



NEW YORK STATE WEIGHTS AND MEASURES ASSOCIATION, INC.
CONSTITUTION AND BYLAWS

Adopted 2004/2015/2022

ARTICLE I
NAME

Whereas, Weights and Measures is perhaps the oldest form of consumer protection;

Whereas, the activities associated thereto are among the most fundamental responsibilities and functions of government;

Whereas, the daily activities of all Weights and Measures Officials in New York ensures that all economic interests in the State are equally and fairly represented, whether it be the buyer or seller, consumer or business; and

Whereas, all Weights and Measures Officials of the State of New York should frequently meet to discuss matters of mutual concern, there shall be formed and created this association known as the "New York State Weights and Measures Association, Inc." a not-for-profit corporation, hereafter referred to as "the Association."

ARTICLE II
PURPOSE

The purpose of the Association shall be:

First: The advancement of the scientific and practical knowledge within the Weights and Measures profession and community.

Second: The promotion of measurement accuracy and uniform enforcement standards, legal requirements, and procedures among Weights and Measures Officials and jurisdictions.

Third: The encouragement of friendly association, and the interchange of ideas, views and pertinent information among all Weights and Measures Officials, industry, business and government representatives of the State of New York and others interested in the subject.

ARTICLE III
MEMBERSHIP

Section 301. Regular Membership

Any active Weights and Measures Official of the State of New York may be admitted to regular membership in this Association as prescribed in the Constitution and Bylaws. A regular member shall have paid the current annual Association dues as a condition for being deemed “eligible” and/or “in good standing”. Such member, when present at the time of voting, shall be eligible to vote, to be elected or appointed to and hold any office or committee post.

Section 302. Retired Membership

A retired regular member with fifteen (15) or more years of service shall automatically become a life member of the Association. Such retired regular member shall pay no dues or meeting registration fees and shall have no voting privileges. However, a retired regular member with three (3) or more years membership may elect to pay membership fees and meeting registration fees and then shall be deemed “eligible” and/or “in good standing”. Such member, when present at the time of voting, shall be eligible to vote and hold any office or committee post.

Section 303. Associate Membership

Any other person interested directly or indirectly in the work of the Association may be eligible for an associate membership. Upon payment of the annual dues such person shall be deemed a member “in good standing” and eligible to serve on Association committees as outlined in the Constitution and Bylaws. Associate members may not vote.

Section 304. Honorary Membership

Upon the recommendation of the Executive Committee, the Association may elect any person to honorary membership in the Association. Such members shall pay no dues and have no voting privileges.

Section 305. Conduct

No member shall conduct themselves as to adversely affect the Association’s business or reputation. The consequences of this action shall be decided by a two-thirds (2/3) vote of the Executive Committee.

ARTICLE IV
OFFICERS, DUTIES, ELECTIONS AND TERMS

Section 401. Officers

The officers of the Association shall be: president, first vice-president, second vice-president, third vice-president, secretary and treasurer.

Section 402. President

The president shall preside at all meetings of the Association except as herein provided; enforce due observances of the Constitution and Bylaws and preside at special meetings of the Association. They shall provide to the secretary, within thirty (30) days of the Annual Meeting, a list of all appointees made at the meeting or immediately thereafter, along with a list of any vacancies. They shall perform such other duties as may be required of them and shall be an ex-officio (non-voting) member of any standing and all special committees.

Section 403. Vice-Presidents

In the absence of the president, the duties of that office shall devolve upon the vice-presidents in their respective order.

Section 404. Secretary

The secretary shall keep the minutes and records of the Association; inform candidates of their election; keep a register of the members of the Association; issue all notices and calls for meetings and perform all other duties pertaining to the office as may be required by the Association. No meeting of any committee shall be deemed legal unless each member of same has been notified. The reading of the names of the members of the committees at meeting sessions shall be deemed notification to members of such committee.

The secretary shall provide copies of official minutes from any official Association or Executive Committee meeting to all Executive Committee members by either thirty (30) days after such meeting or at their meeting the first day of the Annual Meeting, whichever is earlier. The secretary shall have sixty (60) days to provide copies of the official minutes of the Annual Meeting to all Executive Committee members. Said minutes shall have their approval voted on at the next Executive Committee meeting.

The secretary shall notify all elected officers, appointees, committee members and chairpersons of their election or appointment at the Annual Meeting, and forward a list of the same, including vacancies, to each within forty-five (45) days of the Annual Meeting or by having the list published in the Association Newsletter, if published within forty-five (45) days of the Annual Meeting.

The secretary shall present an annual report for Association action.

In the event of the absence of both the president and vice-presidents, the secretary shall call the meeting to order, and a chairperson pro-tem shall be elected.

Section 405. Treasurer

The treasurer shall receive all monies and keep records of all receipts and expenditures. Vouchers shall be paid by them only when authorized by the Executive Committee, president, or Committee Chairperson. They shall render an itemized report at each Annual Meeting of the Association and whenever required to do so by the president. They shall be required to file a \$30,000 (thirty thousand dollar) fidelity bond with a security company and submit proof of said

requirement to the chairperson of the Executive Committee within thirty (30) days of election to the position, the fee for which shall be paid by the Association.

The treasurer shall be responsible for handling registration at the Annual Meeting.

The treasurer shall notify annually during the month of January all association members with a notice of dues and present to the secretary prior to, or at the opening session of, the Annual Meeting, a list of all members "in good standing" as referenced in Article III, Sections 301, 302, 303.

Section 406. Sergeant-At-Arms

The sergeant-at-arms shall preserve order at all meetings of the Association, present a quorum so that meetings may begin at the scheduled time and perform all other duties pertaining to the office as many be required by the Association.

The sergeant-at-arms shall be appointed by the president prior to, or at the opening session of, the Annual Meeting or at any official meeting of the Association as required.

Section 407. Nominations

The president shall appoint a Nominating Committee prior to, or at the opening session of, the Annual Meeting, the membership of which shall not include any officers of the Association or an elected member of any committee. The Nominating Committee shall confer with potential candidates and obtain their permission for nomination, and shall present, at least twenty-four (24) hours prior to balloting, a list of nominees for those respective offices and committees to be elected by the Association members present.

Additional nominations may be made from the floor by any regular or retired member "in good standing" as per Article III, Sections 301 and 302 at the time the Nominating Committee's proposed slate of nominees is read for those offices to be voted on by the Association members present.

Section 408. Voting

A printed ballot with the names of all persons duly nominated either by the Nominating Committee or from the floor of the Annual Meeting shall be prepared and distributed to the members for election before the close of the meeting. A blank space shall be left after nominees' names for each office to permit a write-in vote. Only candidates "in good standing" as per Article III, Sections 301 and 302 are eligible to be elected or appointed to and hold any office or committee post.

Each member eligible to vote shall receive one ballot and shall cast this ballot during the voting period. This list of eligible voters shall be maintained in the official records and be available to Association members at all meetings.

The president shall appoint two (2) tellers who will collect the completed ballots, count them, and announce the results.

Only eligible members present at the time of voting shall vote. No vote shall be by proxy.

The person or persons receiving the majority of votes cast shall be declared duly elected to the respective office. If in balloting no candidate receives a majority, another ballot shall be taken eliminating the candidate who received the lowest number of votes.

Section 409. Terms of Office

All terms of office shall be for one (1) year, except that of the Legislative Committee, the terms of which are stated in Article V, Section 507.

In the event that the Annual Meeting cannot be held due to a state of emergency, or other restrictions, the Executive Committee can, by a two-thirds (2/3) vote, extend the terms of office for elected officials until such time that the Annual Meeting can be held. Any vacancies shall be filled by the Association president in accordance with Section 502.

Section 410. Regional Associations

There shall be four (4) state regional associations officially recognized by the Association.

The Central Association shall consist of the Counties of Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, Otsego, Schuyler, Seneca, St. Lawrence, Tioga, Tompkins and Yates.

The Northeast Association shall consist of the Counties of Albany, Clinton, Columbia, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren and Washington.

The Southeastern Association shall consist of the Counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester and the Cities of New York, Mount Vernon and Yonkers.

The Western Association shall consist of the Counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne and Wyoming.

ARTICLE V

COMMITTEES AND DELEGATED DUTIES AND/OR RESPONSIBILITIES

Section 501. Standing Committees

There shall be four (4) standing committees as follows: Executive, Meeting, Membership and Safety. Unless otherwise stated each committee chairperson shall be selected by the president.

Section 502. Executive Committee

The Executive Committee shall consist of the president, immediate past president, first vice-president, second vice-president, third vice-president, secretary, treasurer, chairperson of the Legislative Committee, and one representative elected from each of the four (4) officially

recognized state regional associations prior to the Annual Meeting, provided such representative elected is a regular member of the Association, plus three (3) “at large” regular members duly elected at the Annual Meeting who shall serve for one (1) year. In addition, the New York State Bureau of Weights and Measures Director shall be an ex-officio (non-voting) member, and up to three (3) associate members of the Association may be appointed by the president in an advisory capacity to the Executive Committee. The Executive Committee shall elect one (1) of its members as Chairperson of the committee at the closing session of the Annual Meeting.

The Executive Committee shall exercise a general supervision over the affairs of the Association in the interim between the Annual Meetings of the Association and shall transact such business that requires executive action. Any five (5) or more Executive Committee members shall constitute a quorum.

The Executive Committee may create or disband any additional special committee in the best interests of the Association.

When a special committee is activated, that committee shall operate as outlined in the appropriate section of the Constitution and Bylaws.

All committees shall be subject to an annual review by the Executive Committee.

A vacancy existing in any office of the Association or on any standing or special committee shall be filled by the president of the Association to the end of the remaining term.

Section 503. Meeting Committee

The Meeting Committee shall consist of, but not limited to, the immediate past president, president, 1st vice-president, 2nd vice-president, 3rd vice-president, whereas the president shall automatically become chairperson. As many active members of the Association as may be necessary shall be appointed by the president at, or as soon after, the Annual Meeting as possible. These members shall be appointed from among Weights and Measures Officials, plus an equal or fewer number of associate members may be appointed, all of whom must be “in good standing”. It shall be charged with the responsibility of planning, arranging, and handling the details for the Annual Meeting and all entertainment connected therewith, except that the Executive Committee shall have charge of the preparation of the meeting program. Each of the vice-presidents, as members of the Executive Committee, shall serve on the Meeting Committee and assist the president in putting on the Annual Meeting by assuming and carrying out duties and responsibilities as delegated by the president.

Section 504. Membership Committee

The president of the Association shall appoint a Membership Committee at the Annual Meeting, or as soon thereafter as possible. Said committee shall consist of one (1) or more regular members “in good standing”, an equal or fewer number of associate members “in good standing”, and the Association treasurer. The function of the committee is to promote the goals and purposes of the Association, and to solicit and propose candidates for membership (regular or associate) in the Association.

Section 505. Safety Committee

The president of the Association shall appoint a Safety Committee at the Annual Meeting, or as soon thereafter as possible. The committee shall consist of one (1) or more regular members “in good standing” and an equal or fewer number of associate members “in good standing”. The purpose of the Safety Committee is to promote safety awareness in the workplace, provide training, establish policies and procedures when needed, and address safety concerns from any Association member.

Section 506. Special Purposes Committees

The special purposes committees shall consist of the Legislative Committee, Auditing Committee, Nominating Committee, Resolutions Committee, Constitution and Bylaws Committee, Education and Information Technology Committee, Specification and Tolerances Committee, Awards and Recognition Committee and any additional Committees for Special Purposes as may be appointed by the president or Executive Committee or elected by the general membership.

Section 507. Legislative Committee

The Legislative Committee should consist of four (4) regular members, one (1) from each of the regional associations and up to two (2) associate members “in good standing”. Legislative committee members may be appointed by the Association president at the Annual Meeting. Each member shall serve for a two (2) year term commencing on the date of the last day of the Annual Meeting. Such appointee shall serve until the end of the remaining term. The members of the Legislative Committee shall elect a chairperson to be the official spokesperson for the committee. The committee shall be active, meet independent of the Executive Committee, and/or the members shall be in close communication with one another, as often as necessary, particularly when the State Legislature is in session each year. The committee shall propose, correlate, and acquaint itself with all legislation and/or Agriculture and Markets Commissioner’s Rules and Regulations affecting the enforcement of the laws, rules, regulations, policies and/or procedures regarding Weights and Measures and take such action as it deems necessary to promote or defeat the passage or enactment of such legislation, rules, regulations, policies and/or procedures. Copies of proposed laws, regulations, policies and/or procedures shall be promptly provided directly to each member of the Association, by first class mail or electronic means, if time and/or publishing constraints are such that ample notice is not able to be made to the general membership via the Association’s Newsletter. If the position of the chairperson of the Legislative Committee is vacant, the Legislative Committee shall elect a new chairperson as specified in Section 507 of this article. Said chairperson shall serve on the Executive Committee.

Section 508. Auditing Committee

The Auditing Committee shall consist of three (3) regular members “in good standing”, appointed by the president prior to, or at the opening session of, the Association’s Annual Meeting. The Committee shall audit all bills and treasurer’s records and present a report to the Association before the end of the Annual Meeting.

Section 509. Nominating Committee

The Nominating Committee (Referenced in Article IV, Section 407) shall be appointed by the president prior to, or at the opening session of, the Association's Annual Meeting.

Section 510. Resolutions Committee

When the committee is activated the president shall appoint a Resolutions Committee prior to, or at the opening session of, the Annual Meeting. Said committee shall consist of one or more regular members "in good standing". In addition, an equal or fewer number of associate members "in good standing" may be appointed. The Resolutions Committee shall formulate and present, in writing, resolutions for action as needed or required by the Association. Such additional resolutions as deemed appropriate by the committee may also be proposed. The Association membership will then vote to either carry or defeat such proposed resolution(s). Copies of the resolutions shall be submitted to the secretary to be included in the Association records.

Section 511. Constitution and Bylaws

When the committee is activated the president of the Association shall appoint at the Annual Meeting, or as soon thereafter as possible, a Constitution and Bylaws Committee consisting of at least two (2) regular members "in good standing" and up to two (2) associate members "in good standing". The committee shall review the Constitution and Bylaws and recommend as appropriate whatever revisions, additions, and/or deletions ought to be made to keep the Association current. Spelling, grammar, formatting, and clarification edits may be approved by a majority vote of the Executive Committee. The committee will present a report of said edits at the Annual Meeting.

Section 512. Education and Information Technology Committee

When the committee is activated the president of the Association shall appoint an Education and Information Technology Committee at the Annual Meeting, or as soon thereafter as possible. Said committee shall be comprised of at least two (2) regular members "in good standing" and up to two (2) associate members "in good standing". The committee shall aid in the education and training of Weights and Measures officials through educational materials and presentations, and by updating officials on new technologies dealing with information services as each relates to the Weights and Measures field. The committee shall also promote Weights and Measures principles, techniques and awareness among the general public, consumers, and users of weighing and measuring devices. This includes locating and distributing materials to local jurisdictions so as to encourage annual recognition and observance of "National Weights and Measures Week" (March 1-7), and the importance of Weights and Measures inspections and tests in the marketplace.

Section 513. Specifications and Tolerances (S&T) Committee

When the committee is activated the president of the Association shall appoint a Specifications and Tolerances (S&T) Committee at the Annual Meeting, or as soon thereafter as possible. Said committee shall consist of one (1) or more regular members "in good standing"

and an equal or fewer number of associate members “in good standing”. The committee embraces all matters dealing with:

- (1) Specifications, tolerances, and technical requirements of any kind relating to weighing and measuring devices and accessories, including interpretation of such material whenever necessary;
- (2) Standards and testing equipment for Weights and Measures officials;
- (3) Procedures for testing commercial equipment.

Section 514. Awards and Recognition Committee

The committee shall consist of the current president of the Association, the immediate past president, the current first vice-president and treasurer. The committee shall:

- (1) provide the president with the names of the members eligible for service certificates in recognition of each five (5) years the member has belonged to the Association.
- (2) select any Association member deemed to have significantly contributed to the Weights and Measures community, to receive the New York State Weights and Measures Association “Distinguished Service Award”.
- (3) issue a “Certificate of Recognition” for an outstanding contribution to the promotion of measurement accuracy, uniform enforcement, or equity in commercial transactions. When deemed appropriate, this certificate is to be issued to the individual, jurisdiction or company to be recognized. Notification is to be sent to the jurisdiction director or company manager, and to the New York State Commissioner of Agriculture & Markets and/or to the head of the governing body where the jurisdiction or company is located. Notice of, and the reason for, the award will also be forwarded to the Association Newsletter Editor for publication in the Association newsletter.

Section 515. Reports of Committees

All standing and special committees shall present a report on their activities and actions taken at the Annual Meeting for action, unless otherwise stipulated. Written copies of said reports shall be submitted to the secretary to be included in the Official Association Records.

ARTICLE VI ANNUAL MEETING

Section 601. Dates and Location

The Meeting Committee shall recommend the dates and site for the successive Annual Meeting as detailed in Section 503 of the Constitution and Bylaws. Said date and site shall be approved by a majority vote of the Executive Committee.

Section 602. **Quorum**

Any fifteen (15) members of the Association “in good standing” shall constitute a quorum for the transaction of any business that may properly come before any duly called Annual Meeting.

Section 603. **Registration Fee**

All persons attending the Annual Meeting and participating in the activities shall pay the registration fee, unless otherwise approved by a majority vote of the Executive Committee. Retired members, as outlined in Section 302 of the Constitution and Bylaws, shall not be required to pay the registration fee.

Section 604. **Awards and Recognition**

The president of the Association shall present all awards and certificates approved by the Awards and Recognition Committee.

ARTICLE VII **FINANCES**

Section 701. **Dues**

The annual dues shall be approved by a majority vote of the Executive Committee at the Annual Meeting for regular, associate, and retired members. Annual dues shall be due and payable by January 31st of every year.

Section 702. **Compensation**

The president may receive an annual stipend up to the amount approved by the Executive Committee at the Annual Meeting, when approved by a vote of the Association and its members at the Annual Meeting.

The secretary may receive an annual stipend up to the amount approved by the Executive Committee at the Annual Meeting, when approved by a vote of the Association and its members at the Annual Meeting.

The treasurer may receive an annual stipend up to the amount approved by the Executive Committee at the Annual Meeting, when approved by a vote of the Association and its members at the Annual Meeting.

The newsletter editor may receive an annual stipend up to the amount approved by the Executive Committee at the Annual Meeting, when approved by a vote of the Association and its members at the Annual Meeting.

ARTICLE VIII
PARLIAMENTARY AUTHORITY

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with these Constitution and Bylaws and any special rules of order the Association may adopt.

ARTICLE IX
AMENDMENTS TO THE CONSTITUTION AND BYLAWS

The Constitution and Bylaws may be amended only at the Annual Meeting of the Association, by a two-thirds (2/3) vote of the eligible members present. All proposed amendments must be received by the secretary four (4) weeks before the date of the Annual Meeting and be transmitted to the members not less than ten (10) days before the Annual Meeting. The Constitution and Bylaws committee shall also have the right to present amendments upon the approval of the majority of the members of said committee. Amendments to the Constitution and Bylaws may be submitted directly by members "in good standing" to the Constitution and Bylaws Committee. They will make whatever recommendations they deem necessary at the Annual Meeting before any action is taken. A notice in the New York State Weights and Measures Association Newsletter, first class mail or by electronic means shall be deemed a legal official notice to the membership of the Association.

ARTICLE X
SUSPENSION OF THE RULES

One or more of the Rules of Order may be suspended during a meeting by a vote of two-thirds (2/3) of the members present at that meeting pursuant to the provisions of Section 602 of the Constitution and Bylaws.

ARTICLE XI
ADOPTION

The Constitution and Bylaws shall be in force and effect immediately after adoption by the Association.