



By-Laws of
Shediac # 33
The Royal Canadian Legion

June 2021



THE ROYAL CANADIAN
BRANCH 33 Shediac New Brunswick

INDEX OF ARTICLES

Article I	Name and Objects
Article II	Membership
Article III	Officers and Executive Committee
Article IV	Committees
Article V	Duties of Officers
Article VI	Meetings
Article VII	Procedure
Article VIII	Elections
Article IX	Finance
Article X	Branch Employees
Article XI	Real Property
Article XII	Indemnity Clause
Article XIII	General
Article XIV	Policy and Procedures Manual
Article XV	Branch By-Laws

In these By-Laws the term "General By-Laws" means the General By laws of The Royal Canadian Legion.

In these By-Laws words indicating the masculine shall include the feminine; words indicating the singular shall include the plural and the plural the singular; and the word "person" shall include firms and corporations.

**ARTICLE I
NAME AND OBJECTS**

101. This organization shall be known and designated as Shediac Branch No 33 of New Brunswick Command of The Royal Canadian Legion and may be hereinafter referred to as "the Branch" and The Royal Canadian Legion may be hereinafter referred to as "The Legion".
102. The purposes and objects shall be as set forth in:
- The Act to Incorporate the Royal Canadian Legion
 - The General By-Laws of The Royal Canadian Legion
 - By-Laws of New Brunswick Command of the Royal Canadian Legion

**ARTICLE II
MEMBERSHIP**

201. Membership in the Branch is open to all classes permitted by Article II of the General By-Laws of the Legion.
202. No person who advocates the destruction by force of the duly constituted government of the country where the Branch may be, or any person proven to advocate, encourage or participate in subversive action or subversive propaganda shall be permitted to become a member.

**ARTICLE III
OFFICERS AND EXECUTIVE COMMITTEE**

301. The officers shall consist of President, Immediate Past President, 1st Vice-President, 2nd Vice President, 3rd Vice President, Sgt-at-Arms, Secretary and Treasurer.
302. The Executive Committee shall consist of the officers and not more than 12 Executive members, all of whom, with the exception of the Immediate Past President, shall be elected at the biennial meeting, together with such other members as may be appointed in accordance with Section 304 of this Article.
303. The President, Vice-Presidents, Sgt-at Arms, Secretary, and Treasurer shall be elected by ballot at the biennial meeting.
304. A Service Officer and all other committee Chairpersons shall be appointed by the President. Such appointments shall then become effective upon Installation. Such appointees shall then have all rights as a member of the Executive including the right to vote.
305. Insofar as it may relate to the operation of the functions of the Branch, subject to the control of General, Special General or Annual meetings, the Executive Committee shall have all the powers of the Branch except to appoint a Financial Review Committee (auditors) or amend the By-Laws.
306. A majority of the Executive Committee (8) shall constitute a quorum.
307. The Executive Committee shall meet on the Third Monday of each month commencing at designated time which will be announced by the secretary at the end of each executive meeting, or at the call of the President, for the passing of accounts, the transaction of current business, the examination and discussion of any suggestions made to it for the general welfare of the Legion or the Branch and such other business as may be introduced.
308. The Executive Committee shall be required to ensure that all members and employees handling funds of the Branch are insured for the handling of funds

309. The Executive Committee may, from time to time, appoint committees or individuals to carry out any of the advisable or necessary functions of the Branch.
310. Any member of the Executive Committee, who absents himself from three (3) consecutive meetings of the Branch or Executive Committee, within any twelve (12) month period, unless granted leave of absence by the Executive Committee, shall cease to be a member of the Executive Committee.
311. Vacancies for any elected Executive Committee office shall be filled by election at the first General meeting held following the vacancy occurring. If applicable, the following succession rules for the office of President or 1st Vice President must be followed.
 - (1) In event of the resignation, death, or permanent incapacity of the President, the 1st Vice President shall automatically succeed to the Presidency in accordance with his seniority of office.
 - (2) In event of the succession to the Presidency resignation, death, or permanent incapacity of the 1st Vice President, the 2nd Vice President shall automatically succeed to this office in accordance with his seniority of office.

ARTICLE IV COMMITTEES

401. The following may be the Standing Committees of the Branch or as the President sees fit.

- | | |
|-------------------------|--|
| (a) Finance | (8) Honours & Awards |
| (b) Membership | (9) Service Officer/Veteran's Building |
| (3) Hospital Visitation | (10) Ways and Means. |
| (4) Building & Property | (11) Sports & youth |
| (5) Poppy/Remembrance | (12) Entertainment |
| (6) Public Relations | |
| (7) Poppy Trust Fund | |

402. The President may appoint the Chairman and such other members as he may deem necessary to any Standing Committee, subject to the provisions of Sections 402 to 404 inclusive, and he shall ensure each Standing Committee is aware of its duties and limitations.

403. The Executive may appoint, as circumstances warrant, any voting member of the Branch to chair a Special Committee to take up any matter concerning the Branch.

404. The Chairman of any Standing or Special Committee shall have the power to add to their committee, such other members of the Branch as may be needed.

405. Each Standing or Special Committee shall appoint a Co-Chairman who shall act in the absence of the Chairman.

406. A majority of any Standing or Special Committee shall constitute a quorum for the transaction of business.

407. Paid employees who are members in good standing of the Branch may serve on Standing or Special Committees and have the right to vote and make motions but cannot chair the committee.

408. All reports of committees shall be presented in writing and those of

- a. Standing Committees must be signed by the Chairman or Acting Chairman.
- b. Special Committees must be signed by all members who concur in the report.
- c. Minority reports of Special Committees must be signed by those members who do not concur in the report and the report shall indicate that its existence is acknowledged by the majority of members of the committee.

409. The President may appoint any member of the Branch or any other person to act in the interest of the Legion on any committee, inside or outside the Legion, requiring such representation, and such member's term of office shall expire at the first meeting of the newly elected Executive Committee. This member or other person appointed shall report in writing to the Executive Committee, as required.

ARTICLE V DUTIES OF OFFICERS

President

501. He shall preside at all meetings and enforce order and strict observance of the By-laws, except that, the Executive Committee may name some other voting member to act as Chairman for the conduct of elections at the biennial meeting and such voting member may act.
502. He shall exercise a general supervision and control over the officers and business of the Branch and shall call meetings of the Executive Committee, giving consideration to Section 307, or of the Branch, when he considers it advisable.
503. He shall transact such other business as may pertain to his office, and he shall have the casting vote when there shall be an equal division on any question, provided that he has not already voted on that question.
504. He shall be ex-officio a member of all committees.
505. The rights and powers vested in the President shall, in his absence or disability, be vested in the next senior Vice-President, in accordance with his term of office, who is available for these duties.

Secretary

506. He shall be the custodian of the Branch Seal and be responsible for maintaining proper Minute and Record books.
 1. He shall keep a record of the proceedings of meetings, whether of the Branch or the Executive Committee, in special books kept for that purpose.
 2. He shall be required, at every business meeting, to have with him the proper Minute and Record Books, and all necessary books and correspondence which he may have in his possession, relative to the business likely to be transacted at any meeting.
 3. He shall be the recipient of all complaints of Branch members.
 4. He shall supply to each new member upon initiation:
 - (1) A copy of the General By-laws of The Royal Canadian Legion.
 - (2) The appropriate official Royal Canadian Legion lapel pin.
 - (3) A copy of the Branch By-laws.

Treasurer

5. He shall keep a just and true account of all monies received and paid out by the Branch and of all financial transactions of any and every kind whatsoever, including always a full and complete statement of the credits and liabilities of the Branch.
6. He shall deposit all funds in a Branch of a Chartered Bank of Canada, Trust Company, Credit Union or Caisse Populaire, as directed by the Branch and the account shall be kept in the name of the Branch.
7. He shall keep his books at the office of the Branch, and they shall be always open for inspection by the Executive Committee.
8. When, and as often as the Executive Committee requires, he shall submit a detailed balance sheet containing a summary of the property and liabilities of the Branch and of all its financial dealings, arranged in a proper and business-like style.

ARTICLE VI MEETINGS

601. Any Life, Ordinary, Associate and Affiliate Voting member in good standing may attend, make motions and vote at General, Special General and Annual meetings of the Branch. This includes paid employees who meet the membership requirements.
602. Affiliate Non-Voting members are allowed to attend branch meetings and participate in debates but cannot enter into the voting process, including motions.
603. A minimum of 15% of membership or as declared by the President shall constitute a quorum at all General, Special General, or Annual meetings.

General Meetings

604. General meetings of the Branch shall be held for the purpose of carrying out the activities of the Branch and for pursuing the aims and objects of the Legion within the limits of, and subject to, the Act to Incorporate, the By-laws of Dominion and of the New Brunswick Command of The Legion and to any regulations issued by the aforementioned Commands.
605. General meetings shall be held bi-annually, commencing at a date and time to be announced by the secretary. Executive Meeting shall be held at least one week prior to a General, Special General or Annual meeting
606. A Branch may, by a motion approved by the General membership, exclude the months of July and August from the schedule of general meetings as is indicated in Section 605.
607. The following order of business shall be used as a guideline for all Meetings:
 - (1) Opening ceremony.
 - (2) Introduction of guests.
 - (1) Initiation of new members.
 - (2) Admission of transferred and reinstated members.
 - (3) Minutes of previous General meeting, Executive meeting and any Special General meeting held since the last General meeting.
 - (4) Business arising from the minutes.
 - (5) President's report.
 - (6) Treasurer's report.
 - (7) Correspondence.
 - (8) Reports of Standing Committees.
 - (11) Reports of Special Committees.

- (12) General business and new business.
- (13) General welfare of the Branch and/or Legion.
- (14) Special feature (speaker, film, etc.).
- (15) Motion for adjournment.
- (16) Closing ceremony.

Special General Meetings

608. Special General Meetings of the Branch may be called by the Executive Committee or shall be called within two weeks by the Secretary, upon receiving a petition, in writing, signed by not less than 5 Branch members in good standing.
609. Any notice calling such meeting, shall briefly set out the general purpose for which the meeting is called, and all members shall be notified of the Special General meeting, at least seven (7) days prior to the holding of said meeting.
610. Notification of a Special General meeting shall be by way of a notice sent to each member or through a notice printed in the local newspaper. However, if the Special General meeting is being held to deal with the "Holding of Property" then the appropriate sections of the General By-Laws must be followed.
611. The following order of business shall govern at Special General meetings:
 - (1) Opening ceremony.
 - (2) Special business for which meeting has been called.
 - (1) Closing ceremony.

Annual Meetings

612. Annual meetings for the Branch will be held on the Third Monday in the month of March each year commencing at *time and location announced by the secretary* and will be held in conjunction with the General meeting.
613. Notification of the meeting shall be by way of a notice sent to each member, or through a notice printed in the local newspaper, at least seven (7) days prior to the Annual meeting date.
614. Applications for membership; admission of transferred and reinstated members; and initiation of new members shall not be considered at Annual meetings.
615. The following order of business shall govern at Annual meetings:
 - (1) Opening ceremony.
 - (2) Introduction of guests.
 - (3) Minutes of previous General meeting, Executive meeting and any Special General meeting held since the last General meeting.
 - (4) Business arising from the minutes.
 - (5) President's report.
 - (6) Treasurer's report.
 - (7) Appointment of a Financial Review Committee (auditor):
 - (8) Correspondence.
 - (9) Annual written reports of Standing Committees.
 - (10) Reports of Special Committees.
 - (11) General business and new business.
 - (12) Introduction of Chairman of Elections:
 - (13) Report of Nominating Committee (if such a committee was appointed).

- (14) Nominations made from the floor.
- (15) Election of Officers and Executive members biennially or as required.
- (16) Installation of Officers and Executive biennially or as required.
- (17) Motion for adjournment.
- (18) Closing ceremony

ARTICLE VII PROCEDURE

- 701. In the absence or disability of the President, the next senior Vice President who is available shall act in his stead.
- 702. In the absence or disability of the President and all Vice Presidents, the Secretary or Treasurer shall call the meeting to order, and a temporary Chairman shall be elected.
- 703. The Presiding Officer of any meeting shall rule out of order all matters pertaining to political or religious questions which do not refer to the well-being of the Legion.
- 704. The Presiding Officer of any meeting shall enforce order and strict observance of these By-Laws and the By-Laws of the Provincial and Dominion Commands. He shall have the right to decide all questions of order, subject to an appeal by the meeting, which appeal must be sustained by a majority vote of those voting members present.
- 705. The Presiding Officer shall, when debate has ceased on any question, put the same to an open vote, giving the words of the motion clearly, so that no member may misunderstand the question on which he is about to vote. In the event, however, of two-thirds (2/3) of the voting members present demanding a secret ballot on any particular question, such question shall be decided by secret ballot.
- 706. A member wishing to introduce a motion, or to speak, shall arise and address the Presiding Officer, and shall wait until he is recognized before speaking. All those who address the Presiding Officer will clearly state their name at the beginning of their address.
- 707. Business upon which a Notice of Motion has not been given may be taken up at a General meeting but not at a Special General or Annual meeting.
- 708. Where a business arises of which no Notice of Motion has been given, the Presiding Officer may, if he considers it in the interests of the Branch, adjourn to the next meeting the debate on such business.
- 709. In all matters of procedure not provided for by these Bylaws, the provisions of the Legion's "Rules of Procedure for Legion Meetings" shall apply. In all cases where these rules do not make adequate provision, then, and only then, the procedure shall be governed by the Rules of Order approved by Dominion Command.
- 710. Complaints and appeals will be dealt with in accordance to Article III of the Legion general By-Laws.

ARTICLE VIII ELECTIONS

- 301. Elections for, and installation of, all Branch Officers and Executive members shall be held at the Annual meeting or as required (per Article VI).
- 302. Only Life, Ordinary, Associate and Affiliate Voting Members, in good standing, shall have the right to vote or hold office at any level of the Legion. The Sgt at Arms will ensure only eligible members are present.

803. No member who is a full-time, regular part-time or casual employee of any Branch, or Command, or any organization thereof, who receives directly or indirectly any salary or wages for or on account of any service rendered to the Branch or Command or organization thereof, shall hold any executive position in the Legion. An employee can be nominated for an Executive position and if elected he must resign his paid position before he is installed, and his term of office commences.

804. A Nominating Committee Chairman will be selected by the Executive Committee. Once selected, the following rules are applicable:

- (1) The Nominating Committee Chairman may select committee members as required.
- (2) Members of the Nominating Committee shall not be nominated for any position by this committee. However, nothing shall prevent a member of the Nominating Committee from being nominated from the floor after its final report has been given.
- (3) All nominees must be in good standing.
- (4) Nomination procedures to start a minimum of forty-five (45) days before the date of the elections.
- (5) The Nominating Committee is responsible for establishing the eligibility of nominees, with reference to any restrictions in the Branch By-Laws with respect to the length of membership (see Section 805) and previous service on the Executive Committee (see Section 806).
- (6) The Nominating Committee must certify that each nominee has been contacted and has indicated their willingness to allow their names to stand for a specific office.
- (7) When a nominee has signified to the Nominating Committee his willingness to stand for a specific office, the nominee must be present at the meeting or have signed a written statement agreeing to accept such office.
- (8) A list of approved nominees will be established and placed on the Branch notice board twenty-one (21) days prior to the elections. Nominees may still be put forward from the floor during the Election.
- (9) An advance poll may be held for members unable to attend the Annual General Meeting in accordance with Procedures for advance polls. (section 808).
- (10) The duties of the Nominating Committee cease upon the filing of their final report which shall be prior to any election.

805. To qualify for election to the Branch Executive Committee, a member must have held membership in the Branch for a minimum of one year prior to the date of the election.

806. A member will be required to serve one year on the Branch Executive Committee or be recommended by the nomination Committee to be eligible to be elected President or Vice President.

807. Election procedures will be as follows :

- (1) Nominations will be accepted from the floor and can include members of the Nominating Committee per Section 804 (I).
- (2) No person shall be nominated for any office unless he is present or has signified in writing his willingness to accept such office.
- (3) Nominees for elected positions may address the members in attendance, if desired. However, the address should not exceed three (3) minutes.
- (4) Voting for all elected positions will be by a ballot vote.
- (5) When balloting is for the election of a single officer, the candidate receiving the majority of the votes cast shall be elected. If no candidate receives a majority of the total votes cast on the first ballot, a second ballot shall be held, deleting the name of the candidate receiving the least number of votes on the first ballot. This process continues until a majority of the total votes cast is received by one candidate.
- (6) The voting for election of Branch Executive members shall be by ballot with the *candidates* receiving the most votes being declared elected.
- (7) The chief scrutineer for such elections shall report to the meeting after each vote, the total ballots cast, the number of spoiled ballots, if any, the name of the successful candidates or, if no candidate has received the required majority, the name of the candidate who received the least number of votes.
- (8) The Branch shall not accept proxy ballots.
- (9) The order of elections is:
 - President
 - 1st Vice-President
 - 2nd Vice-President
 - 3rd Vice-President
 - Secretary
 - Treasurer
 - Sgt-at-Arms
- (10) At the conclusion of the election process, a motion to destroy the ballots shall be made.

808. Advance polls may be held in the branch by sealed secret ballots on a day or days prior to elections in accordance with the following provisions.

- (1) The nominating committee Chairman has submitted the committees report.
- (2) The Branch executive will appoint two (2) elected officers to:
 - (a) Ensure the polling area has ballots, pens, or pencils, and that no members be interfered with while inside the polling area
 - (b) Any member present to vote will be required to display a valid membership card.
- (3) Hours for advance polling have been clearly posted.
- (4) Ballots and envelopes must be supplied.
- (5) A locked ballot box with an opening for the insertion of ballots must be available.
- (6) The ballot box or boxes at the conclusion of the voting hours will be placed in a protected and secure area until the date and time of the election of Branch officers.
- (7) On the date and time of the Branch elections of officers, the ballot box and key will be turned over to the election chief scrutineer.

**ARTICLE
IX
FINANCE**

901. The fees and dues payable by Ordinary, Associate, Affiliate Voting and Affiliate Non-Voting members shall be as determined by a General meeting of the Branch. Such dues shall include per capita tax to Dominion and Provincial Command.
902. The dues shall become payable annually, in advance of January 1st in each calendar year. A member in arrears as of January 31st of that year is not in good standing for any purpose, including participating in sporting activities or any Branch activities.
903. The Executive Committee shall have the power to levy an assessment on each and every member of the Branch to meet any extraordinary expenditure in any year, provided that such expenditure has been approved by a two-thirds (2/3) majority of the Special General meeting called for the purpose of considering same and is in pursuance of the purposes and objects of the Legion.
904. The financial year of the Branch shall be January 1st to December 31st.
905. The books of the Branch shall be audited at the end of the fiscal year by a Financial Review Committee (auditor) appointed at the Annual General meeting. The Committee shall hold office for a period of one (1) year unless dismissed by a motion at a Special General meeting.
906. The audited financial statement shall be presented by the Financial Review Committee, or the Treasurer, to the Executive Committee and then to the next General meeting of the Branch for approval.
907. A copy of the approved audited financial statement must be sent to New Brunswick Command within 90 days after the end of the fiscal year.
908. A minimum of three (3) Branch signing officers for all accounts shall be appointed by the Branch Executive Committee at their first meeting following installation into office. Any two of those so designated will be required to sign cheques. The Poppy Trust Fund account shall additionally require the signature of the Poppy Trust Fund Committee Chairman.
909. No cheques shall be signed in blank.
910. No signatories to any cheque shall be related by blood, marriage or common-law relationship to any other signatory on that cheque.
911. In the event of an emergency, the executive committee may approve major expenditures, but it must be ratified at the next meeting. (i.e., failed refrigeration, flooding.)

ARTICLE X

**BRANCH
EMPLOYEES**

1001. All employees of the Branch shall be appointed by, and be under the disciplinary control of, the Executive Committee of the Branch.
1002. No written agreement shall provide for hiring any employee for longer than one year however, the agreement may be extended.
1003. All hiring, terminations and conditions of employment must be in accordance with all federal and provincial laws, including, but not limited to, the New Brunswick Employment Standards Act and the New Brunswick Human Rights Act.
1004. An employee who meets the membership requirements and is in good standing may attend, make motions and vote at General, Special General and Annual meetings of the Branch.

**ARTICLE XI
INDEMNITY
CLAUSE**

1101. The Branch shall indemnify each director and officer of the Branch and each former director and officer of the Branch and their heirs and legal representatives, against all costs, charges and expenses, including any amount paid to settle an action or satisfy a judgment, reasonably incurred by them in respect of any civil, criminal or administrative action or proceeding to which they are made a party by reason of being or having been a director or officer of the Branch, as the case may be, if:
- (1) They act honestly and in good faith with a view to the best interests of the Branch; and
 - (2) In the case of criminal or administrative action or proceeding that is enforced by a monetary penalty, they had reasonable grounds for believing that their conduct was lawful.

**ARTICLE X11
REAL PROPERTY**

1201. The real property that may be held or acquired by the Branch shall be held in the name of the branch.

**ARTICLE
X111
GENERAL**

1301. Members of other Branches who are in good standing may be invited to enjoy the club privileges and social amenities of this Branch but may be restricted from Branch activities at the discretion of the Branch. Members of other Branches may be required to sign in as guests.

**ARTICLE XIV
POLICY & PROCEDURES MANUAL**

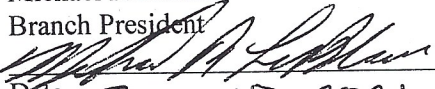
- 1401. The Branch will maintain a Policy and Procedures manual.
- 1402. Each item in this manual will record the policy or procedure, date of minutes by which it was passed and whether by a General or Special meeting.
- 1403. The policy section will record such items as employee raises, changes in bar prices, waiving of Branch portion of membership fees for seniors or other matters pertaining to the policy of the Branch.
- 1404. The procedure section will record such things as Terms of Reference for committees, Statement of Duties of paid employees or other such matters as applicable to the operation of the Branch

**ARTICLE XV
BY-LAW AMENDMENTS**

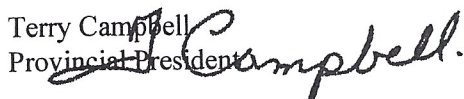
- 1501. These By-Laws shall not be amended or altered, except upon a motion of which notice shall have been given at the previous meeting of the Branch. Such notice shall state the change desired and shall be signed by the voting member presenting same. At least two-thirds (2/3) of the members present and entitled to vote shall be required to vote in favor of such proposed alterations and amendments to make them effective.
- 1502. These By-Laws may require amendments from time to time as a result of amendments approved to the General By-Laws by Dominion conventions or to the N.B. Command By-Laws by Provincial conventions. Such amendments will automatically supersede Branch By-Laws and must be incorporated therein.
- 1503. These By-Laws and all amendments thereto, shall become effective only upon approval of New Brunswick Command.

APPROVAL AND SIGNATURES:

Michael R LeBlanc
Branch President



Date June 15, 2021

Terry Campbell
Provincial President

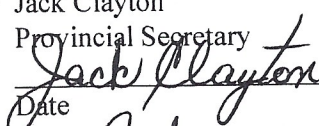

Date July 05, 2021

BRANCH # 33 Shediac

Tosh LeBlanc
Branch Secretary


Date June 15, 2021

Jack Clayton
Provincial Secretary


Date July 05, 2021