

BY-LAWS

of

The County Probation and Parole Officers'
Firearm Education and Training Commission



pennsylvania

FIREARM EDUCATION AND TRAINING COMMISSION

**Adopted by The Commissioners and
Effective on September 26, 2006**

Date Last Revised: November 17, 2011

TABLE OF CONTENTS

	Page
Article 1.0 Preamble	1
Article 2.0 General Powers	
2.1 Membership	1
2.2 Exercise of Powers	1
2.3 Vacancies	1
2.4 Removal or Resignation	1
2.5 Expenses of Members	2
Article 3.0 Meetings	
3.1 Place of Meetings	2
3.2 Regular Meetings	2
3.3 Special Meetings	2
3.4 Emergency Meetings	2
3.5 Executive Sessions	2
3.6 Quorums and Voting	2
3.7 Voting Conflicts	3
3.8 Proxy Voting	3
3.9 Rules of Order	4
3.10 Minutes of Meetings	4
Article 4.0 Committees	
4.1 Standing and Special Committees	4
4.2 Voting on Standing and Special Committees	4
4.3 Reporting	4
4.4 <i>Ex Officio</i> Member	5
Article 5.0 Officers and their Duties	
5.1 Officers	5
5.2 Chairperson	5
5.3 Vice Chairperson	5
5.4 Term of Office	6
5.5 Removal of Officers	6
Article 6.0 Adoption, Amendment and Repeal	
6.1 Adoption and Effective Date	6
6.2 Amendment, Modification or Repeal	7
6.3 Recording or Restatement	7

BYLAWS

Adopted: September 26, 2006

Amended: January 29, 2008

Amended: November 17, 2011

1.0 Preamble: These bylaws are established by the County Probation and Parole Officers' Firearm Education and Training Commission ("FETC") for the internal organization, governance, and management of the FETC and to facilitate the effective discharge of its powers and duties.

2.0 General Powers:

2.1 Membership: The FETC shall consist of nine (9) members. The members of the FETC are three (3) county adult probation officers, one (1) member of the Pennsylvania Council of Chief Juvenile Probation Officers, one (1) representative of the Juvenile Court Judges' Commission, one (1) judge of a court of common pleas of a county that employs officers who carry firearms, one (1) director qualified under the Municipal Police Education and Training Law, one (1) county commissioner from a county which employs officers who carry firearms and the Chairman of the Pennsylvania Board of Probation & Parole. Of the three (3) county adult probation officers, all shall be full members of the County Chief Adult Probation and Parole Officers' Association of Pennsylvania, one (1) shall be a chief adult probation officer from a county authorized to carry firearms and two (2) shall be firearms instructors certified by the National Rifle Association, the Pennsylvania State Police or the Federal Bureau of Investigation. All nine (9) members are appointed by the Governor.

2.2 Exercise of Powers: Powers vested in the FETC shall be discharged by the FETC. No individual FETC member shall speak nor act on behalf of the FETC without formal authorization by the FETC.

2.3 Vacancies: A vacancy occurring during the term of any member shall be filled for the unexpired portion of the term by a successor appointed in the same manner as his or her predecessor.

2.4 Removal or Resignation: A member shall be subject to removal from the FETC only in accordance with the provisions of Article VI of the Pennsylvania Constitution or other applicable law. Any member may resign at any time. Such resignation shall be in writing filed with the Chairperson of the FETC. Acceptance thereof by the Chairperson or the FETC as a whole shall not be necessary to make it effective. The Chairperson of the FETC, after approval of a quorum of the FETC, may approach the appointing authority of any member, except the Chairperson of the Pennsylvania Board of Probation & Parole, who fails to attend at

BYLAWS

Adopted: September 26, 2006

Amended: January 29, 2008

Amended: November 17, 2011

least fifty (50)% of the meetings of the FETC to request that such member be removed from the FETC.

2.5 Expenses of Members: FETC business-related and travel expenses, including lodging and meals encountered in connection with meetings of the FETC or duly constituted committees thereof, shall be reimbursable at rates established by the Commonwealth of Pennsylvania and set forth in Management Directive 230.10 as amended.

3.0 Meetings

3.1 Place of Meeting. Meetings of the FETC shall be held in State College, Pennsylvania, unless another place within the Commonwealth of Pennsylvania is designated in the notice of meeting.

3.2 Regular Meetings. The FETC shall hold at least six (6) regular meetings in each calendar year, the dates and places of such meetings to be approved for each year at the last meeting of the preceding year. The Commission Executive Director, in coordination with the Chairperson, shall establish the agenda for each regular meeting of the FETC and shall give notice of the agenda to the FETC members prior to the meeting.

3.3 Special Meetings. Special meetings of the FETC may be called for any purpose by the Chairperson or upon written request to the Chairperson of at least three (3) members of the FETC. Such written request shall state the purpose of the requested meetings.

3.4 Emergency Meetings. Advance public notice of an emergency meeting of the FETC is not required; but, to the extent practicable, the Chairperson shall attempt to give actual advance notice of such meeting, especially to individuals or organizations with a direct and substantial interest in the official action scheduled for consideration.

3.5 Executive Sessions. Executive sessions of the FETC may be convened in accordance with the Sunshine Law (65 P.S. §§ 701 *et seq*).

3.6 Quorums and Voting. Four (4) FETC members who are appointed, living, sworn and seated in office shall be necessary to constitute a quorum for the transaction of business at public meetings of the full FETC. A quorum of the FETC members present, either in person

BYLAWS

Adopted: September 26, 2006

Amended: January 29, 2008

Amended: November 17, 2011

or through the use of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, shall be necessary in order to transact the business of the FETC. For purposes of establishing a quorum, proxy voters do not count. All official actions of the FETC shall require the vote of a majority of FETC members present at the meeting, either in person or through the use of conference telephone, video conferencing or similar communications equipment by means of which all persons participating in the meeting can hear each other. Proxy voting as described in § 3.7 below may substitute presence solely for purposes of voting.

3.7 Voting Conflicts. Any member of the FETC who, by voting, would be voting on a matter that would result in a conflict of interest shall abstain from voting on such matter, refrain from participating in any discussions concerning such matter, and, prior to the vote being taken on such matter, publicly announce and disclose the nature of his or her interest as a matter of public record.¹

3.8 Proxy Voting. Proxy voting shall be permitted under the following conditions:

- (a) the Chair announces his/her intention to permit proxy voting and a majority of those members present do not object;
- (b) the proxy vote applies only to questions that appear clearly on the meeting agenda or to motions that have been presented for consideration during the meetings; and/or
- (c) the member requests permission from the Chair in advance of the meeting date to vote via proxy and the member identifies who his/her proxy will be at the meeting.

¹ The Public Official and Employee Ethics Law, Act of June 26, 1989 (P.L., No. 9) (65 P.S. §1101), defines a conflict of interest as “use by a [Board member] of the authority of his office or employment or any confidential information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family or a business with which he or a member of his immediate family is associated.” Conflict of interest “does not include an action having a de minimus economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the [Board member], a member of his immediate family or a business with which he or a member of his immediate family is associated.”

BYLAWS

Adopted: September 26, 2006

Amended: January 29, 2008

Amended: November 17, 2011

For purposes of this § 3.7, the term “proxy voting” shall mean one who is authorized to act as a substitute for another. It is the intent of the FETC that any and all proxy votes shall be based upon the informed decision-making of the FETC member for whom the proxy vote is cast.

3.9 Rules of Order. Except to the extent otherwise provided by law or these Bylaws, meetings of the FETC shall be conducted in accordance with *Roberts Rules of Order*.

3.10 Minutes of Meetings. Written minutes shall be kept of each open meeting and, after approval by the FETC, shall be made available for public inspection and copying. The minutes shall be prepared as required by the Sunshine Law (65 P.S. §§ 701 *et seq*) or any other applicable law. Electronic recordings of open meetings may be made solely for the purpose of facilitating the preparation of written minutes. Such electronic recordings shall be retained only until the FETC approves the minutes to which they relate. Thereafter, the electronic recording shall be permanently deleted.

4.0 Committees

4.1 Standing & Special Committees. The FETC may establish standing or special committees as may be necessary to carry out its functions. Each such committee shall consist of such number of members as the Chairperson shall determine and the Chairperson shall also appoint the chair and designate the other members of the committee. Appointments to such committees may be rejected by a majority of the FETC members.

4.2 Voting on Standing & Special Committees. All FETC members are eligible to participate in standing or special committee deliberations but the offering of motions and voting on standing or special committee business shall be confined to committee members. A majority of the members of a standing or special committee shall constitute a quorum for the transaction of business.

4.3 Reporting. Each standing or special committee shall report to the FETC periodically or at the request of the Chairperson.

BYLAWS

Adopted: September 26, 2006

Amended: January 29, 2008

Amended: November 17, 2011

4.4 Ex officio Member. The Chairperson of the FETC shall be an *ex officio* member of all standing or special committees and shall have the authority to vote on any or all standing or special committee business.

5.0 Officers and their Duties

5.1 Officers. The officers of the FETC shall be the Chairperson and Vice Chairperson. Each officer shall be elected by a majority vote of the full membership of the FETC. The FETC shall nominate and elect its officers by ballot. The FETC may, from time to time, establish other offices as necessary to carry out the functions of the FETC. Each officer shall also be a member of the FETC, as described in ¶ 2.1 (relating to Membership), herein. Each officer shall serve until such officer's resignation, removal or until his or her term on the FETC expires, whichever occurs first. In the event of officer's inability to discharge the duties of FETC membership or removal or resignation from the office, the FETC shall elect a new officer from among the members of the FETC to serve in that officer's place.

AMENDMENTS

The following amendment was adopted on November 17, 2011:

Section 5.1 Officers. In the first paragraph, following the second sentence, add the sentence, "The FETC shall nominate and elect its officers by ballot." This change was made in the interest of efficiency and consistency in election procedures.

5.2 Chairperson. The Chairperson shall preside at all meetings of the FETC and shall have such other powers and duties as are provided by these Bylaws or by resolution of the FETC to the extent such are not inconsistent with 61 P.S. § 332.1 *et seq* and other applicable law.

5.3 Vice Chairperson. The Vice Chairperson shall perform the duties and have the powers of the Chairperson during the absence or disability of the Chairperson.

The Chairperson shall have the authority to designate a an acting Vice Chairperson to act on his or her behalf when the Vice Chairperson is temporarily unable to discharge his or her official duties.

BYLAWS

Adopted: September 26, 2006

Amended: January 29, 2008

Amended: November 17, 2011

In the event that the Chairperson is unable to make such a designation, or if a vacancy occurs prior to the annual election of officers, the Vice Chairperson shall assume the position of Acting Chairperson and shall appoint a nominating committee of no fewer than three (3) members of the FETC, to report at the next regularly scheduled meeting with a slate of nominees for the Chairperson vacancy.

AMENDMENTS

The following amendment was adopted on January 29, 2008:

Section 5.3 Vice Chairperson. In the second paragraph following the word ***designate*** strike the word “a” and replace with “an acting.” This change was made in the interest of clarity and understanding the intent of the language.

5.4 Term of Office. The term of office of each officer shall be one year and continuing until his or her successor is chosen and assumes office. Officers shall be elected or re-elected, as applicable, annually by the FETC at the first meeting of the calendar year.

Should an officer, other than the Chairperson, vacate an FETC office prior to the annual election of officers, the Chairperson shall appoint a nominating committee of no fewer than three (3) members of the FETC, to report at the next regularly scheduled meeting with a slate of nominees for the vacant officer position.

5.5 Removal of Officers. Officers may be removed at any time by the FETC by the affirmative vote of all then-appointed members of the FETC.

6.0 Adoption, Amendment and Repeal.

6.1. Adoption and Effective Date. These Bylaws were originally adopted as the Bylaws of the FETC on 25th day of September 2006, by the FETC, effective upon adoption.

BYLAWS

Adopted: September 26, 2006

Amended: January 29, 2008

Amended: November 17, 2011

6.2 Amendment, Modification or Repeal. The FETC (but not a committee thereof) shall have the power to modify, amend and/or repeal these Bylaws by a two-thirds (2/3) vote of the members present at any open meeting at which a quorum is present. Such vote may only occur after each FETC member has been provided no less than fifteen (15) days advance, written notice of the proposed modification, amendment or repeal. Such notice shall set forth the proposed modifications or amendment or specify the Bylaws or parts thereof proposed to be repealed. The text of each modification, amendment or repeal of these Bylaws shall be attached to the notice with a notation of the proposed effective date of the modification, amendment or repeal.

6.3 Recording or Restatement. The text of each amendment to, modification to or repeal of these Bylaws shall be attached hereto with a notation of the date of such amendment, modification or repeal. At any time, and from time to time, the Chairperson may certify and publish a restatement of these Bylaws, as amended as of the date of such certification, for use in lieu of these Bylaws and the notations recorded hereunder.

AMENDMENTS

January 29, 2008

5.3 Vice Chairperson. The Vice Chairperson shall perform the duties and have the powers of the Chairperson during the absence or disability of the Chairperson.

The Chairperson shall have the authority to designate an acting Vice Chairperson to act on his or her behalf when the Vice Chairperson is temporarily unable to discharge his or her official duties.

In the event that the Chairperson is unable to make such a designation, or if a vacancy occurs prior to the annual election of officers, the Vice Chairperson shall assume the position of Acting Chairperson and shall appoint a nominating committee of no fewer than three (3) members of the FETC, to report at the next regularly scheduled meeting with a slate of nominees for the Chairperson vacancy.

BYLAWS

Adopted: September 26, 2006

Amended: January 29, 2008

Amended: November 17, 2011

November 17, 2011

5.1 Officers. The officers of the FETC shall be the Chairperson and Vice Chairperson. Each officer shall be elected by a majority vote of the full membership of the FETC. The FETC shall nominate and elect its officers by ballot. The FETC may, from time to time, establish other offices as necessary to carry out the functions of the FETC. Each officer shall also be a member of the FETC, as described in ¶ 2.1 (relating to Membership), herein. Each officer shall serve until such officer's resignation, removal or until his or her term on the FETC expires, whichever occurs first. In the event of officer's inability to discharge the duties of FETC membership or removal or resignation from the office, the FETC shall elect a new officer from among the members of the FETC to serve in that officer's place.