

EL PASO COUNTY BAIL BOND BOARD BYLAWS

The following bylaws have been adopted by the El Paso County Bail Bond Board pursuant to its authority under Texas Occupations Code Chapter 1704 (hereafter, the “*Code*”).

Article I: Name, Location and Purpose

The formal and official name of the organization is the “El Paso County Bail Bond Board” (hereinafter called the “*Board*”). The principal office and location of the Board shall be in El Paso County, Texas, and as otherwise directed by the Board. The purpose of the Board is to implement and carry out the laws related to bail bond regulation as passed by the Texas Legislature and Courts and to encourage professionalism in the local bonding industry in El Paso County.

Article II: Board Membership

The Board shall be composed only of those individuals as designated by the Code. Members will actively serve until duly replaced. Members may resign from the Board for good cause or due to circumstances beyond their control, except for those members serving on the Board due to the office they hold. The Board encourages a timely transition and replacement process.

The Board shall annually conduct a secret ballot election to elect the members of the Board who serve as the representative of licensed bail bond sureties and the representative of the criminal defense attorneys by electing: (1) a licensed bail bond surety or agent for a corporate surety board member; and (2) a criminal defense attorney who is practicing in the county. Each individual licensed in the county as a bail bond surety or agent for a corporate surety is entitled to cast one vote for each license held to elect the Board member who is a surety or agent for a corporate surety. Each attorney who has a principal place of business located in the county and who is not legally prohibited from representing criminal defendants in the county is entitled to cast one vote to elect the board member who is a criminal defense attorney.

The election of the Bail Bond Representative and Criminal Defense Attorney will be conducted simultaneously. The Board will be responsible for setting the exact dates of the election.

Article III: Board Officers, Agents, and Special Committees

a. Election and Duties of Board Officers.

The officers of the Board will include a Chairman and Vice-Chairman. Other offices may be established and elected as determined by a vote of the Board. The Board shall elect the officers of the Board at the first monthly meeting of each calendar year. Whenever a vacancy occurs in any office of the Board, such vacancy shall be filled by the Board at the next regular meeting of the Board after the vacancy has occurred.

Chairman – The Chairman will be the chief executive officer of the Board and shall preside at all meetings. Subject to the will of the Board, the Chairman will have general charge and

supervision of the administration of the affairs and business of the Board. The Chairman will be responsible to execute all legal documents and instruments in the name of the Board when authorized by the Board to do so and shall perform such additional duties as may be assigned by the Board.

Vice-Chairman – The Vice-Chairman shall discharge the same duties as the Chairman in the event of the absence or disability of the Chairman and shall perform such additional duties as may be assigned by the Board.

b. Board Agents.

Bail Bond Administrator – The Board shall have a Bail Bond Administrator who will be responsible for supervising the receipt of applications, the preparation and posting of meeting agendas, the preparation and certification of records and minutes of proceedings, and such additional duties as may be assigned by the Board.

c. Special Committees.

The Board may appoint special committees to assist the Board in carrying out its purpose. The Chairman, with the advice and consent of the Board, shall establish the purpose of the special committee and select the individuals that will serve on the committee. In no event may a special committee include more than three members of the Board but the committee may include any layperson the Board believes can add value to the committee. A special committee shall be for the duration necessary to satisfy the purpose for the creation of the committee. Special committees shall be advisory only and provide recommendations to the Board, as necessary. For the avoidance of doubt, the Board remains responsible for approving or rejecting any recommendations that a special committee provides.

Article IV: Board Meetings and Agenda

a. Monthly Meetings.

The Board shall hold regular monthly meetings on the last Tuesday of the month at 12:00 p.m., unless such day falls on a holiday, where the meeting will be held on the next available working day. The purpose of the monthly meetings is to transact such business as may lawfully come before the Board. It shall be the duty of the Bail Bond Administrator to give proper notice in accordance with the Texas Open Meetings Act of all monthly meetings.

b. Special Meetings.

The Board may hold special meetings at the call of the Chairman; provided, however, that each member of the Board be given at least forty-eight hours advance notice of the special meeting. It shall be the duty of the Bail Bond Administrator to give proper notice in accordance with the Texas Open Meetings Act of all special meetings.

c. Meeting Agenda.

The Bail Bond Administrator, in consultation with the Chairman, is responsible for developing, preparing, and arranging the items for the meeting agenda for each Board meeting. Only Board members may place agenda items and any outside persons wishing to have an item considered should contact a Board member to sponsor the item. Board members wishing to place an item on the agenda must make a request to the Chairman or Bail Bond Administrator in a timely manner. The Board member making the request is encouraged to provide the proposed agenda item language, action desire, and pertinent background information. The Chairman and Bail Bond Administrator shall be responsible for determining whether a proposed item complies with this subsection and if the proposed item is in compliance, the Bail Bond Administrator shall place the matter on the agenda.

Members of the public may be heard during a public comment item. The Board may not take action as to matters presented in public comment. Public comment shall be limited to five minutes per speaker, unless otherwise increased or decreased by the Chairman, in their reasonable discretion. It is the intention of the Board to provide an open access to the citizens of the county to speak. However, public comment shall not be used for making personal or profane remarks against any individual or organization. Any person making such remarks or who becomes boisterous while addressing or attending the Board meeting will be removed from the meeting room if so directed by the Chairman.

Board members will strive to: (1) make a request to the Chairman or Bail Bond Administrator six days prior to the meeting for any agenda item, presentation, or material they wish to be added to the agenda and all necessary back-up materials; (2) the Chairman, in their reasonable discretion, may permit items to be placed on the agenda with fewer than six days' notice; provided, however, that all such items must be provided within the limites of the Texas Open Meetings Act (generally 72 hours); and (3) inform the Chairman or Bail Bond Administrator if an error is identified in a presentation or minutes, so that a correction may be read into the record.

The Bail Bond Administrator shall provide the Board with the agenda and supporting documents and post the agenda in compliance with the Texas Open Meetings Act.

d. Quorum and Majority Vote.

Four members of the Board shall constitute a quorum and the Board may take action only on a majority vote of the Board members present.

Article V. Complaint Against Bail Bond Company

a. Procedures for Filing a Complaint on a Bail Bond Company.

- Complaints against a bail bondsman/surety can be made by the submission of a completed Bail Bond Complaint Form to the Bail Bond Administrator. For a complaint to be accepted by the Bail Bond Administrator, the complaint must be in writing, sworn to, and signed by the individual making the complaint.

- All sworn complaints involving allegations of violations of the Code will be investigated by the Bail Bond Administrator in consultation with the Board's legal advisor.
- If the sworn complaint appears to involve a violation of criminal law, the Bail Bond Administrator will forward the complaint to the El Paso County Sheriff's Office Criminal Investigation Division.
- The Board will not settle any civil or business disputes that do not rise to violations of the Code that subject a license holder to suspension or revocation.
- Upon completion of the investigation of a sworn complaint, the Bail Bond Administrator will place an action item on the next possible Board agenda, where the Board will determine whether to proceed with a suspension/revocation hearing or to dismiss the complaint. The Board may choose to discuss the investigation in executive session; provided, however, that any action taken must occur in open session.

b. Procedures for Board Notice and Hearing:

If the Board determines to proceed with a suspension/revocation hearing, the notice of hearing to suspend or revoke a license under the Code shall be as follows:

- Sent by certified mail to the last known address of the license holder not later than the eleventh day before the date of the hearing.
- State each alleged violation of the Code.
- Include a copy of any written complaint on which the hearing will be based.

The hearing must be limited to the alleged violations stated in the notice provided to the license holder. During the hearing, the license holder is entitled to an opportunity to be heard and may present and cross-examine witnesses. The hearings must be recorded and a license holder may obtain a copy of the record on request and payment of reasonable costs of transcription.

Article VI. Savings Clause

These Bylaws shall be read in harmony with Texas law, including the Texas Open Meetings Act and Texas Occupations Code. If any provision cannot be read in harmony with Texas law, then the applicable law shall govern.

Article VII. Fiscal Year

The fiscal year of the Board will correspond exactly with the fiscal year of the El Paso County government.

Article VIII. Bylaws Amendment

The Bylaws may be amended by the Board by the affirmative vote of the majority of the Board members present at the meeting where the amendment is being considered. The Bail Bond Administrator will make a good faith effort to provide notice of any proposed amendments to the bylaws to each member of the Board at least ten business days prior to the meeting.