

# HIDALGO COUNTY BAIL BOND BOARD

## BY LAWS

### Article I

#### *NAME, LOCATION AND PURPOSE*

The formal and official **name** of the organization is the “Hidalgo County Bail Bond Board,” hereinafter called the “Board” or “HCBBB.”

The principal office and **location** of the Board shall be directed by the Board.

The **purpose** of the Board is to implement and carry out the laws on bail bond regulation as passed by the Texas Legislature and Courts and to encourage professionalism in the local bonding industry as is clearly in the best interest of the public.

The Board shall enact local rules and regulations for the investigation, the licensing, and regulation of all bondsmen operating in Hidalgo County, Texas.

### Article II

#### *BOARD MEMBERSHIP*

##### MEMBERSHIP

The Board shall be composed only of those individuals as authorized by Chapter 1704, REGULATION OF BAIL BOND SURETIES, TEXAS OCCUPATIONS CODE, (V.T.C.A.), as amended.

### Article III

#### *NUMBER, TERM, ADVISORY RESOLUTIONS AND SELECTION; MONTHLY AND SPECIAL MEETINGS; AGENDAS; ORDER OF BUSINESS; EMERGENCY MATTERS; QUORUM; ABSENCES; LEAVES OF ABSENCE; PROXIES AND RESIGNATIONS*

##### NAME, TERM AND SELECTION OF BOARD MEMBERS

The direction and management of the affairs of the Board and the control and disposition of its properties and funds, if any, shall be vested in the Board as authorized by law and such Board

shall consist of nine regular members. According to law, such Board membership shall be selected in three ways as follows:

1. statutorily selected by their official, elective title;
2. statutorily described uniquely special class of officials or entity self-chosen selection procedure; and/or
3. statutorily allowed by designation by elected official(s), such as Sheriff and Criminal District Attorney.

Members and permanent designees shall actively serve until duly replaced, and generally, terms should correspond with calendar years, except for good cause in unusual and unforeseen circumstances.

### **MONTHLY MEETINGS**

The regular monthly meeting of the Board shall be held on the first (1<sup>st</sup>) Tuesday of the month at 3:00 p.m., unless a holiday, then the next available working day. The purpose of the monthly meetings is to transact business as may lawfully come before the Board. It shall be the duty of the Secretary/Treasurer of the Board to give notice of such meetings by posting at the Courthouse door and notifying the board members and the bondsmen by mail or electronically. It is the members and bondsmen responsibility to make sure the Secretary/Treasurer has the proper addresses on file, both mail and email.

### **SPECIAL MEETINGS**

Special meetings of the Board shall be held when the Chairman calls such meetings, giving each member of the Board at least two (2) days (48 hours) notice, to transact business as may lawfully come before the meeting. An agenda for the meeting shall be properly posted and distributed electronically to each member of the Board including all the bondsmen. If there is a change in address and/or email address, the Secretary/Treasurer shall be notified by each board member or Bail Bond Company's representative/agent so that records can be updated.

### **AGENDA FOR MEETINGS**

Matters may be placed on the agenda for any monthly meeting or special meeting by anyone by notifying the secretary/treasurer in writing of the matter to be placed on the agenda not later than 3:30 p.m. seven (7) business days preceding the monthly meeting. No matter shall be considered by the Board unless it has been placed on the agenda or unless it is provided for hereinafter, or unless the matter is to be declared an "Emergency Matter" as hereinafter provided for in the section entitled "Emergency Matter."

### **ORDER OF BUSINESS**

The order of business of each public monthly meeting shall be as follows:

1. Roll call of members in attendance kept as a permanent record.
2. Reading and adoption of the summarized minutes of the preceding meeting.

3. Election of officers (when appropriate).
4. Report of presiding officer and any communications.
5. Committee reports, if any.
6. Discussion and action on committee reports.
7. Miscellaneous business on agenda.
8. Old business.
9. New business.
10. Open Forum (without formal Board action).
11. Adjournment.

### **EMERGENCY MATTERS**

The Board may declare that any item of business that is required to be set forth in writing on the agenda for the monthly meeting, or any item coming before the Board at a special meeting, constitutes an “emergency matter” and the Board can thereby waive the requirement that such matters be included on the agenda or in the notice of a special meeting, but reasons and justification therefore must be written into the summary of the minutes. To declare an “emergency” shall require a majority of the members present and/or proxies so long as a quorum is present and complies with the Open Meetings Act, except in strictly personal matters.

### **QUORUM FOR MEETINGS**

Four members shall constitute a quorum for the transaction of business at all meetings convened according to the Hidalgo County Bail Bond Board By-Laws.

### **ABSENCES, LEAVES OF ABSENCE, PROXIES AND RESIGNATIONS**

Regular member meeting attendance is of the essence for doing the public’s business. Three consecutive unexplained absences by members not selected by virtue of their holding elective office and not permanently replaced by a designee, such as those representing entities who chose their members and/or permanent designee, will necessitate the writing of an inquiry letter by the Board’s Chairman to their sponsoring agency requesting their replacement. However, when timely foreseen and for sufficient cause, such as illness or vacation, a member may obtain from the Chairman a written leave of absence for a definite period of time.

Also, for random absences, any member or designee can excuse his absence by using a written proxy addressed to the Board authorizing his/her vote on any matters being considered by the Board. The acceptable form of the proxy is a copy of the meeting’s agenda with the absentee’s signature, bearer or attending and voting member’s name, and how each agenda item should be voted “aye” or “nay.”

Furthermore, members with other important business to transact may depart meetings early without destroying the quorum after the completion of the ninth order of business or “New Business.”

For expressed good cause and vital circumstances beyond their control, members may submit their resignations to the Board by acceptance, except those persons automatically named to the Board by statute, with timely and proper replacement encouraged.

## ARTICLE IV

### **ELECTION OF BOARD OFFICERS, DUTIES OF BOARD OFFICERS; VACANCIES**

#### **Election of Board Officers**

The officers of the Board shall be the Chairman, Vice Chairman, and Secretary/Treasurer. Other officers may be elected as determined and selected by the Board. The Board shall elect the officers and organize at the first (1<sup>st</sup>) monthly meeting of each calendar year.

#### **Duties of Board Officers**

The **Chairman** shall preside at all meetings of the Board. He/She shall be the chief executive officer of the Board and, subject to the will of the Board, shall have general charge and supervision of the administration of the affairs and business of the Board. He/She shall see that all orders and resolutions of the Board are carried into effect. He/She shall sign and execute all legal documents and instruments in the name of the Board when authorized to do so by the Board and shall perform such duties as may be assigned him/her from time to time by the Board. The Chairman shall submit to the Board plans and suggestions for the work of the Board, shall direct its general correspondence, and shall present his/her recommendations in each issue raised before the Board for action or decision.

The **Vice Chairman** of the Board shall discharge the same duties as the Chairman in the event of absence or disability for any causes whatsoever, and shall perform such additional duties as may be directed by the Board.

The **Secretary/Treasurer** shall have responsibility for the records and correspondence of the Board under the direction of the Chairman. He/She shall give notice of and attend all meetings of the Board. He/She shall discharge such duties as shall be assigned him/her by the Chairman of the Board. In case of the absence or disability of the Secretary/Treasurer, the Board may appoint an acting secretary to perform the duties of the Secretary/Treasurer. The minutes shall be prepared by the secretary for approval of the Board at each monthly meeting unless good cause is shown. He/She shall electronically record the meeting of the Board and shall keep such record as prescribed by the Open Meetings Act and prepare recap summaries/minutes of the proceedings unless the board approves another method such as a court reporter to take the minutes. Such written summaries shall be distributed to all Board members at least seven days prior to each meeting for each member's consideration and adoption at the next regular monthly meeting. The Secretary/Treasurer shall keep account of all monies received and discharged, if any, and be prepared to report same to the Board when timely asked.

Election of the **Bail Bond Representative** and **Criminal Defense Attorney** will be conducted simultaneously. The board shall set the election specified in the local rules with exact dates, hours of voting, canvassing of votes, and such elections shall be held in the County Clerk's office where ballots shall be provided.

### **Officer Vacancies**

Whenever a vacancy occurs in any office of the Board, such vacancy shall be filled by the Board by the election of a consenting regular member who shall hold such office until his successor is duly elected, qualified, and seated not later than at the first monthly meeting of the next calendar year. Such officer may succeed himself.

## **ARTICLE V**

### **APPOINTIVE OFFICERS AND AGENTS**

#### **Appointed Process and Duties of Appointed Officers and Agents**

The Chairman of the Board may appoint such officers, employees and agents in addition to those provided for in Article IV, as may be deemed necessary, who shall have such authority and perform such duties as shall from time to time be directed by the Board.

All appointive persons shall hold their respective positions at the pleasure of the Board and may be removed or discharged at any time with or without cause, provided that removal without cause shall not prejudice the contract rights, if any, of such persons. Appointed officers, employees and agents are not authorized to vote.

## **ARTICLE VI**

### **SPECIAL COMMITTEES, RECOMMENDATIONS OF COMMITTEES**

The Board may appoint special committees to facilitate the administration, investigations and communication of board policies, rules and regulations.

#### **Special Committees**

The Chairman shall appoint such special committees as are deemed necessary by the Chairman of the Board, and he will appoint their chairperson. Special committees shall consist of such members of the board as are selected by the Chairman with the advice and consent of the Board. The special committee shall be for the duration of time set forth in the appointment thereof, but in any event, will not extend beyond the end of the calendar year in which such appointment is made or until such time as it is affirmatively dissolved by the Board. Any layperson and licensed bondsmen (or their qualified agent) may serve on special committees.

**Recommendation of Committees**

Special committees shall be advisory only and recommendation and actions of such committees shall not be binding upon the Board.

Reports to the Board will be timely submitted in writing for agenda inclusion.

**ARTICLE VII**

**BOARD'S FISCAL YEAR**

The fiscal year of the Board will correspond exactly with the fiscal year of Hidalgo County government.

**ARTICLE VIII**

**WAIVER OF NOTICE**

Whenever any notice of a regular monthly or special meeting is required to be given to any member of the Board, a written waiver signed by the person or persons entitled to such notice, whether before or after the time stated herein, shall be deemed equivalent to the giving of such notice.

**ARTICLE IX**

**BYLAWS AMENDMENT**

After due acceptance, with or without amendment, the By-Laws and/or Local Rules of the Hidalgo County Bail Bond Board may thereafter be amended by the Board at any legal meeting of the Board by the affirmative vote of two-thirds majority of the members, including proxies, provided that notice of the proposed additions, amendments or changes shall have been delivered to each Board member by electronic means at least ten (10) business days prior to such meeting.

# ACKNOWLEDGMENT FORM

**APPLICANT HAS READ AND FULLY UNDERSTANDS EACH OF THE ABOVE BYLAWS. APPLICANT FURTHER UNDERSTANDS THAT THIS FORM MUST BE SWORN, SIGNED AND SUBMITTED TO THE BOARD *PRIOR* TO CONSIDERATION ON ANY MATTER THE SIGNEE HAS BEFORE THE BOARD.**

\_\_\_\_\_  
**SIGNATURE OF APPLICANT/EMPLOYEE**

**SIGNED AND SWORN BEFORE ME, the undersigned authority, on this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.**

\_\_\_\_\_  
**Notary Public in and for the State of Texas.**