

**ALBERTA-NWT COMMAND
BRANCH BY-LAWS - INNISFAIL BRANCH NO. 104
OF THE ROYAL CANADIAN LEGION
AS AMENDED TO OCTOBER 10, 2023**

INTRODUCTION

Purposes and Objects

The purpose and objects of the Branch shall be those set forth in the Act to Incorporate The Royal Canadian Legion and in the introduction to the General By-Laws of The Royal Canadian Legion.

**ARTICLE I
INTERPRETATION**

1.01 Unless the context otherwise requires:

- (a) "The Act" means The Act to Incorporate the Royal Canadian Legion (Statutes of Canada 1948, Chapter 84, as amended).
- (b) "Command By-Laws" mean the By-Laws of the Alberta and Northwest Territories Command (Alberta-NWT Command - as amended).
- (c) "Dominion Command" means the supreme authority of the Legion- that is the Dominion Convention and when it is not in session, the Dominion Executive Council.
- (d) "Command" means the Command Convention, and when it is not session, the Command Executive Council.
- (e) "Branch" means the Alberta-NWT Command Innisfail Branch No. 104.
- (f) "Member" means any person who has been duly admitted to any of the types of membership provided in the General By-Laws.
- (g) A "Member in Good Standing" is one:
 - (i) Who is not in arrears in the payment of annual dues as of January 31 of the current year; and
 - (ii) Who is not under suspension. However, a member's rights and privileges may be limited or restricted in accordance with and in such manner and circumstances as may be described herein.

1.02 The General By-Laws of The Royal Canadian Legion (as amended) shall be and are hereby accepted, together with the Act, as the Constitution of the Branch, in all cases not covered by these By-Laws, the General By-Laws of The Royal Canadian Legion shall apply.

- 1.03 In these By-Laws, words indicating masculine import the feminine.

ARTICLE II MEMBERSHIP

- 2.01 All applicants for membership in the Branch shall be subject to the restrictions and fall within the classes set forth in Article II of the General By-Laws.
- 2.02 All applicants for original membership or reinstatement shall be dealt as set forth in Article II of the General By-Laws.
- 2.03 All members admitted to membership in this Branch shall be notified by email of the Branch By-Laws and House Rules. Hard copies of Branch By-Laws and House rules will also be made available at the Branch Office.

ARTICLE III AFFILIATE MEMBERS VOTING AND NON-VOTING

- 3.01 (a) Affiliate voting membership is open to any Canadian citizen or Commonwealth subject who is of federal voting age and who is not eligible for ordinary or associate membership.
- (b) Affiliate non-voting membership is open to any Canadian citizen or Commonwealth subject who is of federal voting age and who supports the aims and objects of The Royal Canadian Legion. Affiliate non-voting members shall have the same rights as all other members, except the rights to vote and hold office.

ARTICLE IV DUES

- 4.01 The annual dues payable by members shall be determined from time to time by a two third (2/3) majority vote of the members present at a General Meeting of the Branch.
- 4.02 Branch dues shall become due and payable on the 31st day of January in each calendar year.
- 4.03 A member who has not paid his dues by February 1 of the current year shall be deemed to be in arrears.

ARTICLE V COMPLAINTS AGAINST MEMBERS

- 5.01 Any member of the Legion may lodge a complaint against another member in accordance with Article III of the General By-Laws.
- (a). Any member, not in arrears in payment of dues, may, on reasonable and probable grounds, initiate complaint proceedings against another member, alleging one or more of the following offences:

- i. breach of clubhouse rules or privileges;
- ii. profane or disorderly conduct in or about any place where any event is being carried on under Legion auspices or control;
- iii. breach of his obligations to the Legion or of these By-Laws;
- iv. knowingly lodging a false complaint against a member;
- v. conduct which in any way brings or tends to bring the Legion into discredit; and/or
- vi. theft or misappropriation of Poppy Funds, Legion funds or Legion property; and/or
- vii. harassment, and or sexual harassment.

5.02

- (a). The complaint shall be lodged in duplicate with the Branch Secretary, or their designate, within timelines set out in the Royal Canadian Legion General Bylaws, Article III (**30 days for Funds or Property, 90 days for harassment or 15 days for all other cases**), of the incident or circumstances which forms the basis of the complaint.
- (b). Enclosed payment of \$100 payable to the Branch with which the complaint is filed.
- (c). The Secretary of the Branch, or his designate, shall acknowledge receipt of the complaint and within **4 days** forward the complaint to the person named in the complaint.
- (d). The complaint hearing date is to be set within timelines set out in the Royal Canadian Legion General Bylaws, Section III (**45 days**) of the complaint receipt.

ARTICLE VI OFFICERS AND EXECUTIVE MEMBERS

- 6.01 The Executive Committee of the Branch shall consist of the President, the First Vice President, the Second Vice President, and the eight (8) Executive Members and the immediate Past President.
- 6.02 The Officers of the Branch shall be: The President, the First Vice President, the Second Vice President, and the immediate Past President.
 - (a) Save and except for the Past President, the Officers of the Branch shall be elected to office for one year.
- 6.03 There shall be elected by secret ballot, eight (8) Executive Members.
 - (a) One half of the Executive Members shall be elected each year for a term of

two years.

(i) In any current year, 4 Executive Members will be serving a term of two years and 4 a remaining term of one year.

(b) Should a vacancy occur on this Executive for any reason, the President may appoint a member in good standing to fill the vacant chair for the remainder of the current year. The remainder of any term shall be filled by secret ballot by the members in good standing at the next election.

6.04 Should a vacancy occur in the office of the President, First Vice President, or Second Vice President, the following procedure will be followed:

(a) Should the office of the President become vacant, the First Vice President shall become acting President until an election can be held.

(b) Any vacancy in the office of the Vice President shall be filled by nomination and election by secret ballot at the next General Meeting of the Branch.

(c) If, as a result of the foregoing, a vacancy occurs in the position of Executive Member, the position shall be filled in accordance with Article 7 of these By-Laws.

6.05 The Branch Elected Officers and Executive shall assume office by installation at a special Installation Meeting to be held, not later than the second Sunday, but before the 1st Executive meeting in January, following Branch elections, and shall hold office in accordance with Article VII.

6.06 The quorum for a Regular monthly or Special Executive Committee Meetings shall be eight (8) members plus the Chairman.

ARTICLE VII NOMINATIONS AND ELECTIONS

7.01 The General Election of Officers and Executive Members of the Branch shall be held not later than the last Tuesday of November in any year.

(a) Nominations to the Branch Executive Committee will be opened at the General Meeting held in September each year.

(b) Unsuccessful candidates for any office may stand for a lower position on the Executive Committee if properly nominated.

7.02 Balloting shall be by secret ballot cast at the Election Meeting of the Branch.

7.03 The Nominating Committee shall consist of the Immediate three (3) Past Presidents.

The Senior Past President shall be the Chairman.

(a) All nominations must be signed by one **(1)** Ordinary, Life, Associate or Affiliate Voting member in good standing and must further be signed by the nominee stating that he accepts the nomination.

(b) Nomination forms shall be made available to all members in good standing.

(c) Nomination papers shall clearly state the position on the Executive Committee for which the nominee will stand.

(d) Nominations will be held open until the Chairman closes the nominations DURING the November General Meeting.

(e) No member shall stand for the office of President, 1st Vice President or 2nd Vice President who has not been duly elected and served a minimum of one two-year term on the current Executive Committee.

(f) A candidate may stand for more than one office provided that:

(i) A candidate may be elected to one position only:

(ii) A candidate contesting more than one position must accept the highest position to which he is elected:

7.04 The presiding President shall appoint a returning officer and scrutineers.

ARTICLE VIII STANDING COMMITTEES

8.01 The Branch Standing Committees shall be established by the discretion of the Officers of the Branch and include, (but not limited to);

- a) BRANCH MEMBERSHIP;
- b) 7 PENHOLD AIR CADETS & LEGION PIPE BAND;
- c) SPORTS;
- d) SERVICE OFFICER;
- e) HONOURS & AWARDS;
- f) BURSARIES & BYLAWS;
- g) SGT-AT-ARMS;
- h) CHARITY;
- i) FINANCE;

8.02 Additional committees may be established by the President or the Executive Committee as may be deemed necessary, from time to time, for the proper conduct of the Branch. All such "ad-hoc" committees shall be stood down on the completion of their duties.

- 8.03 Any member in good standing may be appointed chairman of an "ad-hoc" committee, but the chairman of any Standing Committee shall be appointed from the Executive Committee.

ARTICLE IX DUTIES OF THE PRESIDENT

- 9.01 The President shall be the Chief Executive Officer of the Branch. He shall be present at all Executive Committee meetings.
- 9.02 The President shall appoint a Padre, Treasurer and Service Officer subject to the approval of the General Meeting.
- 9.03 Subject to the approval of the Executive Committee, the President shall appoint the Chairman of all Standing Committees as set out in Article VIII of these By-Laws.
- 9.04 The President may appoint a Sgt. At Arms and Honorary President.
- (a) All Appointed positions shall have all the voting rights the same as other Executive members.
- 9.05 The President shall ensure the Secretary keeps an accurate record of all Branch meetings, both General and Executive.
- 9.06 The President shall be an ex-officio member of all committees and, on request, will be informed of all committee meetings.
- 9.07 The President may appoint a Branch Chairman whose duty, at the discretion of the President, shall be to preside at Executive and General Meetings of the Branch.
- 9.08 In the absence or disability of the President, all rights and powers vested in him shall for the time being be vested in the First Vice President, if available, and if not, in the Second Vice President.

ARTICLE X EXECUTIVE COMMITTEE

- 10.01 The Executive Committee shall meet at least nine times per year on a day fixed by the Executive Committee for the purpose of passing accounts and the transaction of other business as may be necessary, or at the call of the President.
- 10.02 The Executive Committee shall administer the affairs of the Branch, subject to the discretion by and the approval of the General Membership.
- 10.03 Notwithstanding the generality of Clause 11.02, the Executive Committee shall not make

any expenditures, nor borrow any money, nor pledge the assets of the Branch without prior approval of the General Membership, except as hereinafter set down:

- (a) The normal operating expenses of the Branch, such as payment of taxes, utilities, staff salaries and wages and any other expenditures as previously approved by the General Membership.
- (b) Emergency repairs to, or replacement of, equipment required for the continued operation or administration of programs of the Branch, and in respect of which such expenditures cannot be held over to the next General Meeting.
- (c) When proposals for the expenditure of monies for the benefit of the Branch cannot be dealt with and approved by the General Membership, the Finance Committee shall have extraordinary powers to direct and/or expend monies of the Branch, but will be accountable to the General Membership at the next properly constituted General Meeting.
- (d) The Officers of the Branch shall have the power to hire a salaried Manager (whose duties are hereinafter described) and such other full time salaried or hourly paid employees necessary to the proper operations of the Branch.
- (e) The Officers of the Branch shall have the power to dismiss the Manager of the Branch.

- 10.04 Any member of the Executive Committee who is absent from three (3) consecutive meetings without being excused for just cause by the Executive Committee shall cease to hold office, and his office shall be filled as provided in Article VII 7.03 (b).
- 10.05 No Executive Committee member shall be excused from committee work unless the majority of those present at an Executive Committee meeting agree. However, no Executive Committee member shall be obliged to serve on more than two committees at one time.

ARTICLE XI MEETINGS

- 11.01 The Annual General Meeting of the Branch shall be held in the month of February each year, at which time Annual Reports and an audited Financial Statement are presented.
- 11.02 At any meeting of the Branch, whether Special or General, the Quorum shall be twenty-five (25) members in good standing, and all questions shall be decided by a majority vote of those present.
- 11.03 Special Meetings of the Branch may be called as follows:
 - (a) By the President.

(b) By a majority of the Executive Committee.

(c) Or by Notice of Motion

Any notice calling such meeting shall briefly set out the general purpose for which the meeting is called, and fourteen days' notice in writing shall be given of any such meeting. Only that business for which the Special Meeting has been called shall be dealt with unless otherwise decided by two thirds of the members present.

11.04 The Branch shall hold a minimum of three (3) General Meetings per year.

11.05 The rules of procedure for all General Meetings shall be as set down in "Rules of Procedure for Legion Meetings" issued by Dominion Command.

ARTICLE XII FINANCE

12.01 The financial year of the Branch shall be the calendar year.

12.02 The Finance Committee shall be determined by the Officers of the Branch.

12.03 The Treasurer shall appoint, subject to the approval of the General Meeting, an auditor who shall be a designated professional accountant.

12.04 The Treasurer/ Finance Committee shall ensure that an accurate and true account of all monies received or paid out by the Branch is kept, also a complete record of all financial transactions, including a full and complete statement of credits and liabilities of the Branch. Bookkeeping and auditing shall be in accordance with the General By-Laws.

12.05 The Branch books shall be kept at the Branch office and shall be open to inspection by request of any member in good standing at all times.

12.06 At the regular General Meeting, the Treasurer/ Finance Committee shall submit a statement of income and expenditure for the month (or months if there is a summer recess) immediately preceding such meeting. This statement shall have been checked and verified by the Treasurer.

12.07 Under the direction of the Treasurer/ Finance Committee, the Branch Manager will keep a true account of all monies received and paid out by the Branch. He shall cause to have deposited all funds of the Branch in a chartered bank, treasury branch, credit union, or other bona fide banking institution as may be approved by the Executive Committee. All cheques deposited shall be marked "For Deposit Only" to the account of the Branch.

12.08 No money shall be obtained by way of loan, mortgage, or pledge, and no realty or assets

of the Branch shall be sold or disposed of without prior approval by two thirds vote of a General Meeting.

- 12.09 The real and personal property held or acquired by the Branch shall be held in the name of the Branch. In the event of dissolution of the Branch, all real property owned by the Branch will not be disposed of without prior approval of Alberta-NWT Command.
- 12.10 No capital expenditure of more than \$10,000.00 shall be made without the prior approval of a General Meeting.
- 12.11 All Branch cheques, drafts, or orders of payment of money shall be signed by the Treasurer and the Branch President, or such person as the Executive Committee may designate. A minimum of three (3) Branch Executive Officers must have signing authority. No two (2) signing authorities may be related to each other nor live in the same domicile.

ARTICLE XIII BRANCH CHAIRMAN

- 13.01 The Branch Chairman shall preside at all Meetings of the Branch.
- 13.02 When presiding, the Branch Chairman shall enforce order and the strict observance of these By-Laws, the Provincial By-Laws and the General By-Laws.
 - (a) He shall have the right to decide all questions of order. But on appeal being made from his decision, the vote of the majority shall decide.
 - (b) When debate has ceased on any question, he shall put the same to an open vote, giving the words of the motion or resolution clearly, so that no member may misunderstand the question on which he is to vote. In the event a majority of the members present demand a secret ballot on any question, such question shall be decided by secret ballot.
 - (c) In matters of procedure, the Branch Chairman shall be guided the General By-Laws.

ARTICLE XIV BRANCH MANAGER

- 14.01 The Branch Manager shall be responsible to the General Membership through the President for whom he shall take direction.
- 14.02 Notwithstanding the generality of the foregoing, the Branch Manager will:
 - (a) Carry out such duties and responsibilities as set out elsewhere in these By-Laws.
 - (b) Be responsible for the direction of all hired staff of the Branch. Such staff shall be answerable directly to him.

(c) Have the authority to enforce the house rules, bar rules and AGLC policy held by the Branch.

(d) Perform such other duties as may from time to time be directed by the Officers of the Branch.

ARTICLE XV LADIES' AUXILIARY

- 15.01 There may be a Ladies' Auxiliary of this Branch. Such Auxiliary is hereby authorized in accordance with the provisions of the General By-Laws.
- 15.02 The By-Laws passed by the Auxiliary must conform to the purposes and objectives of the Legion and shall not become effective until the Branch and the Alberta-NWT Command approve them.
- 15.03 The clubhouse privileges of the Branch shall be extended to members of the Ladies' Auxiliary.

ARTICLE XVI GENERAL

- 16.01 All Officers, Executive Members and staff who handle Branch funds shall be bonded. The individual designation of those requiring to be bonded shall be at the discretion of the Officers of the Branch. The cost of the bonding shall be borne by the Branch.
- 16.02 These By-Laws shall not be repealed, altered or amended except by motion, due notice of which shall be given in writing at a General Meeting of the Branch held previously to the meeting at which the motion is to be considered and receive a majority of two-thirds (2/3) of the voting members present at the Meeting.
- 16.03 These By-Laws and such amendments as may be made from time to time shall come into force and be acted upon only when approved by the Alberta-NWT Command of The Royal Canadian Legion.
- 16.04 These By-Laws shall not be in effect until approved by Alberta-NWT Command.

Certified to the original By-Laws of the Alberta-NWT Command, Innisfail Branch No. 104 of The Royal Canadian Legion, as amended and approved by a General Meeting of the Branch on October 10, 2023.

Branch President

Branch Manager

Approved on behalf of the Alberta-NWT Command of the Royal Canadian Legion this day
of _____, 20____.

President, Alberta-NWT Command

Chairman Constitution and Laws -Alberta-NWT Command