

# WEST TEXAS JUSTICES OF THE PEACE AND CONSTABLES ASSOCIATION, INC.

## CONSTITUTION AND BY-LAWS

### Article I

#### Name

The name of the Association shall be "West Texas Justices of the Peace and Constables Association, Inc." hereinafter referred to as the "Association". The Corporation name is West Texas Justices of the Peace Association, Inc.

### Article II

#### Membership and Area

The Corporation and Association shall be expressly for the benefit of, and to serve the needs of the active Justices of the Peace and Constables of Texas, whose jurisdiction is within the 103 counties fully west of the eastern county line of the counties of Clay, Jack, Palo Pinto, Eastland, Coleman, Concho, Schleicher, Sutton, Edwards, and Val Verde, effective April 17, 2010, as well as the Clerks of such Justices and Deputies and Clerks of such Constables.

Any member whose jurisdiction/county falls east of the counties named in Paragraph 1 of this Article, who was a member of the West Texas Justices of the Peace and Constables Association prior to January 1, 2009 and holds continuous, uninterrupted membership or Lifetime Membership with West Texas Justices of the Peace and Constables Association, shall retain all voting and office holding rights in the West Texas Justices of the Peace and Constables Association during such continuous or Life membership as provided for by the Constitution and By-Laws for similar members within the designated boundaries of the Association.

Any Justice of the Peace, his/her Clerk and Deputy Clerks, and any Constables, and his/her Deputy Constables and Clerks, from the State of Texas may hold full voting membership, but may not hold elective office unless, his/her jurisdiction falls fully within the boundaries of the Association established in Paragraph 1 of this Article.

Any person who is eligible for membership under Section 1 and who has legally retired from that position under the terms of the Texas District and County Retirement System shall be eligible for regular membership, except that he/she may not be elected to any further office; however, he/she may serve on committees.

Any Regular member may become a "Life" member by paying dues as provided for in Article VIII. All Past Presidents shall be awarded Lifetime Membership.

### Article III Officers and Directors

This Association shall, at its Annual Training Conference, elect the following officers whose powers and duties shall be as hereinafter set forth: The President-Elect automatically becomes President, President-Elect, Second Vice-President, Third Vice-President, Secretary/Treasurer, Sergeant-At-Arms, Chaplain, and Parliamentarian/Judge Advocate, each of which shall be a Justice of the Peace or Constable.

The Board of Directors shall consist of seven (7) officers, including the immediate Past President, who will serve as the Chairperson, and six (6) other voting Directors consisting of two (2) Justices of the Peace, two (2) Constables, one (1) Clerk, and one (1) Deputy Constable, elected at large by voting members at the Annual Conference. Any regular or associate member may be appointed by the Board of Directors as an advisory member but shall not have a vote in the transaction of business thereof.

### Article IV Annual Elections

The election of officers and directors shall be held during each Annual Conference. Nominations for the office of President shall not be heard. The President-Elect shall become President without an election; if there is a vacancy in the office of President-Elect, then a President shall be elected as noted in Article V. Nominations for President-Elect shall include the current Second Vice-President. Nominations for Second Vice-President shall include the current Third Vice-President.

Any member who is a Justice of the Peace or Constable may be nominated for office or director by a regular member in good standing from the floor. A Clerk or Deputy Constable may be nominated for the (2) Director position provided for in Article III, by any regular member from the floor.

The term of office for both officers and directors shall be from one Annual Conference to the next Annual Conference. No consecutive terms are permitted for President, President-Elect, or ANY Vice-President position. The Sergeant-At-Arms and Chaplain may serve no more than three (3) consecutive terms. Directors may serve no more than (4) consecutive terms. The Secretary/Treasurer and Parliamentarian/Judge Advocate will not be limited in number of consecutive terms he/she may serve. Any officer or director who has served the limit of terms in his/her office, may be re-elected to any office after one (1) year furlough, and as long as still qualified to hold office.

#### Article V Vacancies

When any member of the Board of Directors ceases to qualify as a member of the Association, he/she shall be disqualified and the office he/she holds shall automatically become vacant.

A vacancy in the office of the President shall remain vacant, and the duties of the President shall be assumed by the President-Elect, who shall serve as "Acting President" until the next Annual Conference at which time he/she will become President.

A vacancy in the office of President-Elect shall remain vacant, and the duties of the President-Elect will be assumed by the Second Vice-President. A vacancy in the office of President-Elect will require the election of a President at the Annual Conference. The Second Vice-President shall be one of the nominees for elections as President, in addition to any nominations from the floor. Any officer or director may be removed from office, for "just cause" by a two-thirds (2/3) vote of the Board of Directors.

The President, with the consent of a majority of the members of the Board of Directors, shall appoint a duly qualified Association member to fill any vacancy, not addressed otherwise within these by-laws, on the Board of Directors.

#### Article VI Board of Directors

The immediate Past President shall be the Chairperson of the Board of Directors.

The Chairperson of the Board of Directors shall call a meeting at the Conference City on the day of, or the day preceding the Annual Conference, with one day's reasonable expenses to be paid by the Association to each member thereof attending, if not paid by his/hers County.

The President or Chairperson of the Board of Directors may call a meeting of the Board of Directors any time during the year, if either deems it necessary, at a place and date of his/her choice by giving notice to all Board Members in writing at least (3) days prior to said meeting. The President may call for a mail in or electronic ballot on any urgent matter when a physical meeting of the Board is impractical. Any meeting and/or vote called for in accordance with this section may be conducted by telephone conference, internet conference, e-mail correspondence, or any other viable method of modern communication deemed appropriate by the association official calling for the meeting and/or vote.

A simple majority of the seven voting members of the Board of Directors shall constitute a quorum for the transaction of business. The Board of Directors shall have the management and control of the Association and shall transact all business thereof, subject only to such limitation and directions as may be prescribed by vote of the regular members of the Association.

Minutes of any action taken at a meeting of the Board of Directors, including the meeting scheduled on the day before the Annual Conference, shall be in writing and maintained by the Secretary/Treasurer, which shall be read at the business session during the Annual Conference. Association members may request a copy of the written minutes of any Board of Directors meeting from the Secretary/Treasurer.

## Article VII

### Section I

#### Duties of the President

The President shall preside at all meetings of the general membership of the Association. The President shall approve all checks and vouchers (when available). The President shall sign all certificates (when available).

The President along with the Scholarship Chairperson may be the recipient of the scholarship applications. The President or Scholarship Chairperson shall receive all scholarship applications no later than March 1<sup>st</sup> of each year. Applications may be submitted electronically by e-mail or fax to the President or Scholarship Chairperson, so long as they are in the appropriate format and are complete, including required signatures. If after reviewing the application and all qualifications are met, he/she shall remove the cover sheets, assign a number and forward them to the scholarship committee no later than the start of initial meetings at the Annual Conference.

The President shall also perform all other duties pertaining to the office, and shall appoint the webmaster.

### Section II

#### Duties of the President & Vice-Presidents

In the absence of the President, the President Elect shall preside over all meetings of the general membership. In the absence of the President Elect the Vice-Presidents shall, in their numerical order, preside over meetings.

### Section III

#### Duties of the Parliamentarian/Judge Advocate

The Parliamentarian/Judge Advocate shall advise the President in all matters of advice on the Constitution and By-Laws of the Association and on any other matters of procedure as may become necessary. The Parliamentarian shall be appointed by the President as Chairperson of the Constitution & By-Laws Committee.

### Section IV

#### Duties of the Chairperson of the Board

The Chairperson of the Board shall preside at all meetings of the Board of Directors.

#### Section V Duties of the Sergeant-At-Arms

The Sergeant at Arms shall maintain order at all meetings and shall assist the President in carrying out all necessary request and securing necessary equipment and supplies.

#### Section VI Duties of the Chaplain

The Chaplain shall open and close any meeting, where he/she is in attendance, with a prayer. The Chaplain may hold a prayer meeting during the Annual Conference.

#### Section VII Duties of the Secretary/Treasurer

The Secretary/Treasurer shall keep written minutes of all meetings. The Secretary/Treasurer shall keep the records, books and reports of the Association, including all cash on hand, all expenses, all receipts and disbursements, and a list of the assets and liabilities of the Association. The Secretary/Treasurer shall pay all bills, upon approval by the President, from the funds of the Association.

The Secretary/Treasurer shall make Quarterly reports to the President or as requested of all cash on hand, expenses, receipts, and disbursements. The Secretary/Treasurer shall keep a complete record of all membership fees paid and such fees that are due and unpaid, and shall file any and all necessary or proper reports required by law or by or under the by-laws. The Secretary/Treasurer shall prepare and sign all membership cards.

The Secretary/Treasurer shall be under a surety bond to the Association, in the amount to be determined by the Board of Directors. The premium on such bond is to be paid by the Association.

At least sixty (60) days prior to the business session of each Annual Conference, the Secretary/Treasurer shall mail, fax, e-mail, telephone or otherwise notify each member of the Association the date and time of such business session, the name and address of the Chairperson of the Constitution and By-Laws Committee, and advise that all resolutions to amend or add to the Constitution and By-Laws must be delivered or mailed to said Chairperson not less than thirty (30) days prior to the start of such business session.

The Secretary/Treasurer shall be the registered agent for the Association/Corporation. Each newly elected Secretary/Treasurer shall make the necessary changes in Registered Agent status with the Secretary of State within sixty (60) days of assuming office.

The Secretary/Treasurer shall send Memorial Donations and /or flowers not to exceed the amount of \$150.00 in the event of death of members and retired members. This allows for more timely response to deaths. The Chaplin will be notified of any deaths and should notify the Secretary/Treasurer for disbursement.

The Secretary/Treasurer shall send all scholarship recipients Checks made payable to the recipients upon valid proof of enrollment in an accredited Junior College, Senior College, University, Technical or Trade School of their choice on or before August 1 of that calendar year for the amount deemed or awarded by the Scholarship Committee at the Annual Business Meeting. It will be the Recipients responsibility to notify The Association with their choice, and provide correct mailing address. Duplicate checks will not be written for procedures not being followed at the fault of recipient.

#### Article VIII

##### Dues

Dues shall be \$60 per year for all Justices of the Peace and Constables. Clerks, Deputy Constables, and Associate members shall be \$50. On every annual membership fee received, the Secretary/Treasurer shall ensure that \$10 of the membership fee be deposited in the Association Scholarship Fund. Lifetime membership dues shall be \$250.00. Secretary/Treasurer shall ensure \$50 is deposited into Scholarship Fund from each Lifetime membership.

Regular and Associate membership dues shall be set by a two-thirds (2/3) majority vote of the membership present at any Annual Conference. Life membership dues shall be set by the Board of Directors. All Past Presidents shall be awarded a Lifetime membership.

Membership cards shall be issued to all members whose dues are current. The membership card shall designate the type of membership held in the Association and the expiration date of the card. Associate member shall be evidence of financial support only.

#### Article IX

##### Cancellation of Membership

The Board of Directors may cancel the membership and call in the membership card of any member who has been proven guilty of conduct unbecoming to his profession or this Association. Proven guilty can mean a 2/3 majority vote of the Board of Directors.

#### Article X

##### Annual Training Conference

No city or county shall bid for, or be awarded, the Annual Training Conference without the sponsorship of a local Association member, Justice of the Peace or Constable. The Annual Conference shall be held each year within a time period from April 1<sup>st</sup> to April 30<sup>th</sup>. The site of the next Annual Conference shall be determined by a vote of the general membership at the

Annual Conference. The exact date of the Conference shall be determined by the Conference Host who shall give notice to the Secretary/Treasurer no later than January 1<sup>st</sup> of each business year.

Records of all matters relating to the Annual Conference shall be maintained by the Conference Host, including the following: 1. Expenditures; 2. Monies generated and the source; 3. The number of hotel/motel rooms booked; 4. Host Conference Committee shall contact Secretary/Treasurer to set up Conference Account; 5. Upon contact, Secretary/Treasurer shall set up a Special Bank Account with \$5,000 advance to be used for conference preparation expenses; 6. Secretary/Treasurer shall give debit/check issuance privileges to Conference Chairperson (or designee) to this Special Account; 7. All receipts are to be faxed or e-mailed immediately to Secretary/Treasurer then hard copies mailed within 10 days; 8. Any monetary donations or regular income is to be submitted for deposit to the Special Account or General Funds which ever designated within 10 days of receipt. Secretary/Treasurer will deposit.

The Host City/County sponsor shall form a Committee to be known as the Host Committee. This Committee shall make arraignments for all Conference activities including Meeting rooms, Registration records, Guest speakers, Educational programs, which must include a certified **TCOLE** course for Constables, Entertainment, Decorations, Excursions, and Meals. The Conference Host Committee shall also make available an official Conference program book and furnish door prizes and/or other incentives to insure member attendance and participation. The Conference Host Committee may ask for assistance from the Conference Committee.

#### Article XI Committees

The President shall appoint the following Standing Committees: a Nominating Committee (which shall consist of all past Presidents of the Association who are in good standing), a Resolution Committee, an Audit Committee, a Constitution and By-Laws Committee, a Conference Committee, a Justice of the Peace Education Committee, a Constables Education Committee, a Scholarship Committee, and Special Committees as he/she deems proper as soon as possible after his/her election.

The President shall appoint from the members of each Committee a Chairperson who will call meetings of and preside over said meetings. The Chairperson of each committee shall see that accurate and complete minutes are kept of all meetings. Any meeting and/or vote called for by a Committee Chairperson may be conducted by telephone conference, internet conference, e-mail correspondence, or any other viable method of modern communication deemed appropriate by the Committee Chairperson calling for the meeting and/or vote.

The President, President Elect, Vice-President, and the Secretary/Treasurer shall serve as Ex Officio members of all Committees.

Any Association member in good standing may attend any meeting of any Committee, provided such Committee is not in Executive Session, and said member may, after being recognized by the Chairperson, address an opinion on the subject under consideration by the Committee. The Chairperson may limit discussion or debate on any subject matter.

Any appointed member of any Committee may be removed from the Committee by the President, with approval of two-thirds (2/3) majority vote of the Board of Directors, without cause.

The Chairperson of each Committee, of his/her designee, shall make a report, at the business meeting, during the Annual Conference prior to the election of officers and directors.

## Article XII Duties of Committees

### Section I Nominating Committee

The Nominating Committee shall be made up of all Past Presidents in attendance. Qualified members in good standing may be appointed. The most recent President in attendance shall serve as the Committee Chairperson.

The duties of the Nominating Committee shall be to seek out those Association Members who are qualified and willing to serve in the various positions of leadership in the Association.

The Committee Chairperson shall submit a nominee for the offices of: President Elect (should be the Second Vice- President), Second Vice-President (should be the Third Vice-President), Third Vice-President (alternating between a Justice of the Peace and Constable in the line of succession), Secretary/Treasurer, Sergeant-At-Arms, Chaplain, and Parliamentarian/Judge Advocate, all of which shall be a Justice of the Peace or Constable.

The committee Director shall submit three nominees each for Judge of the Year, Constable of the Year, Clerk of the Year, and Deputy Constable of the Year (which may include Reserve Deputy Constables) from a list of nominations submitted to the Committee by any voting member of the Association prior to the beginning of Conference activities (excluding registration and initial meetings), or from nominations by the committee. No other nomination may be made. A ballot will be prepared and vote taken at the business meeting of the annual Conference immediately after the election of officers. Those votes cast will be collected by the Committee, counted, and the resulting awardees chosen by the Nominating Committee will be presented to the President who may announce the winner at his/her discretion prior to the end of the Annual Conference.

### Section II Resolution Committee

The Resolutions Committee shall prepare in writing those resolutions they deem justified. That Chairperson shall read each resolution as a Committee report during the Annual Conference.

### Section III Audit Committee

The Audit Committee shall meet on the day preceding the Annual business meeting at the Annual Conference and examine the minutes, expenses, receipts, disbursements and cash on hand of the Association for the previous 12 months. The Secretary/Treasurer shall make all accounting and written records available to the Committee. The Chairperson of the Committee shall give a verbal report of the findings of the Committee as a Committee report during the Annual Conference.

### Section IV Constitution & By-Laws Committee

The Constitution and By-Laws Committee, chaired by the Parliamentarian, shall examine those changes or additions properly submitted to them prior to the Conference, or identified by the committee itself. The Committee shall then vote upon each change or addition, with a majority vote to determine if the change or addition is to be presented by the Chairperson as favorable, for a vote by those members present at the Annual Conference. The change or addition must be in writing.

### Section V Conference Committee

The duty of the Conference Committee shall be to seek out and assist a City or County to bid as host for the Annual Conference under the guidelines of Article X. The Committee shall assist the Conference Host Committee when requested.

### Section VI Membership Committee

That part of the State of Texas designated as the Association is divided into five areas. Each area is served by an Area Director appointed by the President each year. The five Directors make up the Membership Committee. The duty of the Membership Committee shall be to promote and solicit membership in the Association. The Chairperson designated by the President shall give a membership report at each Annual Conference.

### Section VII Host Committee

The Chairperson of the Host Committee shall give a verbal report during the business session of the Annual Conference regarding attendance numbers to the Conference.

#### Section VIII Education Committee

The Justice of the Peace Education Committee shall consist of three Justices of the Peace, appointed by the President, who shall schedule training classes of benefit to the professional development of Justices of the Peace and Clerks at each Annual Conference.

The Constable Education Committee shall consist of three Constables, appointed by the President, who shall schedule training classes at each Annual Conference allowing Constables and Deputies to obtain, at minimum, 8 hours of **TCOLE** training credit.

The Education Committee should work jointly with our Justice Court Training Center, who has agreed to provide certified training for both Justices of the Peace, Clerks, Constables, and Deputy Constables.

#### Section IX Scholarship Committee

The Scholarship committee shall consist of (1) Justice of the Peace, (1) Constable, and (1) Clerk or Deputy Constable. The Committee shall review all Scholarship Applications presented to it and make a recommendation of those selected to the General Membership at the Annual Conference for Final Passage. No dollar amount above the current balance in the Scholarship Fund may be recommended or awarded.

Scholarship Committee is to maintain a \$3000 minimum balance to carry on for the following year with a percentage option to be determined by the majority of the Board of Directors as deemed necessary.

The President along with the Scholarship Chairperson may be the recipient of the Scholarship Applications.

Scholarship applications, requirements, and procedures will be made available on the West Texas Justices of the Peace and Constables Association website. Current address for current President and Scholarship Chairperson should also be provided on website.

#### Article XIII Amendments

No amendments or additions to the Constitution and By-Laws of the Association shall be made except by a vote of the regular members present at any Annual Conference. Any such change or addition may be made by a majority vote upon a resolution delivered or mailed to the

Chairperson of the Constitution and By-Laws Committee prior to the beginning of scheduled business (excluding registration and initial meetings) at each Conference and reported favorably by such Chairperson. Otherwise, any proposed amendment or addition not reported to the Constitution and By-Laws Committee as required above shall require (2/3) majority vote of the General Membership at the Annual Business Meeting for passage and adoption.

Article XIV  
Asset (Trailer)

2019 Trailer was purchased in 2018-2019. The Trailer is for West Texas Business use only. The Storage of the Trailer is at the Secretary/Treasurer's discretion with a Majority of the Board approval.

Any member in good standing of West Texas Justices of the Peace and Constables Association shall be in charge of Transporting to Annual Conference or other Events as necessary for Association. Reimbursement for fuel cost will be paid (with receipts only) and only if not already paid member's county.

The upkeep and registration of the Trailer is responsibility of Secretary/Treasurer.

Article XV  
Distribution of Funds on Dissolution

In the event the Association should cease to exist, all funds of the Association on deposit in any bank or banks or on hand shall be disbursed to the Justices of the Peace and Constables Association of Texas, Inc., after all outstanding debts have been satisfied.

PASSED, SIGNED AND ADOPTED THIS 18<sup>TH</sup> DAY APRIL, 2019

\_\_\_\_\_  
President, West Texas Justices of the Peace and Constables Association

\_\_\_\_\_  
Chairman of the Board, West Texas Justices of the Peace and Constables Association

\_\_\_\_\_  
Secretary/Treasurer, West Texas Justices of the Peace and Constables Association