

THE  
BYLAWS  
FOR THE  
PROFESSIONAL ENGINEERS  
OF  
COLORADO  
1999

BYLAWS  
OF THE  
PROFESSIONAL ENGINEERS OF COLORADO  
TABLE OF CONTENTS

BYLAW 1 - MEMBERSHIP	3
BYLAW 2 - DISCIPLINE	2
BYLAW 3 - CHAPTERS	5
BYLAW 4 - AFFILIATED GROUPS	7
BYLAW 5 - FISCAL AND ADMINISTRATIVE YEARS	8
BYLAW 6 - DUES	8
BYLAW 7 - BOARD OF DIRECTORS	9
BYLAW 8 - LETTER BALLOT OF THE PEC BOARD	10
BYLAW 9 - EXECUTIVE COMMITTEE	11
BYLAW 10 - ELECTIONS	12
BYLAW 11 - DUTIES OF OFFICERS	14
BYLAW 12 - EXECUTIVE DIRECTOR	14
BYLAW 13 - COMMITTEES	14
BYLAW 14 - PRACTICE DIVISIONS	15
BYLAW 15 - MEETINGS	16
BYLAW 16 - ORDER OF BUSINESS	16
BYLAW 17 - SUSTAINING FUND ADVISORY COMMITTEE	17
ATTACHMENT "A"	22

# BYLAWS OF THE PROFESSIONAL ENGINEERS OF COLORADO

## **BYLAW 1 – MEMBERSHIP**

- Section 1. Membership applications may be received at the national, state or chapter level. They then shall be processed in accordance with procedures existing among the three levels. If eligibility for membership is approved by the State Society Membership Committee, the applicant will be added to the membership roster.
- Section 2. Membership in the State Society imposes the obligation to uphold the honor and dignity of the engineering profession, therefore, members are required to be familiar with and to observe ethical and legal standards, to aid in reporting, and resolving violations, and to be familiar with the State Society's policies and procedures relating to handling of alleged violations.
- Section 3. Violation of the State Society Constitution and Bylaws or the NSPE Code of Ethics for Engineers, or conviction of a felony shall be considered just cause for discipline as hereinafter provided.

## **BYLAW 2 - DISCIPLINE**

- Section 1. Charges or complaints of alleged violation of the NSPE Code of Ethics for Engineers or of the laws and regulations governing the profession may be filed in writing by anyone having factual knowledge of the matters. Charges concerning violation of the State Society Constitution and Bylaws shall be filed in writing by a current member (as defined in the Constitution Article IV, Section 3). Each member is responsible for rendering written reports of factual knowledge of alleged violations of the Code of Ethics for Engineers. Such charges may be filed with the State Society Secretary or with the Chair of the State Society or Chapter Ethical Practices Committee.
- Section 2. An initial informal investigation of alleged violations will be made by the Ethical Practices Committee of the Chapter concerned. When such informal investigations indicate that a formal investigation is advisable, the State Society President shall direct the State Society Ethical Practices Committee to conduct a formal investigation and recommend whether or nor a hearing is warranted.

- Section 3. Hearings will be conducted by either the State Society Executive Committee or a State Society Hearing Commission of not less than three State Society Past Presidents appointed by the State Society President which shall make recommendations to the State Society Executive Committee. The Executive Committee shall render a decision in the matter.
- Section 4. The accused shall have the right to appeal the decision to the PEC Board, in which case the State Society Executive Committee members who sat earlier shall not participate in the appeal proceedings.
- Section 5. A two-thirds vote of the State Society Executive Committee, or the PEC Board in appeal, shall be necessary to a finding sustaining a charge or charges. Thereafter the penalty shall be determined by a majority vote.
- Section 6. Disciplinary action may be taken by the State Society against a member who resigns membership after charges of unethical conduct have been filed against such member. In such case the former member shall have the same rights of defense and procedure as prescribed for members in good standing. In the case of resigned members, the State Society may issue a notice of censure or prescribe that the State Society records show that such member shall not be eligible for membership for a stipulated number of years, or indefinitely, or both. The State Society may publish its findings.
- Section 7. If a licensed engineer who is charged with a violation will be advised of the charges and offered the service of the State Society in investigating the validity of and the adjudication of the charges. If the person charged consents, the case will be handled in the established manner.
- Section 8. The person who filed the charges will be notified of the final decision and it will be published in any official publication of the State Society unless the State Society Executive Committee or the PEC Board shall have determined that the ends of justice would be better served by withholding publication.
- Section 9. The PEC Board shall adopt and publish policies and procedures to govern the handling of such matters. The procedures shall provide for due process, for representation by counsel, for cooperation and exchange of information with and recommendations to the State Registration Board, for recording and disposition of records, for use of advisory counsel by the State Society and for cooperation with other NSPE state societies and the National Society.
- Section 10. At the discretion of the State Society President, and notwithstanding any of the foregoing nine sections of this Bylaw, the State Society may request that the National Society assume jurisdiction of any disciplinary matter arising out of the provisions of this Bylaw.

## BYLAW 3 - CHAPTERS

Section 1. The State of Colorado shall be divided into chapter areas with such territorial boundaries as may be established by the PEC Board. Each chapter may organize in accordance with the provisions of the State Society Constitution and Bylaws and shall, upon application, receive a charter from the State Society and be known as a chapter of the State Society. Any chapter which is delinquent in the rendering of required reports to the State Society may have its charter revoked at the discretion of the PEC Board. The current chartered chapter names and areas are:

- a. Boulder Chapter - Boulder County.
- b. Jefferson Chapter - Clear Creek, Gilpin, Grand, Jefferson, Summit and Park Counties.
- c. Metropolitan Chapter - Adams, Arapahoe, and Denver Counties.
- d. Northern Chapter - Jackson, Larimer, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma Counties.
- e. Pikes Peak Chapter - Cheyenne, Douglas, Elbert, El Paso, Kit Carson, Lincoln and Teller Counties.
- f. San Juan Chapter - Archuleta, Dolores, Hinsdale, La Plata, Mineral, Montezuma, Rio Grande and San Juan Counties.
- g. Southern Chapter - Alamosa, Baca, Bent, Chaffee, Conejos, Costilla, Crowley, Custer, Fremont, Huerfana, Kiowa, Las Animas-, Otero, Prowers, Pueblo and Saguache Counties.
- h. Ute Chapter - Delta, Eagle, Garfield, Gunnison, Lake, Mesa, Moffatt, Montrose, Ouray, Pitkin, Rio Blanco, Routt and San Miguel Counties.

Section 2. Charters shall be issued only by the PEC Board and shall be signed by the President and the Secretary of the State Society.

Section 3. Each chapter shall elect one or more Directors in addition to its other officers. The Chapter President, State Director (s) will represent the chapter on the PEC Board. Directors will be elected for two-year terms with chapters that have more than one Director alternating terms so that, to the degree practicable, only one-half of the chapter's allotted number of Directors are elected each year.

Section 4. The number of Directors authorized for a chapter during an administrative year is established by the following table and is based on the number of Current members excluding student members (where the word Current refers to the National Society's Dues Status classification) included in the official membership records published by the National Society as of the June 30<sup>th</sup>, one year and one day before the July 1st start of the administrative year during which the Directors will serve.

Voting Members Directors

25 or less	One (1)
26 to 75	Two (2)
76 to 1 50	Three (3)
151 to 250	Four (4)
251 to 450	Five (5)
Over 450	Five (5) plus One (1) for every 300 members or portion thereof over 450

- Section 5. The PEC Board may authorize and issue charters for student chapters at approved engineering colleges or institutes of technology. Rules and regulations for the organization and operation of student chapters shall be determined by the PEC Board and shall be designated according to the policies of the National Society.
- a. Each student chapter shall have a faculty advisor who, wherever possible, shall be a member of the State Society. The student chapter advisor shall be appointed by the State Society, through the local chapter involved, on the recommendation of the dean of the college or school involved.
  - b. Each student chapter shall have a liaison officer from the local chapter who shall not be directly affiliated with the college or school involved. The liaison officer shall be appointed by the local chapter.

**BYLAW 4 - AFFILIATED GROUPS**

- Section 1. Local chapter auxiliaries or a state auxiliary may be established with approval of the local chapter membership or the state membership respectively. The purpose of an auxiliary shall be to assist in promoting the best interests of professional engineers and the State Society. An auxiliary shall be responsible to the local chapter or the state for its policies. The local chapter or the State Society, as appropriate, shall ratify an auxiliary's constitution and bylaws.
- Section 2. The Denver Federal Center Professional Engineers Group is granted direct affiliation with the Professional Engineers of Colorado. The benefits of this affiliation are to aid in meetings with Denver Federal Center management by carrying the prestige and support of Professional Engineers of Colorado; to obtain guidance on professional employee matters; to obtain financial assistance in very special circumstances relating to employee relations; to obtain assistance in answering specific questions; and to increase participation in professional activities.

## **BYLAW 5 - FISCAL AND ADMINISTRATIVE**

- Section 1. The fiscal year of the State Society shall be from July 1 through June 30.
- Section 2. The administrative year of the State Society shall be from July 1 through June 30.

## **BYLAW 6 - DUES**

- Section 1. Dues become due and payable January 1 of each year.
- Section 2. The dues for membership in the National Society of Professional Engineers shall be as set by the National Society of Professional Engineers:
- Section 2a. The dues for membership in the Professional Engineers of Colorado shall be as set by the Board of Directors:
- Section 3. Dues may include a year's subscription to any official publication of the State Society.
- Section 4. Prorating of dues amounts for new members and the rendering of member services shall be in accordance with the policies and procedures of the National Society.
- Section 5. The National Society shall mail statements for annual dues to each member or its agent before the beginning of the calendar year.
- Section 6. Classification of members as delinquent, removal of delinquents from the membership roster, and all related matters shall be in accordance with the policies and procedures of the National Society.
- Section 7. A member shall become eligible for Retired Membership if the member has retired from full-time employment and the active practice of engineering is no more than 20 hours per week, and if the member is at least 55 years of age. One-half dues shall be paid annually until Life Membership requirements are met. Application for Retired Membership may be made personally, by the member's chapter or by the member's State Society. Application for membership in the Retired Membership grade may be made by any member who meets the eligibility requirements.
- Section 8. After 5 years of continuous membership, an application for waiver of one-half dues, and after 10 years, an application for waiver of full dues, because of disability of a total and permanent nature, may be made by a member in writing. Such application, if approved by the chapter (if any) and this State Society, shall be submitted to the National Society for final approval.
- Section 9. Upon receipt of a bachelor's degree in engineering or land surveying, current Student Members (as defined in Constitution Article IV, Section 3)

shall be advanced without filing an application to the next higher membership grade for which qualified. An exception is that graduate students may retain Student Membership by written request to the State Society.

### **BYLAW 7 - BOARD OF DIRECTORS**

- Section 1. The State Society Board of Directors, hereinafter called the PEC Board, shall have the direction and general supervision of all matters pertaining to the State Society. The PEC Board shall adopt and monitor a budget and cause the accounts of the Treasurer to be audited not less than once a year.
- Section 2. The PEC Board shall provide for the publication and distribution of major proceedings or transactions of the State Society and have the authority to publish an official periodical for the State Society.
- Section 3. The PEC Board shall be empowered to invest and reinvest surplus funds as may be available in an established reserve fund. A three-fourths vote of the PEC Board shall be required to authorize expenditures from this fund that are other than for investment or reinvestment.
- Section 4. Each member of the PEC Board shall attend PEC Board and chapter meetings for the purpose of inquiring into the condition of the profession and to provide the communication between the chapter membership and the State Society.
- Section 5. The Secretary shall record as a part of the minutes of the appropriate meeting the data concerning each letter ballot, including the dates of the mailing and the closing of the ballots and the names and votes of all members voting. The Secretary shall notify all members of the PEC Board of the results.

### **BYLAW 8 - LETTER BALLOT OF THE PEC BOARD**

- Section 1. The President may at any time direct the Secretary to submit any question, to the members of the PEC Board by means of a letter ballot.
- Section 2. Upon direction of the majority of the PEC Board members present at any meeting where less than all members of the PEC Board are present, the Secretary shall submit any question to the members of the PEC Board by means of a letter ballot.
- Section 3. A majority of all votes received within 30 days of the mailing of a letter ballot shall decide the question, provided that votes are received from at least two-thirds of the total membership of the PEC Board.
- Section 4. The Secretary shall record as a part of the minutes of the appropriate meeting the data concerning each letter ballot including the dates of the

mailing and the close of the ballot and the names and votes of all members voting. The Secretary shall notify all members of the PEC Board of the results.

### **BYLAW 9 - EXECUTIVE COMMITTEE**

- Section 1. As provided by Article VI, Section 8 of the Constitution, the Executive Committee shall conduct the business of the State Society between PEC Board meetings. The Executive Committee shall have the power to act for the PEC Board between PEC Board meetings but shall not modify any action taken by the PEC Board nor alter the total annual budget in effect at that time or commit PEC finances or resources that have not been approved by the PEC Board. The Executive Committee shall make a report of its activities since the last PEC Board meeting at each regular PEC Board meeting and the PEC Board shall act to ratify all such actions at each of its Board meetings.
- Section 2. The Executive Committee shall meet monthly at locations it selects.
- Section 3. Special meetings of the Executive Committee will be held at the call of the President or at the request of three of its members, and such meetings shall be held at a location determined by the President.

### **BYLAW 10 - ELECTIONS**

- Section 1. The State Society Nominating Committee shall canvass each chapter for suggested nominees for the offices of President- Elect, Vice-President, National Director, Alternate National Director, Secretary and Treasurer by directing a written request therefore to each Chapter President on or before November 1st.
- Section 2. The Nominating Committee's report of its nominees, together with a brief biographical sketch of each nominee, shall be published in a State Society publication or sent by mail to the membership no later than the opening date of the official ballot.
- Section 3. Nominations by petition must be delivered to the Secretary on or before January 15 in order to be placed on the ballot.
- Section 4. An official ballot, together with a special ballot envelope that shall provide space for the signature and address of the member voting to be affixed thereon, shall be mailed by the Secretary to each current member (as defined in Constitution Article IV, Section 3) on or before March 1. The official ballot shall contain a listing of all offices to be filled and the nominations therefore, and voting shall be limited thereto.

- Section 5. A valid ballot shall be one that is returned to the Secretary in an envelope bearing a postmark date on or before April 1. This required postmark date shall be specified on the ballot. The ballot also may be hand-carried to a location designated on the ballot.
- Section 6. All valid unopened ballots shall be promptly delivered by the Secretary to the Tellers Committee which shall tally the ballots and report the number of votes cast for each nominee to the Secretary on or before April 8. The Secretary shall transmit such information to the officers, officers-elect and chapters on or before April 25 and shall publish same in the next issue of the State Society publication.
- Section 7. The nominee for each office receiving the greatest number of votes cast for such office shall be declared elected to such office. Ties shall be broken by the President of the State Society.
- Section 8. The elected officers shall be known by the title of the office to which elected with the suffix 'elect' until they assume the duties of their respective offices.
- Section 9. The election of chapter officers and the selection of the chapter Directors on the PEC Board shall be completed on or before May 1 of each year. They shall assume their duties on the first day of the administrative year for which elected and shall hold office until their respective successors assume such duties. The Secretary of each chapter shall send a report of said election to the Secretary of the State Society at least 30 days prior to the date fixed for the Annual Meeting.
- Section 10. Each practice division shall elect a chairman. The chairman shall serve on the PEC Board.

## **BYLAW II - DUTIES OF OFFICERS**

- Section 1. The President shall preside at all meetings of the State Society and of the PEC Board; shall be, ex-officio, a member of all state committees; shall appoint chairmen of all committees; and shall have a general direction of the business of the State Society. The President shall exercise supervision over the operations of the Executive Director and keep the PEC Board apprised concerning that office.
- Section 2. The President-Elect shall be a member of each standing committee. The principal activities of the President-Elect shall be an examination of the State Society and the development of plans for the following year to include selecting state committee chairmen and committee members for the upcoming year. This shall be done prior to the annual meeting at which time the President-Elect takes office as President.
- Section 3. In the absence of the President, it shall be the duty of the Vice-President to perform all the duties of the President.

- Section 4. The Secretary shall perform such duties as are required by law or assigned by the PEC Board. As a minimum, the Secretary shall keep and publish minutes of all PEC Board, Executive Committee and Annual Meetings.
- Section 5. The Treasurer shall direct the management of all records of accounts of the State Society, make an annual report to the State Society of receipts and disbursements, give such bond as required, serve as custodian of State Society funds, and discharge duties as may be determined from time to time by the PEC Board. The fee for the above bond shall be paid out of the treasury of the State Society. At the expiration of the term of office, all books, papers, and monies belonging to the Society shall be turned over to the successor Treasurer, who shall give the preceding Treasurer a receipt therefore.
- Section 6. The National Director shall represent the State Society on the National Society Board of Directors. The National Director shall report regularly to the State Society members on National Society issues of interest and importance to State Society members.
- Section 7. The Alternate National Director shall serve as the National Director when the National Director is unable to do so.

#### **BYLAW 12 - EXECUTIVE DIRECTOR**

- Section 1. The PEC Board is authorized to engage an Executive Director when the financial and other conditions warrant and to fix compensation and set forth the duties of the Executive Director. The Executive Director shall not be a member of the PEC Board.

#### **BYLAW 13 COMMITTEE (S)/TASK FORCE (S)**

- Section 1. A Standing Committee shall be a committees formed for a critical need of the Society that requires continuing existence throughout the foreseeable future.
- Section 2. The Chairman and the Members of the Standing Committee(s) will be appointed annually by the President of the Society to perform specific tasks as determined by the President and/or the Board of Directors of the Society and will automatically sunset at the completion of the task or each year.
- Section 3. The follow shall be Standing Committees of the Society:
1. Executive Committee
  2. Nominating Committee
  3. Budget Committee
  4. Audit Committee
  5. Legislative and Governmental Affairs Committee

6. Sustaining Fund Committee
7. Ethics and Professional Practices Committee

Section 4. Each Standing Committee and each Task Force shall prepare a written report of the Committee/Task Force activities and shall present such report in writing to the Board of Directors at scheduled Board meetings and at the Annual Meeting as directed by the President.

Section 5. No Committee/Task Force shall commit the State Society to any obligation without specific authorization from the Board of Directors.

#### **BYLAW 14 - PRACTICE DIVISIONS**

Section 1. Practice divisions, comprised of members having common professional interests, shall operate under the Constitution and Bylaws of the State Society. Practice Division Bylaws, Operating Rules and any changes thereto must have the approval of the PEC Board before becoming effective. The PEC Board may dissolve a practice division upon request of that division or if a practice division fails to comply with the Constitution and Bylaws of the State Society.

Section 2. Practice divisions shall be operated so as to provide effective forums for discussion and united action on the part of members grouped according to type of professional employment. The improvement of professional recognition, conditions of employment and other matters of mutual welfare shall be the goal.

Section 3. Membership in each practice division shall be limited to members of the State Society, except as specifically provided for in the operating rules of the division.

Section 4. When considered necessary for promoting or forwarding its special objectives, any practice division may establish a fund for that purpose to be maintained in the treasury of the State Society. Such funds may be obtained through dues, assessment, or both, of its own members, or by other means that are authorized by the PEC Board. The Treasurer of the State Society shall be the custodian of all practice division funds, the expenditure of which shall be subject to the approval of the officers of the division.

Section 5. Minutes shall be kept and filed for all meetings of practice divisions and the division executive boards. An annual report in writing outlining the division's activities for the year, including a revenue and expense statement and identification of officers, shall be made to the PEC Board at the Annual Meeting. :

Section 6. All actions by practice divisions shall be consistent with the policies of the State Society.

- Section 7. Practice divisions serving the State Society may be as follows:
- Professional Engineers in Construction
  - Professional Engineers in Education
  - Professional Engineers in Government
  - Professional Engineers in Industry
  - Professional Engineers in Private Practice

### **BYLAW 15 - MEETINGS**

Section 1. The Annual Meeting of the State Society shall be held between May 1st and June 30th.

Section 2. The PEC Board shall meet not less than four times a year at times and places as it determines.

### **BYLAW 16 - ORDER OF BUSINESS**

Section 1. The order of business at PEC Board meetings and the Annual Meeting shall include the following:

- a. Roll Call
- b. Approval of agenda
- c. Approval of PEC Board or Annual Meeting Minutes
- d. Communications
- e. Special Items
- f. Reports of Officers (Acceptance of Treasurer's Report)
- g. Reports of Committees
- h. Reports of Chapters
- i. Unfinished Business (including' Acceptance of Executive Committee Minutes)
- j. New Business
- k. Adjournment

Section 2. Robert's Rules of Order (current version) shall govern matters of parliamentary procedures of the State Society.

Section 3. No action shall be taken by the PEC Board on motions which affect the Finances or operation of the State Society unless the contents of such motions are presented in printed form in the information packet sent to each member of the PEC Board at least 10 days prior to the next scheduled meeting. The 10-day requirement may be set aside for a specific action by a vote of three-fourths of the PEC Board members present.

### **BYLAW 17 SUSTAINING FUND ADVISORY COMMITTEE**

Section 1. PURPOSE

The purpose of the Professional Engineers of Colorado (PEC)

Sustaining Fund (FUND) is to provide a means for individuals, organizations and businesses, collectively referred to as (BENEFACTORS), to help provide long term financial stability to PEC and to provide funds for various activities of PEC as approved by tile Board of Directors Of PEC. The FUND shall be comprised of all monies received for this purpose.

Section 2. SUSTAINING FUND ADVISORY COMMITTEE

The FUND shall be administered by the PEC Sustaining Fund Advisory Committee hereinafter referred to as (COMMITTEE).

A. MEMBERSHIP

1. The COMMITTEE shall consist of three members of PEC, at least one member being a Past President of PEC, each serving a three (3) year term, such terms-staggered so that one new member is appointed to the COMMITTEE each year, prior to and effective on July 1st of that year. That new member shall be appointed by the President-Elect of PEC.
2. If a position becomes vacant on the COMMITTEE, the PEC President shall appoint a member to complete the unexpired term.
3. COMMITTEE members shall serve no more than two (2) consecutive three (3) year terms.
4. A COMMITTEE member shall be removed for cause from the COMMITTEE by such motion to do so made a regular PEC Board Meeting and approved by a 3/4 or more affirmative votes of the PEC Board present at that meeting.
5. The initial COMMITTEE membership shall be appointed by the PEC President then. holding office, who shall specify their individual terms of office, approximately one (1) year, two (2) years and three (3) years respectively.

B. DUTIES

The COMMITTEE shall perform the following duties:

1. Administer the funds in accordance with Section IV, Fund Management.
2. Provide an accounting to the PEC Board and membership of the disposition of funds received and dispersed each fiscal year or at such other time as requested by the PEC Board, subject to a reasonable time for preparation.
3. Prepare direct mailings to prospective BENEFACTORS, and initiate such advertisements and public relations as needed to perpetuate the FUND.

4. Take such other actions as directed elsewhere in the Bylaws.

C. ORGANIZATION

1. The COMMITTEE shall elect its Chairman and Secretary.
2. The Chairman shall direct all work of the COMMITTEE. The Secretary shall record the minutes of all official meetings of the COMMITTEE.
3. Roberts Rules of Order (latest edition) shall govern all official meetings of the COMMITTEE.

Section 3. BENEFACOR DESIGNATION

A. DEFINITION

A BENEFACOR is an individual, organization or business that financially contributes to the FUND. BENEFACORS will be solicited only from individual members of PEC, organizations or businesses with PEC member employees and organizations approved the PEC as an Affiliate Group.

B. BENEFACORS CLUB Destination and Minimum Contributions

BENEFACORS' names shall be entered on the rolls of a BENEFACOR CLUB appropriate to their financial contribution A LIFE BENEFACOR shall make a one time lump sum contribution; ANNUAL BENEFACORS shall be billed annually. The BENEFACOR CLUB designations and minimum contributions as follows:

<u>BENEFACOR LEVEL</u> <u>CONTRIBUTION</u>	<u>MINIMUM</u>
Life	
Org and Business	\$1,500.00
Life - individual	\$ 500.00
Annual –	
Org and Business	\$ 200.00

C. Dues Escalation Clause

The COMMITTEE may increase the minimum donation required for each BENEFACOR level, as necessary, in order to compensate for inflation or to keep the original Club level meaningful. The PEC Board shall be

officially notified of such increases at least three (3) months prior to their implementation.

D. Acknowledgments

All BENEFACTORS shall receive an acknowledgment of their contribution.

Section 4. FUND MANAGEMENT

- A. The COMMITTEE shall deposit all monies received in investment accounts at one or more recognized financial institution(s).
- B. Life Sustaining contributions shall be placed in a separate stable investment account and shall not be withdrawn without the recommendation of COMMITTEE and a 3/4 or greater affirmative vote of the PEC Board present at a regular Board Meeting. Such withdrawal shall clearly confirm to a stated Purpose of the FUND.
- C. The expense of operations the FUND shall be paid for from the FUND.
- D. The COMMITTEE shall provide input to the Budget Committee annually as to the estimated amount of funds that shall be made available to the PEC Board of Directors for use in accordance with the stated purpose of the FUND for the coming fiscal year.
- E. The estimate of funds to be made available could include all or part of donations and interest received less expenses excepting from all Life Benefactor Accounts.
- F. Request for funds for official business of PEC shall be made to the FUND by the State Board.
- G. Funds shall be available by special request to the Executive Committee of the Board of Directors of PEC by a Chartered Chapter of PEC, a Practice Division as defined in Article XII and Bylaw 14 of the PEC Constitution and Bylaws, or an official State Committee or Task Force. The Executive Committee shall review the request and submit the request to the COMMITTEE for action, or may deny the request. If the request is submitted to the FUND, the COMMITTEE will act on the request and return its action to the Executive Committee of PEC which will submit it to the Board of Directors.
- H. Funds may be provided to the State Board by grant or by loan, either with interest or interest free as determined by the COMMITTEE.
- I. All financial transactions shall be initiated by a motion during an official COMMITTEE meeting.
- J. All financial transactions or instruments shall require two signatures, the COMMITTEE Chairman and one of the other two members of the COMMITTEE.

- K. The COMMITTEE members shall be appropriately bonded if required by the PEC Board or desired by the COMMITTEE.
- L. PEC office Sustaining Fund Operating Procedures, see ATTACHMENT "A".

Section 5. BY-LAW CHANGES

These Bylaws, excepting Section 6 (B) as noted in Section 7 ENACTMENT OF THE PEG SUSTAINING- FUND AND BYLAWS, shall be changed only upon recommendation of the COMMITTEE and a 3/4 or greater affirmative vote of the PEC Board present at a regular Board meeting. No changes shall be considered that conflict with the stated Purpose of the FUND or Section 7, Enactment of the FUND and Bylaws.

Section 6. FUND TERMINATION

- A. There are two reasons that could cause the operations of the FUND to cease and the FUND disbanded, they are as follows:
  - 1. PEC ceases to exist. A name change per se shall not be considered as causing PEC to cease existence. PEC shall mean the Professional Engineers of Colorado, or such other professional engineers organization that is the Colorado affiliate of NSPE in the event that PEC no longer carries that designation.
  - 2. By motion duly made at a regular PEC Board Meeting and carried by 3/4 or more affirmative vote at that meeting, and the succeeding regular PEC Board Meeting, by the PEC Board members present at each meeting.
- B. In the event of the FUND termination, the following guidelines shall be adhered to:
  - 1. All donations received following the final acceptance of the termination motion shall be returned to the donator immediately without depositing the monies in any amount. A special accounting shall be kept of those monies.
  - 2. All termination expenses shall be paid for from the FUND.
  - 3. Legal notice of such termination shall be placed in the Denver Post for three successive weeks immediately following one of the actions designated in Section 6- A. An immediate mailing shall be made to all PEC members informing them of this action, if possible.
  - 4. All funds, except those enumerated under Section 6- B-I above, shall not be returnable to the BENEFACTOR but will be incorporated into the PEC treasury. If this is not possible, such funds will be distributed

equally with a designated use to the Colorado School of Mines, Colorado State University and the University of Colorado, to be used to support engineering scholarships at these institutions.

## Section 7. ENACTMENT OF THE PEC SUSTAINING FUND AND Bylaws

The PEC Sustaining Fund shall be enacted into existence by such motion made at a regular PEC Board Meeting to accept these Bylaws and approved by majority vote of the PEC Board present at that meeting. By such action the PEC Board agrees that Section 6-B relating to the FUND disbandment guidelines shall not be changed. The PEC Board further agrees that they have only such control and authority as specifically delegated to them within the FUND Bylaws.

### **ATTACHMENT "A"**

#### **PEC SUSTAINING FUND OPERATING PROCEDURES**

1. All funds received in the PEC office earmarked for the PEC Sustaining Fund, whether from NSPE monthly reports or regular individual contributions, are to be immediately credited to the Sustaining Fund Account in the PEC accounting system.
2. On a quarterly basis, prepare a list of all contributors by date. A copy of this list to be kept on file at the PEC office and a copy sent to the members of the Advisory Committee.
3. Prepare and send a letter of thanks to each former contributor together with the necessary within 30 days of receipt of a contribution.
4. Prepare and provide a certificate for each new annual contributor and arrange to have a presentation made at the next meeting of the contributor's Chapter by a member of the Advisory Committee or the Chapter President.
5. Arrange to have plaques prepared for each organizational or individual life benefactor and arrange to have a presentation made at an appropriate Chapter or board meeting by a member of the Advisory Committee or PEC officer within six weeks of receipt of a life benefactor contribution.
6. Prepare an office record file of all contributors by Benefactor Club showing date and amount received. These should be arranged so that copies may be obtained periodically by the Advisory Committee as they may request them.
7. Keep an accurate and up-to-date bookkeeping account of income and expenses of the Fund showing two separate accounts, one for the Life Club, and one for the Annual Clubs. From these accounts report each quarter and annually to the Advisory Committee the amount of contributions made, income received and expenses incurred in each of the two accounts together with a running total for the fiscal year and the balance in each of the two accounts.

8. Each quarter, prepare a statement that shows time spent, cost of office support and other expenses of the above items and submit them to the Advisory Committee for action to reimburse the PEC General Account. Upon approval by the Advisory Committee, any positive balance shall be deposited with the fiscal, agency designated currently by the Advisory Committee. Where a negative balance occurs, upon approval of the Advisory Committee, they will draw a check in favor of the PEC General Fund.