

LONE STAR BERNESE MOUNTAIN DOG CLUB CONSTITUTION AND BYLAWS

(Revised September 2009)

Constitution

Article 1.

Name and Objects-

Section 1. The name of the Club shall be the Lone Star Bernese Mountain Dog Club.

Section 2. The objects of the Club shall be:

- (a) to provide a source of education and support for fanciers of Bernese Mountain Dogs;
- (b) to encourage and promote quality in the breeding of purebred Bernese Mountain Dogs and to do all possible to bring their natural qualities to perfection;
- (c) to urge members and breeders to accept the standard of the breed as approved by the American Kennel Club as the only standard of excellence by which Bernese Mountain Dogs shall be judged;
- (d) to do all in its power to protect and advance the interests of the breed by encouraging sportsmanlike conduct at dog shows, obedience trials, working/performance events and other club sponsored activities and club functions.
- (e) to conduct sanctioned and licensed specialty shows and obedience trials and any other events for which the club is eligible under the Rules and Regulations of the American Kennel Club and conduct draft tests under the rules of the Bernese Mountain Dog Club of America.

Section 3. The Club shall not be conducted or operated for profit. No part of any profits or remainder or residue from any dues or donations to the Club shall inure to the benefit of any member or individual.

Section 4. The members of the Club shall adopt and may from time to time revise such by-laws as may be required to carry out these objects.

Bylaws

Article I. Membership

Section 1. Eligibility.

There shall be five types of membership open to all who are in good standing with The American Kennel Club and who subscribe to the purposes of this Club as detailed in the membership application. Membership shall be open to all Texas area residents.

(a) Regular Membership (Individual) is open to all persons 18 years of age or older. Regular members enjoy all privileges including the right to vote and hold office. Regular members are counted in the quorum for Club meetings. A Regular Member may transfer at anytime to Associate Member by written request to the Secretary, with any change in dues to be effective the following year. To maintain Regular Membership (individual) a Regular Member is required to attend at least one Club business meeting per fiscal year. Failure to do so automatically transfers such member to non-voting Associate Membership.

(b) Regular Membership (Household) is open to two (2) persons 18 years of age or older who live in the same residence. Each Regular Member (Household) enjoys all privileges of the Club including the right to vote, hold office and is counted in the quorum for Club meetings. Regular Membership (Household) may be transferred at any time to Associate Membership by written request to the Secretary, with any change in dues to be effective the following year. To maintain Regular Membership (Household) a Regular Member is required to attend at least one Club business meeting per fiscal year. Failure to do so automatically transfers such member to non-voting Associate Membership.

(c) Associate Membership (Individual) is open to all persons 18 years of age or older. This category of membership is recommended for individuals who do not anticipate regular attendance at meetings. An Associate Member shall be informed of all Club meetings and activities, shall receive the newsletter, may serve on committees and may participate in all club activities, but may not vote, hold office, sponsor, nominate or second, and is not counted in fulfilling quorum requirements. An Associate Member may transfer to a Regular Membership by written request to the Secretary at the time of the yearly membership renewal and dues payment.

(d) Associate Member (Household) is open to two (2) persons 18 years of age or older who live in the same residence, each having the same privileges defined for an Associate Membership (Individual).

(e) Junior Membership is open to all persons 10 to 18 years of age with parental consent. A Junior Member shall enjoy all privileges but may not vote, hold office, sponsor, nominate or second and is not counted in fulfilling quorum requirements.

Upon reaching age 18 a junior member automatically converts to Regular or Associate Membership at his or her request. Dues payment for such conversion shall be waived until the time of yearly membership renewal.

Section 2. Dues.

No member may vote whose dues are not paid for the current year. During the month of November, the Treasurer shall send to each member a statement of his/her dues for the coming year. Membership dues shall be established yearly by the Board of Directors and approved by majority vote of Regular Members at any regular or special meeting with a quorum present. Dues for Associate and Junior Membership shall be established at less than the dues for Regular Membership.

Section 3. Election to Membership.

(a) Each application to membership shall apply on a form as approved by the Board of Directors and which shall provide that the applicant agrees to abide by these Constitution, By-laws, and Code of Conduct for Members, and by the rules of the American Kennel Club. The application shall state the name, address, and occupation of the applicant, and it shall carry the endorsement of two unrelated members from separate households who are in good standing. Accompanying the application, the prospective member shall submit dues payment for the current year.

(b) All applications are to be filed with the Secretary. Each Applicant must then attend at least one meeting prior to having the application voted upon. The following meeting agenda shall list the applications to be considered at the next Club meeting. Affirmative votes of 3/4 of the members present and voting by secret ballot shall be required to elect the applicant. The Membership Chairperson and one voting member shall count the ballots and the Secretary shall send written notice to the applicant as to whether the constitutionally mandated majority vote was received.

(c) Applicants for membership who have been rejected by the Club may not reapply for six months after such rejection and will be required to have two new sponsors who are unrelated from separate households and are voting members in good standing.

Section 4. Termination of Membership. Membership may be terminated:

(a) by resignation. Any member in good standing may resign from the Club upon written notice to the Secretary, but no member may resign when in debt to the Club. Obligations other than dues are considered a debt and must be paid prior to resignation.

(b) by lapsing. A membership will be considered as lapsed and automatically terminated if such member's dues remain unpaid 90 days after the first day of the fiscal year; however, the Board may grant an additional 90 days of grace to such delinquent members in meritorious cases. In no case may a person be entitled to vote at any Club meeting whose dues are unpaid as of the date of that meeting.

(c) by expulsion. A membership may be terminated by expulsion as provided in Article VI of these By-laws.

Article II. Meetings and Voting

Section 1. Club Meetings.

Meetings of the Club shall be held quarterly at such place, date, and hours as designated by the Board of Directors. Written notice of each such meeting shall be mailed or e-mailed by the Secretary at least 10 days prior to the date of the meeting. The quorum for such meeting shall be 20% of the regular membership in good standing.

(a) Members may elect to receive e-mail notification of club meetings, dues notice, minutes and newsletters; and Board members may elect to receive notification of Board meetings via e-mail; provided that the member signs an authorization agreeing to this method communication. Such authorization may be revoked upon written request sent to the Secretary

Section 2. Special Club Meetings

Special Club meetings may be called by the President, or by a majority vote of the members of the Board who are present and voting at any regular or special meeting of the Board, and shall be called by the Secretary upon receipt of a petition signed by five members of the Club who are in good standing. Such special meetings shall be held in Texas at such place, date, and hour as may be designated by the person or persons authorized herein to call such meetings. Written notice of such a meeting shall be mailed or e-mailed by the Secretary at least 10 days prior to and not more than 30 days prior to the date of the meeting and said notice will state the purpose of the meeting and no other Club business shall be transacted thereat. The quorum for such a meeting shall be 20% of the regular membership in good standing.

Section 3. Board Meetings

Meeting of the Board of Directors shall be held prior to each regular meeting at such hour and place as may be designated by the Board. Written notice of each meeting shall be mailed or e-mailed by the Secretary at least 15 days prior to the date of the meeting.

Section 4. Special Board Meetings

Special meetings of the Board may be called by the President, and shall be called by the Secretary upon receipt of written request signed by a least three members of the Board.

Such special meetings shall be held in Texas at such place, date and hour as may be designated by the person authorized herein to call such meetings. Special meetings can be conducted by Telephone Conference Calls if such a call not objected to for good cause. Written notice of such a meeting shall be mailed or e-mailed by the Secretary at least 15 days and not more than 20 days prior to the date of the meeting. Any such notice shall state the purpose of the meeting, and no other Club business may be transacted thereat. The quorum for such a meeting shall be majority of the Board.

Section 5. Voting

Each Regular Member in good standing, that is, he/she is not suspended by The American Kennel Club or this Club and whose dues are already is entitled to one vote at any meeting of the Club at which he/she is present. Proxy voting will not be permitted at any Club meeting or election. Non-voting and Associate members shall not be counted to determine a quorum. The quorum for a meeting cannot be waived. If there is no quorum, business cannot be conducted.

Article III. Directors and Officers

Section 1. Board of Directors.

The Board shall be comprised of the President, Vice President, Secretary, Treasurer, and three other members, all of whom shall be members in good standing. All members shall be elected for two year terms. They shall be elected to these terms as provided in Article IV and shall serve until their successors are elected and take office. The President, Treasurer, and one Director will rotate together in two year terms, and the Vice President, Secretary, and the other two Directors will rotate together in alternate years. General management of the Club's affairs shall be entrusted to the Board of Directors.

Section 2. Officers.

The Club's officers, consisting of the President, Vice President, Secretary, and Treasurer, shall serve in their respective capacities both with regard to the Club and its meeting and the Board and its meeting.

(a) The President shall preside at all meetings of the Club and of the Board and shall have the duties and powers normally appurtenant to the office of the President in addition to those specified in these By-laws.

(b) The Vice President shall have the duties and exercise the powers of the President in case of the President's death, absence, or incapacity.

(c) The Secretary shall keep record of all meetings of the Club and of the Board and of all matters of which a record shall be ordered by the Club. He/she shall have charge of the correspondence, notify members of meetings, notify new members of their election to membership, notify officers and directors of their election to office, keep a roll of members of the Club and their addresses, and carry out other such duties as are prescribed in these By-laws.

(d) The Treasurer shall collect and receive all monies due or belonging to the Club. He/she shall deposit the same in a bank designated by the Board, in the name of the Club. The books shall at all times be open to the inspection of the Board, and he/she shall report to them at every meeting the condition of the Club's finances and every item of receipt or payment not before reported; and at the annual meeting, he/she shall render an account of all monies received and expended during the previous fiscal year. The Treasurer shall be bonded in such amount as the Board of Directors shall determine.

(e) The offices of Secretary and Treasurer may be held by the same person in which case the Board shall be comprised of the officers and four (4) other persons.

Section 3. Vacancies.

Any vacancies occurring on the Board or among the offices during the year shall be filled until the next annual election by a majority vote of all the remaining members of the Board at its first regular Board meeting following the creation of such vacancy, or at a special Board meeting called for that purpose, except that the office of President shall be filled automatically by the Vice President, and the resulting vacancy in the office of Vice President shall be filled by the Board.

Article IV. The Club Year, Annual Meeting, Elections

Section 1. Club Year.

The Club's fiscal year shall begin on the first day of January and end on the last day of December.

Section 2. Annual Meeting.

The annual meeting shall be held in the month of November, at which time the Officers and Directors for the ensuing year shall be elected by secret, written ballot from among those nominated in accordance with Section 4 of this Article. Ballots shall be counted at the meeting by three (3) inspectors of election who are members in good standing and who are not members of the current Board. The newly elected Officers and Directors shall take office immediately upon the conclusion of the election and each retiring officer shall turn over to the successor in office all properties and records relating to that office within thirty (30) days of the election.

Section 3. Election.

The nominated candidate receiving the greatest number of votes for each position shall be declared elected.

Section 4. Nominations.

No person may be a candidate in a Club election who has not been nominated. During the month of July, the Board shall select a nominating committee consisting of three members, not more than one of whom may be a member of the Board. The Secretary shall immediately notify the Committee of their selection. The Board shall name a Chair for the Committee, and it shall be his/her duty to call a Committee meeting which shall be held on or before September 1st.

(a) The Committee shall nominate one candidate for each office and position on the Board after securing the consent of each nominee so chosen. The Committee shall then submit its slate of candidates to the Secretary on or before September 15th.

(b) Upon receipt of the Nominating Committee's report, the Secretary shall on or before September 30th notify each member in writing of the candidates so nominated.

(c) Additional nominations may be made by written petition addressed to the Secretary and received at his/her regular address on or before October 15th signed by a least five (5) members and accompanied by written acceptance of such additional candidate signifying his/her willingness to be a candidate. No person may be a candidate for more than one position, and the additional nominations provided for herein may be made only from among those members who have not accepted a nomination of the nominating committee.

(d) If no valid additional nominations are received by the Secretary on or before October 15th, at the annual meeting in November with quorum present, the President shall announce that with there being no additional nominations, the Secretary would be directed to cast one ballot to declare the slate elected.

(e) If one or more valid additional nominations are received by the Secretary on or before October 15th, he/she shall, on October 20th, mail to each regular member in good standing, a ballot listing all nominees for each position in alphabetical order, together with a blank envelope and a return envelope marked "Ballot" and bearing the name of the regular member to whom it was sent. So that the ballots may remain secret, each voter, after marking his/her ballot, shall seal it in a blank envelope which in turn shall be placed in the second envelope addressed to the Secretary. The inspectors of the elections shall check the returns against the list of members whose dues are paid for the current year prior to opening the outer envelopes, and shall certify the eligibility of the voters as well as the results of the voting which shall be announced at the election meeting

Article V. Committees

Section 1.

The Board may each year appoint standing committees to advance the work of the Club in such matters as dog shows, obedience trials, performance events, trophies, annual prizes, membership, and other fields which may well be served by committees. Such committees shall always be subject to the final authority of the Board. Special committees may also be appointed by the Board to aid it on particular projects.

Section 2.

Any committee appointed may be terminated by a majority vote of the full membership of the Board upon written notice to the appointee; and the Board may appoint successors to those persons whose services have been terminated.

Article VI. Discipline**Section 1.** American Kennel Club Suspension.

Any member who is suspended from the any privileges of the American Kennel Club automatically shall be suspended from the privileges of the Club for a like period.

Section 2. Charges

~~Any~~ Individual member may prefer charges against another individual member for alleged misconduct prejudicial to the best interests of the Club. Written charges with specifications must be filed in duplicate with the Secretary, together with a deposit of \$50.00 which shall be forfeited if such charges are not sustained by the Board following a hearing.

The Secretary shall promptly send a copy of the charges to each member of the Board or present a copy of the charges to them at a Board meeting, and the Board shall first consider whether the actions alleged in the charges, if proven, might constitute conduct which would be prejudicial to the best interest of the Club. If the Board considers that the charges do not allege conduct which would be prejudicial to the best interests of the Club, it may refuse to entertain jurisdiction. If the Board entertains jurisdiction of the charges, it shall fix a date of a hearing by the Board not less than three weeks or more than six weeks thereafter.

The Secretary shall promptly send one copy of the charges to the accused member by certified mail with return receipt together with a notice of the hearing and an assurance that the defendant may personally appear in his/her own defense and bring witness if he/she wishes. Any member who resigns while charges have been preferred against him/her or allow his/her membership to lapse during the fiscal year in which the charges were sustained may not apply for membership for minimum period of two (2) years from the time of resignation or lapse or at the end of any suspension, after which time, he/she must apply in accordance with Article 1, Section 3.

Section 3. Board Hearing.

The Board shall have complete authority to decide whether counsel may attend the hearing, but both the complainant and defendant shall be treated uniformly in that regard. Should the charges be sustained, after hearing all the evidence and testimony presented by complainant and defendant, the Board may, by a majority vote of those present, reprimand or suspend the defendant from all privileges of the Club for not more than six months from the last day of the hearing. And, if it deems that punishment insufficient, it may also recommend to the membership that the penalty be expulsion. In such cases, the suspension shall not restrict the defendant's right to appear before his/her fellow members at the ensuing club meeting which considers the Board's recommendation. Immediately after the Board has reached a decision, its finding shall be put in written form and filed with the Secretary. The Secretary, in turn, shall notify each of the parties of the Board's decision and penalty, if any.

Section 4. Expulsion.

Expulsion of a member from the Club may be accomplished only at a meeting of the Club following a Board hearing and upon the Board's recommendation as provided in Section 3 of this Article. Such proceedings may occur at a regular or special meeting of the Club to be held within 60 days but not earlier than 30 days after the date of the Board's recommendation of expulsion. The defendant shall have the privilege of appearing in his own behalf, though no evidence shall be taken at this meeting. The President shall read the charges and the Board's finding and recommendations, and shall invite the defendant, if present, to speak in his/her own behalf if he/she so wishes. The meeting shall then vote by secret written ballot on the proposed expulsion. A 2/3 vote of those present and voting shall be necessary for expulsion. If expulsion is not so voted, the Board's suspension shall stand.

Article VII. Amendments

Section 1. Amendments to the Constitution and By-laws and the Code of Conduct for Members may be proposed by the Board of Directors or by written petition addressed to the Secretary signed by 20% of the membership in good standing. Amendments proposed by such petition shall be promptly considered by the Board of Directors and must be submitted to the members, with recommendations of the Board, by the Secretary for a vote within three months of the date when the petition was received by the Secretary.

Section 2. The Constitution and By-laws and the Code of Conduct for Members may be amended by a 2/3 vote of the members present and voting by secret ballot at any regular or special meeting called for the purpose, provided the proposed amendments have been included in the notice of the meeting and mailed to each member at least three weeks prior to the date of the meeting.

Article VIII. Dissolution

Section 1. The Club may be dissolved at any time by the written consent of the not less than 2/3 of the members. In the event of the dissolution of the Club, whether voluntary or involuntary or by operation of law, none of the property of the Club nor any proceeds

thereof nor any assets of the Club shall be distributed to any members of the Club, but after payment of the debts of the Club its property and assets shall be given to a charitable organization, for the benefit of dogs, selected by the Board of Directors.

Article IX. Order of Business

Section 1. Club Meetings.

At meetings of the Club, the order of business, so far as the character and nature of the meeting may permit, shall be as follows:

- Roll Call
- Reading of Minutes of Last Meeting
- Report of President
- Report of Secretary
- Report of Treasurer
- Reports of Committees
- Election of Officers and Board (annual meeting)
- Election of New Members
- Unfinished Business
- New Business
- Adjournment

Section 2. Board Meetings.

At the meetings of the Board, the order of business unless otherwise directed by a majority of the vote of those present, shall be as follows:

- Reading of the Minutes of Last Meeting
- Report of Secretary
- Report of Treasurer
- Reports of Committees
- Unfinished Business
- New Business
- Adjournment

Article X – Parliamentary Authority

Section 1. The rules contained in the current edition of Robert's *Rule of Order, Newly Revised*, shall govern the club in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any other special rules of order the club may adopt.

LONE STAR BERNESE MOUNTAIN DOG CLUB

CODE OF CONDUCT FOR MEMBERS

The purpose of the LSBMDC is to promote the standard of the Bernese Mountain Dog as accepted by the American Kennel Club and in doing so to secure and protect the well being of the breed. In an attempt to help members achieve and maintain this goal the LSBMDC sets forth the following articles as a basic concept of accepted member practice. The Guidelines to Breeders is a supplemental instrument which may be used by breeders as an educational tool for achieving and maintaining accepted safe breeding practices and placement.

Article A: General Conduct of Members

- 1) Members will at all times represent themselves in a sportsmanlike manner and refrain from non-constructive criticism regarding another's dog or personal affairs.
- 2) Members will share knowledge and be truthful in conveying information
- 3) Members will provide Bernese Mountain Dogs in their care with a healthy, safe environment, nutrition and veterinary care.
- 4) Members will make use of recognized organizations including but not limited to OFA, OVC, CERF, etc. to evaluate the genetic status of not just breeding prospects but also companion animals.
- 5) Members will adhere to all AKC rules, regulations and requirements pertaining to the sport of dogs.

Article B: Responsibilities of All Members:

- 1) Members will be open, honest and constructive with members and non-members regarding facts pertaining to Bernese Mountain Dogs.
- 2) Members will honor all contractual agreements with buyers and sellers except where documented evidence indicates a dog's or the breed's welfare is jeopardized.
- 3) Members will provide proper housing and appropriate training to ensure a well-mannered dog. Dogs should not be allowed to run unsupervised or become a public nuisance, nor be kept in unsafe conditions. Training to ensure a well-mannered dog should not be abusive nor be excessively harsh for the individual dog.
- 4) Members will contact the dog's breeder for assistance in re-homing if, at any time, they cannot take proper care of the dog.
- 5) Members will advise the breeder, if known, of a change in ownership pertaining to any dog placed in their care of placed by them into the care of another.
- 6) Members will not donate nor offer as prizes Bernese Mountain Dogs in contests, raffles or fundraising events, no matter how charitable
- 7) Members are encouraged to submit health status findings to Berner-Garde, a database endorsed by the LSBMDC, whose purpose is to acquire and disseminate information related to generic traits in Bernese Mountain Dogs.
- 8) Members acknowledge the value of keeping breeders and buyers of their dogs informed about any health issues affecting their dog and its family.

Article C: Responsibilities of Members Who Engage in Breeding and Selling Dog

- 1) Members will accept the standard adopted by the LSBMDC and recognized by the AKC as the blueprint for determining the suitability of breeding prospects.
- 2) Members will adhere to AKC rules, regulations and requirements regarding the breeding of Bernese Mountain Dogs so as to only produce litters of pups which are eligible for registration with the AKC and/or with those kennel clubs recognized by the AKC. AKC full privilege registration of all sires and dams will be verified prior to breeding. Copies of AKC registration will be given to all prospective inquirers upon request to verify registration.
- 3) Members will refrain from breeding dogs less than 1 year of age. Optimally, bitches will not be bred until after 2 years of age. Bitches owned or co-owned by members will not produce pups more often than two out of three heat cycles. Exceptions, if contested, are subject to LSBMDC board review based on medical evidence presented by the bitch owner.
- 4) Members will radiograph Bernese Mountain Dogs considered for breeding for hip and elbow dysplasia and submit radiographs for any dog to be bred to a recognized organization for evaluation.
- 5) Members acknowledge the primary responsibility for offspring falls on the owner of the offspring. If the owner refuses to accept responsibility, responsibility falls on the breeder of record (the owner at the time of the breeding). The sire's owner of record at the time of conception will should assume responsibility for the sire's offspring should the owner or breeder of record be unable or unwilling to assume responsibility and should also assist with re-homing if it is necessary.
- 6) Sire and dam owners are responsible for obtaining information pertaining to the status and development of progeny produced by their dogs.
- 7) Members acknowledge in breeding Bernese Mountain Dogs that acquisition and application of facts from each dog's family history pertaining to orthopedics, longevity, overall health, type and temperament is essential to insuring breed welfare.

Article D: Responsibilities of Sellers

- 1) Members will establish and attempt to maintain a lifetime communication with owners in whose care they place dogs.
- 2) Members acknowledge the value of a written contract reviewed by all parties prior to the exchange of monies or services which details all obligations and expectations of sellers, buyers and providers of services.
- 3) Member breeders understand they have a responsibility to provide advice, reasonable aid and assistance to owners of offspring from their breeding program for the dog's lifetime.
- 4) Any member selling or placing a Bernese Mountain Dog, if asked, should assist the buyer or rescue organization in finding a suitable home for the dog should the need arise. If the breeder is unable to assist, the owner of the dog's sire at the time of conception should provide such assistance.
- 5) On sale of any Bernese Mountain Dog puppy or adult the seller will:
 - a. Maintain all puppies to at least 8 weeks of age in compliance with the Animal Welfare Act of the United States.
 - b. Release only animals that are, to the best of the breeders knowledge, in good health.
 - c. Ensure that all animals released have received the veterinary care deemed appropriate for their age and needs, including but not limited to that required by the laws of the state in which the dog resides.
 - d. Supply records detailing all dates and types of medical care the animal received, including inoculations and dewormings.
 - e. Provide written information on the care of the animal, including grooming, feeding, housing and other information related to health and management issues pertinent to achieving and maintaining a healthy dog.
 - f. Supply a 4-generation pedigree.

Article E: Actions Requiring Discipline

1. Neglect or abuse of any Dog in the care of a member documented by an investigation of an authorized humane organization.
2. Suspension of AKC privileges.
3. Knowingly to sell, or aid and abet the sale, of a Bernese Mountain Dog to or through an anonymous buyer, including but not limited to pet shops, dealers, brokers, agents, catalog houses, private individual unknown to the breeder or any commercial establishments.
4. Poor sportsmanship, including poor care of hotel properties and unsportsmanlike behavior at dog events.

Article F: Penalties

Behavior that is contradictory to the Code of Conduct may be subject to discipline per Article VI – Discipline of LSBMDC's Constitution and Bylaws.

Exception

Provisions in the Code of Conduct may be waived by the LSBMDC Board of Directors and/or by a vote of the membership based on review and evaluation of specific circumstances, which could appear on face to be in violation of the Code of Conduct. Members are urged to contact the LSBMDC Board of Directors regarding any noncompliance with the Code of Conduct.