



# By-Laws

2016 Revision

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### Amendments

# **Preamble**

The Aquatic Explorers, Inc. shall be a voluntary organization. As such, its efforts shall be two-fold:

1. To promote the sport commonly known as scuba diving.
2. To aid the community in whatever manner possible, so long as the health and welfare of its members are not in danger.

The organization shall be dedicated to the principles of conservation and sportsmanship. It shall be a Not-for-Profit organization. It shall never advocate, nor be a party with any other organization, group, or individual who advocates the overthrow of, or is in any way subversive to, the Government of the United States and/or the State of New York.

## **Article I: Name and Location**

### **Section 1 - Name**

The name of this organization shall be **The Aquatic Explorers, Inc.** and hereafter in these By-Laws shall be referred to as the "**ORGANIZATION**".

### **Section 2 - Principle Office**

The principle office of the **ORGANIZATION** shall be Poughkeepsie, New York.

## **Article II- Membership**

### **Section 1 - Minimum Age**

The minimum age for membership is eighteen (18) years of age. Junior membership is available for anyone under eighteen (18) if a parent or legal guardian is a regular member. The parent or legal guardian will take full responsibility for the junior member. All other membership requirements are applicable.

### **Section 2 - Family Membership**

A family membership in the **ORGANIZATION** may be obtained for all otherwise eligible dependent family members living in the same household by paying a yearly membership fee of one and one-half (1 ½) times the single annual dues. This entitles each eligible member of that family to all the rights and privileges of a full member. In order to obtain a family membership, each family member must otherwise fulfill the membership requirements of this **ORGANIZATION**.

### **Section 3 - Requirements to Become a New Member**

Following are the steps which a prospective member must follow in order to attain membership in the **ORGANIZATION**:

- A. Prospective members shall not have been denied membership into the club in the past five (5) years.
- B. Prospective members must obtain, from the membership, an application form.

- C. A completed application form will be presented to the Membership Committee. The Membership Committee will review and give a recommendation to accept or reject the application. The accepted applicant will be notified of such and be invited to a regular meeting for a final vote; the rejected applicant will be notified in writing.
- D. The Treasurer collects the initiation fee and dues based on the prorated time remaining in that calendar year.

#### **Section 4 - Life Membership**

Any current member of the **ORGANIZATION** in good standing with twenty (20) or more years regular membership, or fifteen (15) years regular membership and having served at least three (3) years as an elected or appointed member of the Board of Directors shall, upon written and approved application to the Secretary, receive the status of life member. A life member henceforth shall be a regular member of the **ORGANIZATION** without any obligation for dues, assessments, work credits, and meeting attendance requirements. Social membership in the **ORGANIZATION** shall not count towards the requirements for life membership. The requirements for life membership need not be consecutive.

#### **Section 5 - Social Membership**

A member in good standing for at least five (5) years may apply to the Board of Directors for Social Membership status. Upon approval by the Board, a Social Member will:

- A. Pay half (1/2) dues.
- B. Not be subsidized by the **ORGANIZATION** at any **ORGANIZATION** dive.
- C. Have no vote.
- D. Receive meeting notices and be invited to all **ORGANIZATION** functions.
- E. Not be obligated for work credits or meeting attendance
- F. Not have access to the air shed or its contents.
- G. Be reinstated to regular membership upon notifying the Board of Directors, in writing, and paying the differential dues remaining for the **ORGANIZATION'S** calendar year.

#### **Section 6 - Members in Good Standing**

A member is in good standing when dues and assessments are current and member responsibilities are met in accordance with Article V.

#### **Section 7 - Members Not In Good Standing**

A member **not** in good standing is delinquent in dues, assessments, duties, fines, or in violation of other **ORGANIZATION** agreements and/or the By-Laws

The Board of Directors will review every member not in good standing and may, by an affirmative vote, by majority, of at least five (5) members of the Board of Directors, reinstate said member providing he/she pays his/her dues, assessments, or levied fines.

Any member not in good standing that is not reinstated by the Board of Directors shall be considered expelled from the **ORGANIZATION**.

### **Section 8 - Resignation**

Any member may withdraw or resign from the **ORGANIZATION** by giving the Secretary written notice of such intention. Upon giving such notice, all rights and privileges of the member shall terminate.

### **Section 9 - Re-instatement**

A person, who has been expelled from the **ORGANIZATION**, may apply for re-instatement one year from the date of expulsion. He/she shall apply in the same manner as a person seeking membership in the **ORGANIZATION** for the first time.

A person who has resigned in good standing may be re-instated to regular membership by paying his/her dues remaining for the **ORGANIZATION's** calendar year and by receiving a two-thirds (2/3) affirmative vote from the members present at a regular meeting.

### **Section 10 - Voting**

Voting for election, suspension, reinstatement, new membership, or changes to the By-Laws of the **ORGANIZATION** shall be by secret ballot.

A (2/3) affirmative vote is required from the members present at a regular meeting. A Quorum of the membership is required to hold a vote.

In the event of a tie, the President shall cast the deciding vote.

## **Article III – Officers & Elected Chairpersons (Duties and Terms)**

### **Section 1 - Officers**

The Officers of this ORGANIZATION shall be a President, Vice President, Secretary, and Treasurer.

#### **A. President**

The President shall be the Chief Officer and official representative of the **ORGANIZATION**. He/she shall preside at all meetings of the **ORGANIZATION** and, in the absence of the Vice President, shall also preside at meetings of the Board of Directors. He/she shall interpret and enforce these By-Laws and perform all duties incident to his/her office. The President may appoint special committees for terms not to exceed his/her own term in office. He/she may also dissolve any special committee appointed by him/her at any time, or dismiss any of the appointed members. The Chairperson of such a special committee shall not be a member of the Board of Directors by virtue of such appointment, but shall be expected to report the actions of his/her committee to all Board meetings held during the time such committee is in existence.

**B. Vice President**

The Vice President shall assume the duties of the President whenever the President is unable to act for any reason. The Vice President shall be the Executive Officer of the President and shall organize and preside at all meetings of the Board of Directors. He/she shall be responsible for the efficient functioning of all regular committees. He/she shall record all members' work hours and meeting attendance, and shall give a report of such to the Treasurer before the end of the calendar year.

**C. Secretary**

The Secretary shall serve notice of all meetings of the **ORGANIZATION** and shall keep the minutes of all meetings, including those of the Board of Directors, in a legible, permanent form. The Secretary shall be the custodian of all correspondence under the direction of the Board of Directors. All meeting notices shall so state whenever there are to be nominations, elections, amendments or other items of special importance. The Secretary shall keep an exact, accurate and up-to-date copy of these By-Laws, as the Official Copy of the **ORGANIZATION's** By-Laws, with the record of the minutes of the **ORGANIZATION**. For any change in the By-Laws, the Secretary shall note in the Official Copy, at the pertinent place, that a change has been made and reference the meeting(s) at which it was made, adding a page or pages at the end of the Official Copy of the By-Laws as necessary to accurately detail the amendment and its effective date. At the time, a new typing or printing, in entirety, may be made of the By-Laws. The Secretary will then keep the new printing up-to-date in the same manner. He/she shall not destroy an existing official copy of the **ORGANIZATION's** By-Laws, nor displace it from the **ORGANIZATION's** record of minutes, without formal approval of the members in good standing.

In the event of absence of the President and Vice President from a meeting, the Secretary shall preside or may appoint a temporary Chairperson to conduct the meeting.

**D. Treasurer**

The Treasurer shall collect dues, assessments, and receive any other funds. He/she shall keep the financial records of the **ORGANIZATION**, bank and disburse all monies as authorized in the name of the **ORGANIZATION**, report the financial status of the **ORGANIZATION** at each meeting, and shall exhibit at any reasonable time, his/her books and accounts to any Board of Director or member in good standing.

**Section 2 – Chairperson(s)**

There shall be two (2) elected and three (3) appointed Chairpersons whose titles and functions shall be:

**A. Elected Chairpersons**

1. Activities Chairperson who is responsible for the planning of **ORGANIZATION** dives, excursions, and inter-club activities.
2. Entertainment Chairperson who is responsible for the entertainment at **ORGANIZATION** meetings and other functions.

**B. Appointed Chairpersons**

1. Air Shed Chairperson, appointed by the President, who is responsible for providing adequate and safe air for **ORGANIZATION** members.
2. Editor of the Newsletter, appointed by the President, who is responsible for publishing and distributing the **ORGANIZATION** newsletter.
3. Membership Chairperson, appointed by the President, who is responsible for overseeing the solicitation and vetting of new members.

Each Chairperson shall be responsible for reporting all members' work hours under his/her authority to the Vice President by the end of the calendar year.

### **Section 3 - Members At Large**

There shall be two (2) Members at Large; one shall be elected by the membership, and one shall be appointed by the Officers of the **ORGANIZATION**.

### **Section 4 - Terms of Office**

The term of each Officer and that of each elected committee Chairperson shall be for one calendar year.

## **Article IV- Board of Directors**

### **Section 1 - Member of the Board of Directors**

- A. The Board of Directors shall consist of eleven (11) regular members of the **ORGANIZATION**, to wit, the President, Vice President, Secretary, Treasurer, Activities Chairperson, Air Shed Chairperson, Editor of the Newsletter, Entertainment Chairperson, Membership Chairperson, and two (2) Members at Large.
- B. An outgoing President may be appointed as an honorary Board Member by the incoming President to aid in the smooth transition of power provided the outgoing President and a majority of the Board of Directors approve of said appointment.

### **Section 2 - Duties**

- A. The Board of Directors shall govern and manage the affairs and activities of the **ORGANIZATION** and shall authorize the payment of normal operational expenditures or those that may have been previously anticipated by the membership of the **ORGANIZATION**.
- B. The Board of Directors shall be responsible for publishing in the September meeting notice, a list of all members who have not yet fulfilled their work requirement.
- C. The Board of Directors shall present to the regular membership at the January meeting those members who did not, in the Board's opinion, meet the work requirements for the preceding calendar year. If, by a two-thirds (2/3) vote of the regular members present, the Board's opinion that a member has not met his/her work requirement is upheld, the member shall be expelled from the **ORGANIZATION**.

### **Section 3 - Meetings**

Regular meetings of the Board of Directors shall be held at such times and places as the Board of Directors may determine.

### **Section 4 - Quorum**

Five (5) members of the Board of Directors shall constitute a quorum and shall be necessary for the transaction of business.

### **Section 5 - Vacancies**

Whenever any vacancy shall occur on the Board of Directors for any reason, the remaining members of the Board of Directors, by a majority vote, may appoint a regular member of the **ORGANIZATION** to fill such vacancy and complete the term.

**Section 6 - Suspension and Removal of Board Members**

Any member of the Board of Directors who shall be absent from three (3) consecutive meetings of the Board of Directors, without satisfactory cause, MAY be suspended from his/her office and removed from the Board of Directors and the vacancy filled as in Article IV, Section 5. The Board of Directors must agree by majority on such suspension and removal.

**Article V – Initiation Fees –Dues – Assessments - Work Credits – Fines**

**Section 1 - Initiation Fee**

The initiation fee shall be ten dollars (\$10).

**Section 2 - Annual Dues**

The amount for the annual dues of the **ORGANIZATION** shall be proposed and recommended by the Board of Directors and approved by a two-thirds (2/3) vote of the regular members present at a regular meeting to authorize the proposed dues for the coming year. The Board of Directors shall provide at the October meeting the proposed amount for the coming year. If the proposed dues are not accepted at the October meeting, it will be tabled and proposed at the November meeting. If still not accepted, the dues from the previous year will be carried forward to the next year.

**ORGANIZATION** dues are due at the January meeting. A member who has not paid his/her dues in full by the end of the March meeting of the **ORGANIZATION** shall be automatically considered a member **NOT** in good standing.

**Section 3 - Assessments**

Special assessments may be levied against all regular members of the **ORGANIZATION** by a two-thirds (2/3) vote of the regular members present at a regular or special meeting. The notice of the meeting must advise that consideration is to be given to an assessment. Special assessments take priority as a financial obligation and monies received from a member for dues or assessment shall be first applied in payment of the assessment with any excess applied toward dues. The motion for an assessment shall state the period over which the assessment is to be paid.

**Section 4 - Work Credits/Member Duties**

- A. Participation: Each regular member shall be responsible to attend a minimum of three (3) **ORGANIZATION** meetings a year.
- B. Work Credits: Each regular member shall complete twelve (12) work credits per calendar year for the benefit and welfare of the **ORGANIZATION**.
- C. Work Credits shall be defined as follows:

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| Elected Officer                     | 1 Credit plus hours                 |
| worked Board-appointed Position     | 1 Credit plus hours                 |
| worked Committee Chairperson        | 3 Credits plus hours                |
| worked Outing Chairperson           | 3 Credits per event day             |
| Air Shed Chairperson                | 1 Credit plus hours worked          |
| Air Shed Worker                     | 1 Credit per hours worked           |
| Canoe Race Chairpersons             | 6 Credits plus hours worked         |
| Canoe Race                          | 10 credits full day, 5 credits Half |
| day Creek Cleanup                   | 1 credit per hour worked            |
| Clambake/Holiday Dinner Chairperson | 6 Credits                           |
| Clambake/Holiday Dinner Workers     | 1 Credit per hour worked            |
| Supply Boat on a Club Outing        | 6 Credits per day                   |



|   |  |
|---|--|
| Family Activity Host                      | 1 credit per hour worked 6 credits max |
| New Member Finder                         | 2 Credits                              |
| Provide Entertainment at meeting or event | 2 Credits                              |
| Provide Article for Newsletter or Webpage | 1 Credit per article                   |
| Meeting Attendance                        | ¼ Credit per meeting                   |
| Participate in membership drive           | 2 Credits                              |

- D. Work credits may not be accredited to any member that are donated or preformed by another individual.
- E. With the exception of illness, injury, or hardship, exemptions from any member’s duties must be submitted in advance and in writing to the Secretary. Exemptions are subject to the approval of the Board of Directors.
- F. It is the member’s responsibility to ensure his/her work hours are correctly recorded. For any discrepancy, check with the appropriate committee Chairperson.
- G. It is the responsibility of every member to notify the Secretary to make sure the **ORGANIZATION** has his/her correct contact information. The **ORGANIZATION** will not be responsible for his/her updates.

**Section 5 - Fines**

Fines shall be levied as per the following formula;

- A. \$10.00 for every meeting deficient of the required three (3).
- B. \$10.00 for every work credit deficient of the required twelve (12).
- C. \$10.00 for payments of dues made after March meeting.

**Article VI – Meetings - Quorum**

**Section 1 - Regular Meetings**

- A. There shall be a regular monthly meeting of the **ORGANIZATION** at a time and place prescribed by the Board of Directors and approved by the membership of the **ORGANIZATION**.
- B. Roberts Rules of Order shall be the authority to decide all questions not herein provided for, so far as they are consistent with the By-Laws of the **ORGANIZATION**.

**Section 2 - Special Meetings**

Special meetings of the **ORGANIZATION** may be called by the Board of Directors at its discretion, or by written request to the Secretary of at least five (5) regular members, to consider a specific subject or subjects. Notice of the special meeting shall be given in the same manner as prescribed for the Annual Meeting and no business other than that specified in the notice shall be conducted at a special meeting.

**Section 3 - Quorum**

A quorum at any meeting of the **ORGANIZATION** shall be twenty percent (20%) of the regular paid members in good standing, shall include at least four (4) members of the Board of Directors, and can include any member in good standing. A lesser number must adjourn to some future date. The Secretary shall give notice of the adjourned meeting, at least five (5) days before the date of resumption of the meeting, to each member who was absent from the meeting adjourned.

A proxy vote as described in Article VII Section 3 shall not be considered in determining a quorum.

## **Article VII – Nominations- Elections- Proxies**

### **Section 1 – Nominations**

Nominations for Officers and elected committee Chairpersons shall be made from the floor or by proxy, at the November meeting of the **ORGANIZATION**. The meeting notice for the December meeting shall list the nominees. Nominations shall be re-opened at the December election meeting. Nominations may be made from the floor or by proxy, as each office and committee Chairperson comes up for election. Those eligible for nomination shall be regular members.

Nominees for the offices of President and Vice President shall be restricted to regular members of at least six (6) months.

### **Section 2 – Elections**

- A. There shall be an Annual Meeting of the **ORGANIZATION** in December each year at which time election of Officers and Elected Committee Chairpersons shall take place. The Secretary shall give notice of the date, time, and purpose of the meeting, at least seven (7) days and no more than thirty (30) days before the appointed time of the meeting.
- B. There must be a quorum for an election to take place.
- C. Should there be more than one candidate for any position, the voting for that position shall be by secret ballot.
- D. In the event that there is not a quorum of the regular members, the outgoing Officer shall continue in that office until such time as his/her successor shall be duly elected.

### **Section 3 - Proxies**

A member desiring to vote by proxy shall do as follows:

- A. He/she shall give a written statement to another regular member authorizing said member to cast his/her vote for him/her as said member may deem best.
- B. This statement shall be turned over to the presiding Officer who shall then announce that the person named in the statement has an extra vote. The statement may cover all voting for this one meeting or may be limited as the proxy may state.
- C. The member so giving his/her proxy must personally contact the President, Vice President, or Secretary of the **ORGANIZATION**, prior to the meeting, stating that he/she is sending his/her proxy to the meeting and who is to vote his/her proxy. The person voting the proxy and the Officer contacted shall not be one and the same.
- D. There shall be a limit of two proxy votes per member per calendar year.

## **Article VIII—Rules- Violations- Procedures**

### **Section 1 - Rules:**

- A. No person shall be allowed use of any **ORGANIZATION** property, unless accompanied by a member, who shall be liable for any infraction of the By-Laws or damage to **ORGANIZATION** property.
- B. No member shall transfer combinations and/or keys to a non-member or a member **not** in good standing.

- C. No member shall provide air from the **ORGANIZATION**'s Air Shed to non-members or members **not** in good standing.
- D. No member shall use **ORGANIZATION** property, publications, or events for commercial purposes, unless sponsored by the **ORGANIZATION**.

### **Section 2 - Violations and Procedures:**

Any member may be suspended for a period, removed from office, or expelled, for sufficient cause such as violation of any of the By-Laws or duly published regulations of the **ORGANIZATION**, or for conduct prejudicial to the best interests of the **ORGANIZATION**. No member shall be suspended, removed from office, or expelled unless the Board of Directors, by a majority vote decides such action. Thereafter a statement setting forth the decision of the Board of Directors, together with a statement of the charges of reasons upon which such decisions were predicated, shall be mailed by receipt requested mail to the member at least seven (7) days before the next scheduled meeting of the **ORGANIZATION**. Said member shall be privileged to attend such meeting to deny the charges or to present such defense as they shall deem proper. Thereupon a vote of two-thirds (2/3) of those regular members present at such meeting shall be required to overturn a decision of suspension or expulsion, or to modify or alter same. In default of a vote of two-thirds (2/3) of such regular members, the decision shall remain.

## **Article IX – Amendments – Interpretation**

### **Section 1 - Amendments**

These By-Laws, or any provision therein, may be revised, repealed, or amended by a vote of two-thirds (2/3) of those regular members in attendance at a duly scheduled meeting of the **ORGANIZATION**, provided the proposed revision or repeal of the amendment is posted, in writing, and made available to each regular member at least seven (7) days prior to the date of the meeting of the **ORGANIZATION**, at which time the changes to the By-Laws shall be discussed and voted upon.

### **Section 2 - Interpretation**

At any meeting where a question may arise as to the meaning of any part of these By-Laws, the interpretation of the President or presiding Officer shall be the intent and meaning of the same, unless his/her decision is changed by two-thirds (2/3) vote of the regular members present and voting to change decision.

## **Article X – Spending**

### **Section 1 - Spending Limitations by the Board of Directors**

Spending by The Board of Directors shall be limited to the amount of \$250.00 in any one calendar month without the prior approval of the general membership.

The exception to this rule would be for the emergency repair to the club air compressor for which the Board may vote to spend up to maximum of \$400.00.

Receipts for any and all expenses must be presented to the general membership for their approval at the next regularly scheduled club meeting.

(END)

## **AMENDMENTS:**

- > Article II, Section 1: Added "legal guardian" (2011).
- > Article II, Section 3: Added "B" (application process) {2011}.
- > Article II, Section 3: Deleted C-Card requirement (to not exclude snorkelers from club) (2011).
- > Article II, Section 3: Added "A" (members shall not have been denied membership into the club in the past five (5) years. (2012).
- > Article II, Section 4: Changed requirement for Life member to 15 years as member and serving 3 years on Board of Directors (from 15 years serving on Board of Directors) (2011).
- > Article II, Section 4: Changed requirement for Life member to 15 years as member and serving 3 years on Board of Directors as elected or appointed Board Member (from 15 years serving on Board of Directors for elected Board Member) (2016).
- > Article II, Section 6: Added Section 6 – Members in Good Standing (2011).
- > Article II, Section 7: Expanded definition of Members Not in Good Standing and review process (2011).
- > Article II, Section 7: Changed number of Board of Directors to reinstate a member to be a majority (2012).
- > Article II, Section 10: Defined quorum; established 2/3 vote; President decides tie {2011}.
- > Article III and throughout By-Laws: Changed "Chairman" to "Chairperson" {2011}.
- > Article III, Section 1: Vice President responsible for compilation of work hours and attendance {2011}.
- > Article III, Section 2: Created Membership Chairperson position and added to Board of Directors (2011).
- > Article IV, Section 1: Updated to 11 members of the Board of Directors (2011).
- > Article IV, Section 1: Added Paragraph B (past President may be appointed honorary Board Member) (2016).
- > Article IV, Section 6: Changed number for Board of Directors to remove or suspend Board member to be a majority (2012).
- > Article V, Section 2: Dues due at January meeting; dues not paid by March meeting changes members status to one NOT in good standing (2011). Changed dues amount from formula of budget vs. member numbers to be amount recommended by Board of Directors. (2012).
- > Article V, Section 4: Expanded entire section defining Work Credits and Member Duties (A-G) (2011).
- > Article V, Section 5: Added Section 5 establishing Fines (2011).
- > Article VI, Section 1: Added "B" Roberts Rules of Order (2011).
- > Article VII, Section 2: Elections need a quorum; added "C" voting done by secret ballot if more than one candidate for any position; deleted 50% vote requirement (2011).
- > Article VII, Section 3: Clarified proxy limit to two in a "calendar year" {2012}.
- > Article VIII, Section 1: Added Section 1 – Rules (2011).
- > Article X, Section 1: Added Article X - Spending, Section 1 – Spending Limitations (2012).