



CITY OF BEND EMPLOYEES ASSOCIATION BYLAWS

Adopted September 9, 2014

ARTICLE 1

NAME AND HEADQUARTERS

1.01 Name

The name of the organization shall be the City of Bend Employees Association (COBEA), and shall be referred to throughout these bylaws as the Association.

1.02 Headquarters

The mailing address of the Association, hereinafter referred as "Headquarters" is located at PO Box 1384, Bend OR 97709-1384 Tax ID 93-0879981

ARTICLE 2

PURPOSE

2.01 Purpose

The purpose of the Association is to improve the employment relations for the betterment of its members with the City of Bend; provide formal collective bargaining representation for its members; represent its members in disciplinary investigations and when disciplined; deal with the City of Bend concerning grievances, labor disputes, wages, rates of pay, hours of employment and conditions of work; contract administration; and conduct other activities of the Association as directed by its members.

ARTICLE 3

ELIGIBILITY FOR MEMBERSHIP IN THE ASSOCIATION

3.01 Eligibility

All persons employed by the City of Bend and who are represented by the Association's bargaining unit are eligible for membership in the Association.

ARTICLE 4

MEMBERSHIP

4.01 Membership

With the exception of an individual who has a bona fide religious tenet which prohibits membership in such an organization, any person who is employed as a regular employee within the jurisdiction of the Association shall become a member in good standing within thirty (30) days of hire, or shall make appropriate fair share payments to the Association in lieu of dues (fair share members). All other persons engaged in service within the jurisdiction of the Association will be eligible for active membership.

4.02 Responsibilities of Members

The Association, its officers, representatives, and members shall recognize, observe and be bound by the provisions of these Bylaws and the Association's collective bargaining agreement with the City of Bend.

4.03 Rights of Members

Every member in good standing shall have the right to attend any regular meeting, special meeting, or open Executive Board Meeting and to participate in such meeting in accordance with the Bylaws of the Association.

4.04 Fair-share Members

Fair-share members of the Association shall not be entitled to voice or vote in the Association.

(a) If a member of the bargaining unit refuses to join the Association, he or she will be assessed his or her fair-share of the cost of negotiating and maintaining the collective bargaining agreement. This amount will be determined by the Association's Executive Board after an independent auditor has examined the Association's detailed budget for the year. The accounting must designate the amount of funds which are clearly used for ideological purposes, those which are clearly to be used for the cost of negotiating and maintaining the contract, and

those which are not clearly in either category. This accounting must also include all funds sent to state or national affiliates.

The Association will then inform the employer to deduct from the non-members the amount equal to all funds not clearly to be used for ideological purposes. The Association will then place in escrow the amount which is not clearly either for ideological purposes or for negotiating or maintaining the collective bargaining agreement. The amount which is clearly to be used for negotiating and maintaining the contract may be used immediately by the Association. The amount in escrow can only be used after fair-share members have had an opportunity to register their objection by utilizing the appeal process described below.

(b) All fair-share members shall be provided with a copy of the budget along with an explanation of the amount of dues to be deducted from their paychecks. They will also be provided with a copy of the procedures described in this article whereby they may register their objections to the amount deducted.

(c) Fair-share members will have thirty (30) days to join the Association after their date of hire. If they fail to join, the Association will instruct the employer to deduct their fair-share of dues in accordance with the procedures outlined in Section 1 of this article.

A fair-share member will have fifteen (15) days from the date they receive the information described in Section 2 of this article, to inform the Association in writing that they object to the amount being deducted from their wages, and the reasons for these objections. Failure to inform the Association in a timely manner will be considered a waiver of the right to object.

Upon receipt of this objection the Association Executive Board will review the objection and inform the member within fifteen (15) days of its decision. If the board agrees with the fair-share member, the dues will be adjusted accordingly, if the board rejects the non-member's objection, then the fair-share member has ten (10) days in which to inform the board that he or she desires to have the dispute settled by arbitration.

(d) Upon receipt of a request for arbitration, the Association will request as soon as possible, a list from the American Arbitration Association of the names of five (5) arbitrators to be submitted to the Association and the fair-share member. Within

ten (10) days of the receipt of the list, the Association representative will meet with the Fair-share member and each will alternately strike names until a single arbitrator is left. The Association will inform the arbitrator of his or her selection and schedule a hearing as soon as possible within the parameters of the parties' schedules. The arbitrator will have thirty (30) days from the date of the hearing to render his or her decision. The decision will be final and binding on both parties.

The cost of the arbitrator will be borne by the Association.

If the arbitrator sustains the objection by the fair-share member, then the Association will refund to the fair-share member the appropriate amount. If the arbitrator rejects the objection and supports the Association, then the remainder of the fair-share member's dues deducted and any in escrow be withdrawn and used by the Association.

4.05 Inactive Members

Any member in good standing who takes a leave of absence without pay from their employment with the City of Bend for longer than thirty (30) days shall be placed on inactive status. Such inactive members shall not be required to pay dues and shall have no voice or vote in the business of the Association or be eligible to hold office while on inactive status. All other membership rights shall remain in effect. Upon the employee's return to paid employment status with the Office from such a leave, the member's active status shall be automatically reinstated.

ARTICLE 5

MEETINGS

5.01 Regular Meetings

Regular meetings of this Association shall be held quarterly, at a day and time determined by the Executive Board. The place will be determined by the President and be posted by the Association Stewards, along with the time, on the Association work place bulletin boards and website at least ten (10) days in advance of the meeting.

5.02 Special Meetings

Special meetings may be called in three ways:

- (a) By a majority vote of the Executive Board.
- (b) By an aggrieved member for the purpose of appeal to a decision by the Executive Board regarding any grievance filed by said member.
- (c) Four (4) members in good standing may request the Executive Board to call a Special Meeting.

Any request for a special meeting under b or c above shall be in writing and shall specifically state what business shall be included on the agenda and no other business shall be conducted at that meeting.

It shall be the responsibility of the Executive Board to notify, via COBEA website, workplace bulletin boards and/or City of Bend email notification, all members in good standing of the time and place of the meeting, and the agenda, at least forty-eight (48) hours prior to the meeting. Special Meetings shall be limited to one meeting per specific item of business, as listed on the proposed agenda.

5.03 Quorum

The quorum for any quarterly or special meeting of this Association shall consist of two (2) elected officers and thirteen (13) non-elected members/Association Stewards in good standing. The quorum for any Executive Board meeting shall be two (2) elected officers and four (4) Association Stewards.

5.04 Rules of Procedure

Unless otherwise stated within the Bylaws or Labor Contract of this Association, all meetings shall be governed by Roberts Rules of Order. During a meeting the presiding board member may initiate a vote to suspend Roberts Rules of Order for that specific meeting.

5.05 Dissent

Any member who is present at any meeting of the Association at which action on any Association matter is taken shall be presumed to have assented to the holdings of the meeting and action taken unless his or her dissent or objection shall be entered in the minutes of the meeting or unless he or she shall write his or her written dissent or objection to such action with the person acting as the Secretary of the meeting before the adjournment thereof, or shall forward such dissent by certified mail to the Secretary of the Association within 7 days after the adjournment of the meeting addressed to the COBEA Headquarters. Such right of dissent shall not apply to any member who voted in favor of such action.

5.06 Executive Session

At any quarterly called meeting of the Association, the officers may by majority vote, elect to go into Executive Session (a session of only officers). The purpose of the Executive Session shall be to achieve harmony among the officers as to Association business and direction.

ARTICLE 6

OFFICERS

6.01 Designation

The Officers of the Association shall consist of President, Vice-President, Secretary, and Treasurer. The Officers and Association Stewards will constitute the Executive Board. The President shall be the tie breaker on any vote.

6.02 Eligibility for Office

Any member in good standing shall be eligible to be a candidate for any office in the Association except that candidates for the office of President - where the candidate shall be an active, participating and contributing member in good standing for at least one (1) year prior to running for office.

6.03 Terms of Office

Officers shall hold office for two (2) year terms beginning on January 1 and shall serve until the election and installation of their successors, unless recalled from office as provided by these Bylaws. The President and Treasurer shall begin service in the odd numbered year and the Vice-President, Secretary, and Association Stewards from locations in even numbered years. The nominations will be announced at the 4th quarterly meeting in October prior to the start of the new two (2) year terms and the election will be held prior to the second week of November.

6.04 Recalls from Office

Officers of this Association can be recalled from office for the following reasons: failure to properly perform the duties of their office; acts which would discredit the Association and prevent the Association from carrying out the best interest of its membership; or failure to remain a full member in good standing in the Association. A recall election may be initiated by a petition to the Executive Board signed by at least twenty-five (25%) percent of the members in good standing in the Association. Such a petition shall contain any allegations against any Officer(s) and any other justification for such recall election. Recall elections shall be by secret ballot with a simple majority result. If the outcome is a tie vote the Officer is not removed from office. Association Stewards may be recalled in accordance with Article 8.05.

ARTICLE 7

ELECTION OF OFFICERS

7.01 Method of Nomination

Members who wish to run for positions shall submit their names in writing to the Executive Board at least 15 days prior to the 4th Quarterly meeting – held in October. The positions shall be announced at least 30 days prior to the 4th Quarterly meeting.

The positions of President, Vice-President, Secretary and Treasurer will be elected by the membership as a whole as described in this Article. Association Stewards as specified in Article 6.01 will be elected by the members within each respective location as described in this Article, provided that if only one candidate for representative from a location submits his/her name as a candidate, the President shall appoint that candidate as representative and no election to fill that position will be held.

7.02 Use of Funds Prohibited in Elections

No funds received by this Association through dues or otherwise shall be contributed or applied to promote the candidacy of any person. This section does not prevent the expenditure from Association funds for notices, factual statements of issues and other necessary expenses to conduct elections so long as they do not involve promotion of any candidate or issue.

7.03 Method of Voting

Elections of officers shall be by secret, written ballot, even though only one candidate is nominated for a given office. There shall be no voting by proxy in the election of Association Officers. The candidate receiving a simple majority of the ballots cast shall be declared elected.

7.04 Voting, Ballots and Ballot Boxes

For the election of officers, ballots and ballot boxes will be available to each member of the Association in good standing, for a period of seven (7) business days prior to the Mid-November election conclusion date, in the form prescribed elsewhere in these Bylaws. Association members in good standing may then cast their vote for the candidate of their choice and deliver their ballots to a locked and sealed box to be located in the designated location for each work area location or by secured online voting.

7.05 Forms of Ballots

Each ballot shall be in a form, prescribed by the Executive Board and shall contain the name of every candidate, a write in selection, (except for president, see article 6.02) and showing the office the nominee is running for. Each member shall be furnished a ballot at their designated work campus, or by U.S. mail, or access to secure on-line voting. One ballot delivery method will be determined for the election by the Executive Board.

7.06 Counting Ballots

At the time of counting of ballots, the Secretary (or substituting Officer) in the presence of four (4) non-candidate volunteer members shall open the locked boxes. The Secretary (or substituting Officer) and the non-candidate volunteer members shall count the ballots contained in the ballot boxes.

7.07 Certification of Results

The Secretary (or substituting Officer) and the volunteers shall sign the tally sheets which constitute the official results of the election. Ballots shall be preserved by the Secretary for one (1) year following an election.

7.06 Vacancies in Office

When an office becomes vacant by reason of death, resignation, promotion, or recall of the incumbent, the Executive Board shall elect an interim officer until special elections can be held to fill the vacant position. The members shall elect a successor for the remainder of the current term by majority vote. Except in the case of the President, in which the order of attrition shall take precedence.

7.09 Order of Attrition

In case that the President shall be unable to complete a term of office, he or she shall be succeeded by the Vice-President, Secretary, Treasurer, in that order, provided that the successor shall be an office holder by election of the membership and not by appointment.

7.10 Special Elections

Votes on offers for settlement of collective bargaining contracts, increases in membership dues, initiation fees, special assessments and vacancies in office (see article 7, section 8) shall be by secret written ballot or secured online voting and follow the methods set forth in Sections 4, 5, 6, and 7 of this article. The Executive Board may, by majority vote, submit any issue of concern to the membership to a vote of the membership under this section.

Proxy votes will be permitted only for settlement of collective bargaining contracts provided that they are in the proper form and signed. A proxy vote shall consist of the following form: Each vote shall be specified on a separate sheet of paper and shall specify the issue and the desired vote. Each proxy shall be signed by the maker and endorsed by the bearer. The results of the ballot shall be subject to the verification of the proxies. Any proxy that is unclear as to how to vote is to be cast as void.

ARTICLE 8

DUTIES OF OFFICERS

8.01 President

The President shall be the executive head of the Association. The President will be the spokesperson and representative of the Association in its dealings with the Employer unless another member of the Association has been designated by the President. The President will be responsible for filing and advancing grievances of the Association and its members in a prompt and timely manner as required by the Association's collective bargaining agreement with City of Bend.

It shall be the duty of the President to preside at all meetings of the Association and at meetings of the Executive Board. In the absence of the Secretary, the President will delegate to ensure that accurate minutes are kept of all such meetings.

The President may appoint, at any meeting, temporary committees as necessary to conduct the business of the Association. Committee members shall be appointed from Association members in good standing and shall serve as long as necessary to conduct the business of the committee that they were appointed to. The President shall serve as ex officia member of all committees. The President has the authority to dismiss committees in their entirety, replace inactive committees or members, and appoint new committees or members to fill vacancies, with the approval of the Executive Board.

President shall sign orders and checks lawfully drawn with the additional signature of a non-auditing Officer. Payments, purchases and reimbursements shall require documentation as noted in standard operating guidelines.

The President and the Treasurer shall work together to establish a yearly budget to be presented to the Executive Board and then to the Association Membership for approval.

The President shall enforce strict observance of the Bylaws of the Association. The President shall have general supervision of the other Officers. The President shall be the Chairman of the Executive Board.

The President shall conduct, on behalf of the Association, such duties as may be imposed upon him or her applicable by law, including the execution and filing of any reports to the Federal or State authorities, and the President shall cause to be maintained by the Association such records as the law requires to be kept.

8.02 Vice-President

The Vice-President shall assist the President in such a manner as the President may determine. In the absence of the President, the Vice-President shall preside at meetings of the Association and the Executive Board. The Vice-President shall perform the following duties including, but not limited to:

(a) Member Services – In conjunction with the Secretary keep an accurate database of the Members' contact information, i.e. address, personal email and cell phone list for Association communications.

(b) Association Communications – General Announcements, Bulletin Boards, Informational Notices

(c) Membership Public Relations – Promoting the Association and Educating Association members regarding the Associations internal and external outreach programs.

(d) Participate on Committees as needed.

8.03 Secretary

The Secretary shall conduct on behalf of the Association, such duties as may be imposed on him or her by the President or by applicable law including the execution and filing of any reports to Federal or State authorities, including, but not limited to the following:

(a) Maintain and have custody of all documents, records, books and papers belonging to the Association and/or required by law except as provided elsewhere in the Bylaws.

(b) Keep accurate minutes of the meetings of the Association and the Executive Board and pass them on to the Secretary's successor in office.

(c) Attest to all official documents with his or her signature.

(d) Conduct the correspondence of the Association promptly.

(e) Maintain the official list of members of the Association in an accurate and current manner, including listings of retired members, and members not in good standing.

(f) Serve as the Election Team Coordinator.

8.04 Treasurer

The Treasurer shall conduct on behalf of the Association, duties as may be imposed on him or her by the President or by applicable law including the execution and filing of any reports to Federal or State authorities, including, but not limited to the following:

(a) Receive all moneys due to the Association, from whatever source, and disburse appropriately the same only by check or credit card signed by the President or Vice President and other non-auditing Officer.

(b) Maintain and keep accurate records of member's dues, deposits, payments, assessments and other financial transactions.

(c) Be prepared to exhibit receipts and vouchers upon audit of the Association's books.

(d) Present to the membership at each regular meeting, an accounting of the past months financial transactions to provide accountability and justification for any disbursements.

(e) Provide a monthly budget report to the Executive Board and a quarterly budget report at the quarterly member meetings.

(f) The Treasurer will assure all transactions are recorded properly and documentation is according to Standard Operating Guidelines and current accounting principles.

8.05 Association Stewards

Association Stewards shall conduct on behalf of the Association such duties as may be imposed on him or her by the President or by applicable law. Association Stewards will represent the interests of members of the Association.

Association Stewards shall be elected by the Association membership of their respective work campus. In the event that the area Steward is not available, another qualified Steward or Officer may serve as representative for any member.

Work facilities represented by the Association Stewards and alternates are as Follows:

- 15th Street Campus
- Boyd Acres Campus
- Water Reclamation Campus
- Downtown Campus

The duties of the Association Stewards include but may not be limited to the following:

- (a) Participate as a member of the Executive Board.
- (b) Enforce the Association Contract.
- (c) Attend training and association meetings.
- (d) Function as a primary communication channel between Association leaders and general membership and supervisors at the respective campus.
- (e) Serve as a primary provider of direct services and information (such as bargaining issues, rights, elections, etc.) to the Association membership.

An Association Steward may be removed by a majority vote of their work facility members, or by majority vote of the Executive Board according to the procedures specified in the Standard Operating Guidelines.

ARTICLE 9

EXECUTIVE BOARD

9.01 Membership and Meetings

(a) The Executive Board shall consist of the President, Vice-President, Secretary, Treasurer and the Association Stewards from each of their work facilities mentioned in Article 8.05. The Executive Board shall be responsible for the administration of the financial, policy, and other day-to-day matters affecting the Association.

(b) The Executive Board shall meet at the call of the President or by a majority vote of the Executive Board or in the case of Special Meetings, by a written request of at least four (4) members in good standing. A quorum of the Executive Board shall consist of two (2) elected officers and four (4) Association Stewards for the purposes of any decisions by the Executive Board. The Executive Board shall post notice of its meetings not less than 48 hours in advance of the meeting.

9.02 Collective Bargaining

Collective bargaining duties shall be the responsibility of the Collective Bargaining Committee. The committee may consist of Executive Board members, volunteer members, and/or legal counsel. Collective Bargaining Committee shall conduct contract negotiations with the City of Bend. The members of the collective bargaining committee shall be responsible for the gathering and formal presentation of any and all supportive or resource material deemed necessary for the productive pursuit of the negotiations. The President shall keep the membership informed of the status of negotiations.

9.03 Grievances

The Executive Board shall be responsible for grievances arising under the Association's contract with City of Bend. The President (or appropriate Representative designated by the President) is responsible for filing and advancing grievances of the Association and its members in a timely manner as required by the Association's contract.

In addition to the steps set forth in the grievance procedure of the contract, the Executive Board will operate under the following rules:

Before Step Five (5) of the contract is entered [arbitration], the member affected (grievant) may appeal in writing to the Executive Board, or COBEA may pursue a grievance through all steps of the grievance process. The Executive Board will investigate the validity of the grievance and after due investigation determine by secret vote whether or not to proceed to arbitration.

A timely appeal of this decision may be made to the Association at a Special or Regular Meeting called by the aggrieved as set forth in Article 5.02 of these Bylaws.

9.04 Finances

There will be an indefinite amount of money to assist in the legal defense of any member suspended or dismissed for reasons believed to be unjust, and for any other grievance found by the body at large to be warranted.

(a) An estimated annual budget developed by the President and Treasurer will be present to the Executive Board for approval and then to the Association membership for a ballot vote.

(b) The Association's funds may only be invested in accounts or funds that are either federally insured or which are backed by the full faith and credit of the U.S. government. The treasurer shall have the authority to act in the name of the Association during intervals between meetings, such acts being subject to confirmation by the membership at the next regular meeting of the Association.

(c) The Executive Board shall provide for an annual audit of the Association's books by the Audit Committee. The Audit Committee shall not be any member, Officer, Steward, volunteer or paid professional with personal or professional affiliation to any signer of checks for the COBEA checking, saving or investment accounts.

(d) An independent professional audit must occur every two years or after a Treasurer leaves office.

9.05 Legislative Duties

All Legislative duties shall be the responsibility of the Executive Board. The Executive Board shall ensure that the aims and interests of the membership are furthered through the education of the public, generally, and elected representatives specifically.

ARTICLE 10

DUES AND ASSESSMENTS

10.01 Dues and Fair-share Payment

Dues and fair-share shall be paid by the payroll deduction plan as set forth in the collective bargaining agreement between the Association and the City of Bend.

10.02 Dues and Fair-share Assessments

Dues, fair-share and other assessments shall be set by a majority ballot vote of the Association members who vote on the issue.

10.03 Use of Association Monies

If there are fair-share members in the Association, fair-share dues must be used in accord with Oregon Law. In addition, the Association shall not loan money to any officer or member in the Association. Association money shall not be utilized to promote or lobby against the election or re-election of any candidate to be an officer of the Association.

10.04 Charitable Contributions

The Charitable Giving Committee will set guidelines regarding Charitable Giving for Executive board and/or membership approval, including but not limited to, bereavement, wellness, retirement and internal and external charities and coordinating fundraising or volunteer efforts.

10.05 Political Contributions

The association will not make political contributions without a 70% majority approval vote of the membership.

ARTICLE 11

AUDIT

11.01 Financial Audits

The financial records of the Association shall be audited annually by the Audit Committee and every two (2) years or when a Treasure leaves office - before a new Treasure takes office) see Article 9.04. The results of this audit shall be made available to Association members.

ARTICLE 12

AMENDMENT REVISIONS AND REPEAL OF AMENDMENTS

Revision and repeal of these Bylaws may be made by a majority vote of those full members in good standing of this Association. Any Association member who would like to make an amendment revision or repeal must notify an Executive Board member via E-mail or written letter ten (10) days prior to a regular or special meeting stating such amendment revision or repeal. The amendment revision or repeal will be openly discussed at the meeting to decide if it has merit to be presented to the membership for a ballot vote.

Adoption of Bylaws

The signatures herein certify these Bylaws, are adopted on September 9, 2014 by a vote of the COBEA membership and are deemed both fair and necessary for maintenance and proper order in conducting COBEA business.

(Signature on File with Original)

Mary Packebush, COBEA President

Date

(Signature on File with Original)

Heather Rodgers, COBEA Secretary

Date