

CALIFORNIA ASSOCIATION FOR PROPERTY AND EVIDENCE, INC.

BY-LAWS

ARTICLE I. NAME, GOAL AND OBJECTIVES

Section 1. Name: This Corporation shall be known as the CALIFORNIA ASSOCIATION FOR PROPERTY AND EVIDENCE, INC. (herein after referred to as "C.A.P.E." or Corporation).

Section 2. The purpose of C.A.P.E. is to promote the professionalism of property and evidence processing within the State of California through the coordination of information and the networking of local associations and individual agencies responsible for handling property and evidence.

The primary objectives of C.A.P.E. shall be:

- A. To provide for the educational exchange of operational and technical information of potential benefit to the membership.
- B. To advise the membership of current or pending legislation that may impact the property and evidence function.
- C. To provide for the research, collection, exchange and dissemination of information relative to the property and evidence function.
- D. To promote the standardization of property and evidence management and control.
- E. To solicit legal opinions to clarify current laws or pending legislation.
- F. To achieve professionalism of property personnel and to support high standards of performance in the discharge of their tasks.
- G. To assist with the forming of local Chapters of C.A.P.E.

ARTICLE II. ORGANIZATION AND MEMBERSHIP

Section 1. Organization:

- A. The organization of the Corporation shall be by Chapters, determined by geographical regions of the State of California. Multiple counties may join together to form a Chapter.
- B. Each Chapter, within one year of its formation, shall complete and maintain a written set of by-laws, which are not in conflict with the provisions herein.
- C. New Chapters may be formed upon majority approval of the Executive Board of this Corporation.
- D. New Chapters shall hold a minimum of three (3) meetings each fiscal year. It is the responsibility of the Chapters duly elected officers to schedule the appropriate number of meetings. The annual C.A.P.E. Conference may substitute for one meeting.

Section 2. Restrictions: Recognizing that each law enforcement agency is an autonomous department, any agreement by the C.A.P.E. as a whole shall be binding only upon those law enforcement agencies, which agree on an individual basis with the actions of this organization.

Section 3. Membership:

- A. Regular Voting Members: Regular Voting Members shall be those dues-paying individuals who are actively employed or honorably retired from employment from any law enforcement agency within the State of California, who are or were employed in the processing and retention of property and evidence for any criminal justice agency within the State of California, and who are interested in the purposes and objectives of C.A.P.E. Regular Voting Members shall have the right to cast votes concerning all regular matters coming before the membership of the organization.
- B. Associate Voting Members: Associate Voting Members shall be those dues-paying individuals who are actively employed or honorably retired from employment from any law enforcement agency outside the State of California, who are or were employed in the processing and retention of property and evidence for any criminal justice agency outside the State of California, and who are interested in the purposes and objectives of C.A.P.E. Associate Voting Members shall have the right to cast votes concerning all regular matters coming before the membership of the organization.
- C. Associate Non-Voting Members: Associate Non-Voting Members shall be those dues-paying law enforcement agencies and other organizations, wherever situated, which are interested in the purposes and objectives of C.A.P.E.
- D. Honorary Members: Honorary Members shall be those individuals who, in the determination of the Executive Board of C.A.P.E., have demonstrated interest in the purposes and objectives of C.A.P.E., and who have provided exceptional services to C.A.P.E. Honorary Members shall be non-voting, non dues-paying members. The final determination to grant honorary membership status to any individual shall rest exclusively with the Executive Board, which shall act at its next regularly scheduled meeting upon any written requests to grant such status to any individual. Honorary Member status shall be at the approval of the Executive Board.
- E. Transfer of membership within an agency may be requested in writing to the First Vice-President.

Section 4. Qualifications for Office

- A. All Regular Voting Members who have paid their dues current, who are in good standing within the organization, who are currently employed by a law enforcement agency in the State of California for the purposes of processing property and evidence, and have been Regular Voting Members of C.A.P.E. for at least (1) year shall be eligible for nomination to serve in all positions as elected State Officers of this organization and elected Chapter Officers of this organization.
- B. All Regular Voting Members who have paid their dues current, who are in good standing within the organization, who are not currently employed by a law enforcement agency in the State of California for the purposes of processing property and evidence, and who have been Regular Voting Members of C.A.P.E. for at least (1) year, shall be eligible for nomination to serve in all positions as elected officers of this organization except the positions of State President, State First Vice-President, or Chapter President.
- C. No persons other than Regular Voting Members shall be eligible for nomination to serve as elected officials within the organization.

Section 5. Resignation, Suspension, and Termination from Membership

- A. Any member may resign from membership at any time.
- B. Any member's membership which is not renewed on or before the date set for payment of membership renewal shall automatically expire on the date in which such membership renewal payment was due.
- C. Any member may be suspended, terminated, or expelled from the organization pursuant to the terms, provisions, and procedures set forth in Corporations Code Section 7341 et.seq., or such successor statutes as may be applicable. No member may be suspended, terminated or expelled from the organization except by a majority vote of the State Executive Board.
- D. No member shall be suspended, terminated, or expelled from the organization except for good cause. Conduct constituting good cause for suspension, termination, or expulsion from membership shall include conviction of any misdemeanor or felony, commission of any act of moral turpitude, or the engaging of any repetitive conduct during any meeting of the organization which is deemed by the meeting's presiding officer to be both out of order and intentionally disruptive to the orderly conduct of such meeting.
- E. No member shall be suspended, terminated, or expelled from the organization for engaging in any repetitive conduct during any meeting of the organization which is deemed by the meeting's presiding officer to be both out of order, and intentionally disruptive to the orderly conduct of such meeting unless such member shall first have been issued at least two verbal warnings by the meeting's presiding officer that the offending member's immediate conduct is both out of order and perceived to be intentionally disruptive to the orderly conduct of the meeting. If, after any member of the organization is issued at least two verbal warnings by the meeting's presiding officer that the member's immediate conduct is both out of order and perceived to be intentionally disruptive to the orderly conduct of the meeting, then such presiding member of the meeting may make written request that the State Executive Board conduct appropriate disciplinary proceedings to suspend, terminate, or expel the member as set forth in these by-laws.

ARTICLE III: VOTING

Section 1. Any measure requiring a vote shall be submitted to the Executive Board and upon its recommendation put before the general membership for a vote.

Section 2. Voting shall be restricted to one vote per member directly involved in the processing and retention of property and evidence within the Criminal Justice System of the State of California.

ARTICLE IV: DUES, ASSESSMENTS AND EXPENDITURES

Section 1. All rights for levying of assessments and dues for individual members shall rest with the Executive Board.

Section 2. Any assessment made by the Corporation against the treasuries of the individual Chapters shall be accomplished only by the approval of the amount by each involved Chapter. The means of assessment shall be agreed upon by the Chapter prior to any assessment of fees.

Section 3. With the exception of normal operating expenses, any expenditure from the Corporation accounts other than the account established for the Annual Training Conference shall be accomplished only upon the approval of the majority of the Executive Board.

Section 4. The incoming State President will cause an audit of all State Accounts within the first quarter of the fiscal year. The audit will include, but not limited to, all State administrative accounts, petty cash funds, checking accounts and the accounts of the official State Publication, Behind Locked Doors.

Section 5. The Executive Board shall determine the amount of annual dues.

Section 6. Any member, who has paid their dues current and is in good standing within the organization, may bring guests from their agency to any C.A.P.E. State or local meeting or function. The member shall be responsible for all registration and other fees for his or her guest(s), which shall be assessed and paid at the same rate and time as that of the members.

Section 7. A current inventory of all capitol assets of the Corporation shall be maintained at all times by the State Executive Board, and provided to members upon their request. All equipment and accessories must be signed for upon change in Training Officer Position.

Section 8. The C.A.P.E. tax identification number is 94-3107613

ARTICLE V. OFFICERS

Section 1. The Executive Board of the Corporation shall consist of the Corporate Officers including President, First Vice-President, Second Vice-President, Secretary, Treasurer, Communications Director, Conference Director, and Training Coordinator.

- A. The Executive Board shall be elected as a group by secret ballot of the general membership. In the event of a tie, the names of the candidates receiving equal number of votes shall be placed on a special ballot to be voted upon by the newly elected Executive Board (those who received the majority of votes).
- B. The President of the Corporation shall be elected from, and by, the members of the Executive Board elect, annually at the Training Conference. In the event of a tie, the vote shall be broken by the current State President.

Section 2. The Board of Directors of the Corporation shall consist of the President of each Chapter. The duties of the Board of Directors are to serve as advisors to the Executive Board and to assist in the implementation of plans and policies of the Corporation. In the event of a change of Chapter President, the new Chapter President shall become a Director on the first day of the first month after the election. The immediate Past-President of the Corporation shall serve as Chairperson of the Board of Directors. The Board of Directors shall meet at least once a year during the annual Training Conference or at other times as deemed necessary by the Executive Board.

Section 3. The Officers of the Corporation shall fill their office at a special meeting prior to the first regular business meeting of the Executive Board. The term of office shall be two years commencing on the first day of April each year. No State President shall concurrently hold the office of Chapter Presidency. As of June 1994, the term of office of the Executive Board shall not be more than two (2) consecutive terms for any individual elected office.

Section 4. The Executive Board shall reserve the right to call for an EXECUTIVE SESSION, which proceedings are to be closed and void of the general membership. The Executive Session may be conducted prior, during, or after any meeting in progress. The request for such a session can be made by any member of the Executive Board, by motion to the President or Chairperson in charge of the meeting.

Section 5. The President of the Corporation shall be elected from, and by, the members of the Executive Board to act as its chairperson, to open and close the Annual Training Conference and preside at its business meeting, to supervise the affairs of the Corporation and labor for its usefulness and efficiency, to appoint such special committees as are required for the attainment and fulfillment of the goals of the Corporation and to act as spokesperson for the Corporation.

Section 6. Vice President of the Corporation

- A. The **First Vice-President of the Corporation** shall be elected from, and by, the members of the Executive Board. The First Vice-President shall succeed the President in the event of death or resignation. The duties of the First Vice-President shall be to assist in the performance of the President's duties, to attend meetings of the Executive Board, to handle duties assigned by the President and to act as chairperson of the membership committee. The First Vice-President shall, in the event of the absence of the President, act as Chairperson to open and close the Annual Training Seminar, to preside at business meetings and to fulfill any other duties normally handled by the President.
- B. The **Second Vice-President of the Corporation** shall be elected from, and by, the members of the Executive Board. In the event of the absence of the First Vice-President, the Second Vice-President shall act in the place of the First Vice-President. In the event of the absence of both the President and the First Vice-President, the Second Vice-President shall act in the capacity of the President. It shall be the duty of the Second Vice-President to work with the President and act as liaison between the Executive Board and other professional organizations and agencies.

Section 7. The **Secretary of the Corporation** shall be elected from, and by, the members of the Executive Board. The duties of the Secretary shall be to prepare and respond to the correspondence of the Corporation, to serve as the Secretary of the Executive Board and to record, prepare and distribute the minutes of the Corporation meetings as directed by the President.

Section 8. The **Treasurer of the Corporation** shall be elected from, and by, the members of the Executive Board. The duties of the Treasurer shall be to assume responsibility for all State accounts, to serve as liaison with the Corporation Accountant, to assume responsibility for submission of all tax forms and to coordinate accounting procedures for all the Chapters and make appropriate reports to the Executive Board and respective Chapters. The Treasurer shall also cause to have a complete financial report for the Corporation published in the official state publication, "Behind Locked Doors", or mailed separately to the general membership within the third quarter of each year.

Section 9. The **Conference Director** shall be eligible to hold office and a member in good standing of one of the Chapters hosting the annual training conference. The Conference Director shall be elected by the members of the Conference Committee comprised of representatives from each Chapter hosting the annual conference. In the event the Conference Director is unable to complete their duties, the Conference Committee may elect another active member of C.A.P.E. to

be the Conference Director. The duties shall be as specified in Article VII of the Corporation By-Laws.

Section 10. The **Communications Director** shall be elected from, and by, the members of the Executive Board. The primary duties of the Communications Director shall be to oversee, review, coordinate, approve and distribute written materials for the official state publication, "Behind Locked Doors". The Communications Director shall gather all material necessary to publish the B.L.D., send the material to the publisher, solicit businesses for sponsorship and advertising, and maintain contact with Chapters for updated material. The duties of the Communications Director shall include serving as the Chairperson of the Publications Committee and presiding at all meetings of the Publications Committee.

Section 11. The **Training Coordinator** shall be elected from, and by, the members of the Executive Board. The duties of the Training Coordinator shall be to maintain the video library and to coordinate non-conference training events. Duties of the Training Coordinator include oversight of Chapter meetings via random check and oversight of the Scholarship Program.

Section 12. Unless otherwise indicated, a Board member may be removed from office for just cause by two-thirds vote of the Executive Board.

Section 13. Vacancies to the Executive Board shall be filled by special ballot, to be voted upon by the Executive Board, within sixty (60) days of the vacancy. The elected member shall immediately assume the office vacated. Vacancies occurring after an election, but prior to the new Board taking office shall be filled by the individual next in line by order of votes received at the yearly election. In the absence of an elected individual to fill the position, the Board may appoint, upon application for the position, a member by majority vote to the Board.

ARTICLE VI. COMMITTEES

Section 1. Special committees such as By-Laws and Legislative Committees may be formed when deemed necessary by the President.

Section 2. All committees shall prepare a report indicating the activities, expenditures and/or other necessary information.

Section 3. The By-Laws Committee shall consist of one (1) member from each Chapter. The By-Laws Committee shall meet when deemed necessary by the Corporation President, the Committee Chairperson or a majority of the Committee members. The duties of the By-Laws Committee shall be to maintain the By-Laws of the Corporation in its best interest by regular review and to recommend amendments or revisions to the Board of Directors and to each Chapter when deemed necessary.

Section 4. The expenses incurred by Committee members for participation in Committee meetings or business shall be borne by the Committee members or their Chapters, except for expenses incurred by members of the Committees for travel to hearings or meetings as Representatives of the Corporation, which shall be borne by the Corporation if authorized by the Executive Board. All reimbursed expenses must be documented with original receipts. Members of the Executive Board acting on behalf of the Corporation may be reimbursed when traveling on corporate business if prior approval of the State Board President has been obtained. Reimbursement may not exceed \$50 per day or a total of \$250 per week (whichever is lesser)

without the approval of a majority of the Executive Board. The mileage rate shall be the same as the current I.R.S. rate.

ARTICLE VII. TRAINING SEMINAR/CONFERENCE

Section 1. A training conference shall be held each year between the months of February and May. The purpose of this conference shall be primarily to educate and communicate amongst the members of the Corporation and to generate revenue to support the activities of the Corporation.

Section 2. The responsibility for organizing and hosting the conference shall be rotated among the individual chapters according to the following sequence: Northern, Southern, Central geographical areas. A Chapter must be in existence for one year prior to application for hosting a conference. Subsequent variances from such schedule may occur upon majority approval of the Executive Board and the Board of Directors. Multiple Chapters may join together to host the conference.

Section 3. The duties of the Host Chapter(s) shall include:

- A. Making arrangements for an adequate and proper facility for the conference activities and the lodging of conference attendees.
- B. Preparing an agenda which includes at least a general business meeting, a review of legislation, time designated for vendor presentations and other speakers and presentations that comply with the primary purpose of education and networking in a professional manner.
- C. Seeking out and encouraging vendors to participate in the conference.
- D. Preparing and distributing agenda and registration information to corporate members prior to the date of the conference.
- E. Preparing certificates of attendance.
- F. Recording and distributing minutes of the conference proceedings to members of the Corporation.
- G. Maintaining a thorough record of preparations made, agreements reached and contracts entered into.

Section 4. Recognition awards or Meritorious Service awards may be given by the Executive Board at their discretion.

Section 5. During the year prior to the dates of the training conference, the Conference Director shall report regularly to the members of the Executive Board on the preparations being made.

Section 6. The Conference Director shall appoint a Conference Treasurer from the members of the Conference Committee. The duties of the Conference Treasurer shall include establishing and maintaining accounts to be used exclusively for the conference revenues and expenditures, maintaining accurate records and verifiable records of all revenues and expenditures for the conference account, preparing warrants and checks, with a minimum of two (2) authorized signatures preferably to include the State Treasurer, for payment of conference expenses and submitting a financial report of the conference to the State Treasurer and Conference Director on a monthly basis.

Section 7. The final balance of the Conference account shall be forwarded to the State Treasurer within 60 days of the adjournment of the Annual Training Conference or immediately upon

closing and auditing the financial records of the Annual Training Conference whichever occurs first.

Section 8. The State Treasurer shall forward an amount of \$8000 to the next Hosting Chapter within 90 days of the adjournment of the Annual Conference.

Section 9. The Hosting Chapter shall be responsible for forwarding a minimum balance of \$8000 to the State Treasurer. A deficit from this amount shall be reimbursed from the Treasury of the Hosting Chapter unless the circumstances are deemed to be extraordinary by the Executive Board.

Section 10. A scholarship grant program is established wherein the conference registration fee may be waived. Upon application to the State President, the conference registration fee may be waived for up to ten (10) members in good standing when circumstances deem it necessary. The criteria and selection of applicants shall be at the discretion of the Executive Board. Additional fees for lodging, meals, and transportation shall be borne by the applicant/award recipient. Recipients may not receive a scholarship two (2) years in a row.

Section 11. Each Chapter shall, by January 1st of each year, elect "Chapter Property Officer of the Year". All recipients' names will be forwarded to the State Executive Board who will, by majority vote, select from them the "State Property Officer of the Year". Meritorious Service Awards may be given at the discretion of the State Executive Board for extraordinary achievements.

Section 12. All Executive Board and Conference Committee members shall receive a reduced Conference rate. This amount is based on the cost of meals while attending the Conference. This fee will be reimbursed at the end of the Annual Conference.

ARTICLE VIII. CONTRACTS

Section 1. No Chapter shall enter into any contractual agreement, excluding contracts for regular meetings or conference facilities, which in total exceed the amount of that Chapters State maintained Chapter Treasury, unless first approved by the Executive Board.

Section 2. The Executive Board shall not enter into any contract in excess of 50% of the total State Treasury without the approval of the majority of the General Membership.

ARTICLE IX. PARLIMENTARY AUTHORITY

The current Roberts Rules of Order shall be the parliamentary authority of all proceedings of the Corporation, Board, Chapters, and its Committees.

ARTICLE X. EMBLEM AND PUBLICATION

Section 1. Any use or changes in the Officially Designated State Emblem must have prior approval by the State Executive Board.

Section 2. The Official Emblem of the Corporation may be used on all documentation produced by the individual Chapters. Such documents which have not been jointly issued or authorized by all Chapters, shall indicate the Chapter or Chapter of origin.

Section 3. The Official Emblem of the Corporation may be used for purposes other than documents produced by the Corporation or its Chapters only upon the approval of the Executive Board. Under no circumstances shall the name or emblem of the Corporation be used for the commercial or political promotion of any of its members.

ARTICLE XI. AMENDMENTS

Section 1. Amendments to this document shall be accomplished through the By-Laws Committee (Article VI, Section 1).

Section 2. Amendments shall be adopted upon a majority vote or approval by ballot of the General Membership.

ARTICLE XII. DISSOLUTION

Section 1. Dissolution of the Corporation shall occur only upon the unanimous approval of the Executive Board, General Board and a majority of at least three-fourths (3/4) of the members.

Section 2. Upon Dissolution, the Assets of the Corporation shall be disposed of in a manner consistent with the current legal statutes governing tax exempt, non-profit Corporation and specifically as determined by the Executive Board with the concurrence of the General Board of Directors. Under no circumstances shall the Assets of the Corporation be disposed of to the benefit of any of the individual members or Chapters of the Corporation.

Section 3. In the event any Chapter of the Corporation is dissolved leaving assets, such assets shall revert to the Corporation.

State By-Laws as adopted by majority vote on 3-31-08