



BY- LAWS
PLUMBING HEATING COOLING CONTRACTORS
ASSOCIATION OF SAN DIEGO

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**PLUMBING-HEATING-COOLING
CONTRACTORS ASSOCIATION**

**BY-LAWS
OF
PLUMBING HEATING COOLING CONTRACTORS
ASSOCIATION OF SAN DIEGO**

**ARTICLE I
PURPOSE**

Whereas, a corporation not for profit bearing the name “Plumbing Heating Cooling Contractor Association of San Diego, Inc.” has been formed under the General Corporation Act of California, having for its purposes:

To gather, receive and disseminate information among its members for the advancement of the plumbing-heating-cooling industry and the public knowledge;

The improvement of plumbing, heating, cooling, fire suppression systems, power and process piping systems, and the related materials and work;

To promote better relations with authorities, architects and engineers;

To render assistance and cooperate with the inspection departments of cities and counties in San Diego;

The education of members of the association in sanitation and in the practice of the crafts of plumbing, heating, cooling, and fire suppression systems;

To provide education to the members of the association in conducting the trades of plumbing, heating, cooling, fire suppression systems and related trades as a business and in accordance with sound principles;

The encouragement of harmonious relations between the individual members of the association and their employees;

The furtherance and improvement of a technician training;

The distribution of information and analysis thereof, relating to laws and regulations affecting the business of the members, and to make appropriate recommendations as to the action that should be taken by the members;

Develop public relations program to promote improved image of contractors.

Whereas, no other objects, purpose or business of this Corporation shall be carried on or agreed upon by this Corporation without the unanimous approval of all members of this Corporation.

Now, therefore, be it resolved, that this Corporation not for profit, is better able to carry out the purpose of this Plumbing Heating Cooling Contractor Association of San Diego, Inc.

ARTICLE II JURISDICTION

Section 1. National Association:

The Association shall be an affiliate of and governed by the laws of the National Association of Plumbing heating and Cooling Contractors.

Section 2. State Association:

The Association shall be an affiliate of and governed by the laws of Plumbing Heating and Cooling Contractors of California.

ARTICLE III MEMBERSHIP

Section 1. Classes of Membership:

Membership in this association may be active, associate, affiliate or honorary.

1. Active Members: Only individuals or firms, who are actively engaged in the installation, maintenance, or repair of plumbing, heating, or cooling systems, whose principle place of business is located within the county of San Diego, who are properly licensed to do plumbing, heating, cooling and other piping, by the State of California and who are registered in compliance with local ordinances where required, shall be eligible for membership.
 - A. Active Members within a Firm: Each firm shall have (per set of dues) one voting member as designed by the firm. Additional representatives from a member firm may participate in Association functions but have no membership voting rights.
 - B. Multiple Membership within a Firm: In any firm composed of more than one person, such as a partnership or corporation, one or more persons not to exceed two members of such partnership or stockholder of such corporation may become an active member of this Association provided that each such partner or stockholder shall be a bona fide owner of at least twenty-five percent of the stock of the corporation. The provisions of ownership shall be waived for sons, daughters or immediate family members who otherwise qualify for membership. Each such member shall be considered an active member and shall be subject to the same dues as all other active members.
2. Affiliate Members: An affiliate shall be defined as any person, firm or corporation who is not a contractor but who provides products or services to active members of this association. Affiliate membership is defined herein as, owners of local wholesale houses, manufacture's representatives, lawyers, accountants and other professionals of benefit to

the industry. Associates may attend all functions of this association except when the president orders an executive session of the membership.

3. **Honorary Members:** An honorary membership may be bestowed upon any person who has made an outstanding contribution to the Plumbing Heating Cooling industry on recommendation of the Board of Directors and an approval by a two-thirds vote of the members present at the next meeting following the recommendation. Any past president upon retirement from business becomes an honorary life member of this association. Honorary members shall be entitled to attend all meetings and functions but are not eligible to vote or hold office.
4. **Membership Record:** This association shall keep membership records containing the name and address of each member.

Section 2. Acquisition of Membership:

Application for active membership in this association shall be made in writing. This application shall be referred to the Board of Directors of the Membership Committee, which shall investigate the eligibility of the applicant and report thereon at the next meeting of the Board of Directors. If the report is favorable, the applicant shall then be submitted to the Board to be voted on.

Section 3. Acceptance of Membership:

A simply majority favorable vote at the Board meeting shall elect the applicant, and the recipient of such vote shall, upon signing the By-Laws and taking the obligation of the Association and payment of the dues, be declared a duly qualified member.

Section 4. Suspension or Expulsion from Membership:

Members may be suspended or expelled from this Association by the Board of Directors under the following conditions:

1. **Conviction of Violation of Law:** Any member may be suspended or expelled if found guilty of a felony by a court of law.
2. **Violation of By-Laws:** Violation of any provisions of these By-Laws, or failure to comply with any directive of the Board of Directors, shall be cause for suspension or expulsion.
3. **Injuring Good Name or Association:** Any member of the Association who by his/her conduct shall injure the good name of this Association or that of the Plumbing Heating Cooling contractors in general may be suspended or expelled from this Association by the board of Directors after hearing by said Board at such time and place as the Board shall determine.

4. Termination or Suspension of Membership: Any active member who shall cease to be engaged in the recognized plumbing. Heating, cooling business shall be forthwith and without notice, cease to be an active member of this Association.

Section 5. Notice Required for Suspension or Expulsion:

No member shall be suspended or expelled without having been served notice. The notice shall be sent certified mail with return receipt requested.

Section 6. Right to Appeal Suspension or Expulsion:

Any member found guilty shall have the right to appeal to the members at a regular scheduled meeting. The member shall have fifteen days after receiving his/her notice to make said appeal to this Association.

Section 7. Expulsion by the Membership:

Should a member be suspended by the Board of Directors for any cause, and should he/she not have removed said cause of suspension within fifteen days thereafter, and not have appealed the findings to the Board of Directors, the Association may by a majority vote of its members at a regular meeting, expel said member from the Association, or it may reinstate him/her.

Section 8. Forfeiture of Membership:

If an applicant who has been elected to membership refuses to, or fails within thirty days after his election to sign the By-Laws and take the obligation or pay membership dues, he/she shall forfeit his right to membership and also whatever sums he/she may have paid to the Association.

Section 9. Transfer of Membership:

No membership in this Association may be transferred without approval of such transfer being expressed by a majority vote of those members present at a regular meeting. The recipient of such transferred membership shall be required to take the obligation of the Association and to sign the By-Laws thereof.

Section 10. Resignation:

Any member in good standing may resign from membership by submitting his/her resignation in writing to the Association, provided there is no indebtedness charged against such member on the books of the Association.

Section 11. Suspension:

Any member shall be subject suspension from this Association when indebted to the Association in the amount equal to (3) months dues, or if charged and found guilty of

violation of the By-Laws of the Association or for conduct deemed unbecoming a member.

Section 12. Ex-Members Claim:

Upon termination of membership of this Association for any reason, such ex-member shall cease to have any claim to or interest in, any monies or properties of the Association (this includes the PHCC Logo). The monies and properties of the Association shall remain free of all claims right, title or interest whatsoever by such ex-member.

Section 13. Revival of Membership:

Membership terminated by resignation may be revived within (1) year of the date of the acceptance of such resignation by application made in regular form and by payment of dues in advance set by the Board of Directors.

Section 14. Reinstatement:

Membership terminated by resignation may be reviewed after a lapse of (1) year from the date of the acceptance of such resignation by applicant made in regular form and accompanied with a reinstatement fee, not to exceed 100% of the current initiation fee.

Section 15. Reinstating Suspended Members:

Suspended membership may be reinstated at any time by a majority vote and upon such terms as the Board may require in each specific case.

Section 16. Reinstating Expelled Members:

Expelled membership may be revived by a two-thirds majority vote of the membership at a regular scheduled meeting and upon such terms as the Board may require in each specific case.

Section 17. Unauthorized Acts:

This Association shall not be liable for or assume the burden of, any unauthorized act of any member.

Section 18. Evidence of Membership:

A certificate of membership shall be issued to any active, affiliate, associate and honorary member of this Association. Contractor members will also receive a member number from PHCC National.

ARTICLE IV INITIATION FEES, DUES, ASSESSMENTS, FISCAL YEAR

Section 1. Local Dues:

Initiation fees, Dues, and Assessments shall be paid to the Association in the amount recommended by the Board of Directors and approved by the Association. The fees are due upon receipt of the invoice.

Section 2. State and National Dues:

The dues for members of the Association shall include State and National per capita dues as established by the State and National Association from year to year. These dues shall be paid monthly in advance.

Section 3. Fiscal Year:

The fiscal year of this Association shall commence on the first day of January in each year and end on the last day of December in the same year.

Section 4. New Members:

Three months Local, State and National dues shall be collected from each new member in advance.

ARTICLE V MEETINGS

Section 1. Annual Installation:

The installation meeting of this Association shall be determined by the Board of Directors each year. A thirty day written notice will be given to all active members. The Board of Directors shall specify the place and the date of the Installation meeting.

Section 2. Regular Meetings:

Regular meetings shall be held on the second Thursday of every month, unless changed to any other time and place selected and approved by the Board of Directors.

Section 3. Special Meetings:

Special meetings may be called by the President or a simple majority of the Board of Directors by either giving three day written notice or oral notice to each member. The procedure may be changed by a unanimous decision of the Board of Directors per application.

Section 4. Location of Meetings:

The location of both regular and special meetings of this Association shall be designated by the Board of Directors .

Section 5. Order of Business:

The order of business for all meetings shall be determined by the Board of Directors. Any question as to priority of business shall be decided by the chair without debate.

Section 6. Parliamentary Rules:

Call to order, roll call, minutes, officer's reports, committee reports, special orders, unfinished business, new business, announcements, adjournment. See Attachment # 1

Section 7. Voting Rights:

Every active member in good standing shall be entitled to one vote. The method of voting shall be determined by the presiding officer at the meeting.

Section 8. Quorum of Members:

Presence in person of Five (5) members in good standing shall constitute a quorum at any meeting of the members.

Section 9. Debates:

Religious and Racial questions shall be excluded from the debates and other exercises of this Association.

Section 10. Visitors:

The President or the Board of Directors shall have the right to invite to annual or regular meetings of this Association, representatives, delegates of other bodies in similar trades, or individuals whom may be desire to present to the meeting plans or methods for cooperation in the standardization of goods, furtherance of sanitation, or other lawful activities for the betterment and education of the trade.

ARTICLE VI
NOMINATION, ELECTION AND TERM OF OFFICE

Section 1. Nominations:

The President at the March meeting of the Association shall appoint a Nominating Committee of past presidents in good standing. This committee shall have the specific duty of reviewing, exploring, appropriately interviewing and otherwise encouraging the possible candidacy for the offices of, President, Vice President, Secretary, (3) Contractor directors and (2) affiliate director.

Such ballot shall be presented to the general membership at the meeting in April. At that time, additional nominations may be made from the floor.

If a member of the Executive Board resigns from their position the incoming President shall choose their replacement.

Section 2. Eligibility:

The President of the Association must be an active Contractor member in this Association who are in good standing

All Officers and Directors of this Association must be chosen from among active members in this Association who are in good standing.

Section 3. Manner of Election:

Voting shall be by mail or fax and all voting shall be kept secret.

Section 4. Term of Office:

The newly elected Officers and Directors shall take office at the first regular meeting in July and shall serve one year.

ARTICLE VII OFFICERS

Section 1. Identity of Officers:

The Officers of this Association shall be a President, Vice President-Treasurer and Secretary elected for one year terms by a majority of the votes cast at the annual election.

Section 2. The President:

The President shall be the chief executive officer of this Association. He/She shall preside at all meetings of this Association and at all meetings of the Board of Directors. He/She shall appoint all committees. He/She shall carry into effect or cause to be carried into effect all orders and resolutions of the Board of Directors, and shall discharge such other duties as may from time to time be prescribed by the Board of Directors. He/She shall serve on the board of Directors for one year as Immediate Past President upon the completion of his term as President.

Section 3. Vice President-Treasurer:

The Vice President shall attend all meetings of this Association and the Board of Directors as well as, in the absence or inability of the President, perform duties and exercise the powers of the President. As Treasurer he/she shall be responsible for:

1. Maintaining safe custody of all corporate funds and securities.
2. Notify Members of their indebtedness to this Association
3. Submit a tentative budget to the Board of Directors at the December meeting and have a finalized budget for approval at the January meeting.

Section 4. The Secretary:

The Secretary of this Association shall attend all meetings of this Association and of the Board of Directors, and he/she shall be responsible for recording the minutes of all proceedings. He/she shall likewise be responsible for the following:

1. Notifying all members of the Association of meetings.
2. Notify all Officers and Directors of meetings of the Board of Directors.
3. Carrying in the official correspondence of this Association.
4. Maintaining membership records.
5. Advising the State Association promptly of all changes in membership and Officers, and for collecting and forwarding State and National dues.

ARTICLE VIII BOARD OF DIRECTORS

Section 1. Board Members:

The Board of Directors of this Association shall consist of five Directors. The Board may have more than one member one firm but in no case more than two. Each member or firm shall have only one vote at all meetings.

Section 2. Powers:

The business and affairs of this Association shall be managed, controlled and conducted by the Board of Directors, which may do all such lawful acts and things as are consistent with the laws of the State of California, the Articles of Incorporation and By-Laws of the Association.

Section 3. Vacancies:

Any vacancies that may occur on the Board the Board of Directors may elect a successor to hold the remaining vacant office during the unexpired portion of the term.

Section 4. Removal:

Any Officer or Director may be removed from office by a vote of not less then two-thirds (2/3) of the membership and Board of Directors present and qualified to vote, and his successor may be elected at the same meeting.

ARTICLE IX OTHER EMPLOYEES

Section 1. Other Employees:

Such other employees as may be determined to be necessary by the Board of Directors may be employed to carry out the directions of the Association directly through the Officers and the Board of Directors. The Officers shall have the authority to hire and replace such other employee. Such other employee shall have no authority to act for or on behalf of the Association, or any of its members or officers unless authority to so act shall be expressly stated in writing.

ARTICLE X FUNDS, CONTROL AND ADMINISTRATION

Section 1. Custody of Funds:

The Treasurer of this Association shall have the custody of all corporate funds and securities.

Section 2. Deposit of Funds:

All funds of this Association shall be deposited to the credit of this Association with such depository or depositories as the Board of Directors may select.

Section 3. Disbursement of Funds:

The Treasurer or the President shall disburse the funds of this Association only as may be ordered or ratified by majority of the Board of Directors. Each check drawn shall be signed by the Officers as authorized whose signatures appear on signature cards.

The Executive Board may spend up to \$200.00 without majority approval from the entire Board.

Section 4. Books and Accounts:

The Treasurer shall be responsible for keeping accurate books and accounts. He/She shall make a written report of all his/her transaction as Treasurer, and of the financial condition of the Association at each meeting of the Board of Directors or as required.

Section 5. Auditing:

An audit shall be made by a certified public accountant of all funds and accounts of this Association at least once a year.

Section 6. Report to Annual Meeting:

The Treasurer shall present to this Association a full report of the final standing of this Association, including a copy of the audit's report at least once a year.

Section 7. Authority to Bind Association:

Unless so authorized by the Board of Directors, no officer, agent or employee shall have power to bind this Association by any contract or engagement or to pledge its credit or to render it liable for any purpose or in any amount.

Section 8. Compensation:

Please see attachment # 2

ARTICLE XI STANDING AND SPECIAL COMMITTEES

Section 1. Standing Committees:

The President, between the time of his election and assumption of office, shall appoint the following committees for terms concurrent with the fiscal year:

1. Plumbers Education Committee: This committee shall consist of not less than five members, and it shall perform such duties as re prescribe under the laws of the State of California, and by rules and regulations of State and Federal agencies relative to trainees.
2. Finance Committee: Chairman to be Treasurer with a committee consisting of one Past President, President, Vice President and one member at large. The duty of this committee shall be to handle all matters of financial planning and to make recommendations, and to complete the annual report.
3. By-Laws Committee: This committee shall consist of three past presidents and all other past presidents shall be advisors.
4. Building Committee: This committee shall consist of the President and two members.
5. Code Committee: This committee shall promote and maintain a uniform plumbing code in the County of San Diego and all cities within the county.
6. Membership Committee: This committee shall consist of not less than three members. It shall formulate and supervise plans for the acquisition retention of members of this Association.
7. President's Advisory Committee: The President's Advisory Committee chairman shall be the Immediate Past President and the committee shall consist of all Past Presidents. Its duties shall be to act as a advisory body to the Officers of the corporation and to act as nominating committee annually for the election of Officers.

Section 2. Special Committees:

Special committees may be appointed as follows:

1. The President may appoint such committees as he judges necessary and proper.
2. The Board of Directors may, by majority vote of the entire board, designate one or more committees for the purposes of carrying on activities of the Association. The duties of such committees shall be defined by the Board of Directors and such committees shall report to the Board of Directors when required.

Section 3. Committee Chairman:

In the event a chairman of a committee is not designated at the time the committee is appointed, that committee shall have the right to select its own chairman.

ARTICLE XII
BY-LAWS, AMENDING, REPEALING, EFFECTIVE DATE

Section 1. Amending or Repealing By-Laws:

These By-Laws may be amended or repealed by two-thirds vote of membership present at any annual, regular or special meetings provided a copy of such proposed amendment or repeal shall have been submitted to the membership in writing by the Secretary at least fifteen days before any meeting at which amendment or repeal of these By-Laws shall be discussed and acted upon.

Section 2. Effective Date:

These By-Laws shall become effective immediately upon the adoption thereof and shall supersede any previous By-Laws.



OBLIGATION
BY-LAWS
PLUMBING, HEATING, COOLING CONTRACTORS
ASSOCIATION OF SAN DIEGO, INC.

Revised: June 1, 2005

I _____, do hereby pledge myself upon my honor to support and abide by the rules and By-Laws of this Association, that are now in force, or that may be adopted by a majority vote of the membership of this Association at any time so long as I am a member, also the rules and By-Laws of the State and National Associations.

I further agree to assist the Officers of this Association to the best of my ability and to at all times endeavor to promote harmony and good fellowship among the members of this Association.

I also promise and agree that I will not discuss any matter pertaining to this Association with anyone other than a member of this organization.

Signature

Date



CONFIDENTIALITY AGREEMENT

The undersigned director, officer, or employee of the Plumbing, Heating, Cooling Contractor Association of San Diego agrees to maintain the confidence of all corporate and/or association information and matters when asked to do so by the President of the PHCC-SD until such time as directed otherwise by the President or there has been general public disclosure of said information, or unless he/she knows that the particular information is of public record or is a matter of common knowledge.

Confidentiality must be strictly maintained for all information concerning matters designated by the President as being confidential involving corporate or associate activities, including but not limited to sensitive personnel matters, litigation, and association business including member lists, future planning, or other sensitive matters.

The undersigned understands and agrees that should he or she disclose any such confidential information, or use any information of the association to further his or her private interests, he or she may be held liable for damages caused by any disclosure or use of association information, and/or accountable for any benefits that he or she obtains thereby.

The responsibilities and duties imposed upon the undersigned shall continue regardless of the fact that he or she is no longer affiliated with or no longer holds a position of authority within the association, and the undersigned agrees to be prohibited from using said information at any time, even if he or she participated in the development of such confidential information.

Signed and dated this _____ of _____ at

_____, _____
City State

Name _____

Address _____

Signature

ATTACHEMENT 1

Parliamentary Procedure

Parliamentary Procedure is important because it's a time tested method of conducting business at meetings and public gatherings; it's the best way to get things done. However, it only works if you use it correctly. Make motions that are in order, obtain the floor properly, speak clearly and concisely, and obey the rules of debate.

Organizations using Parliamentary Procedure usually follow a fixed order of business.

Here is an example of a typical agenda:

- | | |
|----------------------|---|
| 1. Call to order | The President says "The meeting will please come to Order" |
| 2. Roll Call | Members say "present" as their names are called. |
| 3. Minutes | The secretary reads a record of the last meeting and asks for approval of the minutes. |
| 4. Officers Reports | Often limited to a report from the treasurer, but others may report at this time. |
| 5. Committee Reports | Reports from "standing" or present committees come first then "ad hoc" or special committees. |
| 6. Special Orders | Important business previously designated for consideration at this meeting. |
| 7. Old Business | Business left over from the last meeting. |
| 8. New Business | Introduction of new topics |
| 9. Announcements | Informing the assembly of other subjects and events, including State and National PHCC news |
| 10. Adjournment | End by a vote, by general consent, or by the President's decision |

INTRODUCTION TO ROBERT'S RULES OF ORDER

What is Parliamentary Procedure?

It is a set of rules for conducting meetings that allows everyone to be heard and to make decisions without confusion.

Why is Parliamentary Procedure important?

Because it's a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today Robert's Rules of Order newly revised is the basic handbook of operation for most clubs, organizations and other groups. So it's important that everyone know these basic rules!

Organizations using parliamentary procedure usually follow a fixed order of business. Below is a typical example:

1. Call to order
2. Roll Call
3. Minutes
4. Officers Reports
5. Committee Reports
6. Special Orders
7. Old Business
8. New Business
9. Announcements
10. Adjournment

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

1. Call to order
2. Second motions
3. Debate on motions
4. vote on motions

There are four Basic Types of Motions:

1. **Main Motions:** The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and accidental motions.
2. **Subsidiary Motions:** Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.
3. **Privileged Motions:** Their purpose is to bring up items that are urgent about special or important matters unrelated to pending business.
4. **Incidental Motions:** Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

How are Motions Presented?

1. Obtaining the floor
 - a. Wait until the last speaker has finished.
 - b. Rise and address the Chairman by saying “Mr. Chairman, or Mr. President”.
 - c. Wait until the Chairman recognizes you.

2. Make your Motion
 - a. Speak in a clear and concise manner.
 - b. Always state a motion affirmatively. Say “ I move that we....” Rather than, “I move that we do not....”
 - c. Avoid personalities and stay on your subject.

3. Wait for someone to second your motion.

4. Another member will second your motion or the chairman will call for a second.

5. If there is no second your motion is lost.

6. The Chairman states your Motion
 - a. The Chairman will say “it has been moved and seconded that we....” Thus placing your motion before the membership for consideration and action.
 - b. The membership then either debates your motion or may move directly to a vote.
 - c. Once your motion is presented to the membership by the chairman it becomes “assembly property”, and cannot be changed by you without the consent of the members.

7. Expanding your Motion
 - a. The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
 - b. The mover is always allowed to speak first.
 - c. All comments and debate must be directed to the Chairman.
 - d. Keep to the time limit for speaking that has been established.
 - e. The mover may speak again only after other speakers are finished, unless called upon by the chairman.

8. Putting the Question to the Membership
 - a. The Chairman asks, “Are you ready to vote on the question?”
 - b. If there is no more discussion, a vote is taken.
 - c. On a motion to move the previous question may be adapted.

Voting on a Motion:

The method of vote on any motion depends on the situation and the By-Laws of policy of your organization. There are five methods used to vote by most organizations, they are:

1. By Voice – The Chairman asks those in favor to say, “I” , those opposed say “no”. Any member may move for an exact count.
2. By Roll Call – Each member answers “yes” or “no” as his name is called. This Method is used when a record of each person’s vote is required.
3. By General Consent – When a motion is not likely to be opposed, the Chairman says, “if there is no objection....” The membership shows agreement by their silence, however if one member says, “I object” the item must be put to a vote.
4. By Division – This is a slight verification of a voice vote. It does not require a count unless the Chairman so desires. Members raise their hands or stand.
5. By Ballot – Members write their vote on a slip of paper; this method is used when secrecy is desired.

There are two other motions that are commonly used that relate to voting.

1. Motion to Table – This motion is often used in the attempt to “kill” a motion. The option is always present, however, to “take from the table”, for reconsideration by the membership.
2. Motion to Postpone Indefinitely – This is often used as a means of Parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

Parliamentary Procedure is the best way to get things done at your meetings. But, it will only work if you use it properly.

1. Allow motions that are in order.
2. Have members obtain the floor properly.
3. Speak clearly and concisely.
4. Obey the rules of debate.
5. Most importantly, BE COURTEOUS