



Building Contractors Association of Southwestern Idaho

BY-LAWS

ARTICLE I - Membership

Section 1 - CLASSES OF MEMBERS - Membership in this Association shall be of three classes:

- (A) **BUILDER MEMBERSHIP** shall be open to any person, firm or corporation that is, or has been directly involved in building or remodeling homes, apartments, schools, industrial, commercial, or other structures related to a community, or in land development and shall include small-volume builders, production builders, light commercial builders, land developers, and remodelers.
- (B) **ASSOCIATE MEMBERSHIP** shall be open to any person, firm or corporation engaged in any allied trade, industry or profession with the territorial jurisdiction of this Association; who is of good character and business reputation; agrees to abide by the provisions of the By-laws of this Association; subscribes to the purposes of this Association, and meets with the approval of the Membership Committee and/or the Board of Directors.
- (C) **AFFILIATE MEMBERSHIP** shall be open to any individual who is an employee of a Builder or Associate member as defined in Sections 1 (A) and (B) who is of good character and business reputation; agrees to abide by the provisions of the By-laws of this Association; subscribes to the purposes of this Association, and meets with the approval of the Membership Committee and/or the Board of Directors. Affiliate Membership entitles the individual to the same benefits and services from NAHB as Builder and Associate Members with the exception of serving on the National Association of Home Builders (NAHB) Leadership Council or Board of Directors or holding an elective office in the Association as defined in Article 5.

- (D) **HONORARY MEMBERSHIP** Any individual who performed outstanding service for this Association may be awarded Honorary Membership upon affirmative action by the Board of Directors. This membership is for inactive members retired from the industry who shall be granted membership in the BCASWI and shall be excused from payment of dues to BCASWI. Honorary membership is limited to BCASWI and does not include IDAHO BUILDING CONTRACTORS ASSOCIATION (IBCA) or NATIONAL ASSOCIATION OF HOME BUILDERS (NAHB). Accordingly, membership privileges shall be limited to those events sponsored solely by BCASWI and do not pertain to the state or national associations. On a case-by-case basis, dues will be paid for IBCA. and NAHB at the discretion of the Board of Directors.

Section 2 - Acceptance of Members

- (A) Applicants for membership and renewal of membership shall apply in a form satisfactory to the Board of Directors, and application shall be accompanied by a payment in an amount sufficient to cover the current year's dues in advance and meet such requirements as the Board may from time to time prescribe.
- (1) The membership committee, or its designee, shall investigate all applications for membership and membership renewals and make its recommendations to the Board of Directors, in whom shall be vested the exclusive power to elect to membership.
- (B) Applicants approved and accepted by this Association, excluding honorary members, upon payment of dues, shall be members of the National Association of Home Builders, Idaho Building Contractors Association, and while in good standing shall be entitled to the full benefits, services, and privileges of the respective associations.
- (C) The names of applicants for membership and renewal of membership shall have their names published in the Association's newsletter at its' next regularly scheduled publication time in order to allow the general membership the opportunity to review all applicants for new or renewal memberships.
- (1) Claims against an applicant which are known to a complaining member, at the time the applicant applies for membership in the association or is published as an applicant in the Association's newsletter, must be submitted as a protest prior to the association's acceptance of the membership application. If a member fails to assert a known claim in this time period, the complaining member is barred from protesting the membership application or from seeking grievance on the claim through the association.
- (2) No third-party complaints or protests may be filed against the application of any member.
- (3) All protests against a pending application must be presented in writing to the association.

- (4) The membership chair shall determine the validity of each protest.
- (5) The association shall send a copy of the protestant's letter to the applicant with a request that within 30 days the applicant attempt to resolve the dispute with the protestant.
- (6) If the protest is not satisfied within the 30 days, the protestant must contact the association in writing and the matter is reviewed by the membership committee for action and recommendation to the Board of Directors.

Section 3 - Suspension and Revocation of Membership

- (A) All members are bound by the Code of Ethics of the Building Contractors Association of Southwestern Idaho.
- (B) The Association will handle those situations that involve structural complaints, ~~and~~ funds paid without completed work complaints, or any other valid complaints.
- (C) Procedures to be followed in processing and handling complaints against the membership of any member shall be conducted in the following manner:
- (D) The Board of Directors by a two-thirds vote may suspend or revoke the membership of any member: (1) for failure to meet his/her financial obligations to the Association or, (2) for conduct detrimental to this Association or, (3) for failure to respond to a written complaint from the BCA office on behalf of a consumer or another BCA member. Any such correspondence will be sent to the business the complaint is filed against. (Return receipt requested)
- (E) The Ethics and Mediation chair will recommend suspension of membership:
 - (1) For any member having 3 complaints filed against him/her that have gone as far as have a \$50 filing fee submitted with request for arbitration, or,
 - (2) For any member having a total of 5 written complaints that have been judged valid filed against him/her within 12 consecutive months. The 5 written complaints do not have to go to the arbitration level.
 - (3) Any member who does not respond or refuses to comply with the determination of the Ethics and Mediation Committee shall be recommended for suspension.
 - (4) Membership suspension can only happen with a 2/3 vote of the board of directors to do so. Public disclosures will be based on legal advice.

- (5) A member is eligible to rejoin the BCASWI after one full year and under the following conditions: he/she must submit 5 letters of recommendation to the BCASWI from his/her customers, with proof that commendable work was performed since his/her expulsion from the BCASWI.
- (6) If a membership is not revoked by the BCASWI Board of Directors by 2/3 vote, the Board will write a letter to the member outlining the specifics on how they are to resolve current complaints and within what time frames. If the member still does not resolve problems, he/she will be subject to suspension again.
- (7) If a new complaint is filed against the same member within 12 consecutive months, that member will automatically go back before the Board with another recommendation for suspension. In order for a member to be cleared as a member in good standing, they must maintain 12 consecutive months without complaints filed against the BCA.
- (F) A vote of two-thirds of the Board shall be required to reinstate any membership suspended or revoked under this section. Reinstatement shall be subject to such terms and conditions as the Board may impose. Voting rights and membership shall be dependent upon compliance with this section.
- (G) Any suspension can be appealed to the Board of Directors.

Section 4 - Membership Agreement

- (A) The member agrees to abide with the constitution and By-laws (and all the amendments thereof) of this Association, The Idaho Building Contractors Association, and the National Association of Home Builders of the United States.
- (B) The member agrees that all new homes, buildings, products, or services rendered on each home or building shall be sold subject to a minimum "One-Year Limited Warranty."
- (C) The member agrees to faithfully perform all written business contracts entered into, and any controversy or claim arising out of or related to said contracts, or the breach thereof may be settled by any valid grievance agreement decision rendered by the ethics committee, and judgement upon the award rendered by said ethics committee may be entered in any court having jurisdiction thereof.
- (D) The member agrees to faithfully maintain a favorable credit record in all business dealings entered into, and any controversy or claim arising out of or related to an unfavorable credit history, or the breach thereof shall be settled by any valid grievance agreement decision rendered by the ethics committee, and judgement upon the award rendered by said ethics committee may be entered in any court having jurisdiction thereof. The member also agrees to authorize the Association in writing to check credit history.
- (E) The member agrees to indemnify the Association in connection with the settlement of any

decision made by the ethics committee or the Board of Directors.

- (F) The member agrees to use the trade insignias and promotional materials as provided by the Association.
- (G) The member agrees to immediately discontinue the use of all BCASWI, IBCA, and NAHB trade insignias and materials, if, for any reason, the member terminates membership or otherwise is deemed not to be a member in good standing of the BCASWI.

Section 5 - Meeting of the Membership

- (A) An annual meeting of the membership of this Association shall be held on the 4th Thursday in November each year, or at such other time as the Board may designate, for the express purpose of electing a Board of Directors and taking up such other matters as may properly come before the general membership.
- (B) Regular meetings of the membership of this Association shall be held on the 4th Thursday of each month, or at such other times as the Board of Directors may designate.
- (C) Special meetings of the membership of this Association may be called by the President or, if requested in writing, by a majority of the members of the Board of Directors.

ARTICLE II - Dues and Assessments

Section 1 - Dues.

- (A) The dues of this Association for a Builder Member, an Associate Member, and an Affiliate Member shall be reviewed annually by the Finance and Budget Committee when establishing the annual budget to insure the proper functioning of the Association's staff and activities, taking into account the dues required for membership in the National Association of Home Builders and the Idaho Building Contractors Association which this Association shall collect and remit in accordance with the requirements of the National Association of Home Builders and the Idaho Building Contractors Association. The Finance and Budget Committee shall recommend to the Board of Directors any changes to the dues the Committee considers necessary to insure the proper functioning of the Association's staff and activities.
- (B) Any recommended changes to the dues shall be subject to approval by a majority of the Board of Directors.

ARTICLE III – Fiscal Year

Section 1 - THE FISCAL YEAR of this Association shall begin on January 1 and end on December 31 of each year.

ARTICLE IV – Board of Directors

Section 1 - THE BOARD OF DIRECTORS shall be composed of all elected Directors, Life Directors with voting rights, and the Immediate Past President of the Association and the Immediate Past Treasurer of the Association.

The Board of Directors shall be elected by the active membership at the association's annual meeting and shall hold office for two (2) years from the date of installation or until successors are elected and qualified. New Terms could be one year if necessary, to maintain the balance. The nominating committee shall address this.

Based on National Membership figures, ending October 31 of each year, positions on the Board will be for one builder member for every twelve builder members (or fraction thereof) in good standing.

Associate members positions on the Board will be fifty percent (50%) of these builder positions (or fraction thereof) based on the National Membership figures ending October 31 of each year.

If the Builder members represent an odd number, the associate position would then be rounded upward.

A minimum number of Directors, six (6) builder members and three (3) associate members, shall be maintained at all times.

Section 2 - THE IMMEDIATE PAST PRESIDENT shall be an ex-officio member of the Board of Directors with full voting rights. The Immediate Past Treasurer shall be an ex-officio member of the Board of Directors with full voting rights.

Section 3 - THE BOARD OF DIRECTORS may elect any member as a Life Director provided he or she shall have served on the Board of Directors as a voting director in good standing for a full year each year for ten (10) or more years; or if he/ she has served this association as president or associate vice president and shall have served on the Board of Directors as a voting director in good standing for a full year for seven (7) or more years. The Life Directorship goes with the person. No two (2) people from the same company can serve on the board unless one is a Life Director.

- (A) Failure of a Life Director to attend at least eight (8) meetings of the Board of Directors each year shall cause him/her to lose his/her right to vote, but his/her right as a Life Director shall not otherwise be affected.
- (B) Any Life Director who loses his/her right to vote under subsection above may be reinstated after attending three (3) or more consecutive regular meetings.

Section 4 - THE PRESIDENT shall be Chairperson of the Board of Directors.

Section 5 - VACANCIES ON THE BOARD occasioned by death, resignation, or cancellation,

shall be filled by appointment of the President upon board approval to fill the unexpired term.

Section 6 - NATIONAL DELEGATES - There shall be nominated an Active Builder member to represent each fifty Active Builder members (or fractional part thereof) of the Association, in accordance with the By-Laws of the National Association of Home Builders.

Section 7 - STATE DIRECTORS - There shall be nominated Builder and Associate Members in accordance with By-Laws of the Idaho Building Contractors Association to represent the Association in the Idaho Building Contractors Association Board of Directors.

Section 8 - Meetings of the Board of Directors shall be held as follows:

- (A) An Annual Meeting of the New Board of Directors of the Association shall be held immediately following the Annual meeting of the Active Membership for the purpose of electing officers and considering such other matters as may properly come before them.
- (B) Regular Meetings of the Board of Directors shall be held on the third Thursday of each month or such day as the Board may elect.
- (C) Any Director who shall be absent from three (3) consecutive regular meetings of the local Board of Directors, or who shall be absent from four (4) such meetings during a calendar year, shall be automatically dropped from office, and the vacancy shall be filled as herein provided upon advance notice to the President or the Association office prior to the business taking place. The Board of Directors may consider absence as excusable in the event it results from attendance at any Building Contractors Association of southwestern Idaho business or any IBCA or NAHB business.

ARTICLE V - Elective Officers

Section 1 - The following Officers shall be elected by the Board of Directors from its members at its Annual Meeting and shall hold office for a term of one (1) year from the date of election or until their successors are elected and duly qualified:

- (A) A President, who shall be a Builder Member of the Association. The President shall be the chief officer of this Association and shall preside at its meetings and those of the Board of Directors. He/she shall be the official spokesperson of this Association in matters of public policy. He/she shall appoint all Council and Committee chairpersons of the Association shall be appointed by the President except as otherwise specifically provided in these By-Laws., shall be an ex-officio member of all committees, and shall perform all other duties to such office.
- (B) A First Vice-President, who shall be a Builder Member of the Association. The First Vice-President shall perform such duties as are assigned to him by the President. He/she shall, in the absence of the President, or upon his/her direction, perform all of the duties of the President.

- (C) A Vice-President/Secretary, who shall be a Builder Member of the Association. The Vice President/Secretary shall keep record of all the official proceedings of this Association and its Board of Directors, including reports of special committees, and such other duties as are assigned to him/her by the President, and as are appropriate for this office.
- (D) A Vice-President/Treasurer, who shall be either a Builder Member or an Associate Member of the Association. The Vice-President/Treasurer shall be responsible to the Association for an accounting of all monies collected and dispersed by the Association and shall render a monthly report to the Board of Directors and an annual report to the Membership. He/she shall serve as Chairperson of the Finance and Budget Committee. He/she shall perform such other duties as are assigned to him/her by the President, and as are appropriate to this office. This is a two-year term.
- (E) An Associate Vice President shall be responsible to the Board of Directors as the liaison for the Associates. The Associate Vice President will serve for a one-year term and be a part of the Executive Committee. There shall be no Past Associate Vice President position. The Associate Vice President will be responsible for the Annual Strategic Planning Meeting.

Section 2 - SUCCESSION OF OFFICE

- (A) In the event of the absence, disability, resignation, or death of the President, the First Vice-President shall act as President of the Association. Should neither the President nor the First Vice-President be able to serve for any of the foregoing reasons, then the Vice-President/Secretary shall act as President. The officer so designated to act as President shall serve until such time as the Board of Directors names from among its members a President to fill out the unexpired term.
- (B) In the event of a vacancy, other than in the office of President, the Board of Directors shall name from among its members a successor to fill out the unexpired term.

ARTICLE VI - Executive Committee

Section 1 - There shall be an Executive Committee of this Association which shall be composed of the President, who shall be the Chairperson; the First Vice President, Vice President-Secretary, Vice- President/Treasurer, Associate Vice-President, Immediate Past President, ~~and~~ the Immediate Past Vice- President /Treasurer, and a Member-at-Large. The Executive Officer is ex-officio, non-voting member of the Executive Committee.

Section 2 - This Committee shall conduct the affairs of the Association in accordance with the By-laws and the policies and instructions of the Board of Directors. It shall be the policy and steering committee of this Association and shall be responsible for establishing a budget for financing the Association and for matters of policy and public statement subject to the approval of the Board of Directors.

Section 3 - This Committee shall meet monthly prior to the monthly meeting of the Board of Directors or upon the call of the President, the Board of Directors, or any two of its members. Four members shall constitute a quorum.

ARTICLE VII – Voting and Quorums

Section 1 - All Builder and Associate members of the Association in good standing shall be entitled to vote at meetings of the Membership except as may be provided in other Sections of these By Laws. Firms, corporations, or partnerships holding membership in the Association shall be entitled to cast only one vote, such vote to be cast by a duly designated representative.

Section 2 - A simple majority vote shall decide an issue. The section shall not apply to voting on amendments to these By-Laws.

Section 3 - No proxy votes shall be recognized.

Section 4 - No absentee ballots shall be recognized.

ARTICLE VIII - Elections

Section 1

- (A) The Association Directors shall be elected at the Annual Meeting of the Membership. The Nominating Committee shall submit its nominations for Association Directors thirty (30) days prior to the election. Additional nominations may be made from the general membership, provided that they are submitted in writing to the Association office seven (7) days prior to the election.
- (B) Whenever only one nomination for an elective office is presented to the Membership, election shall be by voice vote. Whenever more than one nomination is presented, the vote shall be by secret ballot. If more than two candidates are named for vacancies on the Board of Directors, the number of candidates receiving the highest number of votes corresponding to the number of vacancies on the Board shall be elected, and nothing shall require any candidate to receive a majority of votes unless the Board directs otherwise.

Section 2

- (A) The Nominating Committee shall also submit its nominations for the offices of First Vice President, Vice-President Secretary, Associate Vice President, and Member-At-Large thirty (30) days prior to the election.
- (B) The Nominating Committee shall also nominate at least one candidate for President-elect to be elected at the October Board of Directors meeting. The Nominating Committee shall also nominate at least one candidate for Treasurer-elect to be elected at the October Board of Directors meeting.

ARTICLE IX – Councils and Committees

Section 1 - The standing Councils and Committees of the Association shall consist of but are not limited to the following:

- (A) The **Builders Council** shall be unlimited as to size and open to all members who are or have been involved in building homes, apartments, schools, industrial, commercial, or other structures related to a community and shall include small-volume builders, production builders, and light commercial builders. The Builders Council is responsible for developing and implementing programs, services and networking opportunities for the Builder membership of the association including providing networking opportunities for exchange of information; identifying the special needs associated with the various types of Builders and developing programs and services to meet those needs; working with the Education Committee to develop educational programs of interest to Builder Members; working with the Public Relations and Community Service Committee to identify and implement community service programs to enhance the image of small volume builders; responding to issues of concern impacting volume builders; and promoting and encouraging members of the Council to obtain the NAHB Certified Graduate Builder (CGB), Graduate Master Builder (GMB), Certified Aging-in-Place Specialist (CAPS), Certified Green Professional (CGP), Master Certified Green Professional (MCGP) designations.
- (B) The **Developers Council** shall be unlimited as to size and open to all members who are or have been involved in the development or subdividing of lots for residential construction, apartments, schools, commercial industrial, or other such subdivisions normally related and appurtenant to a community; and who perform this service or resides within the territorial jurisdiction of this association. The Developers Council is responsible for developing and implementing programs, services and networking opportunities for the Developer membership of the Association to exchange information including monitoring and analyzing proposed land use regulations for changes affecting the industry ; recommending to the Board of Directors, programs and policy positions that impact land use; recommending changes to existing regulations to improve their effect on the industry ; attending regular meetings of local planning commissions and reporting to the membership any regulations affecting development; working with local, state and federal government officials, as well as the public, to encourage collaborative efforts in solving land use problems; testifying at public hearings to convey the industry's position on land use issues;; providing educational and networking opportunities for members and government policy-makers; responding to issues of concern raised by Developer members of the Association and developing appropriate responses; acting as the liaison to the NAHB Land Development Committee; working with the Education Committee to develop educational programs of interest to Developer Members; working with the Public Relations and Community Service Committee to identify and implement community service programs to enhance the image of developers; and responding to issues of concern impacting volume developers

- (C) The **Remodelers Council** shall be unlimited as to size and open to all members that are or have been in the business of rebuilding and/or remodeling homes, apartments, schools, commercial industrial, or other such structures normally related and appurtenant to a community; and who performs this service or resides within the territorial jurisdiction of this association. The Remodelers Council is responsible for developing and implementing programs, services and networking opportunities for the Remodeler and Associate membership of the Association including working with the Education Committee to develop and provide educational programs on remodeling issues, opportunities and topics to Remodeler and Associate members; supporting Association government affairs activities, monitoring those issues that have an impact on Remodeler, and working with the Government Affairs Committee to resolve those issues; encourages membership in the Association and Council; developing and overseeing recognition program for outstanding remodeling projects ; generating new services to increase and retain members in the remodeling market; acting as a liaison to the national NAHB Remodelers and encouraging local members to access the products, services and benefits it provides; working with the Public Relations and Community Service Committee to promote a positive professional image through public relations efforts through the media ; educating home owners about remodeling through workshops, brochures, weekly newspaper columns and radio talk shows; and promoting and encouraging members of the Council to obtain the NAHB Certified Graduate Remodeler (CGR), Graduate Master Remodeler (GMR) and Certified Aging-in-Place Specialist (CAPS), Certified Green Professional (CGP), Master Certified Green Professional (MCGP) designations.
- (D) The **Past Presidents Council** shall be comprised of the Association's Past Presidents. The Past Presidents Council serves as the custodian of the Association's traditions and history, reviews the Association's organization, structure, and bylaws, develops, and reviews those Association policies and procedures not specifically addressed in these By-laws. The Past Presidents Council shall appoint Past Presidents to serve on the Nominating Committee.
- (E) The **Associates Council** shall be unlimited as to size and open to all Associate members and shall meet monthly prior to the monthly meetings of the Association Board of Directors. The Council shall elect the following officers: a Chairperson and a Secretary/Treasurer. The Secretary shall serve on the Association Board of Directors without voting powers in addition to other associate members serving thereon and ~~the Secretary~~ shall have the responsibility of reporting the minutes of each meeting to the Board of Directors of the Association. The Associates Council shall have the power to regulate its internal affairs in a manner not inconsistent with the Constitution and By - laws of the Association, scheduling of meetings, the establishment of a quorum, and the collection of dues, if any. The Associated Council is responsible for developing programs, events and services to support the goals and needs of the Associate members of the Association, including organizing networking opportunities between Builder and Associate members, such as table top nights, casino nights, card swaps, mini-trade shows, etc.; working with the Education Committee to develop and provide educational programs of interest to the

Associate members of the Association; developing and coordinating Associate member recognition programs, such as Associate Member Appreciation Month; promoting the “Do Business with a Member” principle among Builders and Associates by developing and implementing incentive programs such as recognition of Builders who use the most Associate member services and submitting them to NAHB for the annual Builders Engaging Associate Members (BEAM) award; securing sponsors for targeted Association events and assists in coordination and promotion of social functions, such as golf outings, sporting tournaments, picnics, barbecues, etc.; participates in new member orientations; supporting the legislative and political action programs of the Association; representing Associate members’ needs to the Association leadership; assisting in the coordination and promotion of major association events, such as the Parade of Homes; and encouraging Associate member participation in the Association’s other councils and committees.

- (F) The **Professional Women in Building Council** shall be unlimited as to size and open to all women in the Association and men who want to support the Council. The Council shall meet monthly prior to the monthly meetings of the Association Board of Directors. The Council shall elect the following officers: a Chairperson, Vice-Chair, Secretary, and Treasurer. The Chairperson shall serve on the Association Board of Directors without voting powers in addition to other associate members serving thereon and shall have the responsibility of reporting the minutes of each meeting to the Board of Directors of the Association. The Professional Women in Building Council shall have the power to regulate its internal affairs in a manner not inconsistent with the Constitution and By - laws of the Association, scheduling of meetings, the establishment of a quorum, and the collection of dues, if any. The Professional Women in Building Council (PWB) is the voice of women in the building industry and is responsible for promoting industry professionalism and supporting Council members of the Association including creating programs and events that represent and reflect their unique interests, and organizing networking opportunities for Council members to receive support and mentoring from each other and share strategies and business solutions; working with the Education Committee to develop and provide educational programs to help Council members acquire and develop leadership and business management skills that boost career success; working with the Public Relations and Community Service Committee to organize and provide hands-on community outreach opportunities throughout the year; providing scholarships that support both young women just entering into the trades and professionals who are seeking continuing education and professional development; securing sponsors for Council activities and events; supporting the legislative and political action programs of the Association; developing and promoting local Council member recognition programs and entering local Council members into the National PWB awards programs where members are able to win travel grants to IBS, scholarships that benefit students in their community and funds for local council projects; and encouraging Council member participation in the Association’s other councils and committees.

- (G) The **Sales and Marketing Council** shall be unlimited as to size and open to all Builder, Associate and Affiliate members. The Sales and Marketing Council is responsible for developing programs and services on sales and marketing topics to assist Builders and their staffs in marketing and sell new homes including providing education on sales and marketing techniques to Builders and associate members; providing new home sales and marketing training to Realtors to help them distinguish the differences between new home sales versus re-sale homes; supports association activities, such as the Parade of Homes, Home Show, fundraisers, etc.; encourage membership in the Association and Council; develop and oversee recognition programs for outstanding sales and marketing programs; contribute articles on sales and marketing topics to Association publications and the Public Relations and Community Involvement Committee; and acts as a liaison to the NAHB Sales and Marketing Council and becomes familiar with its products and services; and promoting and encouraging members of the Council to obtain the NAHB Certified New Home Sales Professional (CSP), Master Certified New Home Sales Professional (MCSP), Certified New Home Marketing Professional (CMP), and Master In Residential Marketing (MIRM) designations.
- (H) The **Government Affairs Committee** shall be unlimited as to size and open to all Builder, Associate and Affiliate members. The Government Affairs Committee is responsible for overseeing and coordinating the government affairs activities and programs of the Association in order to execute the public policy goals and objectives of the association including recommending Association policy on legislative, regulatory and legal issues to the Board of Directors; monitoring and tracking government activities and issues that may have an impact on the industry; conducting research where necessary; developing and maintaining personal relationships with public (municipal, county, regional, state and national) officials; developing and coordinating local legislative and regulatory goals and strategies; developing a system to prioritize issues according to their importance, ability to succeed and impact on association resources; preparing regular communications regarding actions by local government for distribution to members; developing and implementing a system to alert members regarding pending government issues of interest to industry; developing solutions to industry problems in cooperation with elected and appointed officials; working with the Education Committee to develop political education program designed to urge members to participate in the electoral process; developing programs for Association meetings involving government affairs issues, including participation by leading appointed and elected officials; identifying members to testify before boards, commissions and committees regarding industry issues; identifying members interested in serving as an appointed or elected public official; acting as the liaison with state and national government affairs committees and garnering support among local members for state and national initiatives.
- (I) The **Building Codes and Standards Committee** shall be unlimited as to size and open to all Builder, Associate and Affiliate members. The Building Codes and Standards Committee is responsible for working with the Association's membership and government officials within the community on matters concerning local building codes, ordinances, rules and/or regulations affecting the construction of housing in the community including

overseeing building code issues throughout the Association's jurisdiction; meeting with building officials and organizations to further the goals of the Association; educating the members and the Board of Directors on code issues as needed; attending hearings and testifying before boards, committees and commissions in support of industry issues by working in conjunction with the Government Affairs Committee; participating in the NAHB Codes and Standards Partnership and acting as a liaison to the NAHB Construction, Codes and Standards Committee; reviewing and recommending positions to NAHB on proposed changes to national codes and standards; and encouraging code officials to submit voting ballots on proposed codes and standards.

- (J) The **Construction Safety Committee** shall be unlimited as to size and open to all Builder, Associate and Affiliate members. The Construction Safety Committee is responsible for providing guidance and education to the membership on safety and health issues and OSHA compliance and including meeting regularly and working with local OSHA officials to discuss compliance issues and seek solutions to problems; providing networking and idea sharing opportunities for members on the establishment of safe workplaces; working with the Education Committee and sponsors to develop education/training programs to encourage safe workplaces and compliance with regulations; acting as a liaison to the NAHB Construction Safety and Health Committee and becoming familiar with national products and services; and developing written materials for distribution to members on safety and health issues.
- (K) The **Membership and Retention Committee** shall be composed of both Builder and Associate and shall meet monthly. The Membership and Retention Committee shall be responsible for reviewing all new and retention member applications and recommending action to the Board of Directors. The Membership and Retention Committee shall also be responsible for contacting all delinquent members for retention purposes, for developing and implementing programs such as an Ambassadors Program to engage new members and encourage them to renew, and for planning New Member Orientations.
- (L) The **Education Committee** shall be unlimited as to size and open to all Builder, Associate and Affiliate members. The Education Committee is responsible for overseeing and coordinating all matters relating to the education activities offered by the Association including identifies the educational needs of the Association's membership; seeking and recommending opportunities for the Association to promote education activities; conducting surveys of the membership to determine needs as they relate to education and training; educating the Association's leadership and membership on the importance of continuing education; staying abreast of industry issues and trends in order to provide relevant training; coordinates education activities to ensure member needs are met; selecting, promoting and coordinating educational programming for the general membership of the association within the established budget.
- (M) The **Parade of Homes Committee** shall be unlimited as to size and open to all Builder, Associate and Affiliate members. The Parade of Homes Committee is responsible to

producing and overseeing all aspects of the Association's Spring and Fall Parades of Homes as a source of non-dues revenue for the association including coordinating all logistics for the Parade, including building registration, volunteer participation, and public participation; annually reviewing and updating the rules and regulations governing the event; overseeing the development of the Parade of Homes advertising including but not limited to the magazine, website, social media sights, etc.; working with the Treasurer and the Finance and Budget Committee to develop the Parade of Homes budget; and overseeing and monitoring the budget.

- (N) The **Public Relations and Community Service Committee** shall be unlimited as to size and open to all Builder, Associate and Affiliate members. The Public Relations and Community Service Committee shall be responsible for developing public relations programs to enhance the image of the Association and the building industry and for developing, overseeing, and coordinating community service activities of the Association to demonstrate the strong commitment of the Association and the building industry to the betterment of the communities in which we live and build.

- (1) Public relations programs include but are not limited to overseeing the Association's web site and social media pages; overseeing the production of the Association's monthly newsletter; developing and maintaining relationships with members of the media; submitting monthly columns and articles to local newspapers and other media highlighting association events and members; reviewing NAHB's Monthly Customizable Consumer Articles and submitting them to the media; working with the Government Affairs Committee to ensure that industry positions are made known to the media and public; working with the Education Committee to create programs to provide information and education to the public regarding the industry; and developing programs and events for Association anniversary celebrations.
- (2) Community service activities include developing and implementing programs to improve Association's and the industry's public image within the community; establishing a standard set of guidelines and criteria to be used in the evaluation and selection of requests for assistance or involvement, such as: (a) Involvement must have the potential of raising the visibility and esteem of the association; (b) The activity must be measured in terms of a cost benefit ratio; (c) Funding decisions on charitable contributions should take into account the charity's allocation of contributions toward administration, overhead and direct application; (d) Funding decisions on charitable contributions should take into account the charity's auditing procedures and whether the association has input into the distribution of its contribution; and (e) The community service project should fit into the association's philosophy as it relates to housing and construction; developing an annual operating plan which establishes the philosophy and intent of the committee and its activities for the year, including the incorporation of a theme,

which concentrates the committee's activities in a specific area (e.g., children, the homeless, senior citizens, etc.), and an analysis of association programs which may merit the involvement of the committee; educating the Association leadership and membership on the importance of community service activities; formulating a budget based on fundraising activities that can be utilized to garner funds for discretionary use by the Committee; promoting and publicizing the community service activities of the Association

- (O) The **Nominating Committee** shall be composed of the immediate Past President and four (4) or more members of the Past Presidents Council. The Nominating Committee shall establish an active recruitment process to encourage members to seek association leadership positions and promote the benefits of leadership to potential association leaders, periodically review the qualifications for office in the association and make recommendations for changes to the Board of Directors, screen and qualify candidates for Association Directors in accordance with Article IV. The Nominating Committee shall also screen and qualify members of the Board of Directors for candidates for the elective offices described in Article V according to procedures and criteria established by the Association, suggest rules of procedure for the elections, and nominate at least one (1) candidate who are members of the Board of Directors for each office to be filled. The Nominating Committee shall also screen, qualify, and nominate candidates for the positions of National Delegate and Idaho Building Contractors Association Directors.
- (P) The **Executive Officer Review Committee** shall be composed of the President, Immediate Past President and President-elect and is responsible for reviewing the Executive Officer's performance prior to the first meeting of the Finance Committee. The Executive Officers Review Committee shall forward their recommendations to the Finance Committee, Executive Committee and Board of Directors for approval.
- (Q) The **Finance and Budget Committee** shall be chaired by the Treasurer and include the President, the President-Elect, and the Immediate Past Treasurer. The Finance and Budget Committee shall meet no later than November of each year and shall be responsible for establishing the annual budget to insure the proper functioning of the Association's staff and activities. The Committee shall present the Budget to the Board of Directors for approval during the December Old Board/New Board Meeting.
- (R) The **Ethics and Mediation Committee** shall be composed of a Chairperson appointed by the President and two (2) additional members selected by the Chairperson on a complaint-by-complaint basis. The Ethics and Mediation Committee is responsible for processing and handling written complaints against the membership of any member received by the Association from a consumer or another Association member. The Chairperson will review the complaint to determine if it falls within the Association's authority. The Association authority includes complaints involving workmanship, warranty issues, funds paid for work not completed, or any other complaints judged to be within the Association's authority. If the complaint is judged to be within the Association's authority, a copy of the written complaint will be sent to the member the complaint is filed against via certified mail return

receipt requested. Either the person filing the complaint or the member against whom the complaint was filed may request that the matter be submitted to mediation by the Association by submitting a written request on the appropriate form provided by the Association and paying a non-refundable fifty-dollar (\$50.00) fee. If a written request for mediation is submitted and the fee paid, the Chairperson shall appoint two (2) additional members to serve on the panel of mediators to hear and decide this matter. The Chairperson may designate an inspector who shall report his/her finding to the Committee in writing. The Chairperson will schedule the case to be heard before the panel and a notice of the hearing shall be mailed to the parties by certified mail return receipt requested at least ten (10) business days prior to the hearing. Either party may invite witnesses to testify on their behalf regarding the complaint provided they provide the committee in writing with the names of those witnesses prior to the hearing. Each party will have the right to be heard, to present material relevant to the complaint as evidence, and to cross-examine witnesses. Discussions and questions shall be limited to the items in the written complaint and, if applicable, the inspection report submitted to the Committee by the designated inspector. The Committee shall issue its written decision within five (5) business days following the hearing.

- (S) The **Recipients Committee** will be made up of five (5) appointees by the President, selected from active members from the Past Recipients group. Members who have not been active or who have breached any confidentiality arising from any of the immediate past meetings of the past recipients committee are not to be appointed. If five (5) active past recipients cannot be found to serve, then the President may appoint board members to fill any remaining vacancies provided that the Board members are not nominees. The voting shall be done by secret ballot.

Section 2 - The Chairperson of all Councils and Committees of the Association shall be appointed by the President except as otherwise specifically provided in these By-Laws. Where the Chairperson is elected by the Council, the Chairperson shall be submitted to the President for his approval.

Section 3 - The President may, with the advice and consent of the Board of Directors, remove the Chairperson of any Council or Committee appointed pursuant to this Article.

Section 4 - The President with the advice and consent of the Board of Directors may establish additional committees and/or working groups, the members of which shall be appointed by the President.

Section 5 – Councils and Committees shall meet monthly except as otherwise specifically provided in these By-Laws, or upon the call of the Chairperson.

Section 6 - A majority vote in the Councils and Committees shall decide an issue.

Section 7 – Councils and Committees with the approval of the Board of Directors may meet jointly in order to minimize the members and Association staffs' time commitments.

ARTICLE X - Rules of Procedure

Section 1 - Robert's Rules of Order shall govern the parliamentary procedure of the meetings of the Association provided for in these By-Laws.

ARTICLE XI - Amendments

Section 1 - These By-Laws may be amended by a two-thirds vote of the Members in good standing present at any meeting provided that a copy of any proposed amendments shall have been provided to each Member of the Association at least ten (10) days in advance.

ARTICLE XII - Administrative Officer

Section 1 - An Executive Officer may be employed by the Board of Directors at such rate of compensation as it deems fair and proper.

Section 2 - The Executive Officer shall serve as the chief administrative officer of this Association. The Executive Officer shall perform the duties and responsibilities delegated him by the Board of Directors and all other functions usual to such an office.

Section 3 - The Executive Officer shall be empowered to employ and supervise an adequate staff to carry on the business of this Association as instructed by the Board of Directors. The rates of compensation shall be those that the Board may deem fair and proper, within the limitations of the fiscal budget.

Section 4 - The Executive Officer shall be reviewed annually by the Executive Officer Review Committee.

ARTICLE XIII - Membership Certificates and Logos

Section 1 - Upon the payment of dues for the current year, each member shall receive a membership certificate from the Building Contractors Association of Southwest Idaho, the Idaho Building Contractors Association, and National Association of Home Builders of the United States.

Section 2 - This Association shall use on all its stationery and literature the official emblem of the Building Contractors Association of Southwest Idaho and the National Association of Home Builders.

Section 3 - Members of this Association in good standing may use on their stationery and literature the official emblem of the Building Contractors Association of Southwest Idaho, the Idaho Building Contractors Association, and National Association of Home Builders.

ARTICLE XIV - Notices

Section 1 - Members shall furnish the Executive Officer with their official address. The mailing of any notices to the last known official address shall be deemed service of such notice or notices upon them as of the date of mailing.