



NORTHEASTERN MASSACHUSETTS LAW ENFORCEMENT COUNCIL BY-LAWS

While this document may contain the use of male gender pronouns, it is NEMLEC's intent to remain gender neutral and that he may be substituted with she at any time.

ARTICLE I--Name

The name of this council is the North Eastern Massachusetts Law Enforcement Council, Inc. (hereinafter referred to as "NEMLEC" or "the Council").

ARTICLE II--Mission

The mission of the organization is as follows:

The North Eastern Massachusetts Law Enforcement Council is committed to providing the highest quality of support and supplemental public safety services to its police chiefs through a regional partnership of member communities.

NEMLEC provides mutual law enforcement assistance and logistical support to its member agencies because of terrorist threats or actions, enemy action, natural disaster, unusual occurrence, including but not limited to fire, flood, storm, earthquake, landslide, aircraft accident, search and rescue operations, other natural or man-made disasters requiring exceptional police action, riot, mob action, civil disturbance, demonstration, urban insurgency or any situation threatening the peace and tranquility of the requesting party's jurisdiction or which may be beyond the resources or capabilities of the member agency. In addition, the mission of this organization is to provide for a system of receipt and dissemination of information, data and directive pertaining to the law enforcement services between local, state and federal law enforcement agencies.

ARTICLE III—Membership Provisions

Section 1. *Member Agencies.*

NEMLEC may be comprised of accepted municipal police departments located in selected counties within the Commonwealth of Massachusetts, known as member agencies. Each member agency will be afforded full voting rights and shall have one vote regardless of size. Police departments from the counties of Middlesex and Essex, and three designated municipalities, Chelsea, Revere, Winthrop, are eligible to apply for full membership.

Section 2. *Associate Member Agencies.*

NEMLEC shall also be comprised of other law enforcement and/or criminal justice agencies, known as associate members. An associate member shall enjoy all of the benefits of NEMLEC and shall contribute its input, expertise, and resources when requested. Associate members shall not be considered for purposes of establishing a quorum, shall have no right to vote, and shall not

be present or participate in any executive session called by the Council. Other law enforcement and/or criminal justice agencies from the counties of Middlesex and Essex, and three designated municipalities, Chelsea, Revere and Winthrop, are eligible to apply for associate membership.

Section 3. Written applications for membership shall be submitted to the Council through its Executive Board. Each application shall be referred to the Membership Committee, who shall make a recommendation to the Council. The membership committee is composed of the Second Vice President (Chair) and the members of the Standards Committee.

Section . As a precondition to membership in NEMLEC after January 1, 2004, a municipal member's city or town government must have either (i) accepted the provisions of Chapter 40, §8G of the General Laws, or (ii) opted in to the Statewide public safety mutual aid agreement in accordance with Chapter 40, Section 4J. The municipal member agency's city or town clerk must provide an attestation of acceptance to said provisions or a copy of the opt in letter prior to approval of membership by NEMLEC. A municipal agency whose membership in the Council commenced prior to January 1, 2004, and whose city or town has not yet accepted the provisions of Chapter 40, §8G, shall take all steps necessary to secure the acceptance of Chapter 40, §8G as soon as is reasonably possible. In the event any member agency city or town declines to accept Chapter 40, §8G or otherwise refuses to execute the Mutual Aid Agreement pursuant to Section 4 of this Article, the member agency shall execute a written mutual aid agreement with each member agency.

Section 5. As a precondition to membership in NEMLEC, a municipal member agency must execute a Mutual Aid Agreement of the Council with the Executive Board. The chief executive officer of the municipal member agency will be the signatory on behalf of the municipal member agency.

Section 6. As a condition of membership in NEMLEC, each member agency shall enroll in the process to become accredited by the Massachusetts Police Accreditation Commission, or other applicable accreditation body, and remain compliant with accreditation standards and requirements.

Section 7. NEMLEC's fiscal year shall begin on July 1st and end on June 30th each year.

Section 8. All member agencies agree to pay the annual dues that will be assessed each year by the Executive Board after demand is made. Any member agency may be suspended for non-payment of dues for a period of four months from the due date, at the end of which time membership may thereupon cease, at the discretion of the Council pursuant to the provisions of Section 11 of this Article.

Section 9. All member agencies agree to commit a portion of their resources as described herein in Article V.

Section 10. Membership in the Council shall continue during the life of NEMLEC, provided that dues and assessments are regularly paid and members comply with the membership requirements as set forth herein. Any member community may withdraw from this agreement

and participation in the Council by providing 90 days written notice to the President of such withdrawal.

Section 11. Membership may be terminated only by a concurring vote of two-thirds of all members of the Council present and voting. Such termination shall not be declared until the member agency has been given full opportunity to be heard by the Executive Board in accordance with the rules of procedure adopted by it. Refer to the Membership Obligations and Accountability Standards for hearing procedures (Section 4. Alternatives). No chief executive officer representing a member agency that has lodged a complaint against the member agency under review shall be qualified to vote.

Section 12. Upon request, member agencies will be required to show proof of police liability insurance coverage. In the event a community is self-insured, the member shall produce a letter attesting to that fact. In all other cases a certificate of insurance must be submitted within a reasonable time upon request.

ARTICLE IV—Voting, Representation, Officer Duties and Management

Section 1. The Council shall be governed by an Executive Board, which shall consist of the following officers: a President, a First Vice President, a Second Vice President, a Secretary/Clerk, a Treasurer, and the Past President. At least four members of the Executive Board shall constitute a quorum for an executive board meeting. Notwithstanding the provisions of this article, in the event of an emergency the President may take any and all actions necessary after seeking the advice and consent of at least one other member of the Executive Board.

Section 2. At the monthly Council meeting that is held in November, the officers shall be elected to a two-year term of office by a majority of the votes of the membership either in person or by proxy. The elected officers' terms shall take effect on January 1st following the election. Officers may be reelected at the time when their term of office is due to expire.

Section 3. In addition to the duties of the President as set forth within this section, the President shall preside at all meetings and shall have general management of the affairs of the Council and shall perform all duties incidental to his office. The President is responsible for carrying out the following activities:

- a. Coordinate continued long and short range planning for the development and growth of the Council
- b. Coordinate, integrate, and implement law enforcement planning and activities of the Mutual Aid Agreements that have been entered into by Council members
- c. Carry out, individually or through designating personnel as appropriate, the purposes and objectives of the Council
- d. The President is the residing chair of the Executive Board and presides over and facilitates monthly membership meetings.
- e. The President provides overall direction for the organization
- f. The President is responsible for the implementation of the Strategic Plan

Section 4. The First Vice President shall, in the absence or incapacity of the President, perform the duties of that office. The First Vice President shall oversee all operational units of

NEMLEC and shall oversee and coordinate all Control Chiefs. The First Vice President shall act as a liaison between the Control Chiefs and the membership. The First Vice President is responsible for carrying out the following activities:

- a. The First Vice President shall, in the absence or incapacity of the President, perform the duties of that office
- b. To support the President in administration his position.
- c. The First Vice President oversees the activity of all operational units

Section 5. The Second Vice President shall oversee all administrative components and standing committees of NEMLEC. The Second Vice President shall serve as the standing chair of the Membership Committee and shall oversee a biennial audit of the membership commitment provided by each member department. The Second Vice President is responsible for carrying out the following activities:

- a. Establish and sustain sound administrative practices and standards utilizing the following management tools and resources: membership participation, policy and procedures, professional development and technology.
- b. Oversees the activities of all NEMLEC committees: Technology, Membership, Standards, and Professional Development
- c. Serves as Chair of the Membership Committee, evaluating and making recommendation regarding suitability of candidate departments for membership.
- d. Oversees biennial audit of the membership commitment provided by each member department.

Section 6. The Secretary/Clerk shall keep the minutes, or cause a complete and accurate copy of the minutes to be kept and maintained of all Council meetings and Executive Board meetings. The Secretary/Clerk shall provide minutes of each Council meeting from the prior month to the membership in advance of each monthly meeting and shall provide notice of all meetings of the Council and for Strategic Planning meetings in accordance with Article IV of these bylaws. The Secretary/Clerk shall serve as the Keeper of Records for NEMLEC and shall be responsible for the collection and maintenance of all NEMLEC documents and records. The Secretary/Clerk shall assist the Treasurer with collection and retention of documentation for consideration by the Finance Committee. The Secretary/Clerk is responsible for carrying out the following activities:

- a. The Secretary/Clerk shall keep the minutes, or cause a complete and accurate copy of the minutes to be kept and maintained of all Council meetings and Executive Board meetings.
- b. The Secretary/Clerk shall provide minutes of each Council meeting from the prior month to the membership in advance of each monthly meeting and shall provide notice of all meetings of the Council and for Strategic Planning meetings in accordance with Article IV of these bylaws.
- c. The Secretary/Clerk shall serve as the Keeper of Records for NEMLEC and shall be responsible for the collection and maintenance of all NEMLEC documents and records.
- d. The Secretary/Clerk shall assist the Treasurer with collection and retention of documentation for consideration by the Finance Committee.

- e. The Secretary shall be one of two representatives from the Executive Board on the Finance Committee.

Section 7. The Treasurer shall be the chief financial officer of the corporation, shall be in charge of its financial affairs, books of account, accounting records and procedures. The Treasurer shall keep full and accurate records of all financial transactions. The Treasurer shall be responsible for overseeing all reports and filings required by the Commonwealth of Massachusetts, the Internal Revenue Service and any other governmental agency. The Treasurer shall serve as the standing chair of the Finance Committee and oversee its activities. The Treasurer shall provide the membership with a written financial report at least once annually. The Treasurer is responsible for carrying out the following activities:

- a. prepares annual budgets and financial reports
- b. manages bank accounts and daily operating expenditures
- c. approves all purchases per policy, executing Purchase Orders, paying of all financial bills and obligations of the organization, and communicating with vendors
- d. ensures all contracts with financial obligations are current
- e. manages and invests all Council funds ensuring that all mandated documents to Federal and Local entities are complete
- f. ensures all financial matters are communicated in a timely manner to the Executive Board and Members.

Section 8. The Past President shall serve as a liaison to law enforcement councils and other agencies as directed by the President. The Past President shall also serve as the coordinator and liaison for legislative initiatives relating to public safety issues and shall serve as standing chair of the By-Law Review Committee. The Past President is responsible for carrying out the following activities:

- a. Provides guidance and historical context to the sitting President, as requested by the President
- b. Carries out the objectives of the Strategic Plan as directed by the President and/or E-Board
- c. Perform duties as assigned by the President
- d. Acts as Liaison for Legislative Affairs for the Council, meeting with government and other officials as needed to further the agenda and goals of the Council, if/as assigned

Section 9. Members of the Council shall meet on the second Wednesday of every month. At the request of the President or the Executive Board, the President may call a special meeting or conference call of the Council upon due notice given to each member. Due notice shall mean two weeks or, if not practical, as soon as possible, via email to all members. Such notice shall be sent to the chief executive officer of each member agency. At least 50% of the Council shall constitute a quorum for a special or general meeting. Conference call or electronic voting may be allowed. No other business shall be transacted at such special meetings, other than that stated in the notice, unless there is unanimous consent from all members who are present to do so. The Council shall maintain complete and accurate minutes of all its meetings and those shall be kept under the control of the Secretary.

Section 10. Vacancies in any offices shall be filled for the unexpired term by a majority vote of the Council at any special meeting called for that purpose or at any regular meeting within ninety (90) days.

Section 11. The Council shall meet on the second Wednesday of each month, or whenever called together by the President, upon due notice given to each member of the Council.

Section 12:

The Executive Board shall have the authority to make decisions affecting the council, excluding the election of officers and decisions involving membership in NEMLEC. The Board may add, delete or change the by-laws at any time with the consent of a majority of the Council membership present and voting. The Board shall adopt such rules and regulations for the conduct of its meetings and management of the affairs of the Council, as they may deem proper. This section shall not supersede or modify decision-making authority codified elsewhere within the by-laws or policies.

Section 13. The Executive Board shall have the authority to raise revenue in the form of dues, fees, grants or other means as well as expending such funds for the best interest of the Council.

Section 14. The Executive Board shall have the authority to hire or retain such individuals or groups whose expertise will benefit the Council.

Section 15. The Executive Board by meetings, mail, email or by other means will make efforts to update members on the Council's operations on a regular basis.

Section 16. The Executive Board shall authorize the organization of committees and appointment of committee chairpersons.

Section 17. The committee chair, or their designee, of each Council committee shall report committee activities monthly to the Council.

Section 18. The Executive Board shall maintain complete and accurate minutes of all of its meetings and said minutes shall be maintained in the office of the Council.

Section 19. The Executive Board shall have the following responsibilities in addition to its other duties:

- a. Study and attempt to resolve by appropriate action any disputes involving the Council.
- b. Make findings and recommendations to the member agencies hereto for appropriate action to be taken to implement or carry out operational aspects of the Council.
- c. Ensure that lists of special law enforcement equipment, specially trained personnel and all law enforcement personnel and equipment or other resources are maintained and stored at the offices of the Council.

- d. Inform the chief executive officers of the member agencies and their designees regarding any changes with respect to the affairs of the Council.
- e. Foster working relationships or partnerships with those elected and/or appointed government officials, and other law enforcement agencies or regional groups to improve, enhance and/or facilitate the mission of the council.
- f. Facilitate the sharing of law enforcement information among Federal, State, City and Town law enforcement agencies and organizations.
- g. Plan and coordinate joint tactical training exercises as needed or appropriate with the Massachusetts State Police, Massachusetts National Guard, Massachusetts Emergency Management Agency, local and regional Fire, EMS, and/or Hazmat operations, other law enforcement councils, regional task forces, and other civil agencies to evaluate handling identifiable safety risks and hazards.
- h. Ensure that all future planning establishes a high priority on the continual improvement and enhancement of the Council for the benefit of its member agencies and its mission.
- i. Maintain liaison with any of the State's or regional task forces that have been established to promote greater protections of the member agencies' communities, to ensure participation and implementation of improvement programs developed as part of any state or regional law enforcement plans.
- j. Establish policy for future regional law enforcement and public safety efforts.

ARTICLE V—Resource Commitments

Section 1. Each member agency will commit ten percent (10%) of their agency's personnel resources to the Council's operations. This ten percent (10%) figure will be calculated by multiplying 10% of the agency's total number of *full time* sworn personnel by eight hours on a monthly basis. (Example: Law Enforcement Agency A has twenty-six (26) sworn officers. Multiply $26 \times .10 = 2.6$; then multiply $2.6 \times 8 = 20.8$; rounded off, the agency would contribute 21 hours of staff hours per month.) Those staff hours may be contributed in any combination of personnel and hours committed during the course of the month. Member agencies assign personnel to NEMLEC position in units, committees or groups, which have values assigned to them. Personnel who meet the required commitment standards (as codified in Membership Accountability Policy) automatically receive that value/credit for their agency. For Example: An agency may assign two personnel to RRT (value = 8 hours per person) and one to STARS (8 hours). That agency receives 24 hours credit each month towards their commitment.

Section 2. The Executive Board may change the method of calculating the percentage of personnel commitment at any time, based upon a demonstrated need to do so.

Section 3. Nothing will preclude a member agency from contributing additional resources than what has been established as the minimum level of commitment.

ARTICLE VI—Organizational and Operational Structure

Section 1. The Council will be comprised of organizational components including operational units and committees that will be charged with carrying out specific functions and activities that are designed to (1) augment the resources of its member agencies, (2) assist them in meeting their operational needs, and (3) guide and direct the Council's operations and activities.

Section 2. All operational units shall be under the direct command and oversight of a Control Chief. Nothing within these by-laws precludes any operational unit from having Assistant Control Chiefs assigned in carrying out the command and oversight of an operational unit. The members of the Executive Board shall select the Control Chiefs.

Section 3. All operational units shall have at least one Officer-In-Charge (OIC) designated to provide direct supervision and direction to the members who have been assigned to the unit. An OIC shall be a qualified sworn law enforcement officer, who has been selected by the Control Chief or, in his/her absence, the Assistant Control Chief(s). The OIC's will report to their respective Control Chief(s).

- a. All OICs shall ensure that an annual equipment inventory is completed, and that a list of all unit assets is sent to the Council office.

Section 4. All operational units shall have at least one Executive Officer (XO) designated to provide administrative support to the members including the keeping of records and the tracking of personnel attendance for trainings and callouts. The XO shall report to the OIC.

- a. A copy of the attendance records shall be submitted to the Council office quarterly for review by the Standards Committee and, if needed, the Executive Board.
- b. Copies will also be made available for the individual member's employing agency.

Section 5. The Control Chief may designate other supervisory roles to members of the operational unit for which he has oversight for the purpose of carrying out specific functions associated with the operational unit, and/or to provide a supportive role to the Unit Commander(s).

Section 6. Each operational unit is required to develop its own set of rules, policies and procedures, and operational guidelines that are unique to the mission of that particular unit and consistent of those standards and accepted law enforcement practices that have been established by the Executive Board. These guidelines shall be reviewed annually, and updated if needed. All such written directives are to be approved by the Standards Committee as well as the Executive Board.

Section 7. Each operational unit is required to prepare an after-action report on their involvement in any activity. These after-action reports are to summarize the nature of the activity, the identity of the requesting party, if any, the activities performed by the members of the operational unit, the identity of the members of the operational unit who participated in the activity, and an overview of actions of the activity or outcome of the incident. This includes any recommendations or suggestions that may be appropriate toward future activities. These after-action reports are to be completed by the respective OIC, or his designee, and submitted to the

Control Chief for review within seventy-two hours of the termination of the activity. The Control Chief will be responsible for providing copies of the after-action report to the Council office within ten days of the activity for distribution to members.

Section 8. No employee of a member agency may serve on any of the Council's operational units without the expressed permission of that individual's chief executive officer. All personnel being selected by his/her chief executive officer is subject to the successful completion of the application process that has been adopted by the particular operational unit. Qualifications for unit membership will be reviewed and approved by the Standards Committee prior to its implementation. Unit members are permitted to serve on no more than one unit at a time.

Section 9. Continued membership within an operational unit is subject to and contingent upon the approval of the respective operational unit Control Chief. That operational unit's Control Chief may remove members who do not abide by the standards of conduct, attendance, performance, and/or decorum that has been established for the particular operational unit, from said unit. As part of each operational unit's written directive system, the standards of conduct, attendance, performance and decorum for the unit's members being assessed must be fully described. Any inappropriate behavior or failure to perform at the prescribed level may be considered sufficient grounds for immediate suspension or dismissal from an operational unit. In a situation where an individual is being removed from an operational unit, it is the responsibility of the Control Chief of that unit to notify the individual's chief executive officer and Executive Board of such suspension or removal.

Section 10. It is implicitly understood that all members of any operational unit will operate under the direct supervision of their unit's designated supervisory personnel and adhere to the chain of command that has been established for that operational unit. Failure to do so will be considered grounds for suspension or removal from the unit.

- a. Determine that adequate strength is maintained on the Regional Response Team, and any other operational components of the Council.
- b. Establish training requirements for the Regional Response Team, any regional investigative unit that may be formed under the auspices of the Council, and any other operational units that fall within the purview of the Council.

ARTICLE VII—Responsibilities of Member Agencies

Section 1. The chief executive officer of each member agency must promulgate his own protocols with respect to calling out any of NEMLEC's operational units. These protocols should identify the internal notification process that is to take place with respect to making the decision to call out the specific operational unit, who within the agency has the authority to make such a decision, and incorporate the operational unit's protocols to be followed when calling out the specific operational unit. The chief executive officer, or his designee, must exhaust his/her own resources prior to activating a NEMLEC Operational Unit.

Section 2. In situations where the chief executive officer or an authorized designee makes a request for the assistance of one of the Council's operational units, it is understood that the chief executive officer or his designated representative will oversee the unit's activities, and direct

how the unit's resources are to be utilized. There will be a command structure in place within the operational unit, where the unit's commander will communicate directly with the individual who has been designated from the requesting agency as being in charge of the operation. It is therefore understood that the requesting agency will designate a representative who will coordinate and direct the activities of the responding operational unit, and provide such law enforcement assistance and logistical support as may be required utilizing incident command protocols.

Section 3. Each chief executive officer of a member agency agrees to abide by the conditions set forth within the Mutual Aid Agreement that has been executed by his community, in addition to the by-laws of this Council, its rules, policies and procedures, and operational guidelines including incident command protocols. Failure to comply with said written directives may require corrective action in accordance with the NEMLEC Membership Obligations and Accountability Policy.

Section 4. Each agency's chief executive officer agrees to abide by the selection process established by the Executive Board in selecting a member of his/her agency to serve on an operational unit of the Council. The chief executive officer acknowledges that his/her personnel, while serving in their respective roles within the Council's operational units, shall be subject to the supervisory and command structure of that operational unit. The chief executive officer further acknowledges that he/she will abide by any decision made to suspend or remove a member of his/her agency from an operational unit as deemed to be appropriate and proper by the Executive Board. The chief executive also agrees to ensure all unit personnel agree to, and will remain in compliance with the unit membership obligations, as codified in Addendum C of the Membership Obligations and Accountability Policy.

Section 5. Each chief executive officer agrees to bring any dispute or disagreement with the Council to the Executive Board for resolution of said dispute or disagreement. If the aggrieved chief executive officer is a member of the Executive Board, he/she further agrees to recuse himself from any Executive Board discussion and decisions while the Executive Board is resolving the dispute or disagreement. This does not preclude the aggrieved chief from providing testimonial evidence regarding the disagreement.

Section 6. Each chief executive officer agrees to establish protocols for those members of his agency who are members of one of the Council's operational units, whereby those members will first seek authority to respond on a call-out from their chief executive officer or his designated representative who has authority to grant such permission. This requirement has been established for two reasons: (1) ensure that members responding on a call-out situation has made someone from their own agency aware of the fact that they are responding on the call-out; and (2) to satisfy the requirements under Chapter 41, § 99 of the Massachusetts General Law with respect to exchanging the request and acceptance of mutual aid where the responding personnel will have the "same immunities and privileges as when acting within their respective cities and towns" while responding to another community.

Section 7. Each chief executive officer retains the right to deny permission for his members to respond on a call-out, if in his opinion such permission would create a hardship with respect to the operations of his own agency.

Section 8. It is understood that if there were any criminal complaints or allegations of misconduct lodged against a member of a responding operational unit in regards to the operation within the jurisdiction of the requesting agency, the requesting chief executive officer would be responsible for the investigation into the allegations of criminal involvement or misconduct. The requesting chief executive officer shall provide the findings to the Control Chief of the operational unit and the chief executive officer of the department to which the accused personnel belongs.

ARTICLE VIII---*Property and Equipment*

All property and equipment of NEMLEC shall be under the control, and at the disposal of, the Council. All property and equipment shall be included in the NEMLEC inventory and where possible, tagged with a NEMLEC inventory sticker.

ARTICLE IX---*Conduct of Meetings*

The meetings shall be conducted under the rules and procedures contained in Robert's Rules of Order Revised.

ARTICLE X---*Indemnification of Executive Board Members*

Any person made a party to any action, suit or proceeding by reason of the fact that he or she, his or her testator or interstate, is or was a member of the Executive Board of the Council shall be indemnified by the Council against judgments, including attorney's fees, actually and necessarily incurred as a result of such action or proceeding, or any appeal therein, if such person acted in good faith for a purpose which he or she reasonably believed to be in the best interests of the Council and, in criminal actions or proceedings, in addition, had no reasonable cause to believe that his or her conduct was unlawful. Such rights of indemnification shall not be deemed exclusive of any other rights to which members of the Executive Board may be entitled apart from this Article.

ARTICLE XI---*Dissolution*

The Council may be dissolved by the consent of two-thirds plus one of the members in good standing at a special meeting called for such purpose. All assets and liabilities of the organization shall be disposed of to active members in equal shares and pursuant to the vote of the Executive Board as affirmed by a majority of the members.

ARTICLE XII---*Amendments*

The By-laws of this Council may be amended by a majority vote of the members of the Council present and voting at any monthly meeting provided such notice of such amendment shall have been sent to all members of the Council by the Secretary, at the direction of the President, at least two weeks prior to such meeting.

These By-Laws as adopted shall supercede and replace any existing or previously adopted By-Laws.

These By-Laws are hereby adopted this 13th day of November 2014.