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3 **CALIFORNIA ASSOCIATION**
4 **FOR PROPERTY AND EVIDENCE, INC. BY-LAWS**

5 **ARTICLE I. NAME, GOAL AND OBJECTIVES**
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7 **Section 1.** Name: This Corporation shall be known as the CALIFORNIA ASSOCIATION FOR
8 PROPERTY AND EVIDENCE, INC. (herein after referred to as C.A.P.E. or the Corporation).
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10 **Section 2.** The purpose of C.A.P.E is to promote the professionalism of property and evidence
11 processing through the coordination of information and the networking of other associations
12 and individual agencies responsible for handling property and evidence.
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14 The primary objectives of C.A.P.E shall be:

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- 16 A. To provide for the educational exchange of operational and technical
17 information for the benefit of the membership.
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 - 19 B. To advise the membership of current or pending legislation that may impact the
20 property and evidence function.
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 - 22 C. To provide for the research, collection, exchange and dissemination of
23 information relative to the property and evidence function.
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 - 25 D. To promote the standardization of property and evidence management and
26 control.
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 - 28 E. To solicit legal opinions to clarify current laws or pending legislation.
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 - 30 F. To achieve professionalism of property and evidence personnel and to
31 support high standards of performance in the discharge of their tasks.
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 - 33 G. To assist with the forming and maintaining of local Chapters of C.A.P.E.
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35 **ARTICLE II. ORGANIZATION AND MEMBERSHIP**
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37 **Section 1.** Organization:

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- 39 A. The organization of the Corporation shall be by Chapters, determined by
40 geographical regions.
 - 41 B. Each Chapter shall complete and maintain a written set of guidelines, which

42 are not in conflict with the provisions herein. These guidelines must be voted
43 on by said chapter, and approved by the Executive Board prior to
44 implementation.

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46 C. New Chapters may be formed upon majority approval of the Executive Board of
47 this Corporation.

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49 D. Each Chapter shall conduct a minimum of three (3) trainings each fiscal year, in
50 addition to the annual C.A.P.E. seminar. It is the responsibility of the Chapter's duly
51 elected officers to schedule the appropriate number of trainings. These training
52 sessions must be a minimum of one hour in length, may be in- person or virtual. No
53 paid members shall be refused admission due to space constraints of the meeting
54 facility.

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

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60 **Section 3.** Membership:

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62 A. Regular Voting Members: Regular Voting Members shall be those individuals who
63 are actively employed by any governmental agency who are or were interested in the
64 purposes and objectives of C.A.P.E, and whose annual individual or group membership
65 dues are paid current. Regular Voting Members shall have the right to cast votes
66 concerning all regular matters coming before the membership of C.A.P.E.

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68 B. Associate Non-Voting Members: Associate Non-Voting Members shall be those
69 dues-paying individuals, wherever situated, which are interested in the purposes and
70 objectives of C.A.P.E.

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72 C. Honorary Members: Honorary Members shall be those individuals who, in the
73 determination and approval of the Executive Board of C.A.P.E., have demonstrated
74 interest in the purposes and objectives of C.A.P.E. and who have provided
75 exceptional services to C.A.P.E. Honorary Members shall be
76 non-voting, non-dues-paying members.

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78 D. Transfer of membership: An agency may request a transfer of membership
79 through the Executive Board.

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81 E. Membership and/or renewal shall only be considered valid upon signed receipt
82 of the C.A.P.E. Non-Disclosure Agreement.

84 **Section 4. Qualification for Office**

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86 A. All Regular Voting Members who are in good standing within C.A.P.E., and have
87 been Regular Voting Members for at least one (1) year, shall be eligible for nomination
88 to serve in all positions as elected State or Chapter Officers.

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90 B. To avoid any real or perceived conflict of interest, no persons working for, or with
91 ownership interests in, any business providing services, supplies, or equipment to a
92 governmental agency for the purposes of processing property and evidence shall be
93 eligible for nomination to serve as elected officials within C.A.P.E., with the exception of
94 any individuals providing educational instruction or training consistent with C.A.P.E.
95 goals on behalf of a government agency.

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97 **Section 5. Resignation, Suspension, and Termination from Membership**

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99 A. Any member may resign from membership at any time.

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101 B. Any membership which is not renewed on or before the date set for payment of
102 membership renewal shall automatically expire on the date on which such membership
103 renewal payment was due.

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105 C. Any member may be suspended, terminated, or expelled from C.A.P.E. pursuant
106 to the terms, provisions, and procedures set forth in Corporations Code Section 7341
107 et seq or such successor statutes as may be applicable. No member may be
108 suspended, terminated or expelled from C.A.P.E. except by a majority vote of the
109 Executive Board.

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111 D. No member shall be suspended, terminated, or expelled from C.A.P.E. except for
112 good cause. Conduct constituting good cause for suspension, termination, or expulsion
113 from membership shall include conviction of any misdemeanor or felony, commission
114 of any act of moral turpitude, the engaging of any repetitive conduct during any event
115 of C.A.P.E. which is deemed by the event's presiding officer to be both out of order and
116 intentionally disruptive to the orderly conduct of such meeting, or failure to sign and
117 submit the C.A.P.E. Non- Disclosure Agreement.

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119 E. No member shall be suspended, terminated, or expelled from C.A.P.E. unless
120 such member shall first have been issued two warnings by the Executive Board that the
121 offending member's immediate conduct is both out of order and perceived to be
122 intentionally disruptive. After any member of C.A.P.E. is issued two warnings as
123 described in this subsection, then written notice shall be made by the Executive Board
124 for appropriate disciplinary proceedings to suspend, terminate, or expel the member as
125 set forth in these By-Laws.

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ARTICLE III: VOTING

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

Section 2. Voting shall be restricted to one vote per Regular Voting Member.

Section 3. All general membership and chapter voting shall be documented in official meeting minutes and posted on the C.A.P.E. website within 30 days of voting end. If not properly documented and posted, voting will be considered null and void.

ARTICLE IV: DUES, ASSESSMENTS AND EXPENDITURES

Section 1. All rights for levying of assessments and dues for individual and group members shall rest with the Executive Board. Any and all dues paid are non-refundable.

Section 2. Any member, who has paid their dues current and is in good standing within the Corporation, may bring guests from their agency to the C.A.P.E. State or local meetings or functions. The member, or guest, shall be responsible for all registration and other fees required.

Section 3. 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 a chapter vote prior to any assessment of fees. Refer to Article III, Section 3., for voting requirements.

Chapter funds shall be utilized for the majority of chapter members to ensure trainings are available for all current chapter members.

Section 4. Additional funds beyond the annual Chapter allotment may be made available upon application and with Executive Board approval. This financing shall require reimbursement back to the State General Fund within two weeks.

Section 5. With the exception of normal operating expenses approved by the Executive Board in the annual budget, any expenditure for the Corporation accounts other than the account established for the Annual Training Seminar shall be accomplished only upon the approval of the majority of the Executive Board.

Section 6. The President of the corporation will cause a review by the Executive Board, of all State Accounts upon the election or re-election of the Treasurer. The audit will include, but not limited to, all corporate assets.

170 **Section 7.** A current inventory of all capital assets of the Corporation shall be maintained at all
171 times by the Executive Board Treasurer, and shall be provided to members upon their
172 request. All equipment and accessories must be accounted for at the annual Training
173 Seminar.

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175 **Section 8.** The C.A.P.E. tax identification number is 94-3107613.
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178 **ARTICLE V. OFFICERS**
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180 **Section 1. The Executive Board of the Corporation** shall consist of the Corporate Officers
181 including President, First Vice-President, Second Vice-President, Secretary, Treasurer, and
182 Directors as determined by the Executive Board.
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184 A. The Executive Board shall be elected as a group by secret ballot of the general
185 membership. In the event of a tie, the names of the candidates receiving equal
186 number of votes shall be placed on a special ballot to be voted upon by the newly
187 elected Executive Board (those who received the majority of votes).
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189 B. The President of the Corporation shall be elected from, and by, the members of
190 the Executive Board elect. In the event of a tie, the vote shall be broken by the current
191 President of the Corporation.
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193 **Section 2. The Board of Directors of the Corporation** shall consist of the President of each
194 Chapter. The duties of the Board of Directors are to serve as advisors to the Executive Board
195 and to assist in the implementation of plans and policies of the Corporation. In the event of a
196 change of Chapter President, the new Chapter President shall become a Director on the first
197 day of the first month after the election. A Director of the Executive Board shall serve as
198 Chairperson of the Board of Directors. The Board of Directors shall meet at least once a year
199 during the annual Training Seminar or at other times as deemed necessary by the Executive
200 Board.
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202 **Section 3. The Officers of the Corporation** shall fill their office at a special meeting prior to the
203 first regular business meeting of the Executive Board. The term of office shall be two years
204 commencing on the final day of the Annual Training Seminar. No President of the Corporation
205 shall concurrently hold the office of Chapter Presidency.
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207 **Section 4. The Executive Board** shall reserve the right to call for an EXECUTIVE SESSION, which
208 proceedings are to be closed and void of the general membership and shall not be included in
209 the official meeting minutes. The Executive Session may be conducted prior, during, or after
210 any meeting in progress. The request for such a session can be made by any member of the
211 Executive Board, by motion to the President or Chairperson in charge of the meeting.
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213 **Section 5. The President of the Corporation** shall be elected from, and by, the members of the
214 Executive Board to act as its Chairperson, to open and close the Annual Training Seminar and
215 preside at its business meeting, to supervise the affairs of the Corporation and labor for its
216 usefulness and efficiency, to appoint such special Committees as are required for the
217 attainment and fulfillment of the goals of the Corporation and to act as it's spokesperson for
218 the Corporation. It shall be the duty of the President to enter into a contract with a hotel/
219 facility of sufficient size and value for the Annual Training Seminar subsequent to review by the
220 Treasurer and at least one other Executive Board member as selected by the President.

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222 **Section 6. Vice Presidents of the Corporation**

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224 A. The First Vice-President of the Corporation shall be elected from and by the
225 members of the Executive Board. The first Vice- President shall succeed the President in
226 the event of resignation or unforeseen cause and shall assume all Presidential duties in
227 their absence.

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229 B. The Second Vice-President of the Corporation shall be elected from, and by, the
230 members of the Executive Board, in the event of the absence of the First Vice-President,
231 the Second Vice-President shall act in the place of the First Vice-President. In the event
232 of the absence of both the President and the First Vice-President, the Second Vice-
233 President shall act in the capacity of the President.

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235 **Section 7. The Secretary of the Corporation** shall be elected from, and by the members of the
236 Executive Board. The duties of the Secretary shall be to serve as the Secretary of the Executive
237 Board, to record, prepare and distribute the minutes of the Corporation as well as supporting the
238 Executive board as needed.

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240 **Section 8. The Treasurer of the Corporation** shall be elected from, and by, the members of the
241 Executive Board. The duties of the Treasurer shall be to assume responsibility for all State
242 accounts, to serve as liaison with the Corporation Accountant, to assume responsibility for
243 submission of all tax forms, to maintain Chapter accounting and make appropriate quarterly
244 reports, to the Executive Board and respective Chapters. The Treasurer shall also cause to have
245 a complete financial report, inclusive of all assets, for the Corporation published on the official
246 state website quarterly. The Treasurer shall also serve as seminar Treasurer.

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248 **Section 9. Directors** shall be elected from, and by, the members of the Executive Board. The
249 duties of the Directors are to promote the mission of C.A.P.E and assist other board members
250 with various tasks and projects. In addition, the Directors may be asked to chair a Committee,
251 as deemed necessary by the President of the Corporation.

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253 **Section 10. The Training Seminar Director** shall be eligible to hold office and must be a member
254 in good standing of one of the Chapters hosting the Annual Training Seminar. The Seminar
255 Director shall be appointed by the Executive Board. In the event the Training Seminar Director is

256 unable to complete their duties, the Executive Board will elect another active member of C.A.P.E.
257 to be the Training Seminar Director. The duties shall be as specified in Article VII of the
258 Corporation By-Laws. A Seminar Co-Director may be appointed at the request of the Seminar
259 Director with approval of the Executive Board.

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261 **Section 11.** A Board member may be removed from office for good cause (as defined in Article
262 2., Section 5., D.) by two-thirds vote of the Executive Board.

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264 **Section 12.** Vacancies to the Executive Board shall be filled by special ballot, to be voted upon
265 by the Executive Board, within sixty (60) days of the vacancy. The elected member shall
266 immediately assume the office vacated. Vacancies occurring after an election, but prior to the
267 new Board taking office shall be filled by the individual next in line by order of votes received at
268 the yearly election. In the absence of an elected individual to fill the position, the Board may
269 appoint, upon application for the position, a member by majority vote to the Board.

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271 **ARTICLE VI. COMMITTEES**

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273 **Section 1.** Special Committees such as By-Laws and Legislative Committees may be formed
274 when deemed necessary by the President of the Corporation.

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276 **Section 2.** All Committees shall prepare a report indicating the activities, expenditures, and/or
277 other necessary information.

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279 **Section 3.** The By-Laws Committee shall consist of a representative of each Chapter. The By-
280 Laws Committee shall meet when deemed necessary by the President of the Corporation or by
281 a majority of the Committee members. The duties of the By- Laws Committee shall be to
282 maintain the By-Laws of the Corporation in its best interest by regular review and to
283 recommend amendments or revisions to the Executive Board. Changes to the By-Laws must be
284 approved by a majority of voting members of the general membership. The Executive Board
285 may initiate By-Law revisions and present them to the By-Law Committee as deemed
286 necessary.

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288 **Section 4.** Expenses incurred by members of the Committees for travel to hearings or
289 meetings as Representatives of the Corporation, shall be reimbursed with original receipts per
290 the C.A.P.E. Travel Reimbursement Policy. Members of the Executive Board acting on behalf of
291 the Corporation may be reimbursed when traveling on corporate business if prior approval of
292 the Executive Board has been obtained.

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294 **ARTICLE VII. ANNUAL TRAINING SEMINAR**

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296 **Section 1.** The Annual Training Seminar shall be held each fiscal year (July 1 thru June 30). The
297 purpose of the seminar shall be primarily to educate and communicate amongst the members
298 of the Corporation and to generate revenue to support the activities of the Corporation.

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Section 2. The responsibility for organizing and hosting the seminar shall be rotated among the individual Chapters areas. A Chapter must be in existence for one (1) year prior to hosting a seminar. Multiple Chapters may join together to host the seminar.

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

- A. Establish Committees to ensure completion of various seminar duties.
- B. Preparing and distributing agenda and registration information to corporate members prior to the date of the seminar.
- C. Preparing certificates of attendance.
- D. Maintaining a thorough record of preparations made, agreements reached and contracts entered into.

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

Section 5. During the year prior to the dates of the Training Seminar, the Seminar Director shall report monthly to the Executive Board on all of the preparations being made.

Section 6. The Seminar Director shall work with the Executive Board Treasurer to establish and maintain accounts to be used exclusively for the Seminar.

Section 7. A scholarship grant program is established wherein the seminar registration fee is paid by the state funds. Upon application to the Corporation, the seminar registration fee is paid 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 lodgings, meals, and transportation shall be borne by the applicant/award recipient.

Section 8. Each Chapter shall, elect a “Chapter Property Officer of the Year” no later than December 15th of the year preceding the annual training seminar. All recipients’ names will be forwarded to the Executive Board who will, by majority vote, select from them, the “State Property Officer of the Year”.

ARTICLE VIII. CONTRACTS

Section 1. No Chapter shall enter into any contractual agreement, excluding contracts for regular Chapter meetings/trainings, which in total exceed the amount of the Chapter’s account, unless first approved by the Executive Board.

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

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ARTICLE IX. PARLIAMENTARY 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 to the Officially Designated Corporate Logo must have prior approval by the Executive Board.

Section 2. The official Logo 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.