

THE  
CONSTITUTION  
AND  
BYLAWS  
FOR THE  
PROFESSIONAL ENGINEERS  
OF  
COLORADO

~~1999~~  
2007

CONSTITUTION  
OF THE  
PROFESSIONAL ENGINEERS OF COLORADO  
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# CONSTITUTION

## OF THE

### PROFESSIONAL ENGINEERS OF COLORADO

#### PREAMBLE

Recognizing that service to the public, to the Government and to the profession is a fundamental obligation of the licensed professional engineer, the Professional Engineers of Colorado does hereby dedicate itself to the promotion and enhancement of the profession of engineering as a technical, social and economic influence vital to the community, the State of Colorado, the United States of America and all mankind.

#### ARTICLE I - NAME

- Section 1. The name of this nonprofit membership corporation is the Professional Engineers of Colorado, hereinafter called the State Society.
- Section 2. The State Society is incorporated as a nonprofit corporation under the laws of the State of Colorado.
- Section 3. The State Society is a member state society of the National Society of Professional Engineers, a national organization of like aims and purposes, hereinafter called the National Society, or NSPE.
- Section 4. The State Society subscribes to and supports the NSPE Code of Ethics for Engineers.

#### ARTICLE II -- OBJECTIVES

- Section 1. The objectives of this State Society shall be to:
- a. advance and promote the public welfare;
  - b. advance the professional, social and economic interests of the engineering profession;
  - c. stimulate and develop professional concepts among all engineers;
  - d. strive throughout the profession to make <sup>license</sup> registration more meaningful in terms of acknowledgment of individual achievement in engineering as reflected by education and practice, and to encourage all engineers to seek professional registration;
  - e. unite all <sup>licensed</sup> <sup>economic</sup> qualified engineers of the state in one organization;
  - f. advance self-education and self-improvement and thereby motivate the practicing engineer to upgrade and expand his or her competence by continuing education;

- g. develop the civic consciousness of members of the engineering profession and serve the public good by involvement with public officials;
- h. <sup>(1)</sup> Represent the engineering profession in legislative matters in the interests of the General Public and the profession;
- i. promote high standards of engineering education;
- j. cultivate public appreciation for the work of the engineer;
- k. provide a forum for effective exchange and advancement of knowledge of matters of concern to the profession;
- l. assist qualified and motivated young people in obtaining proper information concerning the engineering profession and to encourage them to become engineers;
- m. help establish, preserve and support high standards of ethical conduct and practice by members of the profession; and
- n. encourage engineers to become active as advisors and members of various governmental entities.

### Article III - Chapters

- Section 1. The membership of the State Society <sup>shall</sup> ~~may~~ be organized into chapters. The State Society Board of Directors may authorize and charter such chapters, defining geographical boundaries as may best serve the members of the State Society. The State Society Board of Directors shall have authority to make rules and regulations for and ~~make~~ decisions affecting the chartering, combining or dissolving of chapters.
- Section 2. Each chapter thus formed shall have a minimum of 10 voting members as defined in Article IV-Membership, Section 3. All voting members of each chapter shall be members of both the State Society and the National Society.
- Section 3. Each chapter chartered by the State Society shall adopt such constitution and bylaws for its operation as it may deem proper provided that nothing contained therein shall conflict with or contravene the Constitution and Bylaws of the State Society. Such constitution and bylaws and any changes ~~there to~~ are subject to <sup>the</sup> approval of the State Society Board of Directors and shall be on file in the office of the State Society. <sup>she wad</sup>
- Section 4. Each chapter shall engage only in such activities as are consistent with professional ideals and ethics. Such activities shall be restricted to the geographic area in which the chapter is chartered except as the State Society Board of Directors may otherwise authorize.
- Section 5. In all matters of local concern not covered by the State Society Constitution and Bylaws, each chapter shall retain full autonomy and may call upon the State Society and the National Society for advice, counsel and assistance.

**Section 6.** Each chapter shall be represented on the State Society Board of Directors and on the committees of the Society as provided in the State Society Constitution and Bylaws.

**Section 7.** No chapter shall contract any debt or obligation on behalf of the State Society unless expressly authorized by the State Society's Board of Directors.

**Section 8.** The fiscal and administrative years of each chapter shall be concurrent with those of the State Society.

**Section 9.** Student members in engineering colleges and universities may be organized into student chapters as provided in the State Society Bylaws

#### Article IV - Membership

**Section 1.** Membership in Professional Engineers of Colorado shall be designated as Member or Student Member. Two other classes of membership, Honorary Member (NSPE) and Sustaining Member, shall be recognized by the Professional Engineers of Colorado.

**Section 2.** All members other than Student Members, Honorary (NSPE) Members, Associate Members and Sustaining Members shall have voting privileges in the Professional Engineers of Colorado. Only a licensed Professional Engineer *engineering intern* may hold an elected office. *10 yrs max*

**Section 3.** (a) Member -- A member shall be defined as a person holding a valid license or certificate of registration as a professional engineer, or an engineer intern (formerly Engineer-in-Training) issued under the laws of any state, territory, possession, or district of the United States, or a comparable license or certificate issued in another country, or an engineer who has obtained and retained the Member grade while active in the profession and who has achieved Life or Retired Member status as set forth in the Bylaws.

**Note 1:** *Retired* Life Member and Retire Member are subsets of Member. One must be a member first, then obtain the latter status.

**Note 2:** An Intern Member is a person who has graduated from an ABET accredited undergraduate engineering program with a bachelors degree in engineering, passed the engineering fundamentals examination and is employed in the field of engineering. This person shall remain in this status until this person has passed the Professional Engineers examination and is licensed to practice as an engineer.

(b) Student Member -- A Student Member shall be defined as an undergraduate or graduate engineering student.

**Note:** graduate engineer is an one who has graduated from an engineering curriculum accredited by the Accreditation Board for Engineering and Technology.

*Spell out*  
(c) Associate Member -- Membership situations not addressed in the ~~new C&BL~~ which would include ~~Surveyor Member~~, ABET Engineering Technology graduates, International Member, Affiliate Member or Sustaining Member.

(d) Retired Member -- A member shall become eligible for Retired Membership status the person 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. A waiver of fifty percent of the NSPE Member dues is granted.

(e) Life Member -- A member shall become eligible for Life Member status with waiver of dues if the person has been a member above the Student grade for a period of 40 years or if the member has retired from full time employment, is not working more than twenty hours a week, and is at least 60 years of age and has been a member for a continuous period of 30 years. Application for life member status may be made personally, by the member's chapter, or by the member's state society. Each member who has attained life member status shall be given an option to discontinue receiving National Publications.

(f) Honorary Member -- Honorary Member is a membership class <sup>and being</sup> granted by the National Society of Professional Engineers to an individual whose knowledge and accomplishments deserve special recognition for contributions to the engineers profession. An Honorary Member shall not have voting privileges, may not hold office, and shall be exempt for paying dues.

(g) Sustaining Member -- Sustaining Member may be an individual or an organization not eligible for membership in the National Society of Professional Engineers. A Sustaining Membership is granted to a person or to an organization in recognition of contribution, monetary or service, to the state society.

Section 4. All members other than Student Members, Honorary (NSPE) Members, Associate Members and Sustaining Members shall have voting privileges in the Professional Engineers of Colorado. Only a licensed Professional Engineer *and engineering intern* may hold an elected office.

Article V - Dues

Section 1. The amount of annual dues of the State Society shall be determined by the State Society Board of Directors and ~~stated in the State Society Bylaws~~, and may include a subscription to the official publication of the State Society. *Actual Amount not stated in B/L*

Section 2. The procedure for billing and collecting of dues shall be determined by ~~the State Society Board of Directors and stated in the State Society Bylaws~~: *the National Society - State*

Section 3. The schedule and conditions for dues payment, delinquency, dropping from membership and reinstatement shall be determined by the ~~State Society Board of Directors and stated in the State Society Bylaws~~. *National Society - State*

## Article VI - Administration

- Section 1.** The State Society shall be administered by a State Society Board of Directors, hereinafter called the PEC Board. The PEC Board shall determine all questions of policy and shall administer the affairs of the State Society under this State Society Constitution and the general provisions of the law under which the State Society is incorporated.
- Section 2.** The PEC Board shall consist of the officers of the State Society, the Presidents of the ~~several~~ authorized chapters and the Directors elected or appointed by these same chapters. Only members of the State Society whose dues are current may be members of the PEC Board.
- Section 3.** One-third of the PEC Board members, present or represented by proxy, shall constitute a quorum. Unless otherwise required by the current version of Roberts Rules of Order, an affirmative vote of a majority of the PEC Board members present or represented by proxy at any regular or duly called meeting shall be required to pass any motion not inconsistent with the State Society Constitution and Bylaws. The President shall vote only when necessary to break a tie.
- Section 4.** The PEC Board shall have authority to decide upon any question by means of a letter ballot directed to all members of the PEC Board. Procedures for determining a vote by letter ballot shall be specified in the State Society Bylaws, and a majority of the votes cast within the stipulated time shall decide the question submitted to ballot.
- Section 5.** The PEC Board shall direct the investment and care of funds for the State Society and shall adopt an annual non-deficit budget.
- Section 6.** No members of the PEC Board shall receive a salary or compensation from the State Society except for expenses incurred in behalf of the State Society and approved by the PEC Board.
- Section 7.** The PEC Board may acquire the services of an executive director when the financial and other conditions warrant and may fix compensation and define the duties of the position. *administrator entity*
- Section 8.** There shall be an Executive Committee of the PEC Board consisting of the State Society President, President-Elect, Vice President, most recent resident Past President, Secretary, Treasurer, ~~National Director and Alternate National Director~~. Within the provisions of the State Society Constitution and Bylaws, the Executive Committee shall act on behalf of the PEC Board between PEC Board meetings provided that such action is not inconsistent with PEC Board policy. All acts of the Executive Committee shall be reported to the PEC Board. A majority of the Executive Committee shall constitute a quorum. *Add New designation*
- Section 9.** No member of the State Board may carry a proxy(s) for a local chapter unless that person carrying the proxy is a member of that chapter.
- Section 10.** No member of Professional Engineers of Colorado may be a member of more than one Local Chapter.

Article VII - Officers

*Practice Divisions*

*Insert new*

Section 1. The officers of the State Society shall consist of the President, President-Elect, Vice President, Secretary, Treasurer, National Director, ~~Alternate National Director~~, most recent resident Past President and Chairman of each authorized practice division.

*Fred: Help me on this one*

Section 2. ~~a Regional Director or Directors~~ shall represent the State Society on the Board of Directors of the Regional Society. When the State Society is entitled to only one Regional Director, it shall elect an Alternate Regional Director who shall represent the State Society when the Regional Director is unable to do so. The terms of office of the Alternate Regional Director and the Regional Director shall be staggered. When the number of Regional Directors is increased from one to two, the seated Alternate Regional Director shall automatically be elevated to Regional Director and shall serve to the end of the term for which he or she was elected.

Section 3. The President-Elect, Vice President, Secretary and Treasurer shall be elected for a term of one (1) year. The President-Elect shall automatically assume the presidency for the year following election as President-Elect. Terms shall be staggered insofar as possible in the event of more than one Regional Director. The Regional Director and Alternate Regional Director shall be elected to a term of two (2) years. All other officers shall be elected to a term of one (1) year. Neither the President nor the Vice President may succeed themselves, and no Regional Director or Alternate Regional Director shall serve more than two (2) consecutive terms of two (2) years.

Section 4. Eligibility for nomination, election or retention of a position as an elective officer of the State Society shall be contingent upon residency or employment in the state and current membership in the State Society.

Section 5. The duties of the officers shall be as defined in the State Society Bylaws.

Section 6. The Treasurer and the Executive Director <sup>or Administrator</sup> may be bonded, at the expense of the Society, for such amount as may be determined by the PEC Board.

Section 7. The officers and directors shall take office on the first day of the administrative year for which they have been elected or automatically succeed to a specified position. They shall hold office until their respective successors have been duly elected and installed.

Section 8. In the event the President becomes unable to serve, he or she shall be succeeded by the Vice President. The office of Vice President then shall remain vacant until the next Annual Meeting. A presidential vacancy which cannot be filled by the Vice President or a vacancy occurring in any other position except that of a practice division chairman shall be filled by election of the PEC Board. A vacancy in the position of practice division chairman shall be filled by selection by the membership of that division. Any vacancy shall be filled for the unexpired term of the officer being replaced.

## Article VIII – Nomination and Election of Officers

- Section 1. Nominations for elective officers shall be made by the Nominating Committee or may be made by petition signed by 10 percent of the members eligible to vote.
- Section 2. The Nominating Committee shall consist of the most recent available Past President, the President-Elect and one member selected by each of the chapters. The most recent available Past President shall serve as chairman.
- Section 3. The Nominating Committee shall prepare an official slate of candidates offering one or more nominees for each office, none of whom shall be a member of the Nominating Committee.
- Section 4. The Nominating Committee shall report the names of nominees together with a brief biographical sketch of each nominee on or before ~~November 15~~ to the Secretary who then shall transmit the same to the general membership on or before ~~December 15~~. ?
- Section 5. Additional nominations by petition which may include members of the Nominating Committee must be in the hands of the Secretary on or before ~~January 15~~. ?
- Section 6. Election of officers shall be made annually by a plurality vote on individual letter ballots sent to all voting members of the State Society as defined in Article IV-Membership, Section 3.
- Section 7. The candidate for the office of President Elect shall have held at least one State Office; Vice President, Secretary or Treasurer, to be eligible for the candidacy. Service on at least one State Committee is desirable.

## Article IX - Meetings

- Section 1. All meetings shall be open to all members. Guests may attend by invitation.
- Section 2. The State Society shall hold an Annual Meeting near the close of the administrative year at such time and place as may be selected by the PEC Board.
- Section 3. Special meetings of the State Society shall be called by the President upon a two-thirds vote of the PEC Board or upon petition by 50 members of the State Society, or 10 percent of the membership, whichever is the smaller number. ? *Executive Committee*
- Section 4. In the absence of the President, the order of succession as presiding officer at meetings of the State Society or of the PEC Board shall be Vice President, President-Elect, Secretary, Treasurer, and Past President.

## ARTICLE X - HEADQUARTERS

- Section 1. The location of the headquarters of the State Society shall be determined by the PEC Board.

## ARTICLE XI - COMMITTEES

- Section 1. Such committees (s)/Task Forces as <sup>outlined in</sup> ~~established by~~ the Bylaws shall be established as required or appropriate.
- Section 2. The duties of standing Committees (s)/Task Forces shall as set forth in the Bylaws of this State Society.

## ARTICLE XII - PRACTICE DIVISIONS

- Section 1. Establishment of practice divisions is authorized to further the objectives of the State Society.
- Section 2. The PEC Board may authorize or dissolve practice divisions as provided in the State Society Bylaws.
- Section 3. Each practice division shall adopt operating rules or governing documents as it may deem proper and as approved by the PEC Board provided that nothing therein shall conflict with or contravene the State Society Constitution and Bylaws.

## ARTICLE XIII - AMENDMENTS

- Section 1. Amendments to this Constitution may be proposed by:
- a. a majority letter ballot vote of the PEC Board; or
  - b. a petition signed by not less than 15 percent of the members of the State Society who are eligible to vote on constitutional changes; however, amendments submitted by petition shall be reviewed by the PEC Board before being submitted to the Secretary for ballot with the findings of this review being transmitted to the members at the discretion of the PEC Board; or
  - c. a majority vote of the PEC Board members present at a PEC Board meeting, provided that the text of the proposed amendment shall have been mailed to the members of the PEC Board not less than 30 days prior to the day when the amendment shall be considered.
- Section 2. A proposed amendment to the State Society Constitution, together with a letter ballot, shall be mailed by the Secretary to each member eligible to vote. Ballots shall be returned to the Secretary not later than 30 days after mailing-by the Secretary.

Section 3. An amendment shall become effective only upon the affirmative vote of two-thirds of the votes cast by the eligible members provided that at least 20 percent of the eligible members have voted, in the event that the total votes cast number less than 20 percent of the eligible members, and if two-thirds or more of the members voting shall declare themselves in favor of the proposed amendment, the same shall be voted on by the PEC Board of Directors at its next scheduled meeting following execution of the ballot. If two-thirds or more of the PEC Board declare themselves in favor of the proposed amendment, the same shall become part of this State Society Constitution.

#### ARTICLE XIV – BYLAWS

Section 1. The PEC Board shall prepare and adopt State Society Bylaws which shall govern all procedures under this Constitution including those of the PEC Board and of the standing committees, task forces and practice divisions.

Section 2. The State Society Bylaws may be amended by an affirmative vote of a majority of the PEC Board present at a meeting provided that the text of the proposed amendment shall be mailed to the PEC Board at least 20 days before the meeting at which the vote on the amendment will be taken.

#### ARTICLE XV - EFFECTIVE DATE

Section 1. This Constitution shall become effective upon its adoption in the manner prescribed for voting on amendments under the previous State Society Constitution. "This Constitution, in total, shall become effective upon the date of June 11, 1999."

?

THE  
BYLAWS  
FOR THE  
PROFESSIONAL ENGINEERS  
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**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**

*Question Need.*

- 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. ~~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 will be published in ~~any~~ <sup>the</sup> 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. *the decision*
- 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~~ <sup>License</sup> 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.
- to Southern Chapter* (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.

*Combine  
a, b, c, & h  
alphabetically  
into the  
Central Chapter*

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) + *Chapter President*

<del>26 to 75</del>	26	<del>Two (2)</del>
<del>76 to 150</del>	1	Three (3) + Chapter President
<del>151 to 250</del>	250	<del>Four (4)</del>
<del>251 to 450</del>	↓	Five (5) Four (4) + Chapter President
<del>Over 450</del>	↓	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.

*Not Applicable now*

## 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 <sup>State</sup>~~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. *Delete* 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. *PEC Professional Audit bi-annually*
- 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. *Letter ballot may include electronic communication.*
- 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 <sup>may</sup> 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. *Discuss w/ definite timing.*

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.

*New Position Name?*

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 <sup>?</sup> 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. *(Fred: Currently IMS Group is the "custodian" of the checkbook) This role needs to be clarified here.*

*New Title*  
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.

*Some here*  
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

*or Administrator Entity*

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 committee ~~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

*Bring Up to Date*

Section 1. Practice divisions, comprised of members having common professional interests, shall operate under the Constitution and Bylaws of the State Society. Practice Division I ~~has~~ 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**

*clarify*

**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**

*(Adhere to a strict)*

**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 <sup>the</sup> 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. <sup>If</sup> (1) 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. BENEFACTOR DESIGNATION**

**A. DEFINITION**

A BENEFACTOR is an individual, organization or business that financially contributes to the FUND. BENEFACTORS will be solicited only from individual members of PEC, organizations or businesses with PEC member employees and organizations approved <sup>by</sup> the PEC as an Affiliate Group.

**B. BENEFACTORS CLUB Destination and Minimum Contributions**

BENEFACTORS' names shall be entered on the rolls of a <sup>New Sen</sup> BENEFACTOR CLUB appropriate to their financial contribution. A LIFE BENEFACTOR shall make a one time lump sum contribution; ANNUAL BENEFACTORS shall be billed annually. <sup>The New sentence.</sup> The BENEFACTOR CLUB designations and minimum contributions as follows:

<u>BENEFACTOR 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 BENEFACTOR 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 <sup>SP</sup>  
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 <sup>may</sup> 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 <sup>suggested</sup> 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

<sup>this</sup> 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-1 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.

*Add Del Engineering Dept*

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~~ *Sustaining Fund* 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 *assignment* 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~~ *Sustaining Fund* 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.