed thereby to have authorized the DSABC 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.

- A. The DSABC shall be the sole and exclusive collective bargaining agent for all members covered by Chapter 174, Local Government Code, or its successor in function.
- B. The Executive Board, at its discretion may utilize the services of another union, association, or organization to work in conjunction with the DSABC, but all fees shall be strictly handled by the DSABC.

**Section 4. Application.** Application for membership shall be made on a standard application form. The application form shall include a valid authorization for payroll deductions of dues.

**Section 5. Dues.** The monthly membership dues of the DSABC shall be determined by the Board of Directors a majority vote of the general membership meeting after a (15) day advance notice. Any change in the monthly membership dues of the DSABC by the Board of Directors must be approved by a majority of the members who cast a ballot during a vote for that purpose. That vote cannot be held any sooner than fifteen (15) days after the Board of Directors has made its determination of the amount of membership dues.

**Section 6. Payment of dues.** Membership dues shall be paid bi-weekly in advance via payroll deduction to the DSABC Treasurer no later than the 15<sup>th</sup> and the last day of each month. Any member who fails to pay dues shall be considered delinquent and upon failure to pay dues for two consecutive payments shall stand suspended. Provided, however, that any person who is paying dues through a system of regular payroll deduction shall, for so long as such person continues to pay through such deduction method, be considered in good standing. In the event of mitigating circumstances prohibiting a member from participating in payroll deduction of dues, the board may allow an alternative method of payment.

**Section 7. Financial Accounting.** The services of a Certified Public Accountant (hereinafter referred to as a CPA) shall be utilized by the DSABC to maintain financial records for all expenditures and deposits concerning all financial transactions for each account opened in the name of the DSABC. The CPA will be hired by the Treasurer with the advice and consent of the Executive Board. All members of the DSABC shall have the right to an accounting of all DSABC funds. Such accounting shall include, but not be limited to, a monthly report to the membership by the Treasurer. Any member that requests a further accounting shall provide a letter to the Treasurer, specific in nature, and such accounting shall be made available to that member within a reasonable amount of time. In the event that a member(s) request any type of audit, it shall be paid for in advance and will be done at the expense of the member(s) requesting the audit.

## **Article V.**

### **Officers, Directors, Nominations, Elections and Duties**

**Section 1. Structure of the Executive Board and Board of Directors.** The Executive Board of the Association shall be comprised of a President, Vice President, Secretary, and Treasurer. The President and Vice President shall seek office on a slate whereby one member of the slate will be from Detention and one from Law Enforcement. The Secretary and Treasurer shall seek office on a slate whereby one member of the slate will be from Law Enforcement and one from Detention. The Board of Directors will be made up of three members from Detention and three members from Law Enforcement. The Executive Board shall have the power to administer the day-to-day affairs of the Association between the 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 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;
- e. The buying, selling, exchanging, renting, leasing, or otherwise acquiring or disposing of real or personal property, however, a majority vote of the membership, voting during a special election, is required to pre-approve the acquiring or disposing of real property in excess of \$10,000;
- 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 standing committees.

The DSABC Board of Directors shall consist of a total of six (6) members which shall be voted into office in accordance with Article V Section 3 of this Constitution. In addition to the powers enumerated by this Constitution, the Board of Directors shall be responsible for, but not limited to, the following:

- a. Will hold, as a minimum, one meeting monthly which will be open to the general membership but will be separate from the general assembly meeting held by the Executive

- Board. The President will preside at these meetings;
- b. Collective bargaining and post-contract maintenance;
  - c. Answers directly to the Executive Board concerning all complaints, suggestions, and alleged Collective Bargaining Agreement violations.
- d. Any member of the Board if Directors who obtains three (3) absences during contract negotiations in a four (4) month period shall be removed from office after a review from the Ethics Committee. The time-line shall commence in concurrence with the contract negotiation time-line.

**Section 2. Disclosure.** All members of the Executive Board and Board of Directors 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 and favorably reviewed by the Ethics Committee.

An Ethics Committee will be appointed by the DSABC and will be done as follows: The President will appoint two members and the Vice President will appoint two members. The Board of Directors will appoint a fifth person to be the committee chairperson. 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 review any complaints submitted in reference to disclosure violations and report the findings to the Executive Board. The Committee shall review any association member's conflict of interest or circumstances that may have a negative impact on the Association's operation or credibility.

Any other circumstances which may be deemed as potential ethical violations, not in reference to disclosure, shall also be made to and reviewed by the Committee. The nature of the potential violation and the outcome of the Committee review shall be reported to the Executive Board. Subsequently, a potential violation is to be reported to the general membership at the next General Assembly Meeting.

**Section 3. Elections.** Elections for Executive Board members and members of the Board of Directors shall be held every three (3) years. In the case that the Collective Bargaining Agreement is being negotiated and in session with county officials at the time of elections, the term of all elected members will be extended as follows:

- a. Upon completion of the ratification, nominations will be held (30) days after ratification of the contract.
- b. Elections will be held (30) days after nominations were held.
- c. Terms will be in full affect (30) days after elected into office.
- d. All newly elected officials will continue to have a three (3) year term from the date they took office.

The Executive Board will be elected by ~~a majority of the membership~~ voting the largest number of ballots cast by those members voting in favor of a slate running for the Executive Board. The Board of Directors will be elected as follows: the three Law Enforcement members will be voted in by a majority of Law Enforcement members voting and the Detention members will be voted in by a majority of the Detention

members voting. Voting will take place for two-twelve hour periods, starting at 0700 hours until 1900 hours on the first day and then again, at the same times, on the next consecutive day. The vote will be monitored by a certified election judge. Between 1900 hours on the first day and 0700 hours on the second day, the ballot will remain locked and will not be opened or viewed for any reason by anyone. Security of the ballot will be set by the Executive Board utilizing either a or b below

- a. A commissioned Texas Peace Officer from an outside law enforcement agency will be contracted to maintain security over the ballot during these hours. The outside agency will be determined by the Executive Board; or
- b. The Election Judge will maintain care, custody and control of the ballot by taking possession during these hours.

**Section 4. Dates.** Nominations will be held at the August General Assembly Meeting. Elections will be held at a special meeting no later than September 15<sup>th</sup>. The election will be done by secret ballot. Any member in good standing of the DSABC shall be eligible to vote provided the member has been in good standing for a minimum of ninety (90) days prior to the date of the election. The winning slate for President/Vice President, for Secretary/Treasurer and for the six (6) member Board of Directors will be determined by a majority of the members voting, in accordance with Section 3 above. The results will be posted with twenty four (24) hours from the close of the elections. The winning slates and Board of Directors will take office October 1<sup>st</sup>.

**Section 5. Eligibility for office.** Any candidate for President, Vice President, Secretary, Treasurer or Board of Directors must be a member in good standing with the DSABC at least ninety (90) days prior to the nominations.

**Section 6. Presidential duties.** The President shall be the principal Executive Officer of the Association. He/she shall have the following powers:

- a. Preside at meetings of the General Assembly, Executive Board, and Board of Directors;
- b. Convene meetings of the membership at least once a month, and at any time upon request of a majority of the members of the Board of Directors. He/she will 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, general membership, Board of Directors, or standing committees;
- 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.
- e. Appoint all committees and their members, not otherwise provided for in this Constitution;
- f. Have such further powers in addition to those herein enumerated, as are usual to his/her office. He may delegate any of these powers and duties under this Constitution subject to approval by the Executive Board or the general membership.

**Section 7. Vice Presidential Duties.** The Vice President 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. Secretary Duties.** The Secretary shall have the following duties:

- a. To keep an accurate record of all proceedings of the DSABC. He shall maintain all records, books, and papers (excluding financial transactions) of the DSABC.
- b. Keep an up to date membership roster.
- c. Conduct all Association correspondence.
- d. Provide a copy of all minutes of all General Assembly and Executive Board meetings to the members of the Executive Board.
- e. Post upcoming events in all DSABC display cases.
- f. Ensure that the general membership is kept informed of DSABC functions and events.
- g. Exercise such further powers, in addition to those enumerated, as are usual to his/her office and delegate any of his/her powers and duties under this Constitution, subject to approval by the Executive Board or the general membership.

**Section 9. Treasurer Duties.** The Treasurer shall have the following duties:

- a. Keep accurate accounts of all financial transactions of the Association in conjunction with a CPA. Receive all funds due and deposit them in DSABC accounts, and deposit or invest them in securities authorized by the Executive Board or the general membership. Pay all bills due to Association vendors, provide a monthly Treasurers report to the Executive Board and general membership at the monthly General Assembly Meeting;
- b. Act as the liaison between the DSABC and the CPA.
- c. Make appropriate regulations relating to the reimbursement of expenses or other obligations incurred by the officers or representatives of the Association in the performance of their duties, subject to the approval of the Executive Board or the general membership;
- d. Respond to requests for accounting/audits in accordance with Article IV, Section 7 of this Constitution.
- e. Exercise such further powers, in addition to those enumerated, as are usual to his/her office and delegate any of his/her powers and duties under this Constitution, subject to the approval by the Executive Board or the general membership.

**Section 10. Bond.** All Executive Board members 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 DSABC.

**Section 11. Compensation.** The amount of all stipends to be paid to the Executive Board and the Board of Directors shall be set by the Ethics Committee. Stipends in regards to the Board of Directors will be given while collective bargaining is in session. Stipends given to the Board of Directors once Collective Bargaining sessions end will be at the discretion of the Executive Board.

**Section 12. Vacancy.** Any vacancy occurring in the office of Vice President, Secretary or Treasurer and Board of Directors shall be filled for the balance of that term by appointment of a duly qualified member in good

~~standing of the DSABC~~ by the Board of Directors with the consent of the Executive Board ~~by appointment of a duly qualified member in good standing of the DSABC~~. In the event that the office of 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 Board of Directors shall appoint a Temporary President until such time as the vacant office(s) is/are filled by an election in a manner consistent with this Constitution. All vacancies shall be filled with a member assigned to the same division (Law Enforcement or Detention) as the person vacating the position was assigned.

**Section 13. Transfers.** In the event that a member of the Executive Board or Board of Directors voluntarily transfers from one division to the other (Law Enforcement to Detention or Detention to Law Enforcement) and there is 90 days or less on his/her remaining term of office, he/she will be allowed to finish out his/her term. In the event that there are more than 90 days remaining on his/her term of office, a vote will be held of the general membership to determine if the membership wishes to keep him/her in his/her their office. If the vote is favorable, he/she will finish out his/her term. If the vote is for him/her not to finish his/her term, he/she will vacate his/her office. His/her position will be filled in accordance with Article V. Section 12 of this Constitution.

## Article VI

### Meetings

**Section 1. Time and place.** General assembly meetings of the DSABC shall be held at least once per month at a time and place to be fixed by the Executive Board.

**Section 2. Special meetings.** Special meetings may be called by a majority vote of the Executive Board, Board of Directors, or by petition filed with the Executive Board and signed by at least twenty percent (20%) of the general membership. Special meetings may also be called by the President.

**Section 3. Quorum.** The quorum for a meeting of the DSABC shall be at least three Executive Board members.

**Section 4. Rules of Order.** Robert's Rules of Order, Revised, shall be the guide in all cases to which they are applicable and in which they are not inconsistent with this Constitution or any other special rules of the DSABC.

## Article VII

### Standing Committees

The following committees will be considered to be standing committees of the DSABC. All committees and their members, unless otherwise specified by this Constitution, shall be appointed by the President. Further, the President, or another Executive Board/Board of Directors member designated by the President, may sit on a committee but will act as a liaison to the committee and will not be a participant of the committee nor will he have a vote in committee affairs.

All committees will have a committee chairperson appointed by the President, unless otherwise specified by this Constitution. The chairperson shall be required to give a report to both the Executive Board and the Board of Directors at each of their monthly meetings.

### **ETHICS COMMITTEE**

The Ethics Committee will consist of two members appointed by the President, two members appointed by the Vice President, and a chairman appointed, from the general membership, by a majority vote of the Board of Directors. The Ethics Committee will be responsible for, but not be limited to, the following:

- a. Will meet as often as required to carry out their assigned duty.
- b. Answers directly to the Executive Board.
- c. To carry out the duties set out by Article V. Section 2 paragraph's 2 and 3;
- d. The setting of any and all salaries / stipends for the Executive Board, Board of Directors, and Committee members.
- e. Any other duty that may be assigned by a majority vote of the Executive Board, Board of Directors, or the general membership.
- f. The Chairman of the Ethics Committee will, unless otherwise specified in this Constitution, act as the tie breaking vote should the Executive Board or Board of Directors have a tie on any issue.

### **POLITICAL ACTION COMMITTEE**

The Political Action Committee and its funds will be a totally separate entity from the DSABC.

It will be comprised of four members who are elected by the General Membership: PAC shall be comprised of four members two from Detention and two from Law Enforcement. Elections for the PAC committee shall be held every three (3) years concurrent with the election of the Executive board and the board of Directors. The PAC will be elected by a majority of the membership voting the in favor of a slate running for the PAC. The board of Directors will select the PAC Chairman, and the Executive board will select the Treasury. The PAC shall be governed and administered in accordance with the laws of the State of Texas. The PAC Treasurer will make required reports to the Texas Ethics Commission in accordance with the rules set forth by the Commission. In addition, the PAC will conduct interviews/forums with all candidates for office that will have an impact on the DSABC and its members. Concerning any potential endorsements to a political candidate and any expenditure to a political candidate a vote will be taken from PAC and the Executive board. A minimum of two members from the PAC and two members from the Executive board must be present to establish a quorum. A quorum must be present for any vote to be considered valid.

### **LEGISLATIVE COMMITTEE**

The Legislative committee shall consist of no less than two and no more than three members. The function of this committee will be the study of all legislation, both current and upcoming, that has or will have an impact on Texas Detention centers, Law enforcement, Sheriff's offices, collective bargaining, etc. They will answer directly to the Executive Board.



## **GRIEVANCE COMMITTEE**

The purpose for this committee is to provide a just and equitable method for resolving disagreements between the parties regarding the interpretation of the provisions of the Collective Bargaining Contract. The committee shall consist of 5 members.

## **INSURANCE COMMITTEE**

The purpose of this committee is to provide a just and equitable method for investigating insurance companies and policies for the purpose of recommending the most favorable to the Board of Directors for Association endorsement.

## **BENEVOLENT COMMITTEE**

The purpose of this committee is to maintain a relationship with all shift/unit commanders to determine when a member has suffered a death in the family, a major illness or a major illness of a family member, or other undue hardship resulting in a severe financial loss that is out of the member's control. The committee will convene weekly or as necessary and determine to what extent, if any, the DSABC can offer financial assistance which will be approved by the Executive Board.

## **Article VIII**

### **Recall of Officers**

**Section 1. Recall by Membership.** Upon ~~On~~ a petition of a majority of the entire membership, members of the Executive Board or the Board of Directors may be subject to ~~a recall vote~~ removal from office. The petition shall state the reason the petitioners desire the officer(s) be recalled from office. Any Executive Board or Board of Directors member subject to a recall vote shall be removed by a majority of the entire membership voting by secret ballot. Any Board of Director member subject to a recall vote shall be removed by a majority of the entire membership of that Director's respective Detention or Law Enforcement division voting by secret ballot. The recall vote shall take place within sixty (60) days from the date the petition is presented to the Executive Board. The Executive Board, after receiving a ratified petition from the membership for recall vote, shall cause the member, subject to recall, to temporarily step down from his/her position until the recall vote is held.

**Section 2. Recall for Ethics Violation.** In the event that a complaint concerning an ethical violation has been received and a review by the Ethics Committee reveals proof of a violation, the committee shall submit their findings to the Executive Board who in turn will determine if the violation warrants a recall vote. In making this determination, the Executive Board will look at all of the evidence to determine if the violation had or could have had a severe negative impact on the DSABC or any of its members. If it is determined that the violation is severe, then the Executive Board shall move for a recall vote immediately of that officer. The recall will be as set forth in this Constitution under Section 1 above except that a petition shall not be required.

**Section 3. Officers under indictment.** Any member of the Executive Board or Board of Directors who is indicted by a Grand Jury for a criminal offense or who is arrested by a law enforcement agency for an “on-site” criminal offense shall be suspended from office until the case is adjudicated by a court of law. If the officer is acquitted he/she will immediately be reinstated to his/her office.

## Article IX

### Power of the Membership

**Section 1. Inherent powers.** The general membership, through a majority of the entire membership voting by a secret ballot shall have the power to rescind any actions of the Executive Board that authorize:

- a. The expenditure of 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;
- c. The making of guarantees;
- d. The making of contracts;
- e. The buying, selling, exchanging, renting, leasing, or otherwise acquiring or disposing of real or personal property.

## Article X

### Constitutional Amendments

This Constitution may be amended by a favorable vote of 2/3's of the ballots cast by the general membership. Such vote shall be by a secret ballot after such proposed amendment(s) have been submitted in writing and entered into the minutes of a general assembly meeting and notice by publication of the proposed change(s) and the date of the ballot shall have been given, such date to be at least thirty (30) days prior to the date of the ballot.

## Article XI

### Miscellaneous Provisions

**Section 1. Authorization necessary to represent DSABC.** Except to the extent specified by this Constitution, no officer of the DSABC shall have the power to act as agent for or otherwise bind the DSABC in any way whatsoever. No member or group of members or person or group of persons shall have the power to act on behalf of or otherwise bind the DSABC except to the extent specifically authorized in writing by the President or the Executive Board of the DSABC. Any legal representatives or business agents funded by or hired by the DSABC may be terminated or replaced by a majority vote of the Executive Board, a majority vote of the Board of Directors, or a majority vote of the general membership.

**Section 2. Life of petitions.** Any member or group of members may file a petition for various reasons in accordance with this Constitution. The procedure for filing a petition will be as follows: the member or members wishing to file the petition will file a notice of intent with the Executive Board Secretary. After receipt of the notice to petition by the secretary, the member or members will have sixty (60) days from the date of filing to complete the petition. In the event that the petition is not completed within sixty days, the petition becomes null and void. All petitions will have a space for the member's names, employee numbers, date signed, and a signature block. In addition, the reason for the petition must be clearly stated on the petition so there can be no question in the minds of the members signing as to what the petition is for.

**Section 3. Collective Bargaining.** During active collective bargaining sessions, should the Board of Directors become deadlocked, a neutral mediator from the Bexar County Dispute Resolution Center will be utilized. ~~The vote of the mediator will be deemed as the tie-breaking vote.~~ Afterwards, the proposed contract will then be submitted to the general membership for ratification. Ratification of ~~a new any~~ collective bargaining ~~contract agreement~~ will be done by a vote ~~of the majority of the general membership where~~ the proposed agreement is approved by a majority of those members who cast a ballot.

## Article XII

### Force and Effect of the Constitution / Amendments

**Section 1. Force of Constitution.** This Constitution shall be in full force and effect immediately upon adoption by a majority vote of the general membership.

**Section 2. Force of Amendments.** Any amendment to this Constitution shall be in full force and effect immediately upon adoption ~~by a majority vote of the general membership.~~