

# CONSTITUTION AND BY-LAWS

## HARRIS COUNTY DEPUTIES' ORGANIZATION Fraternal Order of Police, Lodge 39

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# CONSTITUTION

## ARTICLE I ORGANIZATION OBJECTIVE AND NAME

### 1. OBJECTIVE OF THE ORGANIZATION

The object of the organization is strength through united action, guided by intelligence. Believing such unity essential for the mutual protection and advancement of the interests and general welfare of the law enforcement officers of Harris County, we have formed this Harris County Deputies' Organization, FOP Lodge #39 (hereinafter referred to as "HCDO FOP Lodge # 39" or the "Organization") in order to: organize all law enforcement officers in Harris County who qualify for membership in this Organization under the guidelines set forth in this Organization's Constitution and By- Laws; to secure just compensation for their services and equitable settlement of their grievances; to promote the establishment of just and reasonable working conditions; to place the members of this Organization on a higher plane of skill and efficiency; to promote harmonious relations between law enforcement officers of Harris County and their employers; to encourage the formation of local organizations, state and provincial associations, and joint councils; to encourage the formation of sick and death benefit funds; to encourage the establishment of schools of instruction for imparting knowledge of modern and improved methods of law enforcement and crime prevention and labor relations; to cultivate friendship and fellowship among its members; being active in the state and local legislative process to bring about changes in laws, regulations, and rules which affect us all as employees and peace officers within our respective agencies; and, to promote an improved method in which we will be able to better secure the peace and dignity of all in Harris County. To provide laws for the government of this Organization we adopt this Constitution and By-Laws which shall govern the officers, subordinate bodies, and members of this Organization in the exercise of their rights and discharge of their duties and obligations in accordance with the high standards of responsibility and conduct herein set forth.

### 2. DURATION OF ORGANIZATION

This Organization shall be for the duration until a vote by a 2/3 majority of the entire membership decides to dissolve this Organization. The Executive Board are allowed to affiliate or disaffiliate with any other group, in compliance with National FOP By-Laws.

**ARTICLE II**  
**EXECUTIVE BOARD AND OFFICERS**

**SECTION 1**  
**ELECTED OFFICERS**

The Executive Board will be composed of eight elected officers and one non-elected officer. The eight (8) elected officers of this Organization shall be a President, a First Vice President, a Second Vice President, a Secretary, a Treasurer, a Sergeant at Arms, and two (2) numbered Directors. The non-elected officer shall be an Immediate Past President. Each of whom shall hold office for a term as prescribed in this Constitution and By-Laws. Any board member wishing to run for an office that requires an election to that position must resign his/her board position, upon announcing intent to run for any office, except that which he/she is currently holding. The resignation shall be effective immediately. No member may hold more than one elected position on the Executive Board at any one time. No member of the Executive Board shall receive any consideration or benefit related to contracts for services or goods between the HCDO FOP Lodge # 39 and any vendor or contractor for such services or goods.

No elected officer of the HCDO FOP Lodge # 39 shall hold office while holding an Executive Board position for any other police labor group or any other competitive group representing members of this organization excluding any other state or national affiliate of the HCDO FOP Lodge # 39.

**A. POWERS OF ELECTED OFFICERS**

All of the elected officers named and described in this article, with the exception of the Stewards and appointed officers, shall constitute the Executive Board of this Organization. Said board shall be the governing body and shall have legal custody, control, and management of all funds, property, and effects of this Organization, except those powers of control and management vested in the membership as defined in herein.

**B. TERMS OF OFFICE – EXECUTIVE BOARD**

1. The President shall hold office for a term of two (2) years, or until his successor has been duly elected and qualified, regardless of his employment status. Only a member in good standing, who is a peace officer with the rank of Sergeant or below may be elected as the President of this Lodge.
2. The First Vice-President shall hold office for a term of two (2) years, or until his successor has been duly elected and qualified, regardless of his employment status.
3. The Second Vice-President shall hold office for a term of two (2) years, or until his successor has been duly elected and qualified, regardless of his employment status.

4. The Secretary shall hold office for a term of two (2) years, or until his successor has been duly elected and qualified, regardless of his employment status.
5. The Treasurer shall hold office for a term of two (2) years, or until his successor has been duly elected and qualified, regardless of his employment status.
6. The elected Director-at-large Number One shall hold office for a term of two (2) years, or until his/her successor has been duly elected and qualified, regardless of his employment status.
7. The elected Director-at-large Number Two shall hold office for a term of two (2) years, or until his/her successor has been duly elected and qualified, regardless of his employment status.
8. The Sergeant-at-Arms shall hold office for a term of two (2) years, or until his successor has been duly elected and qualified, regardless of his employment status.
9. The Immediate Past President shall hold office until a new President is elected. The President leaving office will then assume the office of immediate Past President. If for any reason the Immediate Past President does not wish to serve or refuses to serve, the President elect may appoint a Past President to serve in the Immediate Past President position.
10. There shall be no limit placed upon the number of terms of office, consecutive or non-consecutive, which may be served by any elected officer of this Organization.
11. The term of office for all elected officers will expire upon the swearing in of the newly elected officers in January of each year. Such expiration shall take place on the completion of the administering of the Oath of Office to all incoming officers for those positions concerned. The Oath of Office shall always precede all other business on the first meeting of the Organization in January.

## C. DUTIES OF EXECUTIVE BOARD OFFICERS

### 1. Executive Board

It shall be the duties of the Executive Board to conduct, manage, govern, execute, and administer all of the affairs of this Organization; to control and supervise the handling of all of its funds and property; to cause to be kept a complete record of all meetings and acts; to supervise all officers and employees of this Organization and to see that their duties are properly performed; cause membership certificates and associate membership certificates and other certificates required to be issued on all applications which have been approved accepted; and, to pass upon all matters pertaining to the affairs of this Organization. The Executive Board shall supervise the funds of this

Organization by receiving and approving the budget governing the operations of this Organization. The Executive Board shall be guided according to the passage or non-passage of any matter voted on by the membership as set forth herein. Five members of the Executive Board shall constitute a quorum.

No member of the Executive Board shall receive any consideration of benefit related to contracts for services or goods between the HCDO FOP Lodge # 39 and any vendor or contractor for such services or goods.

## 2. President

The President shall call and preside at all meetings, appoint committees, provided that the Executive Board shall confirm committee appointments by majority vote, sign as President all certificates of membership, or associate membership, which have first been accepted by the members in attendance at the regular monthly meeting of this Organization, and shall have, subject to the control of the Executive Board, the general management and direction of the affairs of this Organization, and shall perform such duties as may be consistent with his office. The President shall be an ex-officio member of all committees.

## 3. First Vice-President

The First Vice-President shall preside in the absence of the President and perform such other duties as directed by the President and the Executive Board. The First Vice-President shall be an ex-officio member of all committees.

## 4. Second Vice-President

The Second Vice-President shall preside in the absence of the President and the First Vice President and perform such other duties as directed by the President and the Executive Board. The Second Vice-President shall be an ex-officio member of all committees.

## 5. Secretary

The Secretary shall keep, or cause to be kept, a record of all the proceedings of the Executive Board and of all the general and special meetings of the general membership, and every other record made under or required by the provisions of the Constitution and By-Laws of this Organization. The Secretary shall receive and file all correspondence and other papers received by this Organization; serve, issue, and publish all notices required to be given; prepare all ballots under the direction of the Executive Board; receive all applications for membership or associate membership; keep all records of new members or associate members and records of suspensions, withdrawals, terminations, or assessments under the provisions of the Constitution; and shall report such records to the Executive Board each month.

## 6. Treasurer

The Treasurer shall prepare, with the assistance of the President, Vice-Presidents, Committee Chairman and others, a yearly budget of funds of the Organization and shall assist the Executive Board in its deliberations regarding the passage of a budget. The Treasurer shall receive, disburse and/or dispose of and keep record of all dues and assessments from the members and associate members of this Organization; receive, disburse, and dispose of and keep all records of all donations, gifts, and contributions made to it or moneys belonging to this Organization, in the manner provided herein or as otherwise directed by the Executive Board; receive all funds of this Organization and shall dispose or invest such funds under the direction of the Executive Board; and, shall keep an accounting of all receipts and disbursements of the funds of the Organization.

The Treasurer shall, upon taking office, notify each member of the Executive Board in writing as to the name of the bank, its location, and the manner in which the records are kept, and shall immediately upon any change in location or manner in which the records are kept, notify each member of the Executive Board in writing, stating the reason therefore.

The Treasurer shall prepare monthly financial reports for the Executive Board, which shall be available upon request to the membership.

The Treasurer shall assume the duties of his office only after he has qualified by posting bond in the sum of twenty-five thousand dollars (\$25,000), with good and sufficient sureties acceptable to the Executive Board, which bond shall be conditioned upon the full, true, and faithful performance of all the duties of his office and shall be payable to this Organization upon proof of default. The premiums of any expense connected with securing, renewing, or posting such bond shall be borne by and paid for out of the funds of this Organization. The Treasurer shall perform other duties as may be prescribed by the President and Executive Board.

All checks, drafts, and notes of this Organization shall be signed by the Treasurer or First Vice President. In the event the Treasurer or the First Vice President shall be unable to sign, the President may sign the document in their absence.

The Treasurer shall submit the financial records and any and all other record of this Organization deemed necessary, to a certified public accountant bi-annually for a complete review of the financial business of this Organization. The review is to be completed and include all transactions up to and including December 31 of each calendar year, a copy of which shall be submitted to the Executive Board and upon request, to any member. The cost of the review shall be paid for out of the treasury of the Organization.

a. ANNUAL OPERATING BUDGET

The Annual Operating Budget for this Organization will be prepared by the Treasurer.

No later than the first regular meeting of the Executive Board in the month of October of each year, the chairman of each standing, ad hoc, or special committee will submit an Annual Operating

Budget for that committee to the Executive Board for their scrutiny and comments. All Executive Board members and Officers must participate and cooperate with the Treasurer for the preparation of the annual budget.

Final approval by the Executive Board of the Annual Operating Budget will be made at an Executive Board Meeting in the month of December of each year and will cover the period of one (1) calendar year.

On approval and acceptance of the Annual Operating Budget, the Executive Board will publish such budget, providing a copy of it to all elected and appointed officers of this Organization. The operating budget of this Organization will never be withheld from the membership of this Organization and a special copy of the budget will be prepared and be made available for any member's study at the Organization's offices. Additionally, all budgets after the adoption will become records of this Organization and will be maintained in the files of this Organization.

After adoption of the Annual Operating Budget, money allocated to one area of expenditure may not be transferred, except to or from the general fund, without the approval of the Executive Board.

#### 7. The Director at Large Number One

The Director at Large Number One will be a representative of the membership and perform such other duties as directed by the President.

#### 8. The Director at Large Number Two

The Director at Large Number Two will be a representative of the membership and perform such other duties as directed by the President.

#### 9. Sergeant at Arms

The Sergeant at Arms shall see that the conduct of all persons in attendance at all meetings shall be peaceful and shall expel or eject any member creating an undue disturbance, and any and all persons not authorized to be in attendance.

The Sergeant at Arms shall place himself inside the door of the meeting during all Executive Board meetings and all general membership meetings and allow no one to pass who are not members and who do not have permission to enter.

The Sergeant at Arms shall attend all other meetings of the Executive Board and general membership meetings and will exercise the duties of his office.

The Sergeant at Arms shall cause a record of members in attendance to be kept showing all those attending all regular general membership meetings and any special general membership meetings. Such records will be submitted to the Secretary and will become a permanent record of this

Organization.

#### 10. Immediate Past President

The Immediate Past President shall be defined as any person elected to the office of President and who served no less than one (1) full term. If for any reason, the Immediate Past President does not wish to serve, the President may appoint any Past President to hold the position, with confirmation by the Executive Board.

#### D. REMOVAL OR RECALL OF ELECTED OFFICERS

Any officer of this Organization may be recalled or removed for any willful neglect of the performance of that officer's duties or for any willful act inimical to the good and welfare of the Organization.

Whenever any officer is to be recalled or removed, the Executive Board shall receive a written petition which will state specific reasons for such recall or removal and shall contain the signatures of no less than twenty percent (20 %) of the current active membership of the Organization. That officer shall be served a copy of the petition and notice of the officer's suspension by the President.

A notice of suspension shall be issued by the Executive Board on receipt of a petition for the recall or removal of an official of this Organization. Such notice shall contain a copy of the specific charges as stated on the petition and the date on which a hearing will be held. Such notice shall be issued and posted no later than thirty (30) days prior to the date of any hearing by appropriate means as described by this Constitution. Any charges stated in the notice of suspension shall be in clear and concise language. The notice shall be signed by the President upon direction of the Executive Board.

If the officer against whom charges are pending should be the President, such notice shall be signed by the First Vice-President, or any other member of the Executive Board.

The officer charged shall have the right to a full, fair, open, and impartial hearing before the full Executive Board on the matters concerning the charges preferred. Any charged officer may waive his right to the hearing and resign under protest. Any such hearing shall be held no later than forty (40) days after the Executive Board has received any petition for recall or removal. No subject or additional charges may be discussed other than those specific charges stated in the notice of suspension.

The Executive Board shall act as a board of hearing against any suspended officer. The hearing shall be open to any members wishing to attend. Testimony may be heard from the members bringing petition and from the accused officer. The accused officer shall have the right to cross-examine any person offering testimony against the accused officer. After having heard all the arguments for and against the charged officer, the Executive Board shall vote on whether or not to sustain the specific charges or any part of the charges. If in the reasoned opinion of at least a



majority of the members of the Executive Board the charges are sustained, the Executive Board shall submit their findings to the members and shall call a special election for the recall and removal of the charged officer. Such election shall be held no more than sixty (60) days from the date of the notice of suspension.

The recall election will be held for only this reason and the ballot shall contain no other issue or election. The ballot shall read:

THE RECALL AND REMOVAL (Name of Accused) FROM (Position held)

\_\_\_\_\_ For  
\_\_\_\_\_ AGAINST

If at least two-thirds of the members voting in the recall election vote for the recall and removal of an officer, the Executive Board shall thereupon declare the office vacant.

If the Presidency is vacant, the First Vice-President will assume the office of President until completion of the term. The then vacant office of the First Vice- President will be filled by appointment of the President with approval of the Executive Board. All such appointments shall be for the remainder of whatever term of whatever office is being filled.

All other vacancies occurring as a result of a recall and removal election shall be filled in accordance herein.

A two-thirds majority of the Executive Board may call a hearing for the removal of any elected officer, providing that all the other provisions for petition and notice as defined in the Constitution and By-Laws are adhered to. A majority of the Executive Board may make appointment to any vacant position if the President does not meet the requirements recommending a member for appointment within thirty (30) days after such position becomes vacant.

#### E. REMOVAL FOR NON-ATTENDANCE

Any officer of the Executive Board who fails to attend three consecutive regular, subsequent, or special meetings of the Executive Board as described herein, shall have abandoned his or her position as an officer of the Executive Board, unless the absences are excused. The Executive Board may excuse any absence for good cause shown if the Board Member notifies the President, or in his absence, the First Vice-President or presiding officer, of the expected absence prior to the start of that meeting.

## **SECTION 2** **COMMITTEES**

#### A. TERM OF COMMITTEES

Each committee as herein provided, shall serve until its duties shall have been fulfilled and completed and it has been discharged by the President, unless sooner discharged for any cause.

#### B. AD HOC COMMITTEES

Ad Hoc committees may from time to time be appointed by the President, with the approval of the Executive Board, consisting of such number of members as shall be decided by the Executive Board, whose duties it shall be to carry out the purpose for which it shall have been created and whose existence as a committee shall terminate when its purpose has been accomplished.

### **SECTION 3** **OTHER OFFICERS AND STEWARDS**

#### A. EXECUTIVE DIRECTOR

The President may, at their discretion, retain any person, who need not be a member or an associate member of the Organization to act as Executive Director of the HCDO FOP Lodge # 39 with the advice of the Executive Board.

The duties of the Executive Director shall be as defined, in writing, by the President and such position shall be as a full-time or part-time employee and/or independent contractor of the Organization with a compensation and benefits commiserate with the duties and responsibilities of such office.

#### B. APPOINTED OFFICERS

The Parliamentarian, Chaplain, Board Financial Advisor, and Chairman of the Political Action Committee (PAC) shall be appointed by the President and confirmed by a majority of the Executive Board for a term of office of the appointing President or until his successor has been properly appointed, approved and sworn. Any other appointed officer position may be established at the discretion of the President with approval of the Executive Board.

#### C. POWERS OF APPOINTED OFFICERS

The appointed officers of this Organization shall have no voting power on the Executive Board and shall act only in the capacity as prescribed for the duties of that office.

##### a. Parliamentarian

The Parliamentarian shall be appointed from the membership by the President and approved by

the Executive Board, to a term of office not to exceed the regular term of office of the appointing President, or until a successor has been duly appointed, approved and sworn.

The Parliamentarian will rule on all points of order at all meetings of the Executive Board and of the general membership where order is or may be in conflict with Robert's Rules of Order, unless otherwise specified in the Constitution and By- Laws of this Organization.

b. Chaplains

The Chaplains of this Organization shall be appointed by the President and approved by the Executive Board for a term of office not to exceed the regular term of office of the appointing President. The Chaplains may give the invocation of benediction at meetings, visit the sick or injured members, officiate at weddings and funerals when requested and administer to the spiritual needs of the membership.

c. Board Financial Advisor

The Board Financial Advisor shall be appointed by the President and approved by the Executive Board. The Board Financial Advisor shall advise the Executive Board and the Organization on all matters involving the expenditure of funds. Any question as to the authority of the Board Financial Advisor shall be determined by the Executive Board, with a majority of the Board deciding the Issue.

The term of office of the Board Financial Advisor shall be for one (1) year subject to reappointment by the President and approval of the Executive Board.

D. REMOVAL OF AN APPOINTED OFFICER

The President may remove any of the regularly appointed officers at any time. A majority of the Executive Board may remove any appointed officer.

E. STEWARD COMMITTEE

A Steward may be appointed or elected for each shift of each division, substation, or other law enforcement agency having members in this Organization in the manner prescribed by this Constitution and By-Laws.

The Executive Board will attempt to cause a Steward to be appointed to represent each division, substation, or other law enforcement agency within the jurisdiction of HCDO FOP Lodge # 39 who shall be appointed and approved by the Executive Board from the members assigned to that particular division, substation, or agency. A shift is that basic unit of time, usually eight (8) hours, into which any given workday is divided. Each division, substation, or other law enforcement agency is deemed to have a minimum of three (3) basic working shifts in any twenty-four (24)

hour workday. The results of Board of Stewards Appointments will be maintained by the Secretary of the Organization. The Executive Board shall have the authority to remove any Steward in violation of this section.

### **ARTICLE III** **MEMBERSHIP**

The powers of this Organization shall be vested in its membership, subject to those specific powers and authorities granted to the Executive Board by the members as defined by this Constitution.

#### **SECTION I** **MEMBERSHIP PROCEDURE**

##### A. APPLICATION FOR MEMBERSHIP

Application for membership in this Organization shall contain the name, date of birth, current residence address, EIN if applicable, and private email address for the applicant, and any other information deemed necessary by the Executive Board. All such applications must be in writing and signed by the applicant upon the form approved, prescribed, and furnished by the Executive Board.

##### B. QUALIFICATIONS FOR MEMBERSHIP

###### 1. Member

Membership in this Organization shall be confined to any full-time law enforcement professional within the jurisdiction of HCDO FOP Lodge # 39 to include any full-time peace officer, full-time detention officer/jailor, full-time licensed communication officer, or retired former full-time peace officer, retired former full-time detention officer/jailor, or retired full-time licensed communication officer of a law enforcement agency within the jurisdiction of HCDO FOP Lodge # 39. Members may hold any elected office, except only a full-time peace officer may be elected as the President of this Lodge # 39. Members can serve on any standing, ad hoc, or special committees, hold any appointive office, attend all meetings, and vote on any issues before the membership. Members will receive all rights, benefits, and privileges of the Organization.

###### 2. Associate Member

Associate membership in this Organization shall be confined to all clerical, medical, reserve peace officers, or non-law enforcement employees of a law enforcement agency located within the jurisdiction of HCDO FOP Lodge # 39. Associate members may not hold any elected office in this Organization. Associate members may serve on any standing, ad hoc, or special committee. Associate members shall be eligible to receive all benefits of the Organization, except as otherwise prohibited herein and except where an associate member's receipt of Organization benefits stands

in direct conflict with a member's receipt of said benefits. Reserve officers shall be eligible to receive all benefits of the Organization, except they will only have legal benefits for on duty related incidents.

### 3. Honorary Member

Honorary Membership shall be comprised of individuals recognized by the State Lodge or HCDO FOP Lodge # 39 for exceptional service or contribution to the State or political subdivision, the law enforcement community, or the Fraternal Order of Police. The Executive Board must approve honorary members and they will have no voting privileges.

### C. DUES

All applicants for membership or associate membership in this Organization shall pay dues equal to one percent (1%) of the base pay of a first-year deputy sheriff, as set forth in the appropriate records of Harris County, Texas.

### D. RETIRED MEMBERS

Any member or associate member in good standing who retires from active service from a Harris County Law Enforcement Agency and or the members' employer law enforcement agency located within the jurisdiction of HCDO FOP Lodge # 39 on pension for any reason shall continue his or her membership in this Organization as a non-dues paying active member. Retired members will not pay any monthly membership dues; however, retired members will pay their per capita state and national FOP dues and any additional costs including, but not limited to, group health, disability, or life insurance benefits. This rate shall be set by the HCDO FOP Lodge # 39 Executive Board.

## **SECTION 2** **SUSPENSION FOR NON-PAYMENT OF DUES AND ASSESSMENTS**

Except as otherwise provided in this Constitution and By-Laws, any member or associate member of this Organization who has failed to pay his/her dues and/or assessments as required herein, shall stand automatically suspended from membership or associate membership, effective the thirteenth day of the calendar month immediately following the calendar month for which his/her dues have not been paid, provided however, that any member who shall stand suspended for non-payment of dues and/or assessments may file his application on such form as may be prescribed by this Organization for reinstatement. Reinstatement to membership in good standing as herein provided shall be subject to payment of all back dues and/or assessments and the approval of the Executive Board. Provisions of this section apply to associate members and members equally.

## **SECTION 3**

## **TERMINATION, SUSPENSION, OR ASSESSMENT OF MEMBERSHIP**

### **A. TERMINATION**

Termination is defined to mean permanent loss of rights of membership or associate membership in this Organization, including such benefits and privileges appertaining thereto.

### **B. SUSPENSION**

Suspension from this Organization is defined to mean temporary loss of rights of membership or associate membership, for a specified length of time. While on suspension from the Organization members shall continue to pay dues or be subject to termination under the provisions set forth in Article III, Section A. Suspended members or associate members shall retain all benefits of respective memberships which are not paid for by their Organization dues.

### **C. ASSESSMENT IN LIEU OF TERMINATION OR SUSPENSION**

An assessment is defined to mean a monetary fine which may be levied against a member or associate member in lieu of termination or suspension. Such assessment shall not exceed one hundred (\$100) dollars per offense nor shall it otherwise affect the rights of the membership of any member. Failure to pay assessment within sixty (60) days shall cause the member or associate to be terminated from active membership as set forth herein.

### **D. GROUNDS FOR TERMINATION**

Except as provided elsewhere in this Constitution and By-Laws, membership or associate membership in this Organization will terminate for the following reasons except that members or associate members may be suspended or subject to assessment as listed below in lieu of termination at the discretion of the Executive Board:

- a. Abandonment
- b. Withdrawal
- c. Non-payment of dues
- d. Surrender of membership or associate membership
- e. Non-payment of assessments
- f. Death of member or associate member
- g. Resignation from the member's employing law enforcement agency located within the jurisdiction of HCDO FOP Lodge # 39
- h. Removal from position in the member's employing law enforcement agency located within the jurisdiction of HCDO FOP Lodge # 39
- i. A member or associate member being found guilty of action against the good and welfare of the Organization.

#### E. ACTION AGAINST THE GOOD AND WELFARE OF THE ORGANIZATION AND PROCEDURE FOR REMOVAL

Any member in good standing may file a written complaint with the President of the Organization accusing another member or associate member of action against the good and welfare of the Organization. The complaint must be in affidavit form and signed by the accusing member. The complaint must be filed within ninety (90) days of the alleged action. The accused member must be given thirty (30) days' notice before any action is taken by the President. Upon receiving such a complaint and after the thirty (30) day notice, the President will appoint a committee to investigate it. This committee shall consist of five (5) members. The President and the accused member shall each appoint one (1) member from the Executive Board and one (1) member from the general membership who is not an officer to serve on this committee. The four (4) members selected by the President and the accused member will select a mutually agreed upon fifth member of the committee who may be selected either from the Executive Board or from the general membership. If the President is the accused member, the Vice President shall appoint the members to the committee in the manner prescribed for the President above. This committee will investigate the allegations and report their findings, along with their recommendations, to the Executive Board within thirty (30) days. If the committee affirms the allegations, the Executive Board will conduct a fair and open hearing. Such hearing will be held within sixty (60) days after the accused member or associate member has been notified, in writing, of the accusations and the date and time of the hearing. The accused member has the right to have representation of his choice present at the hearing. After conducting a fair and open hearing, the Executive Board will decide to terminate, suspend, levy an assessment, or retain the accused as a member in good standing. Should the member be terminated, suspended, or assessed, such member may appeal the decision to the general membership at the next general membership meeting. Further, a terminated member may appeal the decision of the membership to the state lodge.

#### F. REINSTATEMENT AFTER TERMINATION

Any member or associate member terminated herein, may, after one year, apply for reinstatement. The application will be in writing and submitted to the Secretary of the Organization. The Secretary will submit the application to the Executive Board. The Board, in their sole discretion, will either accept or reject the application. A terminated member may apply for reinstatement only once every three hundred sixty-five (365) days.

#### G. EFFECT OF TERMINATION

Whenever any membership shall have terminated in any manner, the person whose membership or associate membership has thus terminated and all person claiming under, by or through such person shall not be entitled to any refund for dues or fees paid into or contributions or donations made to this Organization, nor any claim whatsoever upon any of the funds, benefits, or property of this Organization.

## H. EXCEPTIONS TO TERMINATION

### 1. Military leave

Members of this Organization in good standing entering military service during a national emergency or leaving a Harris County Law Enforcement Agency and or the members employer law enforcement agency located within the jurisdiction of HCDO FOP Lodge # 39 on account of compulsory service in any capacity shall be carried as a non-dues paying member until his/ her return to the member's employing law enforcement agency located within the jurisdiction of HCDO FOP Lodge # 39 in accordance provided; however, that any such member must have returned to the active duty to their employer agency within five (5) years of the date of leaving. No member on military leave shall be provided legal benefits related to their service and duties in the military.

### 2. Voluntary leave

Whenever, and as long as a member of this Organization in good standing, is on official leave of absence from the member's employing law enforcement agency located within the jurisdiction of HCDO FOP Lodge # 39 for any cause or reason whatsoever (other than specified herein), such member shall pay his dues in advance to the Treasurer of this Organization.

### 3. Suspension from duty

Any member of this Organization who has been relieved of duty or suspended from the member's employing law enforcement agency located within the jurisdiction of HCDO FOP Lodge # 39 in accordance with law, but not for reasons as delineated in Section D of this Article (Grounds for termination), shall upon termination of his period of suspension from the member's employer law enforcement agency located within the jurisdiction of HCDO FOP Lodge # 39 and his return to duty therein, continue his membership in this Organization at the discretion of the Executive Board.

### 4. Approved union activity

Provided, however, should any member be terminated, suspended, or removed from position in the member's employing law enforcement agency, due to the member's activities on behalf of the membership of this Organization, such member or associate member will retain any office that may be held by that member and/or membership or associate membership in this Organization, without being required to pay dues or assessments, with all privileges of such office and/or membership or associate membership. Such membership or associate membership and the holding of any position will be continued until final adjudication of such termination, suspension, or removal is finally upheld. Should the termination, suspension, or removal be struck down, the membership will resume without penalty. The reinstated member will not be required to bring current such waived dues and/or assessments but will resume membership without loss of benefits.



**ARTICLE IV**  
**MEETING PROCEDURE**

**SECTION 1**  
**GENERAL MEMBERSHIP MEETINGS**

A. REGULAR MEETINGS

The regular meetings of the general membership of this Organization shall be held on the first Tuesday of each month at a time indicated and approved by the Executive Board at least 10 calendar days in advance of the meeting unless otherwise specified and posted at the regular offices and meeting place of this Organization and or on the Organization website.

However, any member may exercise his right to attend meetings; he may not vote more than once on any issue except upon passage of a proper motion to reconsider. Any member voting more than once on any issue, except as provided herein, shall be subject to the provisions of this Constitution.

B. SPECIAL MEETINGS

Special Meetings of the general membership may be called by the President, or in his absence, the First Vice-President, for the consideration or disposition of any matter properly presented by the presiding officer at any such said meeting.

Any four (4) or more members of the Executive Board may call a special meeting of the general membership. Provided, however, that all those members of the Executive Board calling for a special meeting of the general membership must sign the notice and that a specific subject to be discussed be announced. Other subjects may be discussed after proper presentation by the presiding officer. Provided, however, that a complete and clear notice must be posted at the Organization offices or on the Organization website at least seven (7) business days prior to any special meeting.

Provided further, however, that should this Organization be denied access to any or all of the facilities enumerated above, sufficient and proper notice of any special meeting will be deemed to have been given upon the electronic mailing of such notice to each member's last known email address at least seven (7) business days prior to any special meeting.

C. PROCEDURE FOR MEETINGS

The meeting shall be called to order at the appointed hour. Robert's Rules of Order shall be used as a reference for all business transactions. Each meeting of the general membership shall include, but not be limited to, the following agenda items:

1. Pledge to the flag and Invocation

2. Roll call of officers
3. Acceptance of new applications for membership
4. Officers' reports
5. Reports on members sick or in distress
6. Unfinished business
7. New Business
8. Good and Welfare of the Order
9. Adjournment

1. Decorum

Any member wishing to make a motion, deliver his opinion, deliver their opinion, or speak upon any subject, shall respectfully address the chair. They shall confine themselves to the question under discussion and avoid personalities. If two or more members speak at the same time, the Presiding Officer shall decide who shall speak first. No member shall interrupt another in his remarks, unless to call him to order for words spoken. No member shall speak more than once on the same subject, until all the members wishing to speak have done so.

The membership may exclude from any meeting all persons not members of the Organization.

## **SECTION 2** **MEETINGS OF THE EXECUTIVE BOARD**

### A. REGULAR MEETINGS

There shall be one (1) regular meeting of the Executive Board of the Organization each month. Such meeting shall be held on the first Tuesday of each month unless otherwise notified. Subsequent Executive Board meetings may be held on the third (3) Tuesday of each month, unless otherwise notified of a change due to scheduling difficulties or unnecessary.

### B. SPECIAL MEETINGS

Special meetings of the Executive Board of this Organization may be called by the President, or by the First Vice-President, for the consideration of any matter properly presented by the presiding officer at said meeting.

Any four (4) or more members of the Executive Board may call a special meeting of the Executive Board provided, however, that all those members of the Executive Board calling for a special meeting of the Executive Board must sign the notice and that a specific subject to be discussed announced. Other subjects may be discussed after proper presentation by the presiding officer. Providing, however, that prior notice must be given to the members of the Executive at least seventy-two (72) hours before the convening of such special meeting.

### C. EMERGENCY MEETINGS

Emergency meetings of the Executive Board may be called by the President, or in his absence, the First Vice-President, for the particular matter properly presented by the presiding officer at any meeting.

Any four (4) or more of the Executive Board may call an emergency meeting of the Executive Board provided, however, that all those members of the Executive Board calling for an emergency meeting of the Executive Board must sign the notice and that only a particular subject to be discussed be announced.

Provided, however, other matters may be considered and disposed of should a quorum of members from the Executive Board be present at said emergency meeting.

### **SECTION 3** **VOTING PROCEDURE IN A MEETING**

No motion shall be subject to action until seconded and stated by the presiding chair. When a question is before the membership, no motion shall be received except first to adjourn; second, to close the debate; third, to take the previous question; fourth, to lay on the table; fifth, to postpone action to a definite or indefinite time; sixth, to refer; and, seventh, to amend, with precedence in the order herein arranged. The first four steps listed above of which shall be decided without debate. A motion to adjourn failing of passage, cannot be renewed until some other proposition is made or business transacted. When a motion has been passed, it shall be in order for any member voting in the majority to move for reconsideration thereof at the same or next meeting.

No member shall directly vote on a question which directly affects his personal interests.

#### A. MAJORITY OF THE EXECUTIVE BOARD TO PASS ON QUESTION

No question, proposal, proposition, affair, or transaction, which may be wholly within the power and jurisdiction of the Executive Board to decide, shall be so decided except upon the majority of the vote of the members of the Executive Board present at the meeting at which said matter is presented, provided that such a majority shall in no event be less than three (3) in number, even though a bare quorum of five (5) members be present.

#### B. OVERRIDING A VOTE OF THE EXECUTIVE BOARD

A member in good standing can attend a regular or special meeting of the membership of this Organization and present and discuss issues regarding new business. Any questions, proposals, or proposition, affair, transaction, which has been previously voted on by the Executive Board, may be submitted to the general membership in attendance at a regular or special meeting of this Organization in the form of a motion or other properly presented form, provided, however, that at

least fifteen percent (15%) or two hundred (200) members, whichever is greater of the present membership of the Organization be in attendance. A majority vote of said members in attendance shall become final in authority and the Executive Board shall be guided accordingly to the dictates of said majority.

#### C. PRESIDING OFFICER NOT TO VOTE – EXCEPTIONS

The presiding officer shall not vote on any question before the house, which has been duly presented to and is before the Executive Board for consideration except only when his vote is necessary to overcome a deadlock or tie vote of the Board, or when his vote shall be necessary to constitute the minimum majority of votes prescribed in Section 5 of this Article.

### ARTICLE V ELECTIONS

Election of Officers shall be held yearly in staggered terms of office by an electronic voting system during the month of November and causing the return of all ballots prior to the second regularly scheduled, or specially called meeting of the Executive Board during the month of December, and officers duly elected and qualified shall take office and assume the functions and duties thereof at the first monthly meeting in the month of January of the succeeding year, provided, however, that if any officer-elect is disqualified or refuses to take office then in that event such offices shall be filled by appointment made by the President with the advice of the Executive Board.

#### A. TIMING OF AN ELECTION

The positions of the President, the Second Vice President, the Treasurer, and Director at Large # 1 will be elected by the membership in odd numbered years starting in calendar year 2021.

The positions of the First Vice President, the Secretary, the Sergeant at Arms, and Director at Large # 2 will be elected by the membership in even numbered years starting in calendar year 2020.

#### B. VOTES REQUIRED

##### 1. Officers

It shall be necessary that any candidate running for any office or position to receive a plurality of votes cast to be elected.

##### 2. Constitutional and By-Law changes

Any passage of any such alteration or amendment of the Constitution and By-Laws placed on the ballot for consideration shall require a simple majority vote of all members voting in such a regular or special election.

## C. AMENDMENTS TO THE CONSTITUTION AND OR BY-LAWS

No alterations or amendments to this Constitution and By-Laws shall be made except by written resolution offered at a meeting of the Executive Board by any member. Such resolution shall lie over at least until the next regular meeting of the Executive Board, or a minimum of fourteen (14) days, after which it shall require a simple majority vote of the members of the Executive Board to place such resolution on a ballot for vote of the general membership.

Any alteration or amendment so proposed shall be posted on the Organization and/or on the Internet for at least fifteen (15) calendar days prior to any election. Posting on the Internet and on the Website of the Organization shall suffice.

Provided, however, that the Executive Board may, in lieu of the posting requirements of this section, elect to notify the membership of such proposed alteration or amendment by emailing a copy of same to each member's last known E-mail address.

## **SECTION 1** **CANIDATES FOR OFFICE**

### A. QUALIFICATIONS OF OFFICE

No member may be a candidate for an office who is not in good standing in this Organization. No Officer may continue in office or perform the duties or exercise the powers of any office who is not in good standing in this Organization. A candidate for office must have been a member in good standing at least 12 months immediately prior to running for any Executive Board position. A member who holds the rank of Captain or above in any agency is not eligible for a position on the Executive Board.

No officer may hold more than one elected office at any time. Should a conflict arise regarding this requirement, an election of office will be determined by the Executive Board. No elected officer of the HCDO FOP Lodge # 39 shall hold office while holding an Executive Board position for any other police labor group or any other competitive group representing members of this organization excluding any other state or national affiliate of the HCDO FOP Lodge # 39.

Good standing is deemed to mean that all dues and assessments have been paid, and that his or her membership in this organization is not in jeopardy due to the provisions of this Constitution and By-Laws.

To be nominated or to hold the position of the President, the First Vice President, the Second Vice President, or Treasurer, a candidate must have been a member of the Executive Board for at least one full term of office, prior to his/her nomination.

## B. FILING AS A CANDIDATE FOR OFFICE

Any member desiring to run for an office of this Organization must file with the Secretary on or before the October regular general membership meeting date. The Secretary shall furnish the member an application for filing for the office he/she desires. The member must fill out the application, sign it, and return the same to the Secretary or to the Organization's main office, where he/she will be given a receipt, and the application will be forwarded to the Secretary. However, any written notice received from a member in good standing indicating the member's intent to stand as a candidate for any specific office shall suffice as notice.

The application shall contain the name, division, and/or assignment of the member and the office he/she seeks. No member may file for more than one office. The Secretary shall certify and inform the member at the time of the filing if he/she is so qualified for certification. At the close of the filing date, the Secretary shall post a list of all candidates who have qualified for office on the Organization Website.

## C. NOMINATION OF OFFICERS

All candidates' names which have been filed with the Secretary and so certified, shall be read to the membership at the regular meeting of the general membership in the month of November.

Members who have not filed as a candidate may be nominated from the floor in the November regular meeting. Nominations shall not cease until a motion has been entertained and properly carried.

## **SECTION 2** **ELECTION COMMITTEE**

The President shall at the first regular board meeting of his term appoint, with the approval of the Executive Board, a chairperson of the Election Committee who shall serve for a term of office not to exceed the regular term of office of the appointing President, or until a successor has been duly appointed, approved, and sworn. The chairperson shall appoint members to serve on the Election Committee who shall serve under the direction of the chairperson.

The chairperson and members of the Election Committee may not be candidates for any Executive Board office nor be presently serving as an officer on the Executive Board while serving on the Election Committee.

The duties of the Election Committee shall be to supervise and coordinate the holding of all elections of the Organization; prepare all ballots; provide voting places; serve as election judges; and, tabulate and certify the results of any such elections to the Executive Board. The Executive Board will then vote to approve or disapprove the certification of the election and their decision will be final. The Election Committee shall report their certification of the results of the election within seventy-two (72) hours after the close of the balloting to the Executive Board.

**SECTION 3**  
**ELECTRONIC BALLOTS**

Electronic ballots shall include the text of controversial resolutions and/or amendments to the HCDO FOP Lodge # 39 Constitution and/or Bylaws approved by the Executive Board and submitted to the membership for ratification. Electronic ballots shall also include the names of all candidates duly nominated for a contested national office with a written statement by or for each nominee.

**A. MAIL OR ELECTRONIC BALLOTS**

The following voting procedure for controversial resolutions, Constitution and Bylaws Amendments, and National Officers is established:

1. Electronic ballots that have been electronically posted shall cease and votes be tabulated at the close of the 10th day after the ballots were delivered to current dues paid members at their last electronic mail address (email) on record at the HCDO FOP Lodge # 39 Office or posted on a secure section of the Organization Website created for voting purposes.
2. The HCDO FOP Lodge # 39 Election Committee shall be responsible for vetting ballots to ensure they were cast by current dues paid members only.
3. Ballots cast shall be counted at least twice in separate tabulations by different HCDO FOP Lodge # 39 Election Committee members. Discrepancies in the tabulations, if any, shall be resolved in a fair manner to be determined by the Executive Board. The Executive Board shall promptly announce to the membership how the discrepancy was resolved.
4. The results of the final tabulations shall be promptly announced to the membership and published in the HCDO FOP Lodge # 39 website.

**B. VOTING PROCEDURES**

All elections shall be held in secret electronic ballots. It shall be the duty of the elections chairman to make every reasonable effort to see that every member receives a ballot and has the opportunity to vote, and to see that secrecy is maintained. The content of the ballot shall include the names of the candidates and the offices they are seeking.

In the event that any proposition or amendment to the Constitution and By-Laws of the Organization is proposed, the ballot shall contain a brief description of said proposal or amendment or a reference as to where the proposition or amendment may be viewed.

If the ballot contains no contested candidates for office, and no amendments to the Constitution and/or By-Laws then no election shall be required.

Ballots shall be delivered to the last known Email address of each member or by an electronic voting system. Balloting shall cease and votes be tabulated at the close of the 10th day after the ballots were delivered by an electronic voting system.

The chairperson of the Election Committee will also be responsible for providing the appropriate ballots for each election and for the reception of ballots, posting notice of election on the Organizational Website prior to and during the entire process, giving notice of each candidate and/or issue to be decided; maintaining a roster of all election judges; for insuring that each person voting is a member or associate member in good standing; tabulating the results of each election; and, posting the tentative results of each election prior to or at the next regularly scheduled or specially called meeting of the Executive Board after the close of the election. The receipt of the votes to be cast shall pass any proposition except as otherwise specifically described elsewhere in the Constitution and By-Laws.

#### **SECTION 4** **PROCEDURES FOR OATH OF OFFICE**

The Oath of Office shall be administered to all elected officials of this Organization on the day of their assumption of their respective elected or appointed offices.

The President will administer the Oath of Office to all incoming, re-elected, appointed or reappointed members of the Executive Board.

Any incumbent member of the Executive Board, magistrate, government official, religious leader or any other respected member of the community of the President's choosing may administer the Oath of Office to the incoming or re-elected President.

“I, (name in full), in the presence of the Members of the HCDO FOP Lodge # 39 here assembled, do promise and swear that I will comply with all the rules of this Order; that, I will not use the authority invested in me for personal gain.

Should I violate this, my solemn oath, I hereby bind myself under no less a penalty that of being impeached from office and expelled from this Order.

To all of which I promise and swear, so help me God.”

#### **SECTION 5** **VACANCIES FILLED BY APPOINTMENT**

In the event that any permanent vacancy should occur in any office, the same shall be filled by appointment made by the President with the consent of the majority of the remaining members of



the Executive Board. For a vacancy in the office of Immediate Past President, the President elect may appoint a Past President to serve in the Immediate Past President position. Such appointees shall hold office until his successor has been duly elected at the next regular election following the date of such appointment.

**ARTICLE VI**  
**MISCELLANEOUS PROVISIONS**

No attorneys employed by or contracted through the Organization may have pled guilty, no contest, or have been found guilty by a judge or jury to any grade of felony offense in this state or any other state, including being placed on probation, deferred adjudication, or any incarceration in a jail or penal institution within the United States of America for a felony offense.

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