

LINCOLN COUNTY SHERIFF'S MOUNTED POSSE BY-LAWS

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**CONSTITUTION OF THE
LINCOLN COUNTY SHERIFF'S MOUNTED POSSE**

ARTICLE I - ORGANIZATION

We, the undersigned citizens of Lincoln County, State of Oregon, believing in the principals of Americanism, our Democratic Form of Government, preservation of law and order, and the keeping of the peace in our Nation, State, County and Community, desiring to make available and offer our services in active duty if called upon, for these ideals to the office of the Sheriff of Lincoln County and/or the office of the Governor of the State of Oregon, hereby form an association for these purposes and for the purpose of assisting in the search for missing persons, and the stimulation of horsemanship and good fellowship, and perpetuate the customs, traditions, and pageantry of the early days of the State of Oregon.

ARTICLE II - TITLE

This association, of the undersigned members, is hereby given the name of and shall henceforth be called the Lincoln County Sheriff's Mounted Posse, hereinafter referred to as the Posse, and shall consist of the following subsidiary corporations:

- Lincoln County Sheriff's Mounted Posse, Inc. (2000)
- Lincoln County Sheriff's Posse Stables, Inc. (2000)

ARTICLE III - GOVERNMENT

For administration of its own affairs, the government of the Posse shall be vested in one Executive Committee comprised of the following positions one Captain, one First Lieutenant, One Second Lieutenant, one Treasurer, one Recording Secretary, one Equipment Officer and one News Reporter, to be elected by the regular Posse Members and shall hold office with duties as provided in the By-Laws. The Captain shall appoint one Second Second Lieutenant. The Captain will carry the rank of Captain. The Executive Committee rank within the Posse will be Lieutenant for all elected or appointed positions.

ARTICLE IV - PROPERTY

Title and ownership of all property and assets of the Posse shall vest in the Lincoln County Sheriff's Mounted Posse. Any person ceasing from any cause to be a member of the Posse shall forfeit ipso facto all right and title to the property, funds, and assets of the Posse and every part thereof.

ARTICLE V - DEMONSTRATIONS

No demonstration shall be made by the Posse on behalf of any object or purpose deemed to be entirely political, religious or to advance a private commercial interest, unless it clearly appears that such demonstration shall tend to promote the purpose of the organization as expressed in Article I hereof.

**BY-LAWS OF THE
LINCOLN COUNTY SHERIFF'S MOUNTED POSSE**

The following is adopted as a code of By-Laws for the Lincoln County Sheriff's Mounted Posse in accordance with Articles of the constitution.

MP. 1.05 MEMBERSHIP

- Section 1. In accordance with Article 1 of the Constitution, persons desiring to associate for the purpose of advancing the interests of and to advertise the County of Lincoln and to perpetuate the customs, traditions and pageantry of the early days of the State of Oregon, may be elected to regular membership in the Posse. Regular membership shall be limited to 50.
- Section 2. In addition to regular membership, there shall be an Inactive membership. Inactive memberships have all the privileges of the Posse except any property right in the Posse's property and the right to vote or hold office. The number of inactive memberships shall not be limited.
- Section 3. No applications for regular membership in the Posse shall be received from any person who is not a citizen of the United States, who does not reside in the County of Lincoln or its adjacent counties, has a criminal history that would disqualify them from being certified as a private security provider by Oregon DPSST, nor any person who is under twenty-one years of age. Resignation of membership must be in writing and accompanied by the surrender of the member's badge, card of identification, and all Posse owned equipment to the Captain.
- Section 4. Each member of the Posse, without regard to classification, shall upon their election to membership become a duly sworn Lincoln County Sheriff's Mounted Posse member and shall be considered to have assumed by their oath and their acceptance of membership in the Posse, the obligation to render to the Posse and to the Sheriff of the County of Lincoln, as and when called upon, such assistance within the objects, purposes and customs of the Posse as may lie within their abilities.
- Section 5. All of the activities of the Posse shall be confined to those purposes for which it was instituted as set forth in Article I of the Constitution and shall be subject to the limitations set forth in Article V thereof.
- Section 6. A member of the Lincoln County Sheriff's Mounted Posse (LCSMP) who has been duly sworn shall be entitled to wear the distinctive badge of the Posse and shall be furnished an identification card. The nature and details of said badge of the same shall be hereinafter set forth in the "Uniform Regulations".
- Section 7. Each member shall own a suitable equine and equip themselves and equine Western-style, at their own expense in the manner hereinafter prescribed in the By-Laws entitled "Uniform Regulations" and "Equine Regulations".
- Section 8. Each member must have a trailer, tow vehicle or have access to transportation for their equine and equipment.
- Section 9. Support Membership is defined as a member without a horse. Support members are not able to vote and not able to hold office. Additional details of Support Membership are

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described in Lincoln County Sheriff's Mounted Posse Support Membership Policy
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Section 10. A Cadet program is available to youth not less than 16 years of age that meet the requirements described in the Lincoln County Sheriff's Mounted Posse Cadet Program

MP. 1.10 INACTIVE MEMBERS

Section 1. Any regular member of the Posse who has suffered a physical disability or illness of lengthy anticipation, or extenuating circumstances deemed acceptable, which will prevent them from taking an active part in Posse affairs, or who shall have moved from the vicinity of the County of Lincoln may, upon written application to the Captain, setting forth the full circumstances, be transferred to the inactive membership. The member, upon application therefore, may be transferred to the Inactive Membership upon two-thirds (2/3) vote of the regular members present. Upon being voted inactive the inactive member must return their badge(s) and any Posse issued equipment or uniforms.
Each inactive member's case will be reviewed yearly to determine reclassification

Section 2. Should the disability, or circumstances of any member of the inactive membership cease or if for any reason they desire to again become a regular member, they may upon application to the Captain be returned to regular membership, provided there is a vacancy in that classification. If not, they shall retain their Inactive status but their name shall be placed at the head of the elected waiting list, and they shall have preference when the first vacancy occurs in the regular membership.

MP. 1.12 CHARTER, HONORARY, AND LIFETIME MEMBERS

Section 1. Charter member is a person who was an original member when the Posse was first formed.

Section 2. Honorary member is a person who has been a member in good standing for a minimum of 10 contiguous years and meets the inactive criteria listed in MP 1.10. The member, upon application therefore, may be transferred to the Honorary Membership upon two-thirds (2/3) vote of the regular members present.

Section 3. Lifetime member is a person who is in active status, been in good standing and has been with the Posse for a minimum of 25 contiguous years. Annual membership dues are waived for lifetime members.

Section 4. Charter members and honorary members may take part in all activities except to hold office or vote on any issue. Charter and honorary members do not need to be reviewed annually to keep their status.

MP. 1.15 FEES AND DUES

Section 1. Dues established in the "Uniform Regulations" will be paid by each new member at the time of their election. Yearly dues established in the "Uniform Regulations" shall be assessed against each member annually. The Secretary or Treasurer shall collect dues on or before the December membership meeting.

MP. 1.20 ELECTION TO REGULAR MEMBERSHIP

- Section 1. The regular members of the Posse, in meeting, shall have the authority to elect persons to Regular Membership in the Posse. A quorum for the purpose of electing a person to membership shall be a majority of the entire regular membership. The ballot shall be secret and there shall be a separate ballot for each applicant and all of the Regular members present must vote. One negative vote for each five (5) members present at the Posse meeting or any function thereof shall be sufficient to reject.
- Section 2. The poll shall be conducted by the First Lieutenant who shall deliver the ballots, unopened, to the Captain. Together they will privately check the tally and the Captain will announce the applicant elected or rejected without reference to the number of affirmative or negative votes.
- Section 3. The election of an applicant to the Posse membership will only be considered after the applicant has successfully completed the one year of required training conducted by the Posse Field Training Officers (FTO). Upon the completion of training and the recommendation of the FTO supervisor the applicant can be considered for membership. If the applicant has not successfully completed their training and not received the recommendation of the FTO supervisor, the applicant may be considered at a later date providing that the Supervisor and the Field Training Officers recommend the applicant continue in the training program.
- Section 4. All applications for Regular Membership shall be in writing on the prescribed form and shall be signed by the applicant.
- Section 5. Applications duly completed shall be filed with the recording Secretary. If there is no vacancy when an application for Regular Membership is received, the name of the applicant shall not be immediately considered for election, but applicant's name will be placed on a list known as the un-elected waiting list in the order in which the application was received. When a vacancy occurs in the Regular Membership, the Posse shall consider for election the names on the un-elected waiting list in the order in which they appear thereon, but the first names on said list may be considered for election prior to such vacancy.
- Section 6. A new member shall report to the Sheriff's Office for fingerprinting and photographing for their identification card.
- Section 7. The secretary shall give written notice to the entire Regular Membership of every application for membership at least seven days prior to any action thereon looking to elect by the Posse. Said notice shall state the name of the applicant, their occupation and address.
- Section 8. No rejected applicant for membership shall be again proposed within six (6) months from the date of their rejection.
- Section 9. An application for membership may be withdrawn by the applicant at any time prior to election without prejudice.
- Section 10. Upon the election of an applicant for Regular Membership, the Recording Secretary or Captain shall immediately notify the applicant of their election.
- Section 11. For the purpose of facilitating in advance to a proposal whether or not a candidate for admission to membership will or will not in all probability be acceptable to the

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membership, there is hereby established a membership committee consisting of the Field Training Officers and their Supervisor. It shall be the duty of the FTO Supervisor to notify regular members of any new applicants.

Any member of the Posse may, if such person is unacceptable to them, communicate their views to the FTO Supervisor or the Captain. All such communications, whether oral or written, shall be held in the strictest confidence by the FTO Supervisor, or Captain and the members of the Posse shall have no right to a report on such information or to know the member has communicated with the committee. Within two weeks, it shall be the duty of the FTO Supervisor, or Captain, to investigate the proposed applicant for membership; to confer with the Sheriff's Office; complete a successful background check; and to determine his/her fitness and acceptability as a Posse member and to report same to the proposer.

Section 12. At all meetings of the Posse at which any application for membership is voted upon, it shall be the duty of the membership committee to report their findings as favorable or unfavorable as the case may be, and if requested thereto, to advise the meeting as to the number of adverse recommendations which they may have received from the members concerning such applicants, but without revealing the names of the members who may have made such adverse recommendation. Final approval for Posse Membership rests with the Sheriff.

Section 13. New applicants must participate in at least six (6) sanctioned events of which three (3) are riding with posse members, and attend at least six (6) meetings. After the above criteria have been met, along with a successful completion of the Training program administered by the Field Training Officers and the applicant still wishes to join the Posse, a vote will be taken by the Posse on applicant's membership. At this time the newly elected member will be issued one (1) regulation uniform which is the property of the posse and will be expected to be returned if the new member leaves the general membership at any time during their tenure.

MP. 1.25 OFFICERS

Section 1. The Sheriff of Lincoln County shall be the Commander of the Lincoln County Sheriff's Mounted Posse.

Section 2. At the annual meeting of the Posse held in December of each year pursuant to Article III of the Constitution, a regular member of the Posse in good standing shall be elected by secret ballot to each office. Each of said officers to serve for the ensuing year. Each officer shall wear the distinctive insignia of this office in the manner hereinafter prescribed in these By-Laws entitled "Uniform Regulations". The meeting will be conducted for the purpose for which it was called before any other business is transacted.

Section 2A. Treasurer shall be elected by the Posse. They shall have charge of and be responsible for funds and securities of the Posse. All out going checks must bear the signature of the Treasurer or other authorized officer.

Section 3. The Captain shall exercise general supervision over the affairs of the Posse and shall render a report annually at the close of their term of office to the members. They shall preside at all Posse meetings and command the Posse at all of its demonstrations in the absence of the Sheriff of Lincoln County. They shall appoint the members of all

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committees. They shall have authority to fill vacancies in all committees and remove members of the committees.

- Section 4. In the absence or disability of the Captain, the duties of their office shall devolve upon the First Lieutenant. In the absence and or disability of the Captain and the First Lieutenant, the duties rest upon the 2nd Lieutenant.
- Section 5. The Secretary shall have full custody of all papers, records and documents of the Posse and shall prepare and keep such forms and records as may be required for its efficient administration. They shall keep a record of the minutes of all meetings. They shall issue all notices and conduct the correspondence.
- Section 6. All checks and cash received shall be deposited in a local bank, to be selected by the officers. Any officer is empowered to endorse checks on behalf of the Posse for deposit only. Funds from the account(s) may only be withdrawn by the signature of the Treasurer and/or the counter-signature of the ranking or other authorized officer. The Treasurer shall render a report on the Posse's finances to the membership each month. A committee of two regular members appointed by the Captain for that purpose shall audit the financial record at least once a year.
- Section 7. **Executive Committee.** The executive committee of the Sheriff's Posse shall consist of the Captain, First Lieutenant, Second Lieutenant, Second Second Lieutenant, Recording Secretary, Treasurer, Equipment Manager and the Reporter and appointed officers. The Executive Committee shall function as a body within 48 hours notice by the Captain and/or The Sheriff. Four members shall constitute a quorum. They shall transact business on an interim basis between meetings of the membership, as urgency requires. The Executive Committee shall also discuss and present to the membership recommendations in form, of resolutions to be presented to the next meeting. All actions of the executive committee shall be confirmed and ratified by the membership at its next meeting subsequent to such action. They shall meet once per month on the week prior to the regular Membership meeting.

MP 1.30 MEETINGS

- Section 1. Posse meetings shall be held on the first Tuesday of each month at any time and place which the Captain may specify or when the necessity for the same shall arise. Eight members shall constitute a quorum for the transaction of business. Only regular and lifetime members in good standing shall be entitled to vote. If there be no quorum present, those present at the meeting may adjourn the meeting from day to day until a quorum shall be present.

MP 1.35 DEBTS

- Section 1. A member shall meet within thirty (30) days time, their legitimately authorized financial obligations, which may be due and owing; failure to do so may be declared by majority vote of the regular members present in meeting as not having good standing in the Posse. A member shall be restored to good standing upon the payments of their obligations. Failure to pay said obligations within a thirty (30) day period after said member has forfeited their good standing shall result in expulsion from the Posse in the

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manner herein after set forth in these By-Laws entitled "Discipline", MP 1.40, Section 1.c.

MP. 1.40 DISCIPLINE

- Section 1. There shall be three formal levels of discipline within the Posse.
- a. **Reprimand** – This level will be administered by the Captain and/or the executive board. Any formal reprimands will be in writing and kept on file in the members personnel file. A Posse member can appeal any reprimand to the membership and ask for a vote to have said written reprimand removed from their file.
 - b. **Administrative Leave** – This level will be invoked by the executive board or the Captain when an issue requiring urgent response is required. Subsequent to a member being placed on Administrative Leave, the Posse Captain will advise the Membership of said action at the next general meeting. A Posse member on Administrative leave will lose all privileges afforded them as a Posse Member until said issue has been resolved or the Membership has voted to take other disciplinary action. A member on Administrative leave may not wear the Posse uniform, participate in any Posse events or portray himself to anyone as member in good standing.
 - c. **Expulsion** - Any member creating an act that is deemed unacceptable to the membership may be expelled from the Posse by a vote of the membership when such motion passes by 2/3 vote.
- Section 2. Any member who shall be absent from three.(3) successive meetings and/or assemblies called by the Posse Captain, unless excused by the Captain, may be placed on administrative leave.
- Section 3. Any member who shall conduct themselves in a manner not becoming to a gentleman or lady, either in the Posse or elsewhere, or who may do or fail to do anything calculated to disturb the harmony or impair the good name of the Posse or the County of Lincoln may be formally disciplined.
- Section 4. An officer may be removed from office when it is apparent that such action is required for the best interest of the Posse. Inefficiency or offensiveness in the conduct of their duties shall be deemed contrary to the best interest of the Posse. This is to be taken on order by the Sheriff or a 2/3 vote of regular members.
- Section 5. Action may be taken in reference to such conduct upon the initiative of any Regular Member of the Posse in open meeting. If the accused is present at said meeting, they may arise in their own defense at that time and/or may request the Captain to set a date for a future meeting for the defense of their conduct. If the accused is not present at said meeting they shall be given seven (7) days notice in writing in advance of meeting of the Posse at which time accusations against them shall be considered. Said notice shall contain a statement of the accusations. The time limit herein set forth shall be extended by the Captain when it is apparent that the enforcement of said time limit would result in injustice. Temporary action in the form of placing a Member on administrative leave may be taken in reference to such conduct upon the initiative of any Regular Member of

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the Posse by the Executive Committee or Captain until such time as the next regular meeting of the membership.

Section 6. An affirmative vote of two-thirds (2/3) of the members present at said meeting shall be necessary for reprimand, or expulsion.

MP. 1.45 COMMITTEES

Section 1. There shall be no standing or permanent committee until the need for the same arises. Each member owes to the Posse the duty of active participation in its affairs to the best of their abilities. The Captain shall encourage such activity on the part of the members by a liberal use of their powers to appoint committees as their need may arise.

Section 2. Committees so appointed shall meet at time agreed upon by its members.

MP. 1.50 PUBLICATION OF POSSE AFFAIRS

Section 1. Matters of a secret nature are not to be made public until approved by the Sheriff or the Captain. The news reporter may publish general news in any newspaper or other media without censorship.

MP. 1.55 DRILLS AND FORMATIONS

Section 1. Drills suitable for special demonstrations shall be organized by the Committee on Drills and Formations, or in the event a Committee on Drills and Formations does not exist, shall be organized by the officers and shall be obligatory upon the Regular Posse members.

MP. 1.60 UNIFORM REGULATIONS

Section 1. All members are at all times required to comply with the following policy as it refers to uniform and related equipment.

Section 1A. Dress uniforms will be defined in the Lincoln County Sheriffs Mounted Posse "Uniform Regulations".

Section 1B. Use Restrictions - Dress uniform may only be worn for police oriented activities such as county fair patrol, public parades, state conventions, and formal training. Other occasions may be approved by the Sheriff or Captain.

Section 2. Informal uniform will be defined in the Lincoln County Sheriffs Mounted Posse "Uniform Regulations".

Section 2A. Use Restrictions - Informal uniform may be worn at monthly business meetings, any search and rescue mission, any organized local or state trail ride. Other varied occasions may be approved by the Sheriff or Captain.

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Section 3. All uniforms shall be clean and presentable and maintenance is the responsibility of the member.

Section 4. The distinctive badge of the Posse shall consist of a five pointed star outside diameter of approximately two and one half (2-1/2) inches and shall have inscribed the words "Lincoln County Mounted Posse". Any member of any classification shall be issued one star; any additional stars will be issued upon deposit of current price of star. The star is the property of the Lincoln County Sheriff's Posse. The deposit is refundable upon death, resignation, expulsion or suspension of a member of the Posse. The star must be surrendered to the Captain.

Section 5. The Sheriff shall establish the form of the identification card to be issued to each member of the Posse.

MP. 1.65 INSURANCE

Section 1. Each member shall be required to carry suitable liability and property damage insurance as shall meet the approval of the Captain and/or the Sheriff. Proof must be presented.

MP. 1.70 AMENDMENTS

Section 1. Amendments to these By-Laws may be adopted at any meeting by an affirmative vote of two-thirds (2/3) of the regular members. Notification of such amendments shall be given on regular meeting notice.

MP. 1.75 EQUINE

Section 1. Posse equine must meet the standards set forth in the "Lincoln County Sheriff's Mounted Posse Equine Regulations". All Posse members must have any equine that will be used in any Posse event evaluated in accordance with the "Lincoln County Sheriff's Mounted Posse Equine Regulations" prior to the event.

MP. 1.80 FIREARM POLICY IN GENERAL

Section 1. All firearms standards, training, instruction and policy will be implemented by the Sheriff's Office for Posse members. Style and caliber of firearms shall be addressed in the "Firearm Regulations".

MP 1.86 AUTHORIZED DUTY BELT EQUIPMENT

Section 1. All equipment carried on a Posse Members duty belt can only be carried if the Posse Member has received training on said equipment. This will include but not be limited to pepper spray, hand cuffs, radio, baton, or any other device used to control the public.

MP. 1.87 CONFORMANCE TO RULES AND BY-LAWS

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Section 1. Every member of the Posse shall familiarize themselves with, and conform to the rules, regulations, directives, and procedures of the Posse.

MP. 1.88 OBEDIENCE OF THE LAW

Section 1. No member of this Posse will violate any of the laws, statutes, or ordinances of federal, state, or local government.

MP. 1.89 OBEDIENCE TO SUPERVISORY OFFICERS

Section 1. A member of this Posse shall obey promptly the legitimate orders of superior officers and other members assigned to act in a supervisory capacity.

MP. 1.90 CHAIN OF COMMAND

Section 1. Members of this Posse shall conduct official business through channels from superior to subordinate and vice versa.

MP. 1.91 CRITICISM

Section 1. Members of this Posse, except as officially required, shall not publicly criticize any member or any order, action, or policy of the Posse. Such criticism should be directed through official Posse channels to correct any deficiency and not used to the disadvantage of the reputation or operation of the Posse or any member.

MP. 1.92 USE OF FORCE GUIDELINES

Section 1. At all times the Posse members will follow the "Use of Force Guidelines" as set forth in their training from the Sheriff's Office.