



# BYLAWS

## MISSION

The mission of CLEARs, Inc. is to develop to its maximum potential and to become a complete resource to its members.

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## REVISION DATE

November 10, 2023

**CALIFORNIA LAW ENFORCEMENT ASSOCIATION OF RECORDS SUPERVISORS, INC.**

A CALIFORNIA NONPROFIT ASSOCIATION

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## ARTICLE I: NAME AND PURPOSE

### SECTION 1 - NAME

This Corporation shall be known as the CALIFORNIA LAW ENFORCEMENT ASSOCIATION OF RECORDS SUPERVISORS, INC., (hereinafter referred to as "CLEARS" or "Corporation").

### SECTION 2 - PURPOSE

The Corporation is organized to provide the following:

- A. To associate persons who are actively engaged in criminal justice records in an organized body so that the profession in all its branches may be standardized and effectively practiced.
- B. To encourage research for the betterment of records keeping.
- C. To keep its members apprised of the latest techniques of records management and provide training in the issues of relevance to criminal justice records personnel.
- D. To effect and maintain liaison with legislation concerning record keeping and confidentiality.
- E. To achieve professionalism and maintain high standards of performance among criminal justice records personnel in the discharge of their responsibilities.
- F. To develop liaisons with any and all other professional corporations that will prove beneficial to CLEARS.

## ARTICLE II: ORGANIZATION, MEMBERSHIP AND VOTING

### SECTION 1 - ORGANIZATION

The organization of the Corporation shall be comprised of Chapters throughout the State of California which include Border, Central, Central Coast, Northern, and Southern.

- A. The principal office of the Corporation is the office of the current President.
- B. Business within each Chapter will be established by the members of the Chapter and shall not conflict with the provisions herein.
- C. New Chapters may be formed upon application to and the approval of the Executive Board and in accordance with the Document Of Policy and Procedure (DOPP) maintained by the Executive Board. New Chapters shall be officially recognized upon amendments of the Corporation Bylaws.
- D. Each Chapter, within one (1) year of its formation, shall complete and maintain a written set of Bylaws, which are not in conflict with the provisions herein.

### SECTION 2 - MEMBERSHIP

All rights to approve and accept members into the Chapter shall rest with the individual Chapters. The Chapters shall provide a complete membership roster to the State Membership Director by the 15th of every month.

- A. To further the exchange of information, persons who are actively involved in criminal justice records keeping in other states may become Associate members. This membership shall have no voting rights.

B. Written recommendations for Corporation membership shall be submitted by the Chapters or Executive Board. Revocation for cause shall rest with the Executive Board. The Executive Board shall levy annual corporate dues.

C. The title of Honorary Lifetime Member may be awarded to individuals who have provided exceptional service to CLEARs at the Executive Board level. This membership shall have no voting rights and shall not be subject to dues. Lifetime membership is specific to the Chapter that grants said membership. If said member attends a meeting held by a Chapter they were not previously associated with, they shall follow the bylaws (including meeting fees - Chapter specific) associated with said Chapter.

D. Written recommendations for Honorary Lifetime Membership shall be submitted by the Chapter or Executive Board with final approval being made by the Executive Board. Revocation for cause shall rest with the Executive Board.

### SECTION 3 - VOTING

Voting on issues before the Corporation or any standing committee comprised of active members representing two (2) or more Chapters, shall be accomplished based on one (1) voter per Chapter, unless otherwise specified herein. In the event a Chapter is not represented, a proxy vote may be cast.

A. Voting shall be by voice, "aye" or "nay", or by show of hands, or by ballot if deemed necessary.

B. When Executive Board members, Chapter Officers, designees, or representatives are present, within a specific entity, 50% plus one (1) of the membership constitutes a quorum.

C. A proxy vote(s) shall be accepted at Executive Board meetings when it is for an item(s) on the published agenda. The vote(s) must be in writing and submitted to the Bylaws Director prior to the start of the meeting.

D. The President may vote to break a tie if the voting members of the Executive Board agree that a matter before them must be decided immediately.

E. Amendments of the Corporation's Bylaws shall be accomplished after all voting members have been provided with proposed amendments to review for no less than 10 business days and given the opportunity to vote.

F. Only active members are eligible to vote on Corporation matters.

## ARTICLE III: DUES, ASSESSMENTS, AND EXPENDITURES

### SECTION 1 - DUES

All rights of the levying membership dues for individual members shall rest with the Executive Board.

### SECTION 2 - ASSESSMENTS

Any assessment made by the Corporation against the treasuries of individual Chapters shall be accomplished only upon the approval of amount and the means of assessment by each of the Chapters.

## SECTION 3 - EXPENDITURES

Any unbudgeted expenditures exceeding \$500.00 made from the Corporation's accounts, other than the account established for the Annual Training and Technology Seminar, must be approved by a majority of the Executive Board. Each new Executive Board, at their first meeting after taking office, shall determine a set amount that the Treasurer is authorized to spend for incidental purposes incurred as stated in the Document of Policy and Procedure.

A. Authorized expenses incurred by members, while on approved business for the Corporation shall be borne by the Corporation. A schedule of reimbursement shall be established by the Executive Board and maintained in the Document of Policy and Procedure.

B. Any officer of the Corporation shall forward to the Executive Board any and all receipts for expenses incurred while serving in their official capacity on the Executive Board within thirty (30) days of incurring the expense. Any expenses beyond the provisions of the Document of Policy and Procedure must be approved by a majority vote of the Executive Board prior to payment. Failure to comply with this section will result in non-reimbursement of funds.

## ARTICLE IV: AUTHORITY AND DUTIES OF EXECUTIVE BOARD

### SECTION 1 - AUTHORITY

The Executive Board is responsible for overall policy and direction of the Corporation.

### SECTION 2 - EXECUTIVE BOARD POSITIONS

The Executive Board shall consist of a President elected by the eligible voting members of the corporation, and one (1) representative from each Chapter, which shall be the elected Chapter President.

In addition to the President, the officers of the Corporation shall be Vice President/Corporate Sponsor Director, Past President/Historian, Secretary, Bylaws Director, Seminar Director, and Website Director. Other committee chairs may include Audit Chair, Fundraising Coordinator, Legislative Chair, Media Chair, Membership Chair, Training Chair, Publication Chair, and Treasurer. The term of office shall commence with the first Executive Board meeting of the calendar year.

### SECTION 3 - EXECUTIVE BOARD MEETING REQUIREMENTS

The Executive Board shall meet at a minimum of four (4) times a year.

### SECTION 4 - DUTIES

The duties of the Executive Board shall be to formulate the plans and policies of the Corporation, to maintain a Document of Policy and Procedure, to coordinate the efforts of the individual Chapters, and to fulfill all other responsibilities specified herein. Changes to the Document of Policy and Procedure, approved by a majority of the Executive Board, shall be forwarded to the President (or their designated representative) of each Chapter to inform all members of said changes.

## SECTION 5 – PRESIDENT

The President of the Corporation shall be elected for a one-year term.

The duties of the President shall be to attend the meetings of the Executive Board and to act as its chair; to open and close the Annual Training and Technology Seminar and to preside at its business meeting, to supervise the affairs of the Corporation and labor for its usefulness and efficiency, to appoint such special committees as are required for the attainment and fulfillment of the goals of the Corporation and to act as spokesperson for the Corporation. The President is a non-voting member of the Executive Board. Exception to this is stated in Article II, Section 3(D).

## SECTION 6 - VICE PRESIDENT / CORPORATE SPONSOR DIRECTOR

The Vice President shall be appointed by the President. The Vice President shall succeed the President in the event of resignation, retirement, or termination, either from the Executive Board or from active employment in a criminal justice agency, incapacitation, or removal from office. The duties of the Vice President shall be to assist in the performance of the President's duties, to attend the meetings of the Executive Board, to act as presiding officer in the absence of the Corporation and other professional corporations or agencies; to act as liaison for all committees not directly represented on the Executive Board; to prepare and distribute the application and ballot for Executive Board President; and any other duties as assigned by the President. In addition, the Vice President also acts as the Corporate Sponsor Director and is responsible for soliciting and maintaining Corporate Sponsors for the Corporation. The Vice President is a voting member of the Executive Board.

## SECTION 7 - PAST PRESIDENT / HISTORIAN

The Past President shall be the immediate preceding President. The duties of the Past President shall be to attend meetings of the Executive Board, to act as an advisor to the current President and Executive Board, to act as Historian, to preside over special elections in the event of removal from office of both the President and Vice President. The Past President shall be a non-voting member of the Executive Board.

## SECTION 8 - SECRETARY

The Secretary shall be appointed by the President. The duties of the Secretary shall be to attend the meetings of the Executive Board, to prepare and respond to correspondence of the Corporation; to record, prepare, and distribute the Minutes of the Executive Board meetings. The Secretary is a voting member of the Executive Board.

## SECTION 9 - BYLAWS DIRECTOR

The Bylaws Director shall be appointed by the President. The duties of the Bylaws Director shall be to attend the meetings of the Executive Board, to ensure that the Executive Board acts within the Corporation Bylaws, to serve as Chair of the Bylaws Committee, and to maintain the Document of Policy and Procedure and Bylaws. The Bylaws Director is a voting member of the Executive Board.

## SECTION 10 - SEMINAR DIRECTOR

The Seminar Director shall be appointed by the President. The Seminar Director may appoint a Seminar Chair(s). The duties of the Seminar Director shall be to attend the meetings of the Executive Board; all



other duties of the Seminar Director/Chair(s) shall be specified in the Document of Policy and Procedure. The Seminar Director is a voting member of the Executive Board.

#### SECTION 11 – WEBSITE DIRECTOR

The Website Director shall be appointed by the President. The duties of the Website Director shall be to attend the meetings of the Executive Board, to act as Chair of the Website Committee, to oversee the management, accuracy and functioning of the website. The Website Director shall monitor overall performance and content and approve any necessary changes as requested by Chapters or the Executive Board. In addition, the Website Director may be responsible for strategic planning, user experience optimization, and addressing technical issues.

#### SECTION 12 - VACANCIES

Vacancies on the Executive Board, other than the Office of the President and the Past President, shall be filled by the affected Chapter. The vacancy of the Presidency will be filled as specified in Article IV, Section 7. Vacancy of the Past President will be filled as specified in Article IV, Section 14.

#### SECTION 13 – VACATED OFFICES

Any officer of the Corporation upon vacating that office for any reason shall forward to the Executive Board any and all records pertaining to the Corporation within thirty (30) days of vacating the office. Failure to comply with this section may result in legal action.

#### SECTION 14 – APPOINTED POSITIONS

The President shall appoint an Audit Chair, Fundraising Coordinator, Legislative Chair, Media Chair, Membership Chair, Publication Chair, Training Chair and Treasurer. The President may select a Co-Chair for appointed positions if he/she determines that the member can perform the duties associated with the position in coordination with the Chair. All appointed position descriptions and responsibilities shall be outlined in the Document of Policy and Procedure.

If an associate or retired member is selected for an appointed position, CLEARs will pay the expenses associated with attending the Executive Board meetings as outlined in the Document of Policy and Procedure.

### ARTICLE V: COMMITTEES

#### SECTION 1 – SPECIAL COMMITTEES

Special committees may be formed when deemed necessary by the President and/or the Executive Board.

### ARTICLE VI: ANNUAL TRAINING AND TECHNOLOGY SEMINAR

#### SECTION 1 – OVERVIEW

The Training and Technology Seminar shall be held each calendar year during the fall. The primary purpose of the Seminar shall be for training and networking among the members of the Corporation. The secondary purpose shall be to generate funds for use by the Corporation in carrying out its primary purpose and operating costs.

## SECTION 2 – RESPONSIBILITIES

The responsibility for hosting Seminar shall fall upon the Executive Board. The Executive Board will be responsible for selecting a venue, approving the contract, and ensuring overall fiscal responsibility. The Seminar Director will be responsible for filling all committee positions for each seminar and fulfilling all requirements as outlined in the Document of Policy and Procedure.

## SECTION 3 – REPORTING

The Seminar Director shall report regularly to the members of the Executive Board on the preparations being made, ongoing budget updates, and any additional needs of the seminar committee.

## SECTION 4 – SEMINAR TREASURER

The Seminar Director shall appoint a Seminar Treasurer. The duties of the Seminar Treasurer shall include establishing and maintaining an account to be used exclusively for seminar revenues and expenditures, maintaining accurate and verifiable records of all revenues and expenditures from the seminar account, preparing checks for payment of seminar expenses and submitting a financial report of the seminar account to the Seminar Director as necessary.

## SECTION 5 – SEED MONEY

The Seminar Director shall make a motion to the Executive Board requesting seed money at the first Executive Board meeting of the calendar year.

Access to the seminar account shall be granted to the Treasurer within 90 days of the adjournment of the seminar or immediately upon closing and auditing the financial records of the seminar, whichever occurs first, followed by an immediate notification to the Executive Board. Exceptions may be approved by the Executive Board.

## SECTION 6 – SEMINAR SCHOLARSHIP PROGRAM

A scholarship grant program is established wherein the seminar registration fee may be waived for one (1) member in each Chapter. Procedures are outlined in the Document of Policy and Procedure.

# ARTICLE VII: ELECTIONS

## SECTION 1 – TERM

Elections shall be held annually for the office of President as defined in the Document of Policy and Procedure.

## SECTION 2 – ELIGIBILITY

Eligible members of the Corporation, as defined in the Document of Policy and Procedure, who wish to have their name placed on the ballot for President must submit their application to the Executive Board no later than July 31st.

## SECTION 3 – BALLOT PROCESS

A ballot of eligible candidates shall be sent to each member of the Corporation who is eligible to vote. Ballots shall be due no later than August 31st.

## SECTION 4 – ABSENCE OF APPLICATIONS

If no applications for the office of President are received, the President shall be elected from and by the members of the Executive Board elect.

## SECTION 5 - TIE

A tie vote for the office of President shall be referred to the Executive Board and broken as established in the Document of Policy and Procedure.

# ARTICLE VIII: REMOVAL AND/OR SUSPENSION FROM OFFICE OR APPOINTMENT

## SECTION 1 – REMOVAL AND/OR SUSPENSION

The voting members of the Executive Board shall have the power to try any officer of the Corporation, member(s) serving on a Committee and/or Board, upon any charge affecting their honor, or conduct unbecoming a member or officer, or failure to perform their duties as described, providing the charge is in writing and signed by the person(s) making the charge.

## SECTION 2 - PROCESS

Any written charge(s) against any member or officer as established in Section 1, shall be forwarded to the President, or if the charge(s) is against the President, the Vice President, who shall bring the matter before the Executive Board for consideration within ten (10) days. The Executive Board shall within ten (10) days send a copy of the charge(s) to the person charged. The person charged shall have thirty (30) days from the receipt of the charge(s) in which to answer, in writing, to the Executive Board. Failure to answer the charge(s) within the time prescribed shall be deemed cause for removal from office.

## SECTION 3 – EXECUTIVE BOARD RESPONSIBILITY

After due consideration of the evidence at hand, the voting members of the Executive Board shall arrive at a decision and notify all people concerned in writing of their decision within thirty (30) days.

## SECTION 4 – APPEAL

In the event the judgment of the Executive Board is adverse to the person accused, the person accused shall have the right to appeal the decision to the Executive Board, who will appoint a committee within thirty (30) days of formal notification of the appeal of the decision of the Executive Board, and the findings of the Committee shall be final upon a majority vote of the committee.

# ARTICLE IX: STRATEGIC PLAN

## SECTION 1 - OVERVIEW

Commencing the year 2013, the Strategic Plan is hereby incorporated into the Bylaws. The strategic Plan addresses the goals and objectives of the Corporation in three (3) key areas: Training, Internal Corporation Development, and External Corporation Development.

The Strategic Plan is a guideline for the growing goals and objectives of the Corporation. The Strategic Plan will be consulted regularly to assess the progress of the Corporation at any given time and may be

updated as needed. Minimally, every year the plan will be thoroughly reassessed with the appropriate new goals and objectives formulated as needed.

The Strategic Plan is outlined in Attachment A.

## ARTICLE X: CONTRACTS

### SECTION 1 – VOTING REQUIREMENTS

The Executive Board shall not enter into any contract without a majority of said Board.

### SECTION 2 – EXECUTIVE BOARD APPROVAL

No member, Chapter or Region shall enter into any contract or other business agreement, excluding contracts for meetings, unless first approved by the Executive Board.

### SECTION 3 – CONFLICT OF INTEREST

If a member is in a position of authority in the Corporation, a conflict of interest could occur where the member could benefit personally from a decision he or she may make. A written policy, now incorporated in the Document of Policy and Procedure, was adopted to prevent benefits for the private interest(s) of a member who is in a position of authority.

## ARTICLE XI: PARLIAMENTARY AUTHORITY

### SECTION 1 – ROBERT’S RULES OF ORDER

*Robert’s Rules of Order* shall be the parliamentary authority of all meetings of the Corporation, its Board, and its committees except where otherwise provided herein.

## ARTICLE XII: CORPORATE LOGO AND USAGE

### SECTION 1 - LOGO

An emblem shall be approved by the Executive Board for use by the Corporation. The Corporate Logo must be included as an attachment to the Document of Policy and Procedure.

### SECTION 2 - USAGE

The CLEARs Corporate Logo shall only be used at the express approval of the Executive Board. It may be used on all documents produced by the individual Chapters. Such documents which have not been jointly issued or authorized by all the Chapters shall indicate the Chapter of origin.

### SECTION 3 – APPROVAL

The Official Logo of the Corporation may be used for purposes other than documents produced by the Corporation, chapters, and the website only upon the approval of the Executive Board. Under no circumstances shall the emblem of the Corporation be used for the commercial or political promotion of any of its members.

## **ARTICLE XIII: OFFICIAL PUBLICATION**

### **SECTION 1 – OVERVIEW**

The official publication of the Corporation shall be published by the Publication Chair in coordination with Chapter Publication Committee members. The operational and publication guidelines shall be set forth in the Document of Policy and Procedure.

## **ARTICLE XIV: CORPORATE WEBSITE**

### **SECTION 1 – OVERVIEW**

The website for the Corporation shall be managed by the Website Chair. The operational guidelines of the website shall be set forth in the Document of Policy and Procedure.

## **ARTICLE XV: AMENDMENTS**

### **SECTION 1 – PROCESS AND APPROVAL**

Amendments to the document shall be accomplished through the Bylaws Chair.

Amendments to these Bylaws, initiated by the Executive Board or Bylaws Chair, shall be in accordance with Article II, section 3.

## **ARTICLE XVI: IMPARTATION**

### **SECTION 1 – OVERVIEW**

Individual members and/or Chapters of the Corporation shall not disseminate any statements, communication, or representative information, whether written or oral, in the name of the Corporation without prior approval of the Executive Board.

## **ARTICLE XVII: LIABILITY**

### **SECTION 1 – OVERVIEW**

Should any issue(s) arise within a Chapter that may create a liability for the Corporation, the Executive Board will work for and with the Chapter to resolve the issue(s) in the best interest of the Corporation. If the Chapter and the Executive Board differ to resolution of the issue(s), the Executive Board position shall take precedence.

## **ARTICLE XVIII: INDEMNIFICATION**

### **SECTION 1 – OVERVIEW**

To the fullest extent permitted by law, this Corporation shall indemnify its directors, officers, and members in accordance with California Corporation codes, including persons formerly occupying any such position or membership against all expense, judgments, fines, settlements, and other amounts actually and reasonably incurred by them in connection with any Corporation business.

## ARTICLE XIX: DISSOLUTION

### SECTION 1 - PROCESS

Dissolution of the Corporation shall occur only upon the unanimous approval of the Executive Board and a vote of at least three-fourths (3/4) of the voting members at the time of consideration.

### SECTION 2 – CORPORATION ASSETS

Upon dissolution, the assets of the Corporation shall be disposed of in a manner consistent with the current legal statutes governing tax exempt, non-profit corporations and specifically as determined by the Executive Board. Under no circumstances shall the assets of the Corporation be disposed of to the benefit of any of the individual members or Chapters of the Corporation.

### SECTION 3 – CHAPTER ASSETS

In the event any Chapter of the Corporation is dissolved leaving assets, such assets shall revert to the Corporation.

## ARTICLE XX: DOCUMENT RETENTION SCHEDULE

### SECTION 1 – AGENDAS, BYLAWS & MINUTES

Agendas, Bylaws, and minutes of the Corporation shall be kept for the current year, plus two (2) years.

### SECTION 2 – MEMBERSHIP ROSTERS

Membership rosters, which could be considered as demographic/statistical data, shall be kept for the current year, plus two (2) years.

### SECTION 3 – VENDOR CORRESPONDENCE

Correspondence with vendors shall be kept for the current year, plus two (2) years.

### SECTION 4 – GENERAL CORRESPONDENCE

General Correspondence shall be kept for the current year, plus two (2) years.

### SECTION 5 – DONATION RECORDS

Donation records, which may apply to seminar hospitality and gift committees, shall be kept for seven (7) completed years.

### SECTION 6 – LEGISLATIVE RECORDS

Political support or opposition related to legislation shall be kept for the current year, plus two (2) years.

### SECTION 7 – FINANCIAL RECORDS

Annual Financial Statements, audit reports, bank statements, reconciliations, deposit slips, cancelled checks, and credit card receipts shall be kept for seven (7) completed years.

### SECTION 8 – STRATEGIC PLAN

The current version of the Strategic Plan shall be kept along with one preceding version.

### SECTION 9 – DOCUMENT OF POLICY AND PROCEDURE

A current version of the Document of Policies and Procedures Manual shall be kept with revision history.

## SECTION 10 – TAX RECORDS

Annual information returns and Federal & State tax returns shall be kept permanently.

## SECTION 11 – STORAGE OF DOCUMENTS

All information shall be stored and maintained by the Records/Media Director.

## ATTACHMENT A

### CALIFORNIA LAW ENFORCEMENT ASSOCIATION OF RECORDS SUPERVISORS, INC. (CLEARS) STRATEGIC PLAN

It is the goal of the CLEARs Corporation to develop its maximum potential and to be a complete resource for its members.

Toward this end, the Strategic Plan is proposed with three (3) initial goals:

1. To enhance training
2. To further internal corporation development
3. To further external corporation development

The CLEARs Strategic Plan is intended as a catalyst to encourage planning and development by each Executive Board. The time frame is not absolute; it allows flexibility for future boards to adapt the stated goals to the current needs of the corporation. With this strategic plan, as CLEARs moves forward with this focus, we will constantly measure our progress and evaluate outcomes to ensure we are meeting our goals.

The objectives for each goal are broad statements drawn from the needs and desires expressed by the membership. This allows for the creativity and imagination of the corporation in accomplishing the goal. Each objective fulfilled is an important step toward the stated goal.

It is intended that each new board assess the status of the plan, amend it if appropriate and throughout its terms, report on its contribution toward fulfillment. The assessment will be conducted by the last quarter of each year and any recommended change will be assessed and then adopted by the meeting of the following year.

#### TRAINING

GOAL: To enhance the role of CLEARs as a source of training for its members.

OBJECTIVE 1: Expand the breadth of training to address the needs of the entire membership, from entry level through management, and include topics specifically related to records management, technology, and career development.

OBJECTIVE 2: Continue to maintain and expand a statewide speaker, training, and video database to provide all types of materials and training aids appropriate for CLEARs members.



### **INTERNAL ORGANIZATIONAL DEVELOPMENT**

- GOAL: To expand the internal development of the organization.
- OBJECTIVE 1: Increase membership at the chapter level to include all Criminal Justice agencies and retain members of long standing. Encourage participation by becoming a valued resource.
- OBJECTIVE 2: Continue to maintain a database to measure membership demographics and to determine the needs and expectations of CLEARs members as they pertain to the Corporation.
- OBJECTIVE 3: To promote utilization and maintenance of the CLEARs website as a resource for all members.
- OBJECTIVE 4: Bring awareness and promote use of new technology related to all aspects of records management and career development through chapter training, the Annual Training and Technology Seminar, CLEARs website, individual Chapter websites and *California Police Recorder* publication.

### **EXTERNAL ORGANIZATIONAL DEVELOPMENT**

- GOAL: To expand the external development of the Corporation.
- OBJECTIVE 1: Maintain a high level of public recognition and awareness of CLEARs, its members and the goals and objectives of the Corporation.
- OBJECTIVE 2: Develop the resource of potential applicants by promoting career opportunities in law enforcement.
- OBJECTIVE 3: Broaden the perspective of CLEARs by soliciting associate members from corporations which a working relationship would be mutually beneficial.
- OBJECTIVE 4: Promote the concept of CLEARs in the other states and serve as a resource toward the development of similar corporations and advocate regional or national association among those corporations.