

TAMPA POLICE BENEVOLENT ASSOCIATION, INC.

BY-LAWS

ARTICLE I – MEMBERSHIP

Section 1. Application. – Petitioner for active or associate membership in this Association shall submit an application, in writing, to the Board of Directors. The application must bear the signature of an Association officer, director or membership representative who attests to the applicant’s eligibility.

Section 2. Rules Regulating Membership. – The Board of Directors shall have the power to determine the eligibility of an applicant and shall have the power to approve or disapprove.

Section 3. Post Retirement Membership. – Any member of this Association who terminates his employment in regular Police Service, other than those who retire under honorable conditions, shall be eligible for active membership only by affirmative action of the Board of Directors. Any member who retires under honorable conditions must submit to the Board a statement outlining any further endeavor he may pursue. Should such endeavor be non-compatible with the law enforcement profession, the Board may suspend the individual’s membership.

Section 4. Definition of Good Standing. – “Member in good standing” is hereby defined to be a member who has paid all dues and assessments levied by the Association, or who is not more than sixty (60) days in arrears of such payments.

Section 5. Reinstatement of Membership. – Any member, delinquent or suspended, as provided in Section 4 of this Article, may be reinstated and restored to good standing by the payment of all past amounts due, and in addition thereto, payment of all dues and assessments for the whole of the current year in which the reinstatement is made in addition to a \$5.00 delinquency fee. Any reinstatement must be approved by the Board of Directors.

Section 6. Dues. – The general membership of this organization shall have the power to fix the rate of dues of membership and the initiation fee for membership at any regular meeting of the Association, providing notice has been given that a dues change will be considered.

Section 7. Withdrawal. – Any member, all dues having been paid, may withdraw his membership by notice, in writing, to the Board of Directors.

Section 8. Expulsion. – The Board of Directors may, by a three-fourths vote, at any meeting of the Board, expel any member for cause, provided, however, said member shall have been given twenty-one days notice and allowed the opportunity of appearing before the Board of Directors at its next meeting following notice.

Section 9. Non-Discrimination. – No person shall be denied membership in this Association because of race, creed, sex or national origin.

Section 10. Requirement to Vote and/or Hold Office. – Only “Active” members as described in Article III of the Constitution shall have the right to vote or hold office within the Association.

ARTICLE II – THE OFFICE OF SECRETARY

Section 1. General Duties. – The Secretary of the Association shall be responsible for maintaining both the official records and the membership records of the Association; shall administer the Internet web site of the Association; shall maintain files of collective bargaining contracts from around the nation and make copies of synopsis of such contracts available to all charters comparative salary and fringe benefit data; shall control and issue all membership cards and decals; shall control and disperse merchandise and shall be the depository of all legal actions and research for filing, indexing and dispersing.

Section 2. Bond Requirement and Financial Reporting. – The Secretary of the Association shall be the custodian of the funds of the Association and shall furnish surety bond in the amount specified by the Board of Directors at the expense of the Association. The Secretary shall submit the financial resources of the Association to a Certified Public Accountant, at least once annually. The Certified Public Accountant shall make periodic financial reports to the Board of Directors.

ARTICLE III – EXECUTIVE COMMITTEE

Section 1. Payment of Bills. – The Executive Committee, as described in Article V, Section 3, of the Constitution, shall have the power to approve the payment of bills when it is not feasible to delay the payment until the next meeting of the Board of Directors.

Section 2. Emergency Authority. – In the event of an emergency, when the President chooses not to use the emergency powers given him by the Constitution, the President may call the Executive Committee into session and they shall have power to act in the name of the general membership.

Section 3. Planning Functions. – The Executive Committee may be called into session by the President to act as the Planning Arm of the Board of Directors. All of the decisions as a result of these sessions shall be subject to ratification of the Board of Directors.

ARTICLE IV – NOMINATION AND ELECTION OF OFFICERS

Section 1. Officers and Board of Directors. – Upon ratification of the Constitution and By-Laws, the existing officers shall serve a term of three years from January 1, 2008. There shall be an election for president, senior vice-president, second vice-president and

secretary in November of 2010. The existing directors as described in Article VI of the Constitution shall remain in office until the expiration of their terms in January of 2009. An election shall be held in November of 2008 for all director positions.

Section 2. Nominations and Election Procedure. – Three years following the elections described in Section 1, and each three years thereafter, on a date set by the Board of Directors, elections will be held in the following manner:

- A. Any member in good standing who has been a member for the two preceding years and who has served a minimum of three years in law enforcement and who is desirous of serving as an officer in the organization will secure from the Secretary a written form which he must execute stating the office he seeks and his willingness to serve, if elected. This form must be signed by ten members in good standing endorsing the candidacy and must be presented to the Secretary sixty days prior to the selected election date. This shall be the only means of nomination except when there is no written nomination for an office, nominations shall be recognized from the order to qualify as a candidate for the office of President, Senior Vice-President, Second Vice-President or Secretary.
- B. Fifteen days prior to the election meeting, the Secretary shall mail to each member in good standing a ballot containing the names of all members properly nominated for office. Those ballots shall be returnable to the election trustees, appointed by the Board of Directors, who shall announce the results of the election at the general membership meeting of each election year. In lieu of the foregoing procedure, the Board of Directors may order an election to be conducted by the Office of the Supervisor of Elections. If the Board of Directors orders an election under the auspices of the Supervisor of Elections, it shall accept whatever means of vote tabulation selected by the Supervisor of Elections' Office. Such methods shall include, but not be limited to, an authorized voting machine. The time and place of such an election shall be determined by the Board of Directors.

In the event that three or more persons seek an office, and no candidate receives at least 50% + 1 of the votes cast, a run-off election shall be conducted between the two top candidates within two weeks of the said election.

- C. Those officers declared elected by the election trustee shall serve until their successors are duly installed.
- D. Formal installation of the newly elected officers shall be in the month of January following each election.
- E. Only those members in good standing on January 1st of an election year may be eligible to vote in the general election or in a run-off.

Section 3. Vacancy Procedure. – In the event of death, demise, resignation, suspension, or expulsion or for any reason a vacancy occurs in any office, except the office of President, such vacancy shall be filled by the Board of Directors. In case of vacancy in the office of President, the Senior Vice-President shall succeed to the office of President.

Section 4. Forfeiture of Office. – Any Officer of the Association who shall fail to attend three consecutive meetings of the Association without a legitimate excuse shall forfeit his office and a vacancy shall be declared by the President, except when the Officer is President. The vacancy shall then be declared by the Senior Vice-President. Upon the inaction of the proper Officer to declare a vacancy due to unexcused absences, any member of the Board of Directors may place the motion to create a vacancy, and it shall require a majority of the Board of Directors to carry. Vacancies thus created shall be filled as outlined in Section 3 of this Article.

Section 5. Failure of Officers to Remain in Good Standing. – Any Officer of this Association who shall fail to remain in good standing for non-payment of dues, assessments or any other reason shall immediately be removed and replaced by the Board of Directors.

Section 6. Recall or Removal of Officers and/or Directors. – As set forth in Article VI, Section 6 of the Constitution and in addition to the procedure for removal of officers and directors reserved to the Board of Directors, members of the organization may also seek to recall or remove any officer or director from office. A member or members who believe that an officer or director has not fulfilled his or her duties as set forth in the Constitution and By-Laws of this organization shall, in writing, specify any and all allegations of malfeasance or misfeasance by the officer or director in question. Such allegations shall be specific and shall make reference to the particular Article and Section of the Constitution and/or By-Law that have allegedly been violated. The written allegations shall be served on the Board of Directors during a regularly scheduled meeting of the Board and shall be signed by the accuser(s). The allegations shall be provided to the accused officer or director immediately, provided that he or she is in attendance at the meeting where the allegations are served. In the event that the accused officer or director is not in attendance, the written allegations shall be served on the accused officer or director within seventy-two (72) hours of receipt by the Board. The accuser(s) shall be required to collect the dated signatures of fifty-one (51%) percent of the organization's active members who agree with the accuser(s) position to seek the removal of the officer or director within forty-five (45) days after said meeting. The signatures shall be presented to the Board of Directors at the next regularly scheduled meeting of the Board. If the requisite number of valid signatures is collected within the proscribed forty-five (45) day time period, the Board of Director's shall order a vote of the general membership to be held within forty-five (45) days. If three-quarters of the votes cast call for the removal of the officer or director then the Board of Directors shall remove him or her from office. The resulting vacancy shall be filled in a manner consistent with the provisions of the Association's Constitution and By-Laws.

ARTICLE V – DUES, FEES AND ASSESSMENTS

Section 1. Membership Dues. – Dues for members of the Association who are in the contract bargaining unit at the Tampa Police Department shall be set at up to 1% of the annual rate of pay for a step 5 patrol officer, as determined appropriate by the Board of Directors.

Section 2. Assessments. – The general membership at any regular meeting may approve an assessment of all members, providing that the general membership was provided ten days prior notice that such assessment would be considered.

ARTICLE VI – PENALTIES

Section 1. Suspension and Expulsion. – Any member of this Association whose personal conduct is such that reflects discredit upon the Association can be suspended or expelled from membership by the Board of Directors. An accused member shall be given at least twenty-one (21) days notice of the Board’s intention to consider suspension or expulsion. The accused member shall be given the opportunity to appear before the Board at the meeting where his or her suspension or expulsion is being considered.

Section 2. Suspension for Non-Payment of Dues. – Any member of this Association who is not current in his dues shall ipso-facto suspend himself from membership. No further action of the Association shall be necessary and the membership shall be discontinued. The Secretary/Treasurer shall notify each member, in writing, of this fact.

Section 3. Suspension of Voting Rights. – No member of this Association shall be entitled to vote on any business of the Association if charges have been preferred against such member, nor shall any member be entitled to vote who is under suspension by this Association.

ARTICLE VII – FLORIDA POLICE BENEVOLENT ASSOCIATION, INC.

Section 1. Cooperation with the Florida PBA. – The Tampa Police Benevolent Association, Inc., as a chartered Association of the Florida Police Benevolent Association, Inc., shall abide by the Constitution and By-Laws and policies of the Florida Police Benevolent Association, Inc., and shall give maximum cooperation in carrying out the policies and programs of the Florida Police Benevolent Association, Inc.

Section 2. Collective Bargaining. – The Tampa Police Benevolent Association, Inc. hereby designates the Florida Police Benevolent Association, Inc., as its collective bargaining representative, provided that the Association’s Board of Directors may petition the Florida Police Benevolent Association, Inc., to designate this Charter’s officers or designees to act in its own behalf in collective bargaining.

Section 3. Copying Documents to Florida PBA. – A copy of the Association’s Constitution, By-Laws and written policies along with any amendments thereto will be filed with the Florida Police Benevolent Association, Inc. Any amendment to the

constitution and by-laws of the Association shall not become effective until such changes have been reviewed and approved by the Florida PBA.

ARTICLE VIII – ENDORSEMENTS

The Board of Directors of the Association may screen and endorse candidates for public offices and may authorize the conduct of polls of the general membership concerning the performance of political candidates and public office incumbents and may announce the results of such polls.

ARTICLE IX – GRIEVANCES

Section 1. Procedure for Addressing Grievances. – Any member who has a grievance against another member of this Association, group of members of this Association, or the Association itself may request that the President allow him to appear before a Board of Directors meeting especially called to hear this grievance. If he is not satisfied with the results gained from the Board of Directors, he may appeal to the President to allow him to voice his grievance to the general membership.

Section 2. Criticism of Members of the Association. – Any member of this Association who voices criticism of another member, group of members or the Association itself, without first seeking recourse through the provisions of Section 1 of this Article shall be subject to suspension of their membership, or expulsion from the Association. The Board of Directors shall hold a hearing and it shall be their duty to exonerate, suspend or expel the member from the Association. The member shall be given at least twenty-one (21) days notice of the hearing and shall be afforded the opportunity to appear before the Board at the meeting where his or her suspension or expulsion is being considered. A three-quarters vote of the Board of Directors shall be required before a member is suspended or expelled.

ARTICLE X – LEGAL AID

Section 1. Appropriation of Legal Aid Funds. – The Board of Directors shall have the power to appropriate monies to provide legal Aid for any member of this Association who, in its opinion, has been falsely charged or for whom legal aid would be in the best interest of the law enforcement profession.

Section 2. Limitations. – Unless the Board of Directors, by a two-thirds vote, approves the expenditure, no legal aid funds shall be expended in a case where the member is the Plaintiff or claimant seeking relief not associated with the member’s law enforcement career.

Section 3. Appointment of Attorney’s. – The Board of Directors shall determine whether a member is entitled to representation by an Association attorney.

Section 4. Arbitration. – The Board of Directors shall vote on whether to take a grievance of legal issue to court, arbitration, civil service board hearing or other final step in a grievance or appellate process. The decision shall be by majority vote (50% + 1) of all members present and voting.

ARTICLE XI – AMENDMENTS

Section 1. Procedure for Amending By-Laws. – An amendment of these By-Laws may be submitted at any regular session of this Association; the said amendment must be in writing and signed by five active members. Such amendment shall be voted upon at the following meeting and must receive a two-thirds vote of all members present and voting before it can be adopted, conditioned that a notice must be sent to all members, in writing, before such amendment may be considered.

Section 2. Procedure for Amending Constitution. – The requirements for amending the Constitution of this organization are set forth in Article XIV of the Constitution. Once it is determined that a vote is to be taken on a proposed amendment to the Constitution, an election will be scheduled within thirty (30) days. Balloting will occur on an AB shift cycle day from 8 AM to 8 PM. When the polls close, the ballots shall be counted by authorized personnel pre-approved by the Board of Directors. The election results shall be certified by the Board of Directors. A quorum shall be necessary for the Board to certify election results.

Section 3. Publication of Notice. – Publishing of the proposed amendments in the official publication of the Association shall be considered sufficient notification.