

BC Yukon

South Similkameen

Branch No. 192

The Royal Canadian Legion

# Branch By-Laws

2016





# *TABLE OF CONTENTS*

---

<b>ARTICLE I</b>	<b>1</b>
<b>GENERAL</b>	<b>1</b>
INTERPRETATION	1
<b>ORGANIZATION</b>	<b>2</b>
GENERAL	2
POLICY STATEMENTS	2
PROVINCIAL COMMAND	3
BRANCH CHARTER	3
CHANNEL OF COMMUNICATION	4
EXECUTIVE PROFESSIONAL AND ETHICAL BEHAVIOUR POLICY (CODE OF ETHICS)	4
PROHIBITION AGAINST DRINKING AT LEGION MEETINGS	4
QUALIFICATION TO VOTE AND/OR HOLD OFFICE	5
HOLDING OF PROPERTY	6
BADGES, INSIGNIA	6
FUND RAISING	7
FINANCIAL YEAR	7
FINANCIAL ACCOUNTABILITY	7
SEAL	8
SPECIAL SECTIONS	8
<b>ARTICLE II</b>	<b>9</b>

<b>MEMBERSHIP</b>	<b>9</b>
GENERAL	9
PROHIBITION OF OTHER TYPES OF MEMBERSHIP	10
APPLICATIONS FOR MEMBERSHIP	10
T.V. SECTION	10
TRANSFERS	11
<b>ARTICLE III</b>	<b>12</b>
COMPLAINTS AND APPEALS	12
<b>ARTICLE IV</b>	<b>13</b>
DOMINION COMMAND	13
<b>ARTICLE V</b>	<b>13</b>
BC/YUKON COMMAND	13
<b>ARTICLE VI</b>	<b>13</b>
BRANCHES	13
GENERAL	13
BY-LAWS	13
AMALGAMATION	14
BRANCH FINANCIAL REVIEW COMMITTEE	14
NOMINATIONS FOR OFFICE/NOMINATING COMMITTEE	15
ELECTIONS	16
VACANCIES	16
EXECUTIVE COMMITTEE DUTIES	18

OFFICERS DUTIES	20
SECRETARY/OFFICE MANAGER	21
RECORDING SECRETARY/TREASURER	22
VETERAN LIAISON	23
COMMITTEES	23
STANDING COMMITTEES	23
FINANCE COMMITTEE	24
SPECIAL COMMITTEES	25
EXECUTIVE COMMITTEE MEETINGS	25
BRANCH MEETINGS	26
BRANCH PROPERTY	27
<b>ARTICLE VII</b>	<b>27</b>
ZONE REPRESENTATION	28
<b>ARTICLE VIII</b>	<b>28</b>
AUXILIARIES	28
LADIES AUXILIARY	28
YOUTH AUXILIARY	29
<b>ARTICLE IX</b>	<b>29</b>
DOMINION CONVENTION	29
DELEGATES	29
RESOLUTIONS	30

<b>ARTICLE X</b>	<b>31</b>
BC/YUKON CONVENTION	31
DELEGATES	31
RESOLUTIONS	31
<b>ARTICLE XI</b>	<b>32</b>
POPPY FUND	32
<b>ARTICLE XII</b>	<b>33</b>
DUES, AFFILIATION FEES, PER CAPITA TAX	33
GENERAL	33
BRANCH DUES AND PER CAPITA TAX	33
<b>ARTICLE XIII</b>	<b>35</b>
MISCELLANEOUS	35
MATTERS OF PROCEDURE	35
FOOTNOTES TO PRO FORMA BY-LAWS	36

**GENERAL****INTERPRETATION**

Unless the context otherwise requires:

101. “Legion” or Dominion Command” means “The Royal Canadian Legion” or “Dominion Command of The Royal Canadian Legion”, respectively.
102. “The GBL’s” means The General By-Laws of the Royal Canadian Legion. The national By-Laws are the uppermost authority for the organization and shall have jurisdiction over all matters arising within them. The most current version is available on the Dominion Command website.
103. The “Act” means The Act to Incorporate the Royal Canadian Legion (1981) (Statutes of Canada 1948, Chapter 84, as amended). Legion Branches are chartered under the authority of this Act. Booklet available on the Dominion Command website.
104. “Chapter 53” means The Royal Canadian Legion Act. Branches in British Columbia are governed by this provincial enabling legislation which was approved by the provincial government in 1956, with amendments in 1962, 1964 and 1980. Available on the BC/Yukon Command website.
105. “Branch” means “South Similkameen (British Columbia/Yukon No. 192) of The Royal Canadian Legion”. Reference to decisions made by the Branch means all voting members in good standing, not just the Executive Committee.

106. “Member” means a person who has been duly admitted to any of the types of membership categories provided for in Article II of the GBL’s and whose application has been approved at a general meeting.
107. “Member in Good Standing” means a member who has been initiated and who is not under suspension or is not in arrears in payment of dues.
108. In these By-Laws, all reference to “general meetings” or “approval of the general membership” is to be considered a “duly constituted general meeting”.
109. “Notice of Motion” – When the Branch is recommending amendments to their By-Laws or when a Branch is recommending a change to the membership dues, a Notice of Motion shall be presented to a general meeting and then voting on at a subsequent general meeting.
110. In these By-Laws, words indicating the masculine, import the feminine and singular words include the plural.

See Article I of the GBL’s for more interpretations.

## **ORGANIZATION**

### **GENERAL**

111. The corporate structure of the Legion as created by the Act, currently qualifies Branches in Canada as part of a non-profit organization under the Income Tax Act of Canada. See Section 103a of the GBL’s.

### **POLICY STATEMENTS**



112. Only the Branch President, or a person delegated by him, after consultation with the Executive Committee of the Branch, shall make public any statement, oral or written, as to the policy of the Branch, in connection with any question or matter declared as policy by a general meeting of the Branch.

## **PROVINCIAL COMMAND**

113. BC/Yukon Command includes Branches organized in British Columbia and the Yukon Territory and may include the States of Washington and Oregon in the USA.
114. Subject to powers of Dominion Command, and the GBL's, BC/Yukon Command has jurisdiction over all matters arising within its territorial limits.
115. The responsibility for organizing and supervising Branches within the territorial jurisdiction of BC/Yukon Command, and their compliance with the purposes and objects of the Legion, rests with the Command.

## **BRANCH CHARTER**

116. When any Branch fails to maintain the minimum membership required by this section, the charter of the Branch may be withdrawn.
117. Every Branch is limited in the exercise of its powers to its own territory, and any activities contemplated outside that territory must first be approved by BC/Yukon Command.
118. The jurisdiction of a Branch refers specifically to those issues and activities which relate solely to the internal operations of the Branch. A Branch may not issue By-Laws

or policy statements or authorize activities which impinge on the image or operations of the Legion as a whole.

119. Only a duly constituted special general meeting of the Branch or the Dominion President, after enquiry and for cause clearly stated, may revoke the charter of any Branch.

## **CHANNEL OF COMMUNICATION**

120. The normal channel of communication shall be from a member to the Branch and from the Branch through the Zone Commander or BC/Yukon Command.
121. The use of a member's private contact information is restricted to conducting the administrative affairs of the Branch.
122. Copies of all Branch minutes shall be retained in the Branch office. All minutes shall be preserved in a least one of the following two forms: saved digitally and/or printed hard copy. All recorded minutes are the property of the Branch and shall be secured at the Branch.

## **EXECUTIVE PROFESSIONAL AND ETHICAL BEHAVIOUR POLICY (CODE OF ETHICS)**

123. WorkSafeBC requires employers to establish procedures stating how they will deal with bullying and harassment incidents and complaints in the workplace. On behalf of Branches and Command, PEC has instituted the Code of Ethics Policy which governs all Branches, members and employees. (See Footnote 123).

## **PROHIBITION AGAINST DRINKING AT LEGION MEETINGS**

124. Where business meetings (Executive and general), elections or installation ceremonies are held in the licensed area, the bar must be closed no later than 30 minutes before opening the assembly and no alcohol will be consumed or be in evidence. (See Footnote 124)

## **QUALIFICATION TO VOTE AND/OR HOLD OFFICE**

125. Except as otherwise provided in the GBL's, only voting members in good standing shall have the right to vote or hold office.
126. No person shall be nominated for any office in the Legion unless present or having signified in writing a willingness to accept such office and signed by a member in good standing.
127. All Branch officers who form the Branch Executive Committee shall have the right to vote at Branch Executive meetings.
128. Termination before the end of the ELECTED term may be acknowledged only by resignation or as a disposition or removal from office or position held as a result of a formal complaint hearing. (See Footnote 128)
129. Termination before the end of the APPOINTED term may be done only for cause and only by the appointing authority. Appointees may appeal their removal for cause in the same manner as if the removal was a disposition of removal from office or position held as a result of a formal complaint hearing. The Appeal Committee may either confirm the removal or direct reinstatement.
130. No member who is an employee of any Branch, or Command, who receives directly or indirectly any salary or wages on any service rendered to the Branch, shall be

eligible to hold any Executive position in the Legion. See Article I of the GBL's.

131. A member who provides unpaid volunteer services to a Branch is not, by virtue of accepting tips from paying customers, considered to be receiving a salary or wages. See Article I of the GBL's.

## **HOLDING OF PROPERTY**

132. Except in the course of the ordinary and usual activities of the Branch, a Branch or the Trustee(s) of a Branch may not sell, lease, mortgage, pledge, hypothecate or alienate in any manner, any property held by them without the prior written consent of BC/Yukon Command. In addition, see Holding of Property Section 121 in Article I of the GBL's for the requirement of special general meeting approval for all of the above mentioned transactions proposed by the Branch and/or Trustee(s).
133. Any Branch expenditures over \$5,000 must first be approved by BC/Yukon Command.

## **BADGES, INSIGNIA**

134. No insignia, badge or other design shall be placed or worn on Branch or command Legion colours, or on the official headgear or official dress of the Legion unless the said insignia, badge or design has first been authorized by Dominion Command.
135. Members of auxiliaries, past Presidents, honorary officers, life members and other members who have rendered service to the Legion may wear badges of such design as have been approved by Dominion Command.

136. All membership badges and Legion insignia remain the property of the Legion and may be worn only by members in good standing or as authorized by Dominion Command. For more, see Article I of the GBL's.

## **FUND RAISING**

137. No Branch shall, at any time or in any manner, appeal for financial contributions or payments of money from the public or from the membership of the Legion, beyond the area in which such command or Branch normally operates and exercises jurisdiction.
138. Where there are two or more Branches in any urban area with the area of jurisdiction in Question, BC/Yukon Command may allot the jurisdiction.

## **FINANCIAL YEAR**

139. Except for the purposes of the poppy funds, the financial year for all Branches shall commence on the first day of January and terminate on the 31st day of December.
140. The financial year for poppy funds shall commence on the first day of October in each year and terminate on the 30<sup>th</sup> day of September the following year, except for Dominion Command. See Article I of the GBL's.

## **FINANCIAL ACCOUNTABILITY**

141. All monies received by any level of the Legion shall be deposited forthwith, in the name of such level of the Legion, in a chartered bank, trust company or any other institution authorized under provincial law.
142. Branches are permitted to have the following accounts: General, Poppy Trust and whatever separate accounts are

required from time to time by government or government agencies (i.e. gaming, BC Lottery Sales).

143. All cheques issued by the Branch shall be fully completed and signed by two duly authorized signing officers.
144. Branches shall maintain an adequate system of accounting and financial reporting, subject to direction by BC/Yukon Command and Dominion Command.
145. BC/Yukon Command shall by by-law require Branches to submit financial statements.
146. BC/Yukon Command may by by-law require a Branch to conduct an external audit or an external review engagement of its financial records or Poppy Trust Fund. An external audit is performed by a member of the Chartered Professional Accountants of Canada in accordance with Canadian generally accepted auditing standards.

## **SEAL**

147. Every Branch shall have a seal which shall bear words identifying the Command to which the Branch belongs and the number of that Branch.
148. The seal of the Branch shall be in the custody of the respective Secretary, who shall have authority to certify as to the authenticity of any and all documents in their custody.

## **SPECIAL SECTIONS**

149. Dominion Command may establish special sections for the protection of particular sections of ex-service personnel.

150. The members of each special section may elect their own Executive Committee or pass By-Laws for governing their own members or pass By-Laws for governing their affairs, but such By-Laws shall not be inconsistent with GBL's or with the purposes and objects of the Legion, and must be approved by Dominion Command before become effective.

See Article I Section 137 of the GBL's for more information on recognized special sections.

---

## **ARTICLE II**

---

### **MEMBERSHIP**

#### **GENERAL**

201. 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 GBL's.
202. Every new member shall be initiated according to the Ritual, Awards and Protocol manual and before receiving their first membership card.
203. Applications for original membership or reinstatement shall be dealt with as set forth in Article II of the GBL's.
204. Subject to the provisions respecting Tuberculous Veterans' Section (TVS) and Operation Stress Injury Section (OSI), no person may be a member of more than one Branch of the Legion at the same time.
205. No member of the Legion may sign in or bring in to any Legion premises any person who was expelled from the Legion; and no member of the public who has been

expelled from the Legion or who has had their membership revoked by the Dominion President may enter any Legion premises.

- 206. No Branch can decline a membership dues payment for a renewal from a member of their own Branch who has been deprived of clubhouse privileges and/or suspended through the formal complaint process.
- 207. Any member leaving, suspended or expelled from membership in the Legion, shall have no claim upon the Legion or against any of its Officers or Officials.

### **PROHIBITION OF OTHER TYPES OF MEMBERSHIP**

- 208. No Branch shall permit any type of membership other than what is outlined in the GBL's. See Section 221 of the GBL's for more details.

### **APPLICATIONS FOR MEMBERSHIP**

- 209. Application for membership shall be in accordance with the requirements and procedures outlined in the Dominion Command Membership Manual.
- 210. No Branch shall accept a membership or transfer application from any member currently under suspension or from any person who has been expelled from the Legion or from any other Veterans' organization.

### **T.V. SECTION**

- 211. Dual Branch membership is permitted only in the following circumstances:
  - a. Any life, ordinary, associate or affiliate member of a TVS Branch may become a life, ordinary,



associate or affiliate member of any Legion Branch upon presentation of his membership card and payment of Branch dues less per capita tax.

- b. Any life, ordinary, associate or affiliate member of any Legion Branch may become a life, ordinary, associate or affiliate member of any Branch of the TVS if they meet the membership criteria, and upon presentation of membership card and payment of Branch dues less per capita tax.

See Section 224 of the GBL's for more details.

## **TRANSFERS**

212. It shall be the duty of the membership Committee of the Branch to which an application for transfer is submitted to satisfy itself as to the correctness of the facts contained in the application, and to thoroughly investigate the applicant's character, eligibility and suitability for membership in the Branch by contacting the member's previous Branch, and to report its finding to the general meeting of the Branch. The Branch a member is transferring to, is to initiate the transfer.
213. Applications for transfer shall be presented to a general or special meeting of the Branch for approval or otherwise, prior to submission to Dominion Command. The Branch Executive Committee has the authority to approve applications for transfer when regular monthly general meetings of the Branch are not held.
214. A Branch has the right to refuse permission for a member to transfer into its Branch. See Article II of the GBL's.

See article II of the GBL's, Membership Manual and Membership Form Processing Guide on the Dominion Command website for more membership information.

---

## **ARTICLE III**

---

### **COMPLAINTS AND APPEALS**

301. See Article III of the GBL's for details on the formal complaint process. In addition, BC/Yukon Command will make available a Complaint Guidelines package that will be posted on the command website and included in the Branch Manual. (See Footnote 301)
302. Complaints against a Ladies Auxiliary member may only be lodged by another member of the Ladies Auxiliary. Branch/Command is responsible for processing Ladies Auxiliary complaints as per Article III of the GBL's.
303. Where the member complained against is a member of the Branch and the Auxiliary, any penalties imposed will apply in respect of both the Branch and the Auxiliary.
304. Any member, not in arrears in their payment of dues, may lodge a formal complaint against another member. All members, including non-voting members are subject to the formal complaint process.
305. Dispositions outlined in Section 311 of the GBL's can only be carried out by the Branch or BC/Yukon Command through the formal complaint process.
306. Complaints against Branch/Auxiliary Presidents are lodged the BC/Yukon Command.

307. Appeals as a result of a Branch level complaint are ledged with BC/Yukon Command.

---

## ARTICLE IV

---

### DOMINION COMMAND

See Article IV of the GBL's for details.

---

## ARTICLE V

---

### BC/YUKON COMMAND

See Article V of the GBL's and BC/Yukon Command By-Laws for more details.

---

## ARTICLE VI

---

### BRANCHES

#### GENERAL

601. The Branch is under the discipline of BC/Yukon Command.
602. BC/Yukon Command, name and the Branch number, in that order, shall be shown in the designation of every Branch.

#### BY-LAWS

603. Subject to the provisions of the GBL's and the Branch By-Laws as approved by PEC, Branches shall adopt By-Laws to govern their affairs.
604. Branch By-Laws, including amendments, shall not become effective until approved by BC/Yukon Command.

605. Elected officers and Executive Committee members shall take office and assume their duties and functions on the 1<sup>st</sup> of January if elections are held in November/December or the 1<sup>st</sup> of July if elections are held in May/June.
606. Installation of Executive Committee members shall take place in accordance with the Ritual within 31 days of their election.
607. The Branch may form organized groups with the Branch providing the group is administered by the Branch, Officers and that their funds are administered by the Branch Treasurer or appointed Finance Chair.

## **AMALGAMATION**

Refer to Section 615 of the GBL's.

## **BRANCH FINANCIAL REVIEW COMMITTEE**

608. The Branch shall ensure a financial review Committee examines the accounts of the Branch each year and performs a financial review as per BC/Yukon Command's Internal Control Checklist. (See Footnote 608)
609. The report of the financial review Committee shall be submitted to the Branch Executive prior to 31 March. The Internal Control Checklist, along with the financial statement must be presented to the general membership for adoption, along with the internally reviewed financial statement covering the previous calendar year's operation.

## **NOMINATIONS FOR OFFICE/NOMINATING COMMITTEE**

610. At least two (2) months before the election meeting, the Branch Executive Committee will appoint a Nominating Committee of three (3) members, or appoint a chairman, who will then appoint two (2) other members, which will form the Nominating Committee. The members of this Committee should have signified they do not intend to stand for office. However, after being stood down any member of the Nominating Committee can be nominated from the floor. (See Footnote 610)
611. One month prior to the election meeting, the Committee shall present a list of suitable candidates for office. These candidates must be voting members in good standing and not employed by the Legion. This shall not prevent nomination of similar candidates from the floor at that meeting or the election meeting. (See Footnote 611)
612. If a nominee is unable to be present at the election meeting, he must have signified in writing, his willingness to stand for office for which he has been, or is being nominated.
613. To be elected President you must be a member in good standing of the Branch and have served one term on the Executive Committee within three years immediately preceding the elective term. (See Footnote 613)
614. To be elected to a Vice President position, you must be a member in good standing of the Branch and have held membership in the Branch for one year. (See Footnote 614)
615. To be elected Executive member, you must be a member in good standing of the Branch and have held membership

in the Legion for at least one (1) year prior to the elective term. (See Footnote 615)

## **ELECTIONS**

616. All Branch elections shall be by secret ballot and conducted under the plurality vote procedure. Proxy voting is not permitted at Branch elections. (See Footnote 616)

617. The following Officers and Executive members shall be elected annually at the general meeting in the month of November, in the following consecutive order. (See Footnote 617)

President

First Vice President

Recording Secretary/Treasurer

Two (2) Executive Members (2 year term)

Two (2) Executive Members at large (1 year term)

There will be a total of four (4) Executive Members, two will serve a two year term, with two being elected every year.

(See Footnote 617a.)

618. The above elected members of the Executive along with the Immediate Past President, all of who must be voting members of the Branch in good standing and who are not employed by the Legion shall form the Executive Committee of the Branch. (See Footnote 618)

## **VACANCIES**

619. All vacancies are to be filled with voting members of the Branch who are in good standing and not employed by the Legion.

620. If a vacancy occurs in the office of the Immediate Past President, the position can be filled for the remainder of the term by the appointment of any former past President of the Branch, by the Branch Executive Committee subject to general meeting ratification, or the Executive Council of a Command. See Article I (114.C) and Article VI (613.C) of The GBL's for more information.
621. Any vacancy on the Executive Committee except in the offices of President, Vice- President and Secretary/Treasurer shall be filled by nomination and election at the next general meeting following the occurrence of the vacancy. The successful nominee will hold office until the end of the elective term. Provided however, that if the vacancy occurs during the last six months of any elective term, the Executive Committee may fill the vacancy by appointment and the general membership will be so advised of the appointment at the next general meeting. (See Footnote 621)
622. If a vacancy occurs in the office of President or a Vice-President, the Vice- Presidents will move up in accordance with their seniority of office. The lowest ranking Vice-Presidency position shall be filled by nomination and election at the next general meeting following the occurrence of the vacancy.
623. If a vacancy occurs in the appointed position of Secretary/Treasurer, the Executive Committee shall appoint a replacement at the meeting following the occurrence of the vacancy.
624. Should any member of the Executive Committee be absent from three (3) consecutive meetings of either the Executive Committee or the Branch, or a combination of both, without a reason satisfactory to the Committee, he

shall cease to hold office and his place will be filled as laid down in these By-Laws. (See Footnote 624)

625. A member removed from the Executive Committee under the terms of Section 624 or a member, who resigns from the Executive Committee, shall not be eligible to be elected to Branch office for the remainder of that elective term. A member who has been elected to an Executive position whose term has not yet begun, and steps down prior to the beginning of the term of office, is not considered resigned.
626. The Branch Executive Committee is empowered to appoint any one of the Branch's past Presidents to hold office as the Immediate Past President, if that position should become vacant, for the remainder of the term subject to general meeting ratification. (See Footnote 626)

### **EXECUTIVE COMMITTEE DUTIES**

627. The Executive Committee of the Branch shall have the power to administer the affairs of the Branch and shall be subject to direction given at general meetings.
628. Pursuant to Section 627 of this Article, the Executive Committee or any individual member thereof, and any Standing or special Committee or sub-Committee of the Branch shall not make any expenditures, changes in policy, nor borrow any money, or pledge any assets of the Branch without the prior approval of a meeting of the general membership, save only for:
- a. The normal operating expenses of the Branch such as payment for taxes, utilities, staff salaries and wages, and for those items previously approved by the Branch general meeting as part of the yearly budget; or



b. Emergency repairs to, or replacement of, equipment required for continuance of the operation of the administration, amenities or programs of the Branch and in respect of which such repair or replacement could not be held over to the next general meeting. In all such cases the general membership will be advised of such expenditures at the next general meeting.

629. Whenever the cost of any repair or replacement exceeds \$5000.00, bids should be solicited from at least two (2) suppliers of the service and/or product. (See Footnote 629)

630. The Executive Committee shall have the power to appoint a salaried Secretary/Office Manager and or such other employees as are necessary to the operation of the Branch, provided the positions have been authorized at a general meeting of the Branch. They may be dismissed for cause by the Executive Committee. However, the Executive Committee may delegate to the Secretary/Office Manager, authority to dismiss for cause, any person(s) employed in the licensed premises operation. (See Footnote 630)

631. Such appointments must at all times conform to, and not be in conflict with, the Branch officers named/identified in section 617 of these By-Laws and any change in the job description of any salaried employee must also conform to section 617 of these By-Laws and be authorized by the general membership.

632. It is the Executive Committee's responsibility to ensure the Branch insurance policy is paid for the year and up to date. (See Footnote 632)

633. The Executive Committee shall also ensure that the Chairmen of all fund-raising campaigns submit at all times, immediately upon completion of a project, a complete report which shall include a detailed breakdown of all receipts and expenditures.

## **OFFICERS DUTIES**

### **634. PRESIDENT AND VICE PRESIDENT(S)**

(See Footnote 634)

- a. The President within fourteen (14) days after assuming office, in consultation with the Vice-President(s) shall appoint a Sergeant-at-Arms, a Service Officer, and a Padre subject to Executive Committee approval. (See Footnote 634.a)
- b. The President (unless there is an appointed Chairman) shall preside at all meetings of the Branch and the Executive Committee and shall conduct these meetings in accordance with the procedure laid down in the current edition of "Rules of Procedure for Legion Meetings." (See Footnote 634.b)
- c. In the absence or disability of the President, all rights and powers vested in him shall, for the time being, be vested in the Vice-President(s) in accordance with their seniority of office.
- d. The President shall exercise general supervision and control over the affairs of the Branch and with the Secretary, shall sign all papers and documents requiring signatories on behalf of the Branch. (See Footnote 634.d)
- e. The person who is President of any Branch of the Legion at the end of the elective term shall become

the Immediate Past President on the election of a successor.

- f. A President who resigns before the term of office is completed is not the Immediate Past President.
- g. In the event of the death, resignation, inability to act, or removal of the Immediate Past President, the position of Immediate Past President may be filled for the remainder of the term by the appointment of a former President by the Branch Executive Committee.

635.

**SECRETARY/OFFICE MANAGER**

- a. The Secretary/Office Manager shall conduct all necessary correspondence and perform such duties as appertain to his position and shall act at all times at the will and direction of the Executive Committee. He receives and replies promptly to all correspondence and ensures all questionnaires, surveys and forms from Dominion and Provincial Command are completed by passing that correspondence to the pertinent Executive Committee member or Committee. (See Footnotes 635.a, 617.a and 634.a)
- b. Subject to Article I of The GBL's, the seal of the Branch shall be in the custody of the Secretary/Office Manager. The seal shall not be affixed to any instrument except as authorized by the Executive Committee, and when so authorized shall be affixed to any instrument by the President in the presence of the Secretary/Office Manager.

636.

## RECORDING SECRETARY/TREASURER

- a. The Recording Secretary shall keep a record of all proceedings of all meetings. He shall be required at every meeting to have access to manuals, By-Laws and previous minutes relative to the business being discussed.
- b. The Finance Chairman shall ensure that a true account is kept of all monies received and paid out by the Branch and of all financial transactions. He shall cause to be deposited all funds of the Branch in a recognized financial institution approved by the Executive Committee. He shall assist in the preparation of a budget and act in an advisory capacity to the Executive Committee on all financial matters. Bookkeeping procedures shall be in accordance with Article I of The GBL's.
- c. All monies in excess of \$100.00 including petty cash payable by the Branch (with the exception of gaming and lottery payouts and in accordance with any lottery contracts) shall be paid by cheque signed by two duly authorized signatories who will sign in connection with all Branch accounts including the poppy trust account; as follows: (See Footnote 636.b)
- d. The President together with the 1st Vice President, provided however, that in the absence or disability of either of these regular signatories, the Recording Secretary/Treasurer shall sign in place of either, and in the absence or disability of both regular signatories, the Recording Secretary/Treasurer shall sign together with the Immediate Past President. (See Footnote 636.c)

- e. Electronic banking and telephone banking is permitted. To be consistent with the approval process of invoices paid by cheques the following should be noted. The duly authorized signatories must affix their signatures and date on the invoices paid electronically (internet or telephone). Only after the invoices have been authorized, can payments be made. Copies of the invoices paid electronically MUST have the confirmation of payment number recorded on the invoices to verify payment. (See Footnote 636.d)

637.

### **VETERAN LIAISON**

The position of veterans' liaison is not mandatory but is recommended. The President with consultation from the Vice President(s) will appoint a veterans liaison subject to Executive Committee approval. The position would have all the voting rights of an Executive position and represent the ordinary members' interests. It ensures a veteran will always be on the Executive, even in Branches with highly civilian membership.

### **COMMITTEES**

638.

### **STANDING COMMITTEES**

- a. The following Standing Committees shall be appointed each year: (See Footnote 638.a.)

- |                             |                              |
|-----------------------------|------------------------------|
| 1. Finance                  | 6. Poppy Trust               |
| 2. Canteen                  | 7. Sick & Visiting           |
| 3. Membership               | 8. Service & Seniors Program |
| 4. Ways & Means             | 9. Building Maintenance      |
| 5. Entertainment/Activities | 10. Service Officer          |

- b. Subject to Executive Committee meeting approval, the Chairman of each of these Standing Committees shall be appointed by the President. The Recording Secretary/Treasurer shall be Chairman of the Finance Committee. (See Footnote 638.b.)
- c. The Chairman of each of these Committees shall appoint their Committee members, who when viable or possible, shall be non-Executive members subject to the approval of the President.

639.

**FINANCE COMMITTEE**

- a. The Finance Committee shall compile or cause to be compiled by other persons responsible for Branch funds, a monthly written operating and financial statement for distribution to the general membership.
- b. The Finance Committee shall compile, or cause to be compiled by other persons responsible for Branch funds, in cooperation with individual Standing Committee chairmen, a yearly budget for adoption at the annual meeting. In the event it is not available for the annual meeting, it shall be presented for adoption no later than the March general meeting. (See Footnote 639)

640.

## **SPECIAL COMMITTEES**

- a. The President may set up special Committees as may be deemed necessary for the proper conduct of the Branch subject to Executive Committee approval. All such Committees shall automatically be discharged immediately upon the completion of their functions.
- b. The Chairman of each of these Committees shall be appointed by the President subject to Executive Committee approval. The Chairmen shall appoint their Committee members, who shall be non-Executive members subject to the approval of the President. (See Footnote 640.b.)

## **EXECUTIVE COMMITTEE MEETINGS**

- 641. The Executive Committee shall meet at least once every month.
- 642. A quorum shall be a majority of the Executive Committee.
  - a. A special Executive meeting shall convene at the call of the President on forty-eight (48) hours' notice.
- 643. Any three (3) members of the Executive may, by writing, require the President to call a meeting of the Executive, providing the reason for a "special" meeting is conveyed to all Executive Committee members at the time the meeting is called. Such meeting to be held within seven (7) days of the request.
- 644. The minutes of all Executive Committee meetings shall be presented for information at the next general meeting of the Branch. (See Footnote 644)

645. Except for any material pertaining to Section 630 of these By-Laws, any member shall have the right to question any item covered by these minutes for clarification. (See Footnote 645)

## **BRANCH MEETINGS**

646. The usual meeting place of meetings shall be the Branch 192 Legion Hall. (See Footnote 646)
647. The annual meeting of the Branch shall be held within the first three (3) months of each calendar year, at which written annual reports, a financial statement covering the previous calendar year's operation, and budget shall be presented for adoption. Financial review procedures shall be in accordance with the Branch By-Laws and Article VI of The GBL's. A financial statement examined by a Branch financial review Committee must be presented to a Branch general meeting not later than March 31st of the current year.
648. Regular general meetings of the Branch shall be held each month with the exception of July and August on a date set by the general membership. (See Footnote 648)
649. Special general meetings of the Branch may be called at any time by the President, but shall be called by him if requested by a majority of the members of the Executive Committee or by any ten (10) voting members of the Branch who are in good standing. Any notice calling such a meeting shall briefly set out the general purpose for which the meeting is called and seven (7) days' written notice shall be given of any such meeting by way of notice through electronic means (i.e. phone, fax, email) as well as posting in the Branch. (See Footnote 649)



650. When dealing with the disposition of property Section 121 of The GBL's requires distribution of written notice delivered not less than fourteen (14) days before the date set for the meeting and Branch By-Laws cannot supersede The GBL's. (See Footnote 650)
651. At any meeting of the Branch, either special or general, a quorum shall be twelve (12) voting members of the Branch who are in good standing. All questions shall be decided by a vote, the classification of which shall be as stipulated in the "Rules of Procedure for Legion Meetings" publication. (See Footnote 651)

### **BRANCH PROPERTY**

652. The real and personal property held or acquired by the Branch shall be held in the name of the Branch. This is in accordance with Chapter 53 of the Statutes of British Columbia, 1956, as amended and covering the holding of property by Legion Branches.
653. If any member wilfully or negligently damages any property of the Branch or by his actions is responsible for same, the Executive Committee shall assess the damage and he shall be required to pay for the damage or replacement. If not satisfied with the assessment, an appeal may be made in person to the Executive Committee at their next meeting.
654. *Pending*

See Article VI of The GBL's for further details.

---

## **ARTICLE VII**

---

## **ZONE REPRESENTATION**

701. Branch delegates to zone, who must be members in good standing, shall be elected or appointed either at a general meeting or by the Executive Committee. (See Footnote 701)
702. All paid up members of any Branch within the zone shall be eligible to attend any zone meeting and shall be recognized to speak, but shall hold no power of vote.
703. The Branch shall notify their Zone Secretary of the dates of the regular general meetings, including changes in such dates.
704. The Branch is expected to make an annual contribution to their Zone. The per capita assessment for each year will be determined at the last Zone meeting of each year, and shall be mandatory. Each Branch's annual assessment is to be paid to Zone by the end of February. The assessment will be based on the Branch's total membership on the 31st of December of the previous year as per the Dominion Command membership report issued in January of the current year.

---

## **ARTICLE VIII**

---

### **AUXILIARIES**

#### **LADIES AUXILIARY**

801. The Branch may cause to be set up, a Ladies Auxiliary in accordance with Article VIII of The GBL's.
802. A Ladies Auxiliary to a Branch shall be under the jurisdiction of the Branch.

803. Membership in and the activities of an Auxiliary shall be governed by By-Laws passed by the Auxiliary.
804. The By-Laws of a Branch Auxiliary shall not become effective until approved by the Branch and Command concerned.
805. The Branch shall require its Auxiliary to provide a copy of its approved annual budget by 31 March each year.
806. The Branch shall require its Auxiliary to provide a copy of the annual financial statement on or before the 30th day of April each year.
807. For disciplinary measures, Ladies Auxiliary members are governed by Article III of The GBL's. All Ladies Auxiliary Article III complaints are to be processed by the Branch/Command involved.
808. Ladies Auxiliary members employed by a Branch or command may, at the discretion of the Branch or command, hold office in the Auxiliary.

## **YOUTH AUXILIARY**

809. The Branch may cause to be set up, a Youth Auxiliary, in accordance with Article VIII of The GBL's.

---

## **ARTICLE IX**

---

## **DOMINION CONVENTION**

## **DELEGATES**

901. Every Branch shall be entitled to send to a Dominion Convention, one delegate for every 100 voting members or fraction thereof. In determining delegate entitlement, only voting members in good standing, whose per capita tax has been paid up to the end of the preceding calendar year may be included.
902. Where a Branch has received its charter subsequent to the end of the preceding calendar year, it shall be entitled to one delegate.
903. Any delegate, accredited by the Branch of which he is a member, may carry, in addition to his own credentials, up to four proxy credentials. Branch delegates, who must be members in good standing, shall be elected at a duly constituted meeting of the general membership.
904. Branch delegates, who must be members in good standing, shall be elected at a duly constituted meeting of the general membership.
905. A delegate may be a member of another Branch within BC/Yukon Command, but may not carry proxies.

## **RESOLUTIONS**

906. Resolutions submitted by a Branch must be approved at a general meeting of the Branch and submitted through BC/Yukon Command.
907. All resolutions shall be forwarded to BC/Yukon Command by the date provided each year prior to convention, and at least one hundred and twelve (112) days prior to the opening date of the convention.

Refer to Article IX of The GBL's for further information.

**BC/YUKON CONVENTION****DELEGATES**

1001. Every Branch shall be entitled to send to a BC/Yukon Convention, one delegate for the first 50 voting members or faction thereof, and one for each additional 100 voting members or faction thereof.
1002. Where a Branch has received its charter subsequent to the end of the preceding calendar year, it shall be entitled to one delegate.
1003. Any delegate, accredited by the Branch of which he is a member, may carry, in addition to his own credentials, up to four proxy credentials.
1004. Branch delegates, who must be members in good standing, shall be elected at a duly constituted meeting of the general membership.
1005. A delegate may be a member of another Branch within BC/Yukon Command, but may not carry proxies.

**RESOLUTIONS**

1006. Resolutions submitted by a Branch must be approved at a general meeting of the Branch and submitted through BC/Yukon Command.
1007. All resolutions shall be forwarded to BC/Yukon Command by the date provided each year prior to convention, and at

least eighty (80) days prior to the opening date of the convention.

1008. BC/Yukon Command shall provide the convention resolutions to all Branches at least 45 days prior to the opening date of convention.

See BC/Yukon Command By-Laws for further information.

---

## **ARTICLE XI**

---

### **POPPY FUND**

1101. All Branches shall participate in Poppy Campaigns and Remembrance Day services. Poppy distribution to the general public will commence no earlier than the last Friday in October and conclude on 11 November.
1102. All monies received from a campaign shall be deposited into a separate trust account.
1103. A Branch may hold Poppy Trust Funds for a short term in government or corporate bonds or other readily transferable securities authorized by the appropriate legislative body for the investment of trust funds.
1104. As stated in Subsection 130.b of The GBL's, the Poppy Fiscal Years begins 1 October and ends 30 September of the following year.
1105. The Branch is required to submit a Poppy Fund assessment to BC/Yukon Command (unless part of a group Poppy Fund) in two instalments, using the Annual Branch Poppy Fund Income Assessment Remittance form, due January 31 and October 31 each year.

1106. The Branch is required to submit an Annual Branch Poppy Fund Statement to BC/Yukon Command by 31 October each year.
1107. The Branch is required to submit a request for approval for special use expenditures to BC/Yukon Command on a completed SUE form, prior to funds being used.
1108. When a Branch poppy fund is limited and/or depleted and there aren't enough funds in the Branch Poppy Trust Account to assist a needy veteran and/or their family, Branches are able to apply for a grant from the Command Central Poppy Fund.

See Article XI of The GBL's, the Poppy Manual and Replenishment of Branch Poppy Fund Policy for further information.

---

## **ARTICLE XII**

---

### **DUES, AFFILIATION FEES, PER CAPITA TAX**

#### **GENERAL**

1201. An enrolment fee may be charged by the Branch.

#### **BRANCH DUES AND PER CAPITA TAX**

1202. Per capita tax, as levied from time to time by a Dominion Convention for Dominion Command, which includes payment for Legion Magazine, and by a Provincial Convention for BC/Yukon Command, shall form part of annual Branch dues.
1203. The annual dues payable by the members shall be determined from time to time by a vote of the eligible

members present at a general meeting, in accordance with Article VI of The GBL's. (See Footnote 1203)

1204. Notice of Motion addressing change in annual dues, to be presented and posted one (1) month prior to the meeting at which it is to be considered. (See Footnote 1204)
1205. The annual Branch dues payable by all members shall be the same.
1206. The amounts of, and periods of payment of dues other than per capita tax may be fixed by the Branch.
1207. A member in arrears as of 31 January of that year is not in good standing for any purpose. Once the yearly membership dues have been paid, the member is considered to be "in good standing".
1208. Members not in good standing under the foregoing provision who have allowed their membership to lapse may renew their membership upon payment of the unpaid dues for the current year and are also eligible to buy back any preceding years of unpaid dues at the current year's rate. Such renewal will qualify them for continuous years of service and long service awards.
1209. Each Branch shall:
  - a. Remit at least monthly to Dominion Command a per capita tax payment of all tax collected during the preceding month; and
  - b. Supply forthwith such information relating to the affairs of the Branch as may from time to time be required by BC/Yukon Command or by Dominion Command.



See Article XII of The GBL's for further details.

---

## ARTICLE XIII

---

### MISCELLANEOUS

#### MATTERS OF PROCEDURE

1301. In all matters of procedure not provided for in these By-Laws, the provisions of the Legion's "Rules for Procedure for Legion Meetings" shall apply. In all cases where these rules do not make adequate provision, then and only then, the "Robert's Rules of Order" publication as amended shall apply.
1302. These By-Laws shall not be repealed, altered or amended except upon a motion, due notice of which shall be given at the general meeting of the Branch held previously to the meeting at which it is to be considered, setting forth the alteration or amendment. The question shall be decided by a majority vote.
1303. 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 BC/Yukon Command.

These By-Laws as revised are approved by the Command Constitution and Laws Committee, on behalf of the Command Executive Council on 17 November, 2016.

Sandy Reiser, Acting Executive Director

## FOOTNOTES TO PRO FORMA BY-LAWS

The Footnotes shall be retained with the By-Laws for the purpose of future clarification. However, where there is a difference between the Footnotes and the By-Laws, the By-Laws take precedence.

- 109 Notice of Motion provides fair and advance notice informing all members of the pending change in their dues or Branch By-Laws. The Notice of Motion on presentation does not require a seconder and is not debatable.
- 123 This policy is available to all Branches, members and employees to view and print on the command website and is also available through the command office.
- 124 This applies to meetings, elections and installation ceremonies in non-licensed areas as well. An assembly as outlined above cannot recess and open the bar temporarily.
- 128 A non-confidence vote in the Legion, involving a specific elected executive committee member or the executive committee as a whole, does not bring about the need for resignation. An elected member subjected to a non-confidence vote may choose to resign, but there is no requirement to do so. Elected positions have the right to serve through to the end of the normal elected term unless constitutionally suspended or expelled under the relevant provisions of The GBL's.  
Notice of resignation does not have to be submitted in writing to make it effective. Nor does the resignation have to be accepted by an executive committee meeting or a duly constituted general meeting. Most often resignations are given verbally. The reason notice of resignation doesn't

have to be accepted formally by a meeting, is that regardless of whether the meeting accepts the resignation, if the member resigns – he resigns! If a member were to resign, then had a change of heart, it would be up to the executive committee as a whole to determine if they agree to void the resignation – keeping in mind that they are under no obligation to do so.

- 301 Complaints that do not meet each of the requirements of section 304.b of The GBL's must be dismissed. A Branch is obligated to perform due diligence in a timely manner, and inform a member who has lodged an incomplete complaint that the requirements have not been met, so as not to delay the opportunity for re-submission of a properly lodged complaint within the time requirements. Whenever possible mediation should be offered to resolve the complaint.
- 608 A financial review is conducted by a financial review committee which is normally comprised of three to five members. The members of the financial review committee of a Branch need not be chartered accountants and may or may not be members, but shall not be members of the executive committee of the Branch for the current year or the year being reviewed. Employees of the Legion or organization thereof, may not sit on the financial review committee. The general body can appoint the financial review committee. The financial review committee shall complete the BC/Yukon Command Internal Control Checklist as part of the review.
- 610 The Branch Executive Committee has the option to either appoint a Nominating Committee of three (3) members or appoint a Chairman who will then appoint two (2) members to his Committee. However, with giving the

Executive Committee the power to make these appointments it is incumbent upon the Executive to ensure they do not end up in a “conflict of interest” position. An example of a perceived conflict of interest would be the spouse of the current Branch President being appointed the Nominating Chairman; paid employees cannot serve on the Nominating Committee; current members of the Branch Executive Committee cannot serve.

611 The Nominating Committee may not include any of its members’ names on the list.

613-615

We have only inserted the average minimum requirement for each position. Over the years Branches have inserted all kinds of restrictions for nominees and the Branches have then experienced serious difficulties because of the inability to find a candidate who met the restrictions. Branches are free to insert authorized restrictions but keep in mind you don’t want the restrictions so confining that you have trouble finding eligible candidates. See Article VI of The GBL’s for the authorized restrictions.

616 A plurality vote means the candidate receiving the highest number of votes is declared elected. For multiple offices such as the Executive members, the number of officers required that receive the most ballots in one vote are declared elected. A majority vote means that any candidate or candidates must receive 50%+1 of the total votes cast in order to be declared elected. This option is not recommended. See Rules of Procedure re no proxy voting at elections.

617 The annual/biennial election of officers may take place in “November” or “December” whereby the elected officers shall take office and assume their duties and functions from 1 January to 31 December; or

The annual/biennial election of officers may take place in in “May” or “June” whereby the elective year is from July 1st to June 30 next.

Most Branches have opted for November/December elections so that the financial year coincides with the elective year.

Branch officers and members of the Executive Committee shall be installed in accordance with The Ritual within 31 days of their election.

617.a There are various options here:

**Elected Treasurer or Appointed Finance Chairman** – if a Branch does not include the position of an elected Treasurer but allows for the appointment a “Finance Chairman”, that position must still form part of the Executive Committee. Some Branches have their books done externally by a bookkeeping service and some Branches have a paid employee who manages the books. In these examples the Finance Chairman has the responsibilities outlined in section 640. Keeping in mind a Branch is free to continue with the process of electing a Treasurer but there is another option for an appointment which ensures the Branch has the right person for the position and not just someone trying to fill the position to ensure a full slate of officers.

**“Secretary”**- If an employee, such as a Secretary-Manager or a paid Secretary is performing the duties of this office, the Branch may elect a “Recording Secretary” here instead. If the Branch elects only a Recording Secretary then that is the position that

signs along with the President. However, **the By-Laws must allow for a Secretary of some sort** because the only two positions that can sign legal documents are the President and the Secretary. If the Branch doesn't have an elected Secretary but they approve a position of Secretary-Manager then the Secretary-Manager can sign legal documents (but not cheques). The position of "Secretary" must be defined in some capacity as Section 136 of The GBL's states that the seal of the Branch shall be in the custody of the "Secretary."

Further the BC Legion Act states "All deeds, bonds, mortgages, transfers, assurances, conveyances, contracts, and other instruments with respect to real and personal property owned by the command or a Branch shall be executed under the seal of the command or Branch, attested by the signatures of the President of the command or Branch and its Secretary.

**Executive members** - The number of "at large" Executive members a Branch chooses must be based on the number of members needed to supplement the Executive Committee to fill the number of Standing Committee chairmen required to operate the Branch smoothly. The Branch may provide some continuity for the Executive by initially electing half of the "at large" Executive Committee members to a one-year term and the other half to a two-year term.

To facilitate this option insert the total number of "at large" Executive Committee members in the blank space in section 617.a and add a new Sub-section 617.b to read, " \_\_\_\_ of the

\_\_\_\_ Executive members shall be elected alternately to two-year terms.”

- 618 The appointed Finance Chairman (if there is no elected Treasurer) has to be on the Executive Committee because his job of managing the finances of the Branch requires the cooperation and support of the Executive Committee. As far as cheque signing, only those elected/appointed positions that form part of the Executive Committee can have signing authority – no paid positions can sign cheques.
- 621 Regardless of whether a term of office is one year or two years, an appointment would be made only when the vacancy occurred in the last six months of the term.
- 624 To keep up with communication technology, electronic attendance via Skype in both audio and video can be considered as valid attendance at Branch meetings. It is necessary for Branches to keep an accurate record of attendance of all members present at Executive and general meetings. When counting meetings, special general and special Executive meetings are included in the count along with the regular meetings. Executive Committee members include the Immediate Past President and any appointed positions to the Executive Committee.
- 626 An eligible past President would be any past President who served a complete term.
- 629 This provision is an option that does not restrict the action authorized under Sub-section 628.b. The dollar figure and number of suppliers to be solicited may be amended here to suit the Branch’s needs.

- 630 Note that it is the entire Executive Committee that has the responsibility for hiring and firing staff. The general membership does not have a say in these matters.
- 632 The command group insurance program is administered through Axis Insurance.
- 634 The President shall preside at all meetings and shall enforce order and strict observance of all By-Laws. He shall exercise general supervision and control over all Executive Committee members as well as transacting the general business of the Branch. Where there is an equal division on any question, the President may have the casting vote (providing he has not vacated the chair in order to debate from the floor). The President shall acquaint appointed Standing Committee chairs with the terms of reference and functions of their respective Committees within one month of their appointment. The President shall ensure all Executive Committee members are aware of and have access to Provincial and Dominion websites and manuals. The President is an ex-officio member of all Committees. In his role as Chief Executive Officer of the Branch, he must lead but not dominate; ask but not order; be a leader but accept guidance and permit the Branch Executive Committee to act without interference.
- 634.a These are important appointments. The appointment of a good Finance Chairman is critical to the financial operation of the Branch and the appointed Finance Chairman becomes a member of the Branch Executive Committee. The President doesn't make this appointment in isolation but must consult with the Vice Presidents and the appointment needs the approval of the Executive Committee. The Executive Committee needs to appoint a person with the skills and knowledge to fill the responsible



position of Finance Chairman. It may be the best person for the job is already on the Executive as an elected member or it may be a member who is not on the Executive but who is willing to assume the responsibilities that go with the duty of being the Finance Chairman. This is a key appointment and one of the most important positions the Executive will fill. The appointed Finance Chairman becomes a member of the Executive Committee.

The position of a Service Officer is NOT OPTIONAL. One of our primary objectives is to serve our veterans and their dependents and you can't do that without a service officer. Appoint the best person for the job!

Additional positions are appointed in this section as well i.e. Sgt. At Arms, Padre and may include the position of Chairman and although these are important jobs within the Branch these positions don't normally become part of the Executive Committee. Depending on the terms of reference you develop for your Secretary you may want to include the appointment of a Recording Secretary whose job will be limited to recording and preparing minutes of Executive and general meetings. If a Branch wants to have these positions (Service Officer; Chairman; Recording Secretary; Sgt. At Arms; Padre) on the Executive you must have the By-Laws read that way but remember when you increase the size of your Executive you could affect your quorum size.

634.b Does away with the lengthy "Rules of Procedure" being spelled out in the By-Laws. Provisions of this section shall not, however, prevent a Vice-President from chairing a

meeting on an occasional basis with the support and guidance of the President.

- 634.d Refers to the manner in which official papers and documents must be signed on behalf of the Branch. Cheque signing authority may be different and is covered in section 640.b. It is the responsibility of the President to assure himself that all taxes and source deductions are paid as required.
- 635.a The appropriate title for this position must be used here, such as Secretary or Secretary/Manager or Recording Secretary.
- 636.b Please take note that when you have gaming and BC Lotteries product in your Branch, then you must make an exception for the cash payouts.
- 636.c Fill in the blanks with the appropriate Executive Committee members; e.g. President, Finance Chairman, 1st Vice-President and/or Secretary (only if not a paid employee). No more than four signatories are allowed. If the Branch wishes to have the Service Officer as a signatory, he must be one of the four (4) signatories. Paid employees are not authorized to have cheque signing authority.
- 636.d Authorization of invoices paid electronically can be processed at the same time as the cheque signing takes place. When electronic banking occurs it is VERY IMPORTANT that the Finance Chairman review the banking reconciliation.
- 638.a The Standing Committees of a Branch are at the discretion of the Branch – the size of the Executive will dictate how many Standing Committees the Branch can reasonably

support. We have combined some Committees but it's up to the Branch to determine how they want their Standing Committees to read. The Branch has to set the terms of reference for each of their Standing Committees.

- 638.b Previously the onus was on the general meeting to approve the Chairman of the Standing Committees but this has been adjusted to give the Executive Committee the authority to approve of the appointments. A Branch is free to give this responsibility to their general meeting and would have to change the By-Laws to reflect that requirement.
- 639.b These financial requirements and reporting to the general membership are not optional.
- 640.b There may be occasion for the appointed chair of a special Committee to be a member of the Executive Committee – i.e. for continuity reasons. The members of a special Committee are to be made up of appointed non-Executive members who perform a special function that may be beyond the proficiency and/or capability of an existing Standing Committee.
- 644 The Executive must use some discretion in how discussions regarding employee issues are recorded within Executive Committee meetings. Specific salary details are confidential. The Executive Committee must be ever mindful of their obligations under the Privacy Legislation within the Province of BC. If there is any doubt about what should be included contact the Command Office for guidance.
- 645 There can be no discussion or evaluation of an employee's performance or wages at a general meeting. The Executive Committee is the employer and they have to deal with

these issues. The authority of the membership with respect to employees is exercised when they approve salaried positions before they are filled and when they approve the yearly budget which contains the projected payroll.

- 646 Do not include the actual street address of the place of meeting, as any change in the location would involve an amendment to the By-Laws.
- 648 The C & L Committee is willing to give some leeway to Branches that want to reduce or increase the number of monthly general meetings. The risk is that if you don't continue to meet monthly – members soon find something else to do and will forget to come out every other month or quarterly or whatever months you decide to hold the meeting. If you want to test this with the membership you'll need to amend your By-Laws and if it doesn't work you'll have to change the By-Laws again. So with that in mind, if a Branch wishes to adjust the frequency of the monthly general meetings the C & L Committee will consider the requests on an individual basis. July and August are the two months where General Meetings traditionally are not required. However, if the Branch's meetings are held in the latter part of the month, the month of December may be included here also. Do not include the specific date of meetings in these by-laws; otherwise the dates cannot be changed for any reason without first amending the By-Laws. You must include a reference to the months.
- 649 Depending on the number of members in the Branch, the number of members required to call a Special Meeting should be between ten (10) and twenty (20). It also should be noted that that the seven (7) days' notice begins from the date the notice is distributed. The requirement to mail

a hard copy the notice of the meeting to all members has been eliminated because of the increasing cost of postage but should be considered for those members who don't go to the Branch or have access to email, fax or are unable to be reached via phone.

- 650 Section 121 of The GBL's requires written notice of the proposed transaction to be delivered by the Branch or sent by post addressed to the last known address of every person entitled to vote on the proposal not less than fourteen (14) days before the date set for the meeting. Email correspondence is deemed to meet the written notice requirement of this by-law. If a Branch does not have a current email address for a member, the notice must be sent to them by mail or hand delivered. The Branch wouldn't want to have a member challenge a motion because they weren't duly notified of the SGM, this could result in the Branch having to hold another meeting.
- 651 The quorum number should be reasonable in that it reflects the average number of members that attend General Meetings. In no case can a quorum be set at less than (3) three more than the total number of members who comprise the Executive Committee, including the Immediate Past President and any other appointments to the Executive Committee under Section 618 of these By-Laws. If no quorum is present, an information only meeting may be held, and no business may be transacted. \*Note - a quorum must be in place throughout the duration of the meeting.
- 701 The requirement for Executive Committee appointment or election is stated in the BC/Yukon Command By-Laws.

- 1203 Note the “dollar” amounts are not shown in the By-Laws. This is so that dues can be set by the membership from time to time without the Branch having to obtain consent to a change in its By-Laws from command.
- 1204 The Notice of Motion serves to inform all members of the pending change in dues.

THESE FOOTNOTES AMENDED IN OCTOBER 2016



## CONTACT US

BC YUKON SOUTH SIMILKAMEEN BRANCH NO. 192  
THE ROYAL CANADIAN LEGION  
510 VETERANS AVE.,  
KEREMEOS, BC VOX 1N3

MAIL:  
PO BOX 189  
KEREMEOS, BC VOX 1N0

PHONE: 250-499-5634  
EMAIL: [rclsouthsim192@gmail.com](mailto:rclsouthsim192@gmail.com)  
WEB: [keremeoslegion.com](http://keremeoslegion.com)

