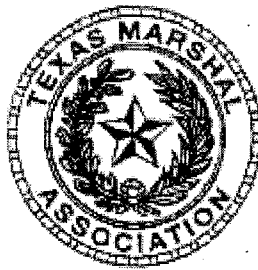


# **TEXAS MARSHAL ASSOCIATION**

## **BY-LAWS**

**&**

## **CONSTITUTION**



AMENDED April 10, 2017

**BY-LAWS  
OF THE  
TEXAS MARSHAL ASSOCIATION**

**ARTICLE I**

**SECTION 1 – NAME OF ASSOCIATION**

The organization existing under these by-laws shall be known as the Texas Marshal Association.

**SECTION 2 – OBJECTIVES**

The objectives of the Association are as set forth in the Constitution.

**SECTION 3 – PLACE OF BUSINESS**

The principal place of business of the Association shall be anywhere in the state of Texas as may be expedient for the business of the association.

**ARTICLE II**

**SECTION 1 – MANAGEMENT**

A regular business meeting shall be held annually. The Board of Directors shall determine the date and location of the next annual business meeting. The President shall call all meetings of the Board of Directors. The Board of Directors shall meet within one day of the regular annual business meeting of the Association.

**ARTICLE III**

**SECTION 1 – CONDUCT OF MEETINGS**

“Roberts Rules of Order” shall govern the conduct of all meetings except as otherwise provided in these By-Laws or the Constitution.

**SECTION 2 – ORDER OF BUSINESS**

As a rule, meetings shall be conducted in the following order:

- 1. Call to Order
- 2. Reading of the Minutes
- 3. Officers Reports
- 4. Unfinished Business
- 5. New Business
- 6. Good of the Association
- 7. Election of Officers

**ARTICLE IV**

**SECTION 1 – AMENDMENTS**

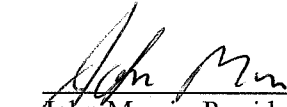
These By-Laws may be amended by a favorable majority vote of the membership in attendance at the annual business meeting or by a favorable majority vote of the membership in "good standing" by mail in or e-mail ballot at any other time that is deemed necessary by the Board of Directors for the good of the Association.

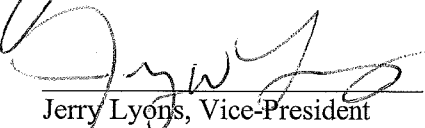
**SECTION 2 – EFFECT OF AMENDMENTS**

Unless otherwise specified, amendments to these By-Laws shall be in full force and effect immediately upon adoption.

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APPROVED AS AMENDED THROUGH: **April 10, 2017**

  
\_\_\_\_\_  
John Morris, President

  
\_\_\_\_\_  
Jerry Lyons, Vice-President

**CONSTITUTION  
OF THE  
TEXAS MARSHAL ASSOCIATION**

**ARTICLE I**

**SECTION 1 – NAME OF ASSOCIATION**

The organization existing under this Constitution shall be known as the Texas Marshal Association and such association exists under and by virtue of State Charter Number 01436027 and Federal Tax ID Number 75-2734525.

**SECTION 2 – DURATION OF ASSOCIATION**

The duration of the Association shall be for the period of the existing charter – namely fifty years, beginning March 5, 1997.

**SECTION 3 – OBJECTIVES**

The Association shall be a voluntary organization composed of marshals, warrant officers, police officers, deputies, constables and bailiffs who hold an active commission as a peace office in good standing .

Associate membership in the Association shall be limited to Judges and other court support personnel. Associate members are not eligible to vote or hold any elected or appointed office other than on a committee in the Association. The Association has adopted the following objectives:

- A. To promote a social fellowship among its members;
- B. To instill in the members the spirit of cooperation and of the high regard of our calling;
- C. To assert a wholesome influence on the education of the citizens of our state; especially with the purpose of inculcating respect for law and order;
- D. To cooperate with courts, judges and branches of government, both state and national;
- E. To incorporate among the members a close personal acquaintance;
- F. To receive, gather and disseminate such information as might be helpful to members in the performance of duties;
- G. To promote complete cooperation and unified action with the various law enforcement organizations of the state.

## **SECTION 4 – POWERS OF THE ASSOCIATION**

The powers of the Association shall be vested in the membership but may be executed by the Board of Directors as defined in Article II of this Constitution.

# **ARTICLE II**

## **SECTION 1 – OFFICER DEFINED**

The officers of the association shall be a President, a Vice-President, a Secretary, a Treasurer, and a Sergeant of Arms. These officers shall constitute the board of directors. Each shall be elected and serve a term as prescribed in Article II, Section 3.

## **SECTION 2 – POWERS OF OFFICERS**

The Board of Directors shall be the governing body of the Association and shall have custody, control and management of all funds, property and effects of the Association at the direction of the President. It is provided, however, that expenditures of more than \$1500.00 must be presented to the Board of Directors for majority approval. In addition, the President shall appoint an Assistant Treasurer, Chaplain and Regional Directors to any vacant office. The President may create committees and appoint any number of members in good standing to those committees for the good of the Association; the Vice-President will be the chairperson for each committee. The President shall have the power to remove any regional director or committee member he deems necessary for the good of the Association.

## **SECTION 3 – TERMS OF OFFICE**

The officers of the Association shall be elected according to the following procedure during the regular annual business meeting and shall serve in their elected capacities until their successors have been duly nominated and elected.

Officers shall be elected in the following manner:

During the regular annual business meeting of odd numbered years the office of President and Treasurer shall be filled. Their term shall be for two (2) years.

During the regular annual business meeting of even numbered years the office of Vice-President, Secretary, and Sergeant of Arms shall be filled. Their term shall be for two (2) years.

If at any time an elected position becomes vacant, the Board of Directors may call a special meeting for the purpose of appointing a member in good standing to fill the remaining un-expired term of the position.

During the regular annual business meeting the floor shall be opened for nominations for expiring elected positions. Each nomination shall require a second.

The vote may either be by written secret ballot or voice vote as desired by the membership in attendance.

The nominee receiving the most votes of the membership for the vacant office shall be declared the winner.

This process shall continue until all vacant offices are filled.

The newly elected officers shall assume their duties at the conclusion of the annual business meeting and training conference.

#### **SECTION 4 – QUALIFICATIONS OF OFFICERS**

No member may be nominated for office who has not been an active member for two consecutive years prior to running for office. Members who are nominated for election to a Board position must be present at the annual business meeting to accept the nomination. No officers may continue in office or perform duties or exercise the powers of any office that is not in good standing in the Association. The term “in good standing” in this section is deemed to mean that all current dues and assessments have been paid, possess a valid Texas Peace Officer License, the member has been duly recognized and is not under any criminal indictments.

#### **SECTION 5 – COMPENSATION OF OFFICERS**

All officers, directors and members of committees or subcommittees shall serve without compensation.

#### **SECTION 6 – DUTIES OF THE PRESIDENT**

The President shall call and preside at all board meetings and appoint region directors and committee members as needed for the good of the Association. He shall have, subject to approval of the Board of Directors, the responsibility to manage and direct all affairs of the Association. He shall perform such other duties as may be consistent with the office.

## **SECTION 7 – DUTIES OF THE VICE-PRESIDENT**

In the President's absence, inability or refusal to act, the Vice-President shall assume the duties of the office of President. The Vice-President shall be the chairperson for all committees.

## **SECTION 8 – DUTIES OF THE SECRETARY**

The Secretary shall record and maintain a written record of all proceedings of the Board of Directors and of all the general and special meetings of the Association. The secretary shall keep a record of all the affairs of the Association under or required by this Constitution or the By-Laws. The secretary shall serve, issue and publish all notices required to be given or as directed by the President. The secretary shall prepare all ballots at the direction of the Board of Directors. The secretary shall read the minutes of all meetings since the last regular annual business meeting during the current regular annual business meeting unless otherwise directed by the President. The Secretary is also responsible for updating the officer information with the Secretary of State each year after the yearly conference.

## **SECTION 9 – DUTIES OF THE TREASURER**

The Treasurer shall receive all funds and manage all accounts of the Association. The Treasurer shall pay all legitimate bills and disburse funds as directed by the Board of Directors of the general membership. The treasurer shall present an annual written report of the state of the treasury showing all deposits, disbursements and new membership information at each regular annual business meeting. An updated monthly report shall be forwarded no later than the 10th day of each month to the officers of the association showing all expenses, income and new membership list. The post office box for the association shall be checked weekly and all funds received for the association shall be deposited within one week of receipt. The Treasurer shall be responsible for filing the IRS 990-N postcard each year by March 1<sup>st</sup>.

An annual audit of the treasury shall be conducted no later than the end of the yearly conference. The audit will be performed by a committee consisting of the Treasurer, Assistant Treasurer, member of the Board of Directors or any combination of at least three including the Treasurer, appointed by the President at the annual business meeting. A finalized signed copy of the audit shall be forwarded to the Board of Directors by the end of the conference.

## **SECTION 10 – DUTIES OF THE ASSISTANT TREASURER**

The position of Assistant Treasurer shall be appointed by the President of the Association to Assist the Treasurer. Whenever possible, this position will be filled with a member in the same region as the Treasurer. The Assistant Treasurer will not be a voting Board position.

## **SECTION 11 - DUTIES OF THE SERGEANT-AT-ARMS**

The Sergeant-At-Arms shall be responsible for maintaining order for meetings and functions of the Association, this will include securing the rooms used each day at the conference and to insure that the meeting minutes are recorded in the absence of the Secretary.

## **SECTION 12 – DUTIES AND POWERS OF BOARD OF DIRECTORS**

It shall be the duty of the Board of Directors to supervise the conduct, management and all affairs of the Association. The Board of Directors shall oversee and supervise all funds and property of the Association, cause to be kept a complete record of all meetings and acts, supervise all officers and members of the Association and to pass upon all matters of importance pertaining to the Association.

## **SECTION 13 - DUTIES OF REGIONAL DIRECTORS**

It shall be the duty of each Regional Director to actively seek new members within their region and act as the contact person for each member or prospective member within their region and forward any necessary affairs to the Officers of the Association.

## **SECTION 14 - DUTIES OF COMMITTEES**

Training Committee: Is responsible for organizing, scheduling, preparing training manuals, testing, issuing training certificates, and to ensure all courses are TCOLE approved and reported. A finalized draft of the curriculum shall be submitted to the President and Vice-President for review no later than two weeks prior to the conference date.

Conference Committee: Is responsible for locating conference sites and receiving bids for meeting rooms, breaks, hospitality room and submitting a copy of all bids received to the President and Vice-President for review.

## **SECTION 15 – QUORUM TO CONDUCT BUSINESS**

The total qualified members present at a meeting shall constitute a quorum for the purpose of conducting the business of the association, provided that:

- A. Notice of such meeting has been given; and
- B. At least one member of the Board of Directors shall be present to chair such meeting.
- C. A quorum to conduct business may be held by mail or email provided that at least two-thirds of the Board of Directors votes on the issue.
- D. All meetings must have the minutes recorded.



## **ARTICLE III**

### **SECTION 1 – MEMBERSHIP**

Active membership in the Association shall be open all Texas and Federal Peace Officers and such honorary members as may be authorized by a majority vote of the membership at a regular annual business meeting. Members in good standing at the time of their retirement under honorable circumstances shall be designated as lifetime members with all the privileges of active members, as long as they have been active members of the TMA for at least 5 consecutive years prior to retirement. Lifetime members may be issued special membership cards and their annual dues shall be suspended.

Associate membership in the Association shall be limited to Judges and other court support personnel. Associate members are not eligible to vote or hold an elected or appointed office in the Association other than on committees.

### **SECTION 2 – TERMINATION OF MEMBERSHIP**

Except as otherwise provided in this Constitution, membership shall terminate by abandonment, withdrawal, non-payment of dues, removal from position in law enforcement, surrender of membership certificate or death of a member.

Membership may be terminated or rejected by a unanimous vote of the Board of Directors if it is shown that a member has violated the objectives set out in Article I, Section 3 of this constitution and such violation has been brought to the Boards attention and substantiated.

### **SECTION 3 – EFFECT OF TERMINATION**

Whenever any person has terminated membership in any manner, such person and all persons claiming under, by, or through such person, shall not be entitled to any refund for dues or fees paid unto or contributions or donations made to the Association, nor to any claim whatsoever upon any of the funds, benefits or property of the Association. A notice of such termination/ rejection will be sent to person terminated/rejected by letter or email to the address or email provided on membership application. Any person whose membership has been terminated or rejected may file an appeal in writing to the officers of the association within 14 days of the date of termination or rejection from the association to request a hearing.

#### **SECTION 4 – DUES, FEES AND ASSESSMENTS**

The Board of directors shall determine the amount of annual dues to be paid by individual members. Assessments, in addition to dues, may be levied by the Board of Directors should the condition of the treasury require such action.

#### **SECTION 5 – CHECKS**

All checks, drafts and notes of the Association shall be signed by the President, Vice-President or Treasurer. In the event of the inability of the President, Vice-President or Treasurer to sign, any officer designated by the Board of Directors may sign.

The Association shall also maintain a credit, debit or check card in the name of the Texas Marshal Association and the name of the current President, Vice-President and Treasurer. Upon a new President, Vice-President or Treasurer being elected, the Treasurer shall void the old credit, debit or check card and obtain a new one in the name of the newly elected President, Vice-President or Treasurer.

#### **SECTION 6 – VOTING RIGHTS**

An active/lifetime member who is current on all dues, fees and assessments is considered in good standing and has voting rights.

#### **SECTION 7 – REGIONAL DIVISIONS**

The State of Texas shall be divided into five regions. The President shall appoint one Regional Director to represent each region.

## ARTICLE IV

### SECTION 1 – AMENDMENTS

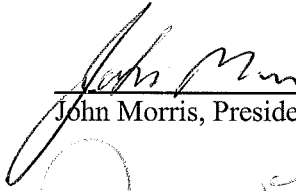
This Constitution may be amended by a majority vote of the membership in attendance at an annual business meeting or by a majority vote of the membership by mail in/email ballot at any time deemed necessary by the President.

### SECTION 2 – EFFECT OF AMENDMENTS

Unless otherwise specified, amendments to the Constitution shall be in full force and effect immediately upon adoption.

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APPROVED AS AMENDED THROUGH **April 10, 2017**

  
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John Morris, President

  
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Jerry Lyons, Vice-President