



CONSTITUTION

AND

BY-LAWS

Of The

Johnstown ATV Club.

Revision Date: 3 Nov 2020

**CONSTITUTION and BY-LAWS
Johnstown ATV Club INC.**

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CONSTITUTION

PART 1

Article # 1.1 - Name of the Organization

The name of the Club shall be the “Johnstown ATV Club Inc.”, with an abbreviated title “JATVC” and hereinafter referred to as the “Club”.

Article # 1.2 - Affiliation

The Club is affiliated with the Ontario Federation of All-Terrain Vehicles (OFATV) and operates under their rules and regulations. The Club shall work in co-operation with any other organizations whose aims, and objectives are similar to the Club.

Article # 1.3 - Objectives

- a. To provide a safe and enjoyable trail system for all level of ATV/ORV, excluding modified trucks, amphibious vehicles, vehicles with less than 4 wheels (3 wheelers or dirt bikes);
- b. To support and enhance ATV/ORV trails in co-operation with respective authorities;
- c. To educate the general public that our members are a group of outdoor enthusiasts, who respect other outdoor enthusiasts, and are also environmentally conscious;
- d. To support and ensure that the local community has legal and safe trails on which to ride their ATV/ORV; and
- e. To support and promote local community endeavours within the Club’s capacity.

Article # 1.4 - Area of Operation

The Club will generally operate within the township boundaries of Edwardsburgh/Cardinal, Merrickville-Wolford and Augusta. Nothing herein, however, shall delimit the area(s) in which the members seek to achieve their objectives.

Article # 1.5 - Revision of Constitution

This Constitution may be amended as follows:

- a. Amendments may only be made at the Annual General Meeting;
- b. Notice of proposed amendments must be submitted to the Secretary, in writing, at least 30 days prior to the date of the Annual General Meeting;
- c. The Secretary shall inform members regarding the proposed amendments, in writing, at least 7 days prior to the Annual General Meeting;
- d. Any proposed amendment will not be entertained unless the member proposing the amendment is present at the Annual General Meeting; and
- e. In the event of an emergency, the Executive and the Board of Directors may amend the Constitution following a majority vote. The general membership shall be informed soonest of the amendment and the reasons for the emergency vote/amendment.

Article # 1.6 - Responsibility of Business

The Club's business will be the responsibility of the Executive and the Board of Directors, with the understanding that the input of the membership will be considered and welcomed.

BY-LAWS

PART 2 – MEMBERSHIP

2.1 Membership Year

A Club member's membership will expire on the anniversary date of their renewal. A member will be notified automatically from the OFATV membership database prior to their renewal date. Upon failure to renew membership at the prescribed date, their membership will be terminated.

2.2 Rights and Duties of Members.

- a. All Club members, if eligible, shall have full voting privileges on all Club issues;
- b. All Club members shall have full use and privilege of Club facilities and activities at the discretion of the Executive; and

- c. Club memberships shall be defined as:
1. Single Membership: is an individual who has paid full annual Single membership Club dues which includes the OFATV affiliation fees;
 2. Family Membership: the Club and OFATV offers a discount to families residing in the same household (proof of residency is required) wishing to purchase more than two full memberships. The memberships must all be purchased at the same time. You must contact the Club Membership Director to acquire the Family Pass.
 3. Associate Membership: is held by a member who is not registered with OFATV as a trail pass holder, and who has paid the Associate Membership Club fees. Furthermore:
 - i. Associate Members are required to adhere to all the By-laws of the Club and OFATV;
 - ii. The Associate Member category was created to encourage active members' spouses, family and friends to become involved with and support the Club;
 - iii. Applications for Associate Membership shall be made to the Club with all applicable completed forms, either written or electronically.
 - iv. Associate Members may belong to any committee or hold any Club position;
 - v. Associate Members have the same voting privileges as regular Club members;
 - vi. Associate Members may resign from the Club at any time upon written notice to the Membership Coordinator;
 - vii. Associate membership status in the Club may be terminated by majority vote by the Board of Directors, in the event of reasons inconsistent with the Club's best interests; and
 - viii. Associate members to JATVC are not recognized by the OFATV, and that person would not be eligible to hold an OFATV Board position (ie, District Director) or vote on behalf of JATVC at the OFATV AGM.
 4. **A JATVC member in Good Standing shall be interpreted as an individual who:**
 - i. Has **a valid and verifiable OFATV annual or day pass;**
 - ii. **Has in their possession valid personal ATV insurance, ownership and identification while on JATVC trails;**
 - iii. **Is in compliance with the requirements of Ontario's Off-Road Vehicles Legislation/Regulations. For more detailed information on the legal requirements for driving an ATV/SXS in Ontario,**

- consult the *Off-Road Vehicles Act (ORVA)* and the *Highway Traffic Act*; and**
- iv. Is respectful and in compliance with JATVC and OFATV rules, regulations and policies.**

2.3 Resignation, Suspension, Dismissal & Cancellation of Membership

a. Resignations:

1. Any member whether a member of the Executive, the Board of Directors or regular member will notify, in writing, the secretary of their intended resignation with their reasons;
2. The Secretary shall, upon receipt of such information, inform the President who shall consult with the resigning member and invite said member to attend a meeting of the Executive and Board of Directors at the earliest possible date; and
3. The Board shall investigate the circumstances involving the member's resignation with a view to resolving any potential situation for the betterment of the Club and its objectives.

b. Suspensions and Cancellations:

1. JATVC/OFATV Members may have their membership suspended or cancelled for the following reasons:
 - i. Violation of Club rules/policies;
 - ii. Violation of any Municipal, Provincial and/or Federal Laws governing ATV/ORV use; and
 - iii. Behavior detrimental to the welfare or character of the Club.
2. JATVC/OFATV Members may have their membership suspended or cancelled by the following procedures:
 - i. A member in good standing wishing to bring a fellow member's name up for any of (2.3,b,1) must present to the Secretary, in writing, the alleged offence, reasons for wishing a hearing, and proof of accusation;
 - ii. The Secretary will, upon receipt of such complaint, notify the President and request a date for an Executive's meeting at which time the matter will be discussed;
 - iii. The Secretary shall next, notify the complainant and the alleged offender, by registered mail or deliver in person, the date of an

Executive's meeting and request their presence there. The Secretary shall also send/provide the alleged offender a copy of the original letter of complaint;

- iv. At the Executive's meeting, both sides of the issue are to be heard and decided on, the majority decision of the Board being final; and
 - v. Should the complainant or the alleged offender fail to appear at the meeting without cause, the Board has the option to reconvene the hearing or to proceed ex-parte. In either case, their findings shall be recorded in the minutes of the hearing.
- c. Dismissal: Any member of the Executive or the Board of Directors who, in the opinion of any member, is neglecting his duties or is incompetent in fulfilling his position in the best interest of the Club and its objectives may be dismissed from his position, following these procedures:
- 1. Any member in good standing wishing to bring a charge of neglect or incompetency against any member of the Executive or the Board of Directors, must present to the Secretary in writing, the alleged offender's name, his reasons for wishing a hearing and proof of his accusations;
 - 2. The Secretary will, upon receipt of such complaint, notify the President or Vice President (as the case may dictate) and request a date for a meeting, at which time the matter will be discussed;
 - 3. If in the opinion of the Board the accusation is not sufficiently justified to warrant further action, then the matter shall be considered closed. The complainant and the alleged offender shall be informed in writing of the Board's decision, and the Board's majority decision shall be final;
 - 4. If in the opinion of the Board the accusation is justified, the matter shall be pursued at the earliest possible date;
 - 5. The Secretary shall next notify both the complainant and the alleged offender of the date of the Board's meeting and request their presence there. The Secretary shall also send or deliver a copy of the original letter of complaint to the alleged offender;
 - 6. At the Board's meeting, both sides of the issue are to be heard, and decided on, and the majority decision of the Board is final;
 - 7. Should the complainant or the alleged offender fail to appear at the Board's meeting without cause, the Board has the option to reconvene the hearing or to proceed ex-parte. In either case their findings shall be recorded in the minutes of the hearing; and

8. Should the alleged offender be found guilty of the accusation, he shall be dismissed from the position and another member shall be appointed to that position at the next monthly meeting.

PART 3 – ORGANIZATION

3.1 Executive

The officers for the Executive of the Johnstown ATV Club Inc. shall be as follows:

1. President;
2. Vice-President;
3. Secretary; and
4. Treasurer

All officers for the Executive shall be members in good standing and shall be elected as prescribed in the Club By-laws. All officers shall serve for a two (2) year term. The Office of President and Secretary to be elected in odd numbered years. The office of Vice-President and Treasurer to be elected in even numbered years. The duties as prescribed hereunder may be delegated to other Club members as deemed necessary and/or required with the knowledge of the Executive and the Board of Directors. Delegation of duties does not constitute a relinquishment of responsibilities for said duties. Any member of the Executive who misses any three consecutive meetings without a reasonable explanation and prior notification shall be removed from the Executive position.

3.1.1 President:

The President is responsible for the overall management and operation of the Club. The President's duties shall consist of, but not be limited to, the following:

- a. To act as meeting chairperson at all Club meetings other than committee meetings;
- b. To stay up to date with District 1 and OFATV AGM meetings affairs;
- c. To ensure all events are in the best interest of Club and OFATV standards;
- d. To interact with other Clubs on various activities;
- e. To countersign cheques for the Treasurer;
- f. To oversee all committee activities ensuring the committee chairmen are fulfilling their appointments to the utmost of the Club's benefit;

- g. To call a meeting of the Executive or Special Meetings at any time he deems in the best interest of the Club and its objectives.
- h. To vote on matters and to cast a second vote in the event of a tie;
- i. Oversees what is on the Club's webpage which may be updated/maintained by another person of the Executive or Directors;
- j. To be a voting member on the Board of Directors for one (1) year immediately following his term providing he remain in good standing with the Club; and
- k. Travel is required.

3.1.2 **Vice-President:**

The Vice-President is responsible to the President and shall assist in carrying out the President's duties in his absence. The Vice-President's duties shall consist of, but not be limited to, the following:

- a. Shall, during the absence or temporary incapacity of any other Officer, perform the duties and have the powers of the Officer;
- b. Work as a Public Relations contact to external organizations and landowners;
- c. Oversee what is being put onto Social Media (ie. Facebook) and to ensure that the information is valid ATV and Club information at all times, and respond to messages in a time realistic fashion, in less than 24hrs; and
- d. Mapping and trail validation.

3.1.3 **Secretary:**

The Secretary shall be responsible to the President and shall:

- a. Keep, store and preserve minutes/records of all meetings including committee meetings;
- b. Read such minutes at each monthly meeting;
- c. Conduct correspondence of the Club;
- d. Advise all members showing dates, times and places of forthcoming meetings;
- e. Keep a nominal attendance roll for all meetings except committee meetings;

- f. Record discussions and decisions during Executive/Director meetings and General Club meetings and send the draft to those members no later than one week from the date that the meeting took place.
- g. Be responsible that all meetings, decisions and activities are in accordance with the Constitution and By-laws of the Club; and
- h. Send out notices and Club Newsletters as deemed necessary by the President

3.1.4 **Treasurer:**

The Treasurer will be responsible to the President and shall:

- a. Create and maintain the Club's annual budget;
- b. Ensure accurate and up-to-date records of all Club income and expenditure;
- c. Make payment to third parties;
- d. Manage the Club's bank account with a financial institution approved by the Executive, and maintain a petty cash account;
- e. Keep an accurate inventory of the Club's assets;
- f. Ensure approval by the Club's executive or membership for major expenditures;
- g. Prepare and file the Club's T2 Corporation Income Tax Return according to the CRA's annual filing deadlines;
- h. Prepare the Annual Financial Statements ahead of the Annual General Meeting (AGM) and report to the AGM on the Club's financial performance (n.b.: the Club's fiscal year will be from January 1 to December 31); and
- i. Deliver the Club's records and financial statements to a third party, as appointed during the AGM, for compilation and review.

3.2 **Board of Directors**

The Board of Directors shall:

- a. Be comprised of the Officers of the Executive, including the five (5) Directors. All board positions can be held by two people together to share the workload. The Directors shall be known as:
 - 1. **Membership Director**; responsible for:
 - i. Membership Committees, ie. Membership drives, etc.;

- ii. Keeping and supervising an up-to-date membership list;
 - iii. Processing all welcome packages for all new and renewed memberships and the preparation of mailings to said members;
 - iv. Providing a membership report at all Club General/AGM Meetings; and
 - v. Ensuring that the waivers and money is collected from vendors selling Day Passes and that they are always stocked with new Day Passes and waivers. Money is to be handed to the Treasurer.
2. **Trail Maintenance Director;** responsible for:
- i. Providing a Trail Status report at all Club General/AGM Meetings;
 - ii. Maintaining all trails as per Club/OFATV standards;
 - iii. Overseeing Trail clearing, trail maintenance, bridges, culverts, and fencing;
 - iv. Trail Signage Committees including all matters regarding trail safety signage;
 - v. Grooming of trails or the coordination of;
 - vi. Trail Maintenance Committees; and
 - vii. Coordinating work parties and materials/equipment required.
3. **Alternate Trail Maintenance Director;** responsible for in consultation with the Trail Maintenance Director:
- i. Maintaining all trails as per Club/OFATV standards;
 - ii. Overseeing trail clearing, trail maintenance, bridges, culverts, and fencing, in consultation;
 - iii. Trail Signage Committees, including all matters regarding trail safety signage;
 - iv. Grooming of trails or the coordination thereof; and,
 - v. Duties as Acting Trail Maintenance Director, in the absence of the Trail Maintenance Director.
4. **Trail Warden Director;** responsible for:
- i. Ensuring proper training for all wardens;
 - ii. Keeping track of the warden volunteer hours and their reports;
 - iii. Providing a consolidated Trail Warden report at all Club General/AGM Meetings; and
 - iv. Recruitment and all other issues concerning trail wardens.
5. **Grant Director;** responsible for:
- i. Researching and inquiring into grant opportunities;
 - ii. Reporting to and consulting with the executive regarding grant opportunities;
 - iii. Writing proposals and letters of inquiry;
 - iv. Communicating with granting agencies and organizations;
 - v. Tracking the status of requests; and

- vi. Submitting evaluation and related reports as required by the granting agencies, in consultation with the Treasurer and other members of the executive.
6. **Sponsorship Director;** responsible for:
 - i. Soliciting advertising and sponsorships for the Club social media pages, map and billboards; and
 - ii. Coordinating prize acquisition and donations for organized rides and fundraising events.
 7. **Marketing Director;** responsible for:
 - i. Developing and implementing the Club's brand strategy, in consultation with the executive;
 - ii. Promoting the Club and its special events by drafting and distributing press releases, scheduling interviews for the President or delegate, and giving interviews on behalf of the Club; and
 - iii. Liaising with media outlets, township community calendars and councils and other local organizations in order to promote the Club's activities.
 8. **Special Events Director;** responsible for the leading, coordination and execution of:
 - i. Club non-ride events such as: Club AGM, Club Christmas Party, Volunteer Appreciation BBQ, etc;
 - ii. Club organized ride events to raise funds for trail maintenance or for local charities; and
 - iii. Participation at Town Parades or Fairs. ;
- b. All Directors shall be responsible for:
1. Any other committee(s) delegated by the Executive;
 2. Communicating regularly with the committee chairmen to ensure the Club goals and objectives are being met;
 3. Communicating to the Executive at the Executive monthly meetings on the progress of all assigned committees;
 4. Assisting the Executive in considering all applications for resignations, dismissal, capital expenditures, capital investments and other Club business as assigned;
 5. Deciding on matters which cannot be deferred to the next monthly meeting; and
 6. Mutual interpretation of the Club By-laws.

- c. All Directors shall serve for a two (2) year term and may serve additional terms as re-elected. Membership, Trail Maintenance, Special Events and Sponsor Directors are to be elected in odd numbered years. Trail Warden, Alternate Trail Maintenance, Grant, and Marketing Directors are to be elected in even numbered years.

3.3 Standing Committees:

Standing Committees are established to conduct Club activities throughout the year. Such committees shall be filled, and names of the committee members presented by the committee chairman to the membership at the monthly meetings.

3.4 Special Appointments:

In some circumstances Special Appointments may be required to fulfill various functions and duties. These functions and duties may be appointed to individual Club members with specific and or professional affiliations and/or qualifications. These Special Appointments may be implemented by an election conducted by the Executive and the Directors. These Special Appointments may include by are not limited to duties such as Club Historian or Auditor. Such Special Appointments shall not be assigned to any member of the Executive or Directors. Members with such Special Appointments may be required and/or entitled to attend monthly Executive meetings and may further be granted voting eligibility at such and any other meetings, as deemed appropriate by the Executive.

PART 4 – MEETINGS

At these meetings, a quorum shall consist of a majority of the Executive and the Board of Directors providing that at least two (2) Club Officers are present. In absence of a quorum, no formal action shall be taken except to adjourn the meeting to a subsequent date.

4.1 Monthly Meeting:

- a. Monthly meetings shall be held at 0900 hrs (9 AM) on the second (2nd) Saturday of each month; and
- b. Club membership attending the February monthly meeting will vote to approve the annual budget.

4.2 Annual General Meetings:

The Annual General Meetings shall be held at 0900 hrs (9 AM) on the second (2nd) Saturday of May of each year. Notice by prepaid mail or electronic mail thirty (30) days before the fixed time for the holding of such meeting.

4.3 Executive Meetings:

Executive and the Board of Directors shall meet once per month prior to the Club's monthly meeting.

4.4 Special Meetings:

Any Club member in consultation with the President may request a Special Meeting. The details of such Special Meetings shall be conveyed to the Secretary who in turn will make the necessary arrangements to contact the General Membership and inform them of the place, date and time of the Special Meeting.

4.5 Emergency Meetings:

Emergency Meetings may be called at a time and place so determined by the President to deal with urgent matters.

4.6 Committee Meetings:

Committee meetings shall be called at a time and place as deemed necessary by any committee chairman or the Club President. A quorum shall consist of a majority of the committee.

4.7 Absence of the President and Vice-President:

In the absence of the President and Vice-President, a member of the Executive in good standing and who is agreeable to the majority of the members present may preside at any meeting(s) called by the President.

4.8 Procedures at Monthly Meetings:

- a. Call to order and introduction of new members (by the Chairman) and roll call;
- b. Reading of the minutes of the last meeting (by the Secretary);
- c. Reading of the Financial Report (by the Treasurer);
- d. Reading of the Membership Report (by the Membership Director);
- e. Reading of the Trail Status Report (by the Trail Maintenance Director);
- f. Reading of the Trail Warden Report (by the Trail Warden Director);
- g. Reading of correspondence;
- h. Officers and Committee Reports;
- i. Unfinished business;
- j. New business (items of new business must be communicated to at least one member of the Executive or the Board of Directors at least 24 hours before any monthly meetings);
- k. Adjournment.

4.9 Procedures at the Annual General Meeting:

- a. The President (or in his absence the Vice President), acting as chairperson, will ensure a quorum and call the meeting to order. The agenda will include the following items:
 1. Approval of the minutes of the previous AGM;
 2. Financial report & presentation of the financial statements ending December 31;
 3. Membership report;

4. Trail status report;
 5. Trail Warden report;
 6. Correspondence;
 7. Special Orders;
 8. Appointment of a volunteer to review the Club's financial statements;
 9. Any other business, ie. Changes to the Club's Constitution and By-laws;
and
 10. Adjournment.
- b. Under Special Orders, the chairperson of th nominating committee will take the chair and administer the elections for open positions;
- a. Election of Officers – President, Vice-President, Secretary and Treasurer;
 - b. Election of Directors; and
 - c. Election of Committee Chairs, as required.

4.10 Procedures at Other Types of Meetings:

Procedures at other types of meetings shall be the responsibility of the presiding Chairman. The aforementioned procedures shall be conducted according to Roberts Rules of Order.

PART 5 – NOMINATIONS

5.1 Nomination Chairman

At the monthly meeting two (2) months before the Annual General Meeting, the Executive Officers shall appoint a Nomination Chairman. The Nomination Chairman shall present those positions for election to the Executive Committee and the Board of Directors. The Nomination Chairman will be responsible to accept, in writing, nominations at least 30 days before the Annual General Meeting/Election. Upon closure of nomination acceptance, the Nomination Chairman shall report in writing to the Club Secretary and provide him/her with a list of nominations.

At the last monthly meeting of the month prior to the election, the Secretary shall read, to those assembled during that meeting, the list of nominations that were provided to him. (Be it understood that no name may be offered from the floor unless the member so named is present and consents to his nomination). Nomination forms shall be completed at time of nomination.

The Nomination Chairman shall chair the election at the Annual General Meeting. In case of a tie for any office, the Nomination Chairman shall cast the deciding vote.

5.2 Eligibility:

- a. No person may run for an office either as an Officer of the Executive or as a Director of the Club unless they have been a member of the Club in good standing for at least twelve (12) months immediately preceding the election;

- b. Each Executive or Director shall be an individual who is not less than 18 years of age. No person who is of unsound mind and has been so found by a court in Canada or elsewhere or who has the status of a bankrupt shall be an Executive or director. If a director acquires the status of a bankrupt or becomes of unsound mind and is so found, he shall thereupon cease to be an Executive or Director.
- c. Any person not meeting the requirements of Paragraph 5.2 (a, or b) may run for office providing they have been nominated and their nomination has been approved by the Executive and the Board of Directors, who are satisfied that the nominee is in full support of the aims and objectives of the Club;
- d. No person may run or be nominated for an Executive or Director position if they have contravened any of the Club By-Laws; and
- e. In order to be eligible to vote at Club election, a member must have attended four (4) General meetings (may included A.G.M.) and must be in attendance at the election.

5.3 Appointment of Standing Committee Chairmen and Special Officers

The Executive shall appoint all persons.

PART 6 – FINANCE

6.1 Committee Funds

All monies held by any committee members shall be turned over to the Treasurer within seven (7) days following any fund-raising function.

6.2 Authorization of Expenditures

- a. Expenditures shall be classified as capital or operating.
- b. Capital expenditures shall be those to purchase items such as machinery, equipment and/or materials to be used in the construction of any buildings or physical holdings owned or managed by the Club. The Executive will only authorize capital expenditures after being approved in principal by the membership. Capital expenditures must receive a majority vote of the Executive and the Board of Directors before being considered authorized.
- c. Operating expenditures shall be those to finance the running or operation of any building or equipment and the ongoing work of the Club, they shall include expenditures such as but not limited to, cost of running fund raising events, charity/not-for-profit events and administrative costs. Operating expenditures may be authorized at a meeting of the Executive or at any monthly meetings.
- d. **Expenditure Limitations** – No members shall initiate expenditures of any value whatsoever without prior approval, by way of a majority vote, from the Executive. Such vote may take place during an Emergency or Executive’s meeting. In that, the Executive shall be limited to expenditures to maximum of

\$300.00 without prior approval. Expenditure over \$300 requires approval by the executive committee, by way of majority vote during any meeting called by the executive. Expenditure over \$1500 requires majority vote by general membership. Anyone found in contravention of the aforementioned expenditure limitations may have his membership cancelled or revoked and be held criminally or civilly liable for such unauthorized expenditures.

6.3 Club Property

All Club property is the responsibility of the Executive Officers who in turn may delegate responsibility to an appointed Club member. Any Club property loaned to a member must be approved by any two (2) members of the executive board of directors. Club equipment may be loaned out on a temporary basis; however, a Club temporary loan card will be filled out recording the item borrowed and once the item is returned, the loan card will be destroyed. Club equipment must be returned in the same condition – anything broken or damaged will be evaluated by Club Executive and handled accordingly.

PART 7– ALTERATIONS AND AMENDMENT OF BY-LAWS

7.1 Proposal to Alter or Amend By-laws

Any proposal to alter or amend By-laws shall be presented in writing for discussion at a monthly meeting of the Club. Any proposal receiving a majority affirmative vote at the aforementioned meeting shall be subject to final approval at a meeting of the Executive, which will be held within seven (7) days following the reading of the proposed amendment. Any proposal not receiving a majority affirmative vote shall not be adopted.

Passed this 3 day of Nov, 2020

President P. Marceau

Secretary Allan Lumsden
Allan Lumsden (Nov 5, 2020 18:11 EST)