

**CONSTITUTION AND BY-LAWS**

**of the**

**DEPARTMENT OF PUBLIC SAFETY MUTUAL ASSOCIATION**

**Amended April 4, 2016**

**ARTICLE I**

This Association shall be known as the Department of Public Safety Mutual Association. Operating as an exempt association, its office shall be located and maintained in the City of Austin, Travis County, Texas.

**ARTICLE II**

The Object of this Association is to provide death benefits for beneficiaries of deceased members upon the mutual assessment plan as authorized by statute and by the Constitution and By-Laws of the Association.

**ARTICLE III**

The Officers of the Association shall consist of a President, Vice President, Secretary and Treasurer who together with eight (8) elected members shall constitute the Board of Directors. Each Officer and Board member shall hold office for a term of one year or until his successor has been elected or appointed.

The President, Vice President, Secretary, Treasurer, and Board Members shall be elected at the annual meeting from the membership of the Association.

**ARTICLE IV**

The annual meeting of the Department of Public Safety Mutual Association shall be held in the City of Austin, Texas during the month of January. The time, date, and location of the meeting is to be designated by the President of the Association with the concurrence of the other Officers.

The President of the Association shall be empowered to call any special meeting, and to designate the time, date, and location of the meeting with the concurrence of the other Officers. A special meeting need not be held in the City of Austin.

Notice of the meetings shall be in writing to the membership not less than ten (10) days in advance of the meeting date.

Business of the Association may be conducted and action taken on the majority vote of the members present or voting by proxy. Proxy voting shall be allowed at all regular or special meetings provided that they shall be in writing and verified by the Secretary prior to such meetings. A quorum shall consist of the membership present or voting by proxy, but in no case shall it consist of less than fifteen (15) members in personal attendance.

## **ARTICLE V**

**PRESIDENT:** It shall be the duty of the President to preside at all meetings of the Association. He shall appoint three (3) members of the Association to act as an Auditing Committee, to make a report of their findings at the annual meeting. He shall submit to each annual meeting a written report of his official acts during his term of office. He may countersign all checks or orders for withdrawal of funds of the Association and shall perform such other duties as the Association may require of him.

**VICE PRESIDENT:** In the absence of the President, the Vice President will preside at all meetings of the Association and perform the general duties of the President, and shall perform such other duties as the Association may require of him.

**SECRETARY:** The Secretary shall keep proper records of all proceedings at the meetings of the Association and record same in a book kept for that purpose. He shall be custodian of all records and valuable papers pertaining to the Association. He shall notify the members of assessments and dues to be collected.

**TREASURER:** The Treasurer shall sign all checks. He shall receive all money collected and deposit it in a bank in Austin, Texas, designated by the Board of Directors and same to be subject to withdrawal only in case of the death of a member or for expenses. He shall keep a proper record of all receipts and disbursements. He shall render an annual report on the financial condition of the Association at the annual meeting.

**BOARD OF DIRECTORS:** The Board of Directors shall have general supervision over all matters pertaining to the Association and shall attend to all matters, the transaction of which usually devolves upon a body of this kind. They shall assist the Secretary in the collection of all dues and assessments. The Board of Directors shall have the power to fill vacancies caused by resignations, deaths or other causes. However, no appointment shall exceed the term of the vacancy filled.

The Treasurer and such other Officers as may be considered necessary shall be bonded in such amounts as may be required by the Board of Directors. All officers shall serve without remuneration.

## **ARTICLE VI**

All employees and retirees of either the Department of Public Safety or the Texas DPS Credit Union are eligible to become members in the Association.

The Board of Directors may require evidence of insurability of eligible employees and retirees at any time. Applicants must certify on the membership application to be in good health with no knowledge of a terminal illness. .

Membership in the Association shall continue as long as dues and assessments, NSF check charges and penalties are paid and the member continues in the employment of the Department, DPS Credit Union or is a member of the Association on the date of retirement and is eligible to draw a retirement annuity from the Employees Retirement System of Texas or the Credit Union's retirement system.

All persons who retired from the Department or the Credit Union may rejoin the Association by submitting an application and submitting the prorated assessment amount.

All applicants must submit in lump sum the total amount of all assessments from the date of retirement to the date of acceptance of the "Application for Membership." The Secretary of the Association shall determine the lump sum amount due.

The lump sum total for previous assessments shall be for the Death Benefit Fund. All fees and back assessments shall be returned to the applicant if rejected for membership due to an existing health condition.

## **ARTICLE VII**

Benefits payable under certificates of membership shall not exceed \$10,000 for active Department employees and \$5,000 for Department retirees and DPS Credit Union employees and retirees. If the membership of the Association is less than 1,000, the benefits payable shall consist of the total sum of an assessment of \$10 against each member.

All death benefits may be paid within thirty (30) days from the date of the filing of due proof of death of the member on any form as may be provided by the Officers of the Association.

Full benefits will be paid to the beneficiary(s) of a current member of the Association, who has been called to active duty by the United States Armed Forces and whose death was caused by an Act of War.

Active members of the Department must make payment through payroll deduction of \$5 per month or by one full annual payment of \$60. The one-time payment must be paid by October 1.

Department retirees and DPS Credit Union employees and retirees may choose to make three equal payments for the annual assessment, due October 1<sup>st</sup>, November 1<sup>st</sup>, and December 1<sup>st</sup>. Any member who is not paid in full by January 1<sup>st</sup> shall be terminated from membership.

Beneficiaries of the insured member will be paid the sum as stated under the benefits provision, upon death of a member.

The amount of any annual assessment will be approved by the Board of Directors in such amount as may be necessary to pay the projected annual claims against the Association upon the death of its member(s). The Board of Directors may authorize an additional assessment during the year if it becomes necessary to maintain financial solvency of the Association. The amount of the assessment shall be the same for the active employees and retirees. However, the method of payment for an additional assessment will follow the retiree payment plan. Payroll deductions cannot be made for any additional assessments.

New members must sign up for payroll deduction at the time of application, or pay one full payment of \$60 due by October 1, or pay a prorated amount of the number of months remaining in the assessment year. There will be no pro rata refunds for early termination of memberships.

All dues, assessments, and NSF check charges and penalties shall be payable within thirty (30) days of the issuance of notice by the Secretary. Failure to pay assessments within the specified period shall lapse the membership and forfeit all claims as a member of the Association.

A person whose membership in the Association has lapsed may be reinstated upon the payment of such dues, assessments, NSF check charges and penalties as may be determined by the Board of Directors.

#### **ARTICLE VIII**

Each certificate when issued shall bear the signature of the President and be signed by the Secretary of the Association.

#### **ARTICLE IX**

In the event of liquidation, any remaining sum shall be divided equally among participating members.

#### **ARTICLE X**

No member of the Association shall be liable in any way for obligation of the Association other than dues and assessments as herein described. No Officer or Director of the Association shall be individually liable for any claim against the Association nor shall he be personally liable for death claims or operation expenses of the Association. The Officers shall be liable for all funds coming into their hands belonging to the Association.

## **ARTICLE XI**

The Constitution and By-Laws may be amended by the majority vote of the quorum attending and/or voting at any annual or special meeting.

A prerequisite to such amendment is that a copy of a proposed amendment and a statement of its purpose covering substantially the subject matter of the amendment which is finally adopted shall have been included in the notice of the meeting.

## **BY-LAWS**

### **ARTICLE I. Order of Business**

Section 1. The order of business of the Association shall be (1) reading and adoption of minutes; (2) report of officers; (3) report of the Auditing Committee; (4) report of special committees; (5) unfinished business; (6) new business; (7) election of officers and directors; (8) adjournment.

Section 2. In the absence of other authority, the deliberation of this Association shall be governed by the Roberts' Rules of Order.