



RESOLUTION

This version of the Constitution and Bylaws of the Safety Employees' Benefit Association as amended were adopted in accordance with the laws of the State of California.

The Board of Directors of the Safety Employees' Benefit Association, a California Corporation, this date having a quorum present has enacted the following Constitution and Bylaws upon an affirmative vote of a minimum two-thirds majority of Directors present.

Certified this 7th day of November, 2007.

William Abernathie, President

Ken Lutz, Vice-President

Kristen Riegel, Secretary

Colin McKenzie, Treasurer

Corporate Seal

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ARTICLE I
Name and Mission

Section 1. NAME

This Association shall be known as the “San Bernardino County Safety Employees’ Benefit Association” (SEBA) herein referred to as “the Association”.

Section 2. MISSION STATEMENT

The Association is dedicated to protect and promote the well-being and image of its members in the areas of:

- A. Collective bargaining
- B. Protection of member rights
- C. Political action to promote the goals of the Association
- D. Services of benefit to the member
- E. Community involvement

Section 3. MEMBERSHIP

- A. ACTIVE members shall be regularly employed sworn and non-sworn public safety personnel employed by the County of San Bernardino, the Special Districts of the County of San Bernardino, and any other group approved by the Board of Directors. Active member status shall require the full payment of regular dues. Fair-Share Agency Fee payers are not Active members and shall not have the rights and privileges of an Active member.

- B. ASSOCIATE members include, but are not limited to: any full-time employee of an agency within San Bernardino County in a public safety field or any other individual or group as determined by the Board of Directors.
- C. RESERVE members include, but are not limited to any Reserve Deputy Sheriff or Reserve DA Investigator. Additionally, Sheriff's Citizen Volunteers may join as a Reserve member upon application and approval by the Association Board of Directors.
- D. RETIRED members shall include all former active members retired from service because of age and/or length of service and/or disability, who at the time of retirement were Association members in good standing.
- E. EXEMPT members shall include the Sheriff, the District Attorney, the Chief DA Investigator, Chief Probation Officer and other members of the Exempt Class. They will be entitled to all benefits of the Association.
- F. HONORARY members shall be community groups, individuals or any other entity as approved by the Board of Directors.
- G. BENEFICIARY members shall be the widow, widower, or registered domestic partner of an Active member who dies while in active service.

Section 4. TERMINATION OF MEMBERSHIP

- A. Active Members: Membership in the Association shall cease when an employee resigns his/her position voluntarily or is discharged from employment for any reason, and all rights and benefits of the Association

shall cease on the date of such termination of employment, however, any discharged persons appealing the termination continue on active status until such a time as their appeal is adjudicated through the administrative process. Membership may also be terminated as provided in Article I, Section 7 below.

- B. Other Members: Membership may be terminated for the following reasons by a majority vote of the Board of Directors:
1. Nonpayment of dues and premiums.
 2. Any conduct within or outside of the Association that is inimical to the Association or actions by the Board of Directors.
 3. Any member who terminates employment with the County or resigns from a reserve unit, either voluntarily or by discharge, shall lose membership unless provisions of Article I Section 4A apply, otherwise, all rights and benefits of the Association shall cease on the date of such termination.

Section 5. ABSENT MEMBERS

Any member who secures leave without pay, except military leave for a period of time in excess of thirty days, or sickness or disability, shall become an absent member of the Association until he/she returns to duty; at which time he/she shall be reinstated to membership upon resumption of payment of dues after return to duty and no penalties or fines shall be assessed the member for his/her leave of

absence. All rights and benefits, which the member shall have during this period of absence, are suspended until his/her reinstatement.

- A. Any member may maintain his/her benefits providing dues are paid during the period of leave.
- B. Active memberships shall be maintained for members called to active duty in the services of the United States with dues and assessments carried by the Association. Such membership shall be carried for a period of thirty days after the member is released from active duty.

Section 6. REINSTATEMENT

- A. A delinquent member may be reinstated by payment in full of back dues (See Article V, Section 5).
- B. Any person who voluntarily terminates his/her membership may re-apply for membership provided he/she meets the membership requirements.

Section 7. TERMINATION OR SUSPENSION OF MEMBER

The Board of Directors shall have the sole and exclusive power to suspend or terminate the membership of a member with just cause based on a written report from the Executive Board, or a report submitted to the Executive Board signed by not less than five other members. Any report or accusation submitted must be sustained by the Executive Board prior to submission to the Board of Directors. Should the Executive Board sustain the report or accusation, the Board of Directors shall notify the member in writing no fewer than 15 days before the date

that the Board intends to vote on the termination or suspension that the Board will do so. The notice will provide to the member the written report or accusation.

The notice shall inform the member that he or she has the right to respond to the Board of Directors either orally or in writing no fewer than 5 days before the date that the Board is scheduled to take action. Notice shall be given to the member by first-class mail at his or her last address as provided by him or her to the Association.

Section 8. LIMITATIONS OF ACTIONS

Any action against the Association based upon termination or suspension of membership shall be commenced on or before one year from the effective date of the termination or suspension.

ARTICLE II

Officers and Directors

Section 1. BOARD OF DIRECTORS

The Board of Directors of the Association consists of the Executive Board (President, Vice-President, Secretary, and Treasurer), Sergeant at Arms, Station/Division Directors, immediate Past President and Retirees Director.

A. Representation

1. **President:** Official representative of the Association.
2. **Vice-President:** Official representative of the Association in the absence of, or by the direction of, the President.
3. **Secretary:** Official representative of the Association in the absence of the President and Vice-President.
4. **Treasurer:** Official representative of the Association in the absence of the President, Vice-President, and Secretary.
5. **Sergeant at Arms:** Official Representative of the Association in the absence of the President, Vice-President, Secretary and Treasurer. The Sergeant at Arms shall be a member of the entire Active member group.
6. **Immediate Past President:** Represents continuity with knowledge, experience and wisdom gained from past experience as President.
7. **Retired Director:** Represents the retired members who retired as Association members in good standing.

8. Division/Station Director: Representative elected by Divisions/Stations of representation.
9. Alternate Director: Alternates are recognized by any of the following procedures:
 - a. By Division petition or vote.
 - b. Appointed by the Board of Directors.

Section 2. EXECUTIVE BOARD OF DIRECTORS

The Association Executive Board shall consist of the President, Vice-President, Secretary and Treasurer. All four elected constitutional officers shall be members of the entire active member group and elected at large by the entire active dues paying membership.

Section 3. ADJUSTMENT OF REPRESENTATION

Active membership representation units may consist of division/stations employing Association active members as determined by the Board of Directors. The Board of Directors may review and re-adjust the representation units as needed based on the formation or dismemberment of units.

Section 4. DUTIES

The executive and administrative power of the Association shall be vested in the duly elected officers and staff as follows:

- A. President. The President shall:

1. Preside at all meetings of the Board of Directors and all Association General Membership Meetings.
 2. Appoint all such committees as needed or as directed by the Board.
 3. Serve as an ex-officio member on all committee except nominating committees.
 4. Decide all questions of “Order” at meetings.
 5. Cast the deciding vote in any matter before the Board of Directors, which results in a tie vote.
 6. Perform in an impartial manner such other duties as may be necessary to carry out the provisions of the Constitution and Bylaws of the Association.
 7. Appoint a recording secretary in the absence of the elected Association Secretary.
 8. Control an executive budget as set by the Board.
 9. At his/her discretion, appoint a Parliamentarian/Sergeant at Arms and/or Chaplain, subject to the approval of the Board of Directors.
 10. Attends the annual Peace Officers Memorial Service.
- B. Vice President. The Vice-President shall:
1. Succeed the President should the Presidency become vacant,
 2. Assume and discharge the duties of the office of the President during his/her absence, inability to act, or when called upon by the President to do so.

3. Keep informed of the duties and activities of the various committees.
4. Obtain a verbal or written report from each active committee chair of all activities, and prepare them for presentation in the event of the absence of a committee chair from a meeting.
5. Perform other duties as required by these Bylaws, or which may be necessary in the best interest of the Association.

C. Secretary. The Secretary shall:

1. Oversee a current list of members, maintained by staff, broken down by: Location, total number, number of designated units, members in each unit, total non-members, non-members in each unit. Keep the Board current as to the number of members represented by each director.
2. Take and record minutes of all Board of Directors and General Membership meeting. Oversee the distribution of copies of minutes to Board members in a timely manner.
3. Oversee notification of all successful candidates of his/her election.
4. Perform all such other duties as may be required by these Bylaws, or which may be necessary in the best interest of the Association.

D. Treasurer. The Treasurer shall:

1. Insure all financial records are kept in a manner following generally accepted accounting principles.

2. Render annually to the Board of Directors and to the general membership a financial statement of the Association for the past year ending.
3. Turn over to an independent auditor all records of account each July for a full financial audit of all accounts.
4. Assist as Treasurer pro-tem in the expenditures and receipt of the Association's main projects by acting as a committee member on such projects.
5. Oversee the production of a monthly financial statement to the Board of Directors.
6. Review the Executive expense report and budget and be able to report to the Board at any regular scheduled meeting on expenditures and changes in financial obligations from Board approved expenses.
7. Report to the Board of Directors on questions arising out of the financial obligations maintained by the paid office staff.
8. Oversee the production of a written Association Budget Statement to the Board of Directors at the regularly scheduled Board meetings.
9. Oversee financial reports to the Secretary of State, Franchise Tax Board and Federal Internal Revenue Service.
10. Report any expenditures or changes to the budget to the Board for review at the next scheduled Board meeting. The budget will be

established each June at the regularly scheduled Board meeting for the fiscal year commencing on July 1st.

11. Perform all such other duties as may be required by these Bylaws, or which may be necessary in the best interest of the Association.

E. Sergeant at Arms. The Sergeant at Arms shall:

1. Maintain order at meetings.
2. Act as Parliamentarian on rules of order.
3. Be appointed by the President.
4. Be a standing non-voting member of the Board of Directors, unless he/she is an elected member of the Board of Directors.

F. Immediate Past President. The Immediate Past President shall:

1. Give advice and direction to maintain continuity of the Association plans and activities.
2. Maintains a non-voting position on the Board of Directors for one year.

G. Station/Division Directors. The Station/Division Directors shall:

1. Review the treasurer's report at each regularly scheduled Board meeting.
2. Transact such business as may come before them.
3. Meet once each month.
4. Set procedures for the ratification of contract agreements entered into between Representatives of the Association and the County of San Bernardino.

5. Serve on committees as directed.

Section 5. UNSATISFACTORY SERVICE BY A DIRECTOR

- A. Any Executive Board Member of the Association whose service is unsatisfactory or who neglects the duties of the office may be subject to recall. A recall election may be called by a petition signed by 25 percent of the active members of the Association. If the signatory on the petition for recall and the reasons for recall are validated by a quorum majority of the Board of Directors, a special election shall then be held and a majority of the active membership shall be sufficient to recall and declare the position vacant.
- B. Any Director of the Association whose service is unsatisfactory or who neglects the duties of the office may be subject to recall. A recall election may be called by a petition signed by 30 percent of the members in the representative unit. If the signatories on the petition for recall and the reasons for recall are validated by a quorum majority of the Board of Directors, a special election, within the representative unit, shall be held and a majority of votes from the unit shall be sufficient to recall and declare the position vacant.
- C. A “Notification of Recall” application must be completed.
 1. “Notification of Recall” applications are available through the Association office. This form must be completed including the submitting member’s name and employee number, the name of the Executive Board Member or Director to be recalled, and the

specific reasons describing the unsatisfactory service to include all supporting documents. The completed form must be returned to the Association office where it will be date/time stamped at the time of receipt. A copy will be immediately provided to the submitter.

2. The submitted “Notification of Recall” form will be forwarded within five working days to the Executive Board of Directors. The Executive Board will review the reasons for recall and supporting documents, and determine if there is prima facie (evidence) showing that the alleged act(s) occurred. A prima facie showing need be found on only one allegation for the recall request to be further processed.
 - a. If the Executive Board determines that a conflict of interest exists between the Board of Directors and the Executive Board, or may be perceived to exist, it may, in its sole discretion, appoint an independent hearing officer from a list of arbitrators from the State Mediation and Conciliation Service or the American Arbitration Association. The decision of the hearing officer that a prima facie showing has been made shall be final and binding.
 - b. If no prima facie showing is made, the Executive Board’s findings along with the “Notification of Recall” will be forwarded to the Board of Directors for review, then to a

- legal advisor. The Board of Directors will be advised if the Executive Board's findings are sustained by the legal advisor. The submitting member will be advised in writing of the facts surrounding the denial of the petition for recall.
- c. If a prima facie showing is made, a "Petition for Recall" form will be completed by the Association. The Petition will state those allegations in which there was a prima facie showing as provided on the "Notification of Recall". The submitting member will review and initial the Petition. At that time, the submitting member will be provided a date/time stamped copy of the "Petition for Recall", a copy of this Bylaw, and a copy of the procedures for recall. The Association will provide an adequate number of copies of the Petition for required signatures.
 - d. A prima facie showing is that amount of evidence that would convince a reasonable person that the events alleged did in fact occur and were in violation of the Bylaws, or contrary to the order of the Board of Directors, or are a violation of any federal or state law.
 - e. Recall petitions must be submitted as one package within 60 days to the Board of Directors.

3. The completed Petition for Recall forms must be returned to the Association within 60 days from the date of receipt. Only official copies of the petition with original signatures will be accepted.
 4. All recall petition forms must be submitted at one time as a complete package to the Association. They will be date/time stamped when received. The Petitions must include the printed name of the member, the member's employee number, signature, and date of signature. Illegible entries will be excluded.
 5. The name and employee number of the member soliciting the signature shall be written on each form. Each sheet shall designate which signatures were obtained by each solicitor. To prevent any unfair labor practice, members from each bargaining unit may solicit signatures from members in their respective unit.
- D. If the Board finds the required number of qualifying signatures, a special election will be held by mail ballot to determine if the position is to be vacated.

SAFETY EMPLOYEES' BENEFIT ASSOCIATION

PETITION FOR RECALL

TO: Board of Directors

SUBJECT: Petition for Recall of _____
Name of Director

We the undersigned petition to recall the named Director for the following reason(s): (Additional supporting documents may be attached: additional pages must be annotated page ____ of ____)

Printed Name (must be legible)	Employee No.	Signature	Date

Section 6. VACANCIES OF BOARD POSITION

- A. Any elected incumbent who fails to maintain his/her requirement for election automatically relinquishes their seat on the Board.
- B. Executive Board member vacancies shall be filled within forty-five days following the vacancy. The Vice-President automatically succeeds the President.
- C. Any vacancies occurring in the Board of Directors except by reason of expiration of term of office shall be filled by a majority vote of the Board of Directors at their first regular meeting after the vacancy occurs.
- D. Any person being appointed, nominated, or elected by the Executive Board or the Board of Directors to the Executive Board, and filling a vacancy on the Executive Board for the purpose of finishing a term of office of a duly elected Executive Board position, must be a currently elected director of one of the designated stations/divisions represented in the Association. No appointment may be made outside of the duly elected Board of Directors unless there is no showing of interest from the body.

ARTICLE III

Elections

Section 1. ELECTIONS

A. Term of Office

1. **President:** The President of the Association shall be elected to a two-year term. The election will be conducted on odd numbered years.
2. **Vice-President:** The Vice-President of the Association shall be elected to a two-year term. The election will be conducted on even numbered years.
3. **Secretary:** The Secretary of the Association shall be elected to a two-year term. The election will be conducted on odd numbered years.
4. **Treasurer:** The Treasurer of the Association shall be elected to a two-year term. The election will be conducted on even numbered years.
5. **Directors:** The Director shall be elected to a two-year term.
Desert region elections will be conducted on odd numbered years beginning 2005. Valley region elections will be conducted on even numbered years beginning 2006. Desert and Valley region Directors shall be divided as follows:

DESERT – Adelanto, Adelanto Detention Center, Apple Valley, Barstow, Colorado River, Court Services Desert, District Attorney

Desert, Hesperia, Morongo, Probation Desert, Probation Corrections HDJDAC, Victor Valley, and Victorville; VALLEY – Aviation, Big Bear, Central Detention Center, Central Station, Chino Hills, Coroners, Court Services Central, Court Services Rancho, District Attorney Valley, Fontana, Glen Helen Rehabilitation Center, Hazardous Materials, Highland, Narcotics, Probation Central, Probation Rancho, Probation Corrections, Probation Corrections WVJDC, Rancho Cucamonga, Scientific Investigations, Specialized Detectives, Transportation, Twin Peaks, Welfare Fraud, West Valley Detention Center, Yucaipa, and Retired.

6. Immediate Past President: The Immediate Past President shall serve a single one-year term.

Section 2. BALLOT DEADLINE

- A. Ballots cast must be received by the Association no later than the close of business of the second Wednesday of October of each year. Ballots received by the Association shall be counted the following day.
- B. The provisions for mail ballots shall not apply where an election is conducted during a regularly scheduled general membership meeting.

Section 3. VALIDITY OF BALLOTS

All ballots received before the deadline shall be counted, providing that they are properly completed. If one portion of the ballot is voided due to error, that error will not void the entire ballot. Ballots will be voided for lateness and voting for more candidates than authorized.

Section 4. CANDIDATE ELIGIBILITY

- A. Every candidate for an office must be a member at least one year, in good standing and accept the nomination.
- B. Every candidate for President must have served on the Board of Directors for one year prior to the filing deadline.

Section 5. PETITION FOR CANDIDACY

- A. Qualified members desiring to run for office on the Executive Board of the Association must file a petition indicating their candidacy for office. The petition shall be signed by the candidate and no less than five other members in good standing, and be submitted to the Nominating Committee not later than 1700 hours the day prior to the General Membership Meeting.
- B. Qualified members desiring to run for office on the Board of Directors may file a petition indicating their candidacy for office. The petition shall be signed by the candidate and no less than five other members in good standing from their division/station, and be submitted to the Nominating

Committee no later than 1700 hours the day prior to the General Membership Meeting. Qualified members may be nominated from the floor during the General Membership Meeting.

Section 6. NOMINATING COMMITTEE

The nominating committee shall be comprised of the two off-election year Executive Board members. This Committee shall present names of candidates before the membership, at the General Membership Meeting each year. Only nominations for Division Directors will be accepted from the floor during the General Membership Meeting. The Nominating Committee shall ensure that no member is a candidate for more than one elected position with the Association.

Section 7. ELECTION COMMITTEE

A committee from the Board of Directors consisting of not less than five nor more than seven members shall be appointed by the President to serve as an Election Committee to receive the sealed ballots from the members, open the ballots and tabulate the results. It shall be permissible for candidates for office to have a representative present when the ballots are counted.

Section 8. TIME OF ELECTION

An election for officers of the Executive Board and Directors shall be held no later than the month of October of each year.

Section 9. MAIL BALLOTS

- A. The provisions for mail ballots shall not apply where an election is conducted during a regularly scheduled general membership meeting.
- B. Ballots will be sent to the member's current mailing address by the second Wednesday of September.
- C. Ballots cast must be received by the Association no later than the close of business on the second Wednesday of October of each year, and counted the following day.
- D. Validity of Ballots
 - 1. All return ballot envelopes will be addressed to the Association.
 - 2. Sealed ballots received at the Association Office will be placed into a locked ballot box.
 - 3. On the day ballots are counted, one of the off-election year Executive Board members will access the ballot box via individual keys to separate locks.
 - 4. Only official Association ballots will be accepted.
 - 5. The Committee will determine if an error has been made. In the event of an error, the affected positions will be resubmitted to applicable stations for recount.
 - 6. Ballots will be sorted by division, and the votes will be counted by two different persons, with the counts recorded on a tally sheet maintained along with the ballots.

7. Tie votes will be subject to run-off election.

Section 10. BALLOTS FOR SPECIAL OR GENERAL MEMBERSHIP MEETING

- A. Elections held at duly noticed special or general membership meetings shall be conducted by a secret ballot which will be distributed to each member. All ballots shall be collected at the meeting and upon completion of balloting, shall be counted at the meeting and in the presence of any members who wish to attend. The preliminary results of such balloting shall be announced prior to the end of the meeting and are subject to member verification.
- B. There shall be no proxies for any duly noticed meeting unless authorized by provisions of the Constitution and Bylaws.

Section 11. NOTIFICATION OF ELECTION RESULTS

- A. Results will be made public as soon as possible at the completion of the ballot counting, at the direction of the Secretary of the Board.
- B. Where an election is conducted during a regularly scheduled meeting, the results of the election shall be announced as soon as tabulation of the votes is completed, and prior to the end of the meeting.

Section 12. SUCCESSFUL CANDIDATE

Of the votes cast in any election, the candidate who received the highest number of votes shall be the successful candidate.

Section 13. RETENTION OF BALLOTS

Ballots will be sealed by the Chairman of the Election Committee and stored at the SEBA office until the first meeting in which the new officers take office. At that time the Board will recognize the new officers and on proper motion, order the ballots be disposed of.

ARTICLE IV

Meetings, Voting Procedures and Amendments

Section 1. CALL OF MEETINGS

- A. General Meetings of the Association and meetings of the Board of Directors shall be called by the President, Vice-President or by a majority of Directors.
- B. The Association shall have one General Membership Meeting each year to be held between August 1st and August 31st.

Section 2. RULES OF ORDER

Meetings of the Association and the Board of Directors shall be held in accordance with “Robert’s Rules of Order” and in accordance with the provisions of the Constitution and Bylaws. A copy of “Robert’s Rules of Order” shall be maintained by the Association until such time as a new procedure is ordered.

Section 3. QUORUM

- A. Board of Directors Meeting
A quorum at any meeting of the Board of Directors shall consist of a simple majority of the currently constituted Board of Directors as defined in Article II, Section 1, of the Constitution and Bylaws. A majority of such quorum shall decide any questions that may come before a meeting with the exception of the business requiring a vote of the general membership, or as elsewhere provided in the Constitution and Bylaws.

B. General Membership Meeting

There shall be no quorum requirement for duly noticed general or special membership meetings.

Section 4. ABSENCE FROM MEETING

Any member of the Board of Directors who is absent from three consecutive meetings of the Board, regardless of alternate representation, unless such absence is occasioned by department business, illness or unavoidable absence may have his/her office declared vacant by a majority vote of the Board of Directors. Such vacancy shall be immediately filled by the recognized alternate.

Section 5. MEETING ATTENDANCE BY GENERAL MEMBERS

Any member of the Association may attend any meeting of the Board of Directors and voice an opinion or make suggestions there at the pleasure of the chair. No member attending such meetings shall have the power to make motions or vote.

Section 6. SPECIAL MEETINGS

A. Special Board Meetings

Special meetings may be called by the President, Vice-President or by a majority vote of the Board of Directors. Each Director shall be notified at least 24 hours prior to the meeting date and time. Business outlined in the agenda shall be the only business conducted at the meeting.

B. Special General Membership Meetings

Special General Membership Meetings may be called by the President, the Vice-President or by a majority vote of the Board of Directors. Each Association member shall be notified, by mail, of the meeting date, time, location and agenda at least seven days prior the meeting date. Business outlined in the Agenda shall be the only business conducted at the meeting.

Section 7. VOTING, BOARD OF DIRECTORS

Each director (except the President unless he surrenders the gavel or in case of a tie) casts one vote at any meeting of the Board of Directors regardless of number of members represented. Authorized alternate representatives for an absent Board Member are empowered to make motions and vote as the Board Member.

Section 8. PROXY VOTE

- A. An Officer or member of the Board of Directors of the Association shall have the power to accept and execute the proxy vote of a Board Member provided that the Director who issues said proxy vote shall have a good cause for being absent from the meeting.
- B. The Proxy vote shall relate to specific issues of which the absent director has prior knowledge and shall not constitute blanket authority for the proxy holder to vote on all matters at a meeting of the Board in place of the absent director.

- C. Members in good standing are empowered to accept and execute a written proxy vote from any member for special or general meetings. The proxy vote must specify a particular issue(s), the manner in which the vote is cast, the member's printed name, station and employee number, date signed, and member's signature.

Section 9. TELEPHONE VOTE

The President or his/her delegate can solicit telephone votes including monetary expenditures not to exceed \$5,000 per occurrence upon approval of the Executive Board. In an emergency, he/she may solicit telephone votes without prior approval and subsequently justify the action to the Executive Board as soon as possible.

Section 10. CONSTITUTION AND BYLAW AMENDMENTS

- A. The Constitution and Bylaws may be amended by a two-thirds vote of the Board of Directors, except for sections which apply to dues or assessments.
- B. The amount of dues or assessments may only be amended or enacted by a two-thirds majority of the votes cast by the Association members.
- C. Any proposed amendment shall be submitted in writing to the Board of Directors or to the members thirty days prior to voting on such an amendment or the next regular board meeting, whichever is less.

ARTICLE V

Committees

Section 1. STANDING COMMITTEES

- A. Appointments to standing Committees
 - 1. Members of all standing committees shall be appointed by the President with the approval of the Board of Directors.
 - 2. Chairpersons of Standing Committees shall be Active members of the Association and shall be selected by the President subject to approval by the Board of Directors.
 - 3. The President shall be ex-officio members of all Standing Committees.
- B. Negotiations Committee
 - 1. “Safety Unit”
 - a. The Safety Negotiations Committee shall consist of members in good standing of this Association who belong to the Safety Unit, and shall be appointed by the President as approved by the Board of Directors. The duties of this committee shall be to advise and direct all formal negotiations within the scope of the meet and confer process as defined in the Employee Relations Ordinance.
 - b. The Safety Negotiations Committee shall coordinate their efforts in negotiations with the Association’s Board of Directors through the President.

2. “Safety Management Unit”
 - a. The Safety Management Negotiations Committee shall consist of members in good standing of this Association who belong to the Safety Management Unit, and shall be appointed by the President as approved by the Board of Directors. The duties of the committee shall be to advise and direct all formal negotiations within the scope of the meet and confer process as defined in the Employee Relations Ordinance.
 - b. The Safety Management Negotiations Committee shall coordinate their efforts in negotiations with the Association’s Board of Directors through the President.
3. “Specialized Peace Officer Unit”
 - a. The Specialized Peace Officer Negotiations Committee shall consist of members in good standing of this Association who belong to the Specialized Peace Officer Unit, and shall be appointed by the President as approved by the Board of Directors. The duties of the committee shall be to advise and direct all formal negotiations within the scope of the meet and confer process as defined in the Employee Relations Ordinance.

the meet and confer process as defined in the Employee Relations Ordinance.

- b. The Hazardous Materials Negotiations Committee shall coordinate their efforts in negotiations with the Association's Board of Directors through the President.

Section 2. SUBCOMMITTEES

Standing Committee Chairperson shall determine the need for and composition of subcommittees; such composition to be approved by a majority vote of the members of the Board of Directors present and voting.

Section 3. SPECIAL COMMITTEES

The President may appoint committees for special purposes from general membership or from the Board of Directors.

Section 4. TERMINATION OF COMMITTEES

Any standing committee not activated for a period of three consecutive years, shall be deemed to be dissolved and removed from the Association's Bylaws.

ARTICLE VI

Dues and Assessments

Section 1. DUES

- A. Active member dues shall include all amounts enumerated in this section.
 - 1. Association: Effective January 12, 1991, the monthly dues of active members of the Safety Employees' Benefit Association shall include one percent of the gross base pay of Step 1 Deputy Sheriff.
 - a. Adjustments: Modification of dues resulting in increased cost to the member may be made by a 2/3 majority vote of the Board of Directors upon ratification by a 2/3 majority of the general membership voting in a general election called for such purpose.
 - b. Assessments may be made only upon a 2/3 majority of votes cast by the membership.
 - 2. Widows and Orphans Fund: The current authorized assessment for Widows and Orphans Fund is one dollar (\$1.00) per Active member per month.
 - 3. Legal Defense: Legal Defense Premiums shall be an amount used for the purposes of providing legal and administrative representation. The premium amount shall be set by the Association Board of Directors and adjusted as deemed appropriate to provide quality coverage. The premium amount shall never be greater than the average range for PORAC Legal Defense Plan IV,

Metro Rate, No deductible, No Co-pay. The Association has the responsibility to provide and administer the legal defense delivery system as directed by the Association Board of Directors.

4. PORAC: Peace Officers Research Association of California sponsors the Legal Defense Fund. PORAC dues shall be equivalent to that set forth by the PORAC Board of Directors for Sworn members.
5. Insurance: Every member classification (excluding Fair Share) shall maintain a minimum \$2,500 death benefit self-funded by the Association for a premium of \$0.84 per month. A member may elect to increase his/her coverage and upon such election, his/her dues shall be increased by an amount equivalent to the increased premium.
6. Political Action: In order to advance the Association efforts in the securing of appropriate compensation, benefits and working conditions, the assessment for the Political Action Fund for all active members of the Association shall be ten dollars (\$10.00) per pay period. The funds are restricted for use as follows:
 - a. Eighty percent of all funds shall be designated for use at the local government level in support or opposition to candidates and/or measures that directly impact the livelihood of the membership.

- b. The remaining funds shall be expended at the state government level, in support or opposition to state legislators representing San Bernardino County, and the state constitutional officers. Funds may also be expended for the creation, support or opposition to state legislation affecting the livelihood of the membership. Also funds may be expended to facilitate changes in state criminal laws enforced by the members.
 - c. Funds may only be expended upon approval by a majority vote of the Association Board of Directors.
 - d. Endorsements rendered for the San Bernardino County constitutional offices of Sheriff and District Attorney shall be made in favor of the candidate receiving a majority of votes cast during a special active membership ballot.
 - e. The Board of Directors may endorse and render support to candidates for judicial offices.
 - f. Members may choose, by written request, to have their bi-weekly political action deduction redirected to SEBA's Charity Fund.
- B. Dues for any membership classification other than active membership shall be set by vote of the simple majority of the Board of Directors. The amounts voted by the Board of Directors shall be incorporated into the sections below without further legislative action.

1. Reserve member shall pay dues as follows:
 - General Twenty five percent (25%) of Active member dues
 - Legal Defense Current monthly rate as set forth by the Legal Defense Fund Trustees for Reserve members
 - PORAC Current monthly rate as set forth by the PORAC Board of Directors for Reserve members
 - Term Life Ins. \$0.84 / mo.
2. Associate member shall pay dues as follows:
 - General Fifty percent (50%) of Active member dues
 - Term Life Insurance \$0.84 / mo.
 - Optional Legal Defense Equivalent to the monthly rate paid by Sworn members
 - Optional PORAC Equivalent to the monthly rate paid by Sworn members. Enrollment in the Legal Defense Fund requires payment of PORAC dues.
3. Retired members dues shall be set by the Board of Directors.
4. Honorary members shall be exempt from dues.

Section 2. PAYMENT OF DUES AND ASSESSMENTS

- A. Active Members: Dues shall be payable by payroll deduction.
- B. Associate Members: Payment of general dues shall be made by payroll deduction.

- C. Reserve Members: Payment of general dues shall be made by payroll deduction or by individual billing.
- D. Retired Members: Payment of general services and assessments shall be made by payroll deduction through the San Bernardino County Retirement Board.

Section 3. EXEMPT DUES

- A. Any Active Member retired from his/her Department by reason of age and/or service disability shall become a Retired member of the Association and thereby be eligible for all insurance benefits.

Retired members are exempt from payment of monthly dues and/or assessments.
- B. Any member activated into full-time military service, other than standard drill weekend training, two-week annual training, or any other voluntary training, shall have dues and assessments as set forth in Section 1 waived for the duration of the member's military activation. All other voluntary deductions will continue to be payroll deducted or individually billed on a monthly basis. SEBA shall abide by the Soldiers and Sailors Civil Relief Act of 1940 where applicable.

Section 4. WAIVER OF DUES

No member shall be considered delinquent for nonpayment of dues if the following conditions exist:

- A. The member is not delinquent in dues
- B. The member has exhausted all payroll benefits

Section 5. NONPAYMENT OF DUES AND/OR ASSESSMENTS

Any member of the Association who is in arrears for nonpayment of dues or assessment for a period of sixty days shall be removed from the rolls thirty days following such notice and not reinstated until all back dues are paid in full.

During this time of suspension, neither the delinquent nor his/her family shall be entitled to any benefits herein provided. Reinstatement to be provided in Article I, Section 6 of the Constitution and Bylaws.

Section 6. FAIR-SHARE AGENCY FEE

Employees in the Safety, Specialized Peace Officer, Specialized Peace Officer – Supervisory, and Hazardous Materials bargaining units may elect to become a non-member Fair-Share Agency Fee payer. Employees in this category shall pay an amount equal to one percent of the base monthly wage of the classification of Deputy Sheriff, step one. Fair-Share Agency Fee Payers are afforded no rights of membership.

ARTICLE VII

Finance

Section 1. DISBURSEMENT OF FUNDS

Obligations may be incurred and disbursements made only upon approval by a majority vote of the Board of Directors, except as otherwise provided.

Disbursements made shall adhere to the following:

- A. Checks shall be signed by two signers.
- B. There may be more than two signers authorized.
- C. Authorized signers shall be:
 - 1. Treasurer
 - 2. President
 - 3. Vice-President

Section 2. CONTINUAL AUTHORIZATION FOR EXPENDITURES

Those members of the Executive Board who are authorized to issue checks shall have continued authorization to issue checks for the following expenses without Board approval:

- A. Insurance premiums and other payroll deductions programs
- B. Mortgage/lease payment
- C. Property Tax
- D. Utilities
- E. Building maintenance expense

- F. Payroll and corporate taxes
- G. PORAC dues
- H. Legal Defense fees
- I. Labor relation program fees
- J. Legal and Professional fees
- K. Employee wages
- L. Office expenses (expendable items only)
- M. Insurance Premiums for the Board of Directors and Association liability
- N. Credit Card charges
- O. Star and Shield expenses

Section 3. VOUCHERS

- A. Expense account vouchers shall be submitted to the President who shall forward them to the Secretary and Treasurer for approval.
- B. Expense vouchers submitted by the President shall be submitted to the Chief of Labor Relations who shall forward them to the Secretary and Treasurer for approval.

Section 4. EXECUTIVE OFFICERS' EXPENDITURES

The Executive Officers (President, Vice-President, Secretary and Treasurer), upon their unanimous approval may expend funds not to exceed \$2,000 during the fiscal year. If the Executive Officers are unavailable to meet due to absence of one or more officers, the President has the authority to expend not more than

\$1,000 during the fiscal year. All such expenditure shall be reported at the next scheduled Board of Directors meeting.

Sections 5. EXIGENT CIRCUMSTANCE EXPENDITURES

The full Executive Board, acting as a body, is allowed the latitude to expend reasonable sums on an emergency basis until they can be formally approved at the next Board of Directors meeting.

Section 6. FINANCIAL RESPONSIBILITY

The Board of Directors shall establish an accounting system whereby the financial responsibility of the Association is affixed to the elected directors, who shall be held accountable for the audit reporting to the Association members.

ARTICLE VIII

Benefits

Section 1. REQUIREMENTS FOR RECEIPT OF BENEFITS

No member shall be entitled to benefits when disability has been caused by willful, malicious or intentional violation of any laws of the County, State or Federal Government. Such decision to be determined by the Board of Directors.

Section 2. LEAVE WITHOUT PAY BENEFIT

Any member of the Association granted a leave of absence without pay from his/her Department for sickness or disability shall be entitled to all benefits herein provided and shall not be required to pay dues while on such leave where such leave provides for re-entry into his/her Department.

Section 3. CLAIM REJECTION

The Board of Directors shall have the right to adjust or reject any claim of benefits deemed unjustified by the Board.

Section 4. RETIREMENT AND DEATH BENEFITS

A. Upon retirement, any member of the Association whose name is listed on Appendix "A" (those ineligible for life insurance at the time of enactment of the Association's group life insurance plan) shall be entitled to have a payment of \$1,000 made to their surviving spouse/domestic partner (as

defined by California Family Code Section 297) or child(ren) or such beneficiary(s) as the member may designate in writing. All other members shall be limited to benefits specifically enumerated in the group life insurance plan.

- B. Each member of the Association shall designate a beneficiary in writing on a form to be provided by the insurance company. This form shall be executed immediately upon joining the Association.
- C. In the event of the death of a member who is without a beneficiary, the Board of Directors shall be authorized to disburse the death benefit to the credit of the deceased member and shall order paid the funeral or burial expense, or any medical expense, or outstanding indebtedness, such expenditures not to exceed one thousand dollars (\$1,000.00) as allotted in Section A above.
- D. Payment of the death benefit will be paid to the beneficiary of a member in good standing immediately upon proof of the death of the member.

Section 5. SICKNESS AND ACCIDENT BENEFIT

Application for Sickness and Accident benefits shall be made through the Peace Officer's Relief Fund in accordance with the Summary Plan Description and Plan Document in effect at the time of application. Members not qualified for benefits under the Peace Officer's Relief Fund will be considered in accordance with Article VIII Section 6 – Financial Distress Benefit.

Section 6. FINANCIAL DISTRESS BENEFIT

- A. The Board of Directors, by two-thirds vote, may grant financial assistance to a member as necessary and as sound financial policy permits. Such financial assistance shall not have a bearing on an employee's eligibility to receive the sickness and accident benefit from either the Peace Officers Relief Fund or the Association.
- B. No member shall be eligible to receive financial assistance under this section more than once in twelve (12) consecutive months.
- C. Only members of the Association shall be eligible for financial distress benefits.

Section 7. RETIREMENT BENEFITS

- A. Upon retirement from service because of age and/or length of service, and/or disability, any member of the Association in good standing shall receive a one-time sum of \$10 (ten dollars) for each year of membership completed as a retirement benefit.
- B. On retirement from service because of age, and/or length of service, and/or disability, any member of the Association in good standing shall be exempt from payment of dues and will be a paid member for life. Such member shall retain all rights, including the right to vote for the Retired Director only.

- C. Upon retirement from service because of age and/or length of service and/or disability, any member in good standing shall receive a retirement badge and/or appropriate plaque or certificate.
- D. A member in good standing who separates from County service on a deferred retirement and who has completed a minimum of ten (10) years of service shall be recognized as a retired member at the time the member commences receiving his/her retirement benefits in connection with satisfactory Department services. The retirement benefit shall consist of the presentation of an appropriate plaque or certificate.

Section 8. WIDOW AND ORPHAN FUND

- A. Statement of Intent: This fund is established by the Active membership to provide immediate assistance to the designated survivor upon the death of any Active member in good standing of the Association.
- B. Survivor Defined: A survivor is a spouse, domestic partner or child(ren) or a named beneficiary as designated on the primary group life insurance enrollment card of the member.
- C. Payment: A payment not to exceed \$6,000 will be paid to be designated beneficiary as specified above. Full payment will be applied as long as the payments do not exceed the balance of the funds. If the demands exceed the balance, payment will be equally distributed among the qualified recipients. No monies from this fund shall be co-mingled with the Association general account fund.

- D. Widow and Orphan Fund Assessment:
1. Assessments may be made or changed only upon a majority of the votes cast by the Active membership.
 2. Active members of the Association shall be assessed one dollar (\$1.00) per month. Said monies shall be placed in a separate interest bearing account for dispersal as designated above.
 3. The Treasurer shall report the fund balance to the Board of Directors monthly.
- E. Amendments to Widow and Orphan Fund: Amendments to the Widow and Orphan Fund other than the amount of assessment may be made only upon a majority of the votes cast by the Board of Directors.

ARTICLE IX

Contract Agreements

Section 1. PROCEDURES

The Board of Directors of the Association shall be empowered to set procedures relating to the ratification by the General Membership of contract agreements entered into between Representatives of the Association and the County of San Bernardino.

ARTICLE X

Resolution Of The Board Of Directors

WHEREAS it has come to the attention of the Association that supervisors have been induced by members of the Safety Bargaining Unit to coerce other members of the Bargaining Unit for the purpose of altering the opinion of those other members regarding matters of concern to the Association; and

WHEREAS it is the desire of the Association to prevent any such coercion; and

WHEREAS the Bylaws of this Association provide that this Association may take disciplinary action against any of its members.

NOW THEREFORE BE IT RESOLVED THAT THE FOLLOWING PROCEDURE will be implemented to take disciplinary action against members who induce supervisors to pressure other members for the purpose of altering the opinion of other members.

This procedure is meant to provide the aggrieved member the right of recourse and the member complained against the minimal safeguards of due process of law.

The aggrieved member in order to bring this procedure into play, must make a written complaint specifying the names of the parties involved, the approximate dates and times at which the alleged conduct occurred, and a statement of all facts upon which the aggrieved party bases his conclusion that another member has induced the supervisor who engaged in the alleged coercive conduct. Said written complaint will be directed to the President of the Association.

Upon written notification as set forth above, the President will designate a Grievance Committee to be chaired by the Vice-President of the Association. The Grievance Committee shall within ten days advise all interested parties of the complaint as well as the date and time set for the

investigation into the complaint. This investigation shall be scheduled no later than thirty days from the receipt of the initial written notice.

At the date and time set for the investigation, the Grievance Committee shall hear all interested parties as well as any additional witnesses desired to be presented by the parties. The Grievance Committee shall determine: (1) Whether the supervisor engaged in coercive conduct (2) whether said coercive conduct was for the purpose of altering the aggrieved member's opinion regarding the Association matter, and (3) whether the supervisor was using his position as a supervisor for the purposes of coercion at the request of another Association member.

The Board of Director may authorize any of the following disciplinary actions:

1. Exonerate accused member;
2. Find the member guilty of misconduct and serve him with a written reprimand;
3. Find the member guilty of misconduct and place him on probation with notice that any further violation may be cause for suspension and/or fine to be decided by the Board;
4. Find the member guilty of misconduct and suspend him from the Association for a period of one year, causing the loss of rights and benefits not previously vested. Final action as set forth above may be taken only upon two-thirds vote of the Board of Directors. Written notice of the Board's final action shall be served on all interested parties. Fines levied in accordance with the procedures set forth above are due and payable within thirty days to the office of the Treasurer of the Association.

ARTICLE XI

Full Force And Effect

Section 1. CONSTITUTION AND BYLAWS

This Constitution and Bylaws shall be in full force and effective immediately upon adoption and shall supersede all previous Bylaws and Constitution of this Association.

ARTICLE XII

Dissolving Of Association

Section 1. DISSOLVING BY VOTE

- A. Dissolving of the Association shall require a two-thirds majority vote of all members in good standing; said vote to be taken by ballot.
- B. The provisions for mail ballots shall not apply where an election is conducted during a regularly scheduled general membership meeting.
- C. Ballots will be sent to the member's current mailing address.
- D. Validity of Ballots
 - 1. All return ballot envelopes will be addressed to the Association.
 - 2. Sealed ballots received at the Association Office will be placed into a locked ballot box.
 - 3. On the day ballots are counted, an Executive Board member will access the ballot box via individual keys to separate locks.
 - 4. Only official Association ballots will be accepted.
 - 5. Ballots will be counted by two different persons, with the counts recorded on a tally sheet maintained along with the ballots.

Section 2. DISBURSEMENT OF MONIES

All monies and/or property of the Association at the time of dissolving shall be distributed in accordance with current laws and regulations.

APPENDIX A

See Article VIII, Section 4: Retirement and Death Benefits

Gudmundson, Levi