

BY-LAWS
ROYAL CANADIAN
LEGION
BRANCH NO. 1
CHARLOTTETOWN, PE

Approved by P.E.I. Provincial Command

On the

As amended on 7 February 2021

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THE ROYAL CANADIAN LEGION

Purposes And Objects

The purposes and objects of the Legion shall be:

- a. to constitute an association of those who have served or are serving in Her Majesty's armed forces or any auxiliary force and of others who support the purposes and objects of the Legion, which association shall be democratic and non-sectarian, and shall not be affiliated to or connected directly or indirectly with any political party or organization;
- b. to bring about the unity of all who have so served;
- c. to further among them the spirit of comradeship and mutual help and the close and kindly ties of active service;
- d. to pass on to their families and descendants the traditions for which they stand;
- e. to perpetuate the memory and deeds of the fallen and of those who die in the future;
- f. to promote and care for memorials to their valor and sacrifice, to provide suitable burial if required, to keep an annual memorial day, to preserve the records and memories of their service and to see that such services shall not be forgotten by the nation;
- g. to ensure that proper attention shall be paid to the welfare of all who have served and the welfare of their dependents and to see to the maintenance and comfort of those who require special treatment, particularly the disabled, sick, aged and needy, and to promote the welfare of their dependents;
- h. to educate public opinion regarding national duties to the dead, the disabled and others who have served, and their dependents;
- i.

to foster loyalty among the public and education in the principles of patriotism, duty and unstinted public service; j.

to strive for peace, goodwill and friendship among all nations, at the same time advocating the maintenance by Canada of adequate and sufficient forces on land, sea and in the air for the defense of our country and for the discharge of those obligations which rest upon us by virtue of our partnership in the Commonwealth; v

THE GENERAL BY-LAWS AS AMENDED TO DECEMBER 2016 k.

to support suitable undertakings for the training, employment and settlement of ex-service personnel, and the education of their children;

l.

to preserve their statutory, acquired and legitimate rights, and those of their dependants and, in so doing, to offer the Legion's co-operation to those officially charged with the responsibility of administering such rights by federal or other governments; m.

to assist comrades now serving, especially in connection with their return to civil life, and to safeguard the interests of their dependents whilst they are in service;

n.

to assist ex-service personnel to secure not less than the recognized standard rates of wages;

o.

to secure adequate pensions, allowances, grants and war gratuities for ex-service personnel, their dependents, and the widows, children and dependents of those who are dead, and to labor for honorable provision being made for those who, in declining years, are unable to support themselves;

p.

to cooperate with the Commonwealth and allied associations of similar aims and objects;

q.

to establish, organize and regulate provincial, district and local bodies, or commands and branches in convenient centers throughout Canada and elsewhere;

r.

to establish, organize and regulate provincial, district and local bodies of women for the purpose of assisting the Legion in seeing to the maintenance and comfort of disabled, sick, aged and needy ex-service personnel and their dependents, and to cooperate with the Legion in the promotion and carrying out of all aims and objects of the Legion, such a group to be known as a Ladies' Auxiliary of The Royal Canadian Legion;

s.

to acquire, hold, sell or lease real and immovable, personal and movable property;

t.

to raise and coordinate funds for assisting those mentioned in the preceding paragraphs, to provide for the administration of the Legion and its authorized Provincial and District Commands, branches and ladies' auxiliaries, and to see that these and other funds raised for such purposes are applied to those purposes and none other; vi

THE ROYAL CANADIAN LEGION

u.

to act generally on behalf of all those who have served in Her Majesty's forces;

v.

to encourage, promote, engage in or support all forms of national, provincial, municipal or community service, or any charitable or philanthropic purpose; and

w. to engage only in activities which will be to the credit and benefit of the Canadian community and which will encourage and promote the positive reputation of the Legion.

M I S S I O N S T A T E M E N T
OUR MISSION IS TO SERVE VETERANS,
WHICH INCLUDES SERVING MILITARY
AND RCMP MEMBERS AND THEIR FAMILIES,
TO PROMOTE REMEMBRANCE
AND TO SERVE OUR COMMUNITIES
AND OUR COUNTRY

ARTICLE 1 – PREAMBLE AND DEFINITIONS

1.01.1 Whereas the branch operates in accordance with the General By-Laws of the Royal Canadian Legion as laid down in the Act to Incorporate the Royal Canadian Legion. (Statutes of Canada – 1948 Chapter 84, as amended) and further amended from time to time, under the provision of the said act, the following Branch By-laws are for the guidance of the Officers and Members of the Branch.

1.01.2 Masculine words shall also apply to the feminine gender.

1.01.3 Singular words shall include the plural.

1.01.4 Voting members shall include all persons who hold – Life, Ordinary, Associate and Affiliate – Voting Memberships.

1.01.5 Office Clerk (Accounting) refers to the person who is an assistant to the Manager/Secretary (his/her duties are described in his/her Job Description per this Branch’s Policy Declarations). (per February 2017)

1.01.6 Manager/Secretary refers to the person who is responsible for the day-to-day management of this branch (his/her duties are described in his/her job description per this Branch’s Policy Declarations). (per February 2017)

ARTICLE 2 – TITLE

2.01 This Branch shall be known as the “Charlottetown Branch Number 1 in Prince Edward Island Command of the Royal Canadian Legion and may hereafter be referred to as ‘the Branch’.

The Royal Canadian Legion may hereafter be referred to as ‘the Legion’

ARTICLE 3 – MEMBERSHIP DUES

3.01.1 Membership dues shall be due and payable annually in the month of December. A member who is in arrears in payment of dues on January 31st of the current year shall be considered as being not in 'Good Standing' for any purpose and shall forfeit any office held. Members not in 'Good Standing' under the forgoing provisions and who have allowed their membership to lapse for the current and/or the preceding year may only renew their membership upon payment of all unpaid dues. Such renewal will not restore any office which may have been forfeited but will qualify the individual for continuous years of service and Long Service Awards.

3.01.2 A former member whose membership has been allowed to lapse for more than the current and immediately preceding year may be reinstated by the Branch Executive Committee on payment of the unpaid dues. Such re-instatement will not restore any office which may have been forfeited but, provided he is re-instated within the current calendar year, will not disqualify him for restoration of Long Service Awards.

3.02 Where a new member joins the Legion after the 31st day of August in any year, the per-capital tax payable to the Dominion and Provincial Commands by such member for that year shall be one-third the percapita tax levied by the appropriate Convention for that year.

3.03 Membership dues shall include the Per-Capita Tax as laid down by the Dominion and Provincial Commands. It will also include a subscription to the Legion Magazine and the Branch Membership Fees as determined from time-to time by the Branch Executive.

3.04 Member qualifications shall be in accordance with Article 11 of the Royal Canadian Legion General By-Laws as set forth and amended at the latest Dominion Convention.

3.05 Except as otherwise provided in these By-laws, every Ordinary,

Life, Associate and Affiliate-Voting Member as defined under the Dominion Command General By-laws, and no-one else, shall be entitled to vote or to hold office or to be a member of the Executive of the Branch. No person shall be nominated for any office unless he is present at the meeting or has expressed his willingness, in writing, to accept such office.

3.06 No member who is a full or part-time employee of the Branch, who receives directly or indirectly any salary or wages for or on account of any services rendered to the Branch shall be eligible to hold an Executive position in the Branch.

3.07 Any member of the Executive of the Branch who transacts business or performs any service for which a fee or commission is paid by the Branch shall immediately forfeit his Executive Office or position and the Office or position shall become immediately vacant unless such transaction has received prior approval from the Branch Executive.

3.08 Any member who is a full-time or part-time employee of the Branch and who receives directly any salary, wages or compensation for or on account of any services rendered to the Branch shall not have the right to vote on any subject concerning his/her position, salary or duties. (per February 2017)

3.09 All complaints against a Branch Member are to be conducted in accordance with the By-laws and Constitution of the Royal Canadian Legion, Articles 301 to 310 inclusive, as amended by the latest Dominion Convention and the Dominion Executive Council.

3.10 When hearing complaints at the Provincial Command level, fifty percent (50%) of all related costs shall be borne by the Legion Branch and fifty percent (50%) by the Provincial Command.

3.11 Members must be initiated before receiving their first membership card.

ARTICLE 4 – MEETINGS AND PROCEDURES

4.01 There shall be:

- a. Ordinary or Regular monthly meetings of the Branch
- b. Annual General Meetings
- c. Special Meetings
- d. Executive Committee Meetings

4.02 Ordinary or Regular monthly meetings will normally be held on the last Thursday of each month with the exceptions that:

4.03.1 The June, July, August and December monthly meetings be deferred; and

4.03.2 Where the last Thursday of the month is not suitable, the meeting may be postponed or advanced by the Executive Committee.

4.04 Twenty (20) members in 'Good Standing' shall constitute a quorum for an Ordinary or Regular monthly meeting (per February 2016)

4.05 The General Meeting in February shall be the Annual Meeting.

4.06 Special Meetings of the Branch may be called in the following manner:

- a. At the request of the Executive Committee.

- b. By a petition bearing the signatures of not less than ten percent (10%) of Branch Members in 'Good Standing' at the time that the petition is made.

4.07 Notice of any Special Meeting shall be advertised through the media at least three days prior to the date of such meeting. The Executive shall be called by the President or by three (3) members of the Executive Committee. The President is fully authorized to call a Special Meeting of the Executive Committee when he considers the welfare of the Branch is involved. The members of the Executive Committee must be notified of the time and date of all Meetings by the Branch Manager/Secretary. Such meetings shall be conducted in accordance with Para 8 of the Rules of Procedure for Legion Meetings Manual.

4.08.1 At the direction of the President, an Agenda shall be prepared by the Branch Manager/Secretary to ensure that all unfinished business and/or new business is brought before the meeting. (per February 2017)

4.08.2 Any member of the branch may have an item placed on the Agenda for either the Executive or General Meeting; such items must be in writing and be in the hands of the Branch Manager/Secretary not later than seven (7) days prior to the date of such meetings. (per February 2017)

4.08.3 This policy shall not prevent any member from bringing up any subject which was not on the Agenda of either and Executive or General meeting, with the permission of the Presiding Officer. (per February 2017)

4.09 At all meetings, disputes shall be decided by a majority of those present, excepting that the Presiding Officer may exercise his prerogative by casting the deciding vote in case of a tie or he may rule that the affirmative lacks a majority.

4.10.1 The Presiding Officer shall enforce order and strict observance of these By-laws.

4.10.2 The Presiding Officer shall rule promptly on all matters of procedure and his decision shall be final, subject to an appeal as laid out in Section 10.d(ii) of the Rules of Procedure for Legion Meetings.

4.10.3 The Presiding Officer at any meeting shall rule 'Out-of-Order' all matters pertaining to political or religious topics, unless such discussions have a direct bearing on the immediate pending question.

4.10.4 The Presiding Officer shall, when debate has ceased on any question, put the matter to a vote. The Recording Secretary shall give the words of the motion or resolution clearly so that no member may misunderstand the question on which he/she is to vote.

4.10.5 A member wishing to introduce a motion or to appeal shall rise and address the Presiding Officer and shall wait until he is recognized before speaking. No member shall speak more than once on the same matter without the permission of the Presiding Officer.

4.11 At the Annual meeting, written reports from the Branch Standing Committee Chairpersons and any Special Committee Chairpersons shall be presented.

4.12 Any Ordinary, Life, Associate or Affiliate voting member will, at all times have access to the minutes of any Regular Monthly Branch Meetings or Special Meetings and Financial Statements. Previewing these documents will be done in the presence of a Branch Officer. (per February 2017)

ARTICLE 5 – OFFICERS AND EXECUTIVE COMMITTEE

5.01 The Officers of the Branch shall be the President, the First and Second Vice-Presidents and the Immediate Past-President.

5.02 The Executive Committee of the Branch shall be the Officers and the Executive Committee Members.

5.03.1 The President, First and Second Vice Presidents and five (5) Executive Members shall be elected at the Annual General Meeting in February of each year and shall hold office for one year only unless re-elected, and if not re-elected, shall thereupon surrender all funds, documents, and other Branch materials in their respective possession and receive a receipt for the same upon demand.

5.03.2 Notwithstanding 503.1, a President shall be elected at the Annual General Meeting of the Branch in February of each year and shall only hold office for two consecutive terms of one year each.

5.03.3 A person who has been elected for two consecutive terms to office of President shall be entitled to be elected again as President after one or more terms has passed since he last held the position as President.

5.03.4 In order to be nominated for the position of President of the Branch, a member shall have served in an Executive position, of the Legion Organization, for a term of at least one (1) year.

5.04 The Executive Committee of the Branch shall assume office immediately after having been properly installed in office.

5.05 The Honorary President, Sergeant-at-Arms, Chaplains and Service

Officer shall be appointed by the Executive Committee at its first meeting and their names submitted to the first General Meeting thereafter for approval. The abovenamed appointees shall hold office for one year or less at the discretion of the Executive Committee. The President, with the approval of the Executive Committee, shall have the authority to add to the Executive Committee, one (1) member in 'Good Standing' other than nominees for election defeated at the preceding Annual Meeting. In the event of this being done, the name of the member so added must be submitted to the first General meeting thereafter for approval. (per February 2016)

5.06 In so far as it may relate to the operation or functions of the Branch, subject to the control of General, Special or Annual meetings, the Executive Committee shall have the powers of the Branch.

5.07 Five (5) members of the Executive shall constitute a quorum. (per February 2016)

5.08 Only Ordinary, Life, Associate and Affiliate Voting members in 'Good Standing' shall be entitled to vote, or stand for election for any office or to the Executive Committee.

5.09.1 The Executive Committee shall meet at least monthly on a day to be fixed by the Committee, or at the call of the President, for the passing of accounts for the transaction of current business, the examination and discussion of any suggestions made to it for the general welfare of the Legion or of the Branch, and such other business as may be introduced.

5.09.2 The Executive Committee shall have the power to appoint or dismiss for cause any salaried official or employee.

5.09.3 The Executive Committee may, from time to time, appoint Committees or individuals who are members of the Branch to carry out any of the advisable or necessary functions of the Branch.

5.09.4 Any member of the Executive Committee who is absent from three consecutive meetings of the Executive Committee and the Branch combined unless given a leave-of-absence by the Executive Committee, shall cease to be a member of the Executive committee unless his continuance is approved at the next General Meeting. He shall be notified by the Financial Administrator/Secretary and his Office shall be filled in accordance with Section 509 of Subsection 5.

5.09.5 In the event a vacancy occurs on the Executive Committee, the Officers of the Branch and remaining member of the Executive Members may nominate up to 2 members in good standing to fill such vacancies. However, such appointments shall be ratified at the next General meeting.

Members nominated may not be nominated if defeated at the Annual Meeting.

ARTICLE 6 – EMPLOYEES

6.01 The Branch Manager/Secretary shall be the custodian of the Seal of the Branch and shall hold this Seal and use it at times entirely at the will and discretion of the Executive Committee. (per February 2017)

6.02 The Executive Committee of the Branch shall be responsible to ensure that all Officers and Employees of the Branch are adequately bonded.

ARTICLE 7 – NOMINATION AND ELECTION OF OFFICERS AND EXECUTIVE COMMITTEE MEMBERS

7.01 Officers and Executive Committee Members of the Branch shall be nominated from the floor at the Annual General meeting of the Branch and voted on by Secret Ballot.

7.02 Election shall be by secret ballot except in the case of election by acclamation. In such case the Chairman shall proclaim said candidate elected.

-EXECUTIVE COMMITTEE

7.03.1 When more than five (5) candidates are nominated and standing for office, the top five (5) nominees receiving the largest number of votes will be declared and elected. (per February 2017)

7.03.2 When more than two (2) candidate are nominated and standing for the office of President, First Vice-President or Second Vice President, the nominee receiving an overall majority will be declared elected. If necessary, further ballots will be taken until a nominee receives a majority vote. (per February 2017)

ARTICLE 8 – TRUSTEES

8.01.1 The Branch shall have a Board of Trustees for the holding, on behalf of the Branch, all or any property in which the Branch is or may become interested or involved. The Board of Trustees may be requested by the Executive Committee to perform special tasks. (per February 2016)

8.01.2 The Board of Trustees shall consist of five (5) members. The members of the Board will be the most recent Past Presidents who have served full terms. The immediate Past President will be the only newly appointed Trustee immediately after retirement from office. The

fifth member of the Board will retire at this time. The most senior serving member of the Board will preside. (per February 2016)

8.01.3 In the event of the President remaining in office for more than one term, there will be no change in the Board of Trustees for that year. All Trustees must be over twenty-one (21) years of age.

8.02 If a vacancy occurs during the term of office of any trustee, the next Senior Past President shall join the Trustees as a member. In the event of no surviving Past Presidents, the Executive Committee may elect any Ordinary, Life, or Associate Voting member over the age of twenty-one (21) as his successor. (per February 2016)

8.03 Any expenses involved in the operation of the Trustee Fund will be a charge to the Branch and such monies can be secured from the Branch on demand from the Board of Trustees.

ARTICLE 9 – DELEGATES TO THE PROVINCIAL AND DOMINION CONVENTION AND ZONE MEETINGS

9.01.1 The number of delegates who will represent the Branch at a Dominion or Provincial Convention will be determined at a General Meeting of the Branch in accordance with the provisions of the General By-laws of the Legion or the Provincial By-laws of the PEI Command, whichever is applicable. Delegates shall be members in 'Good Standing' and shall include the President of the Branch and the balance of the delegates shall be selected according to the following formula by the General Membership at a General meeting of the Branch. (per February 2017)

9.01.2 The Executive of the Branch will be empowered to nominate delegates to the Dominion or Provincial Convention for ratification by the general membership at a General meeting in accordance with the latest edition of the Dominion By-laws. (per February 2017)

9.01.3 The Branch Manager/Secretary may be selected on election from the floor as a full-fledged delegate to either the Dominion or Provincial Convention, provided he/she is a paid-up, qualified member of the Legion. The Branch Manager/Secretary may be selected to attend either the Dominion or Provincial Convention as an observer with the payment of per-diem expenses and allowances as approved by the Branch for Official Delegates to the respective Convention. (per February 2017)

-ZONE MEETING

9.02 Two members will be appointed at the first General meeting following the Annual meeting to attend as official delegates and three other delegates shall be selected by the President.

ARTICLE 10 – AMENDMENTS TO THE BY-LAWS

10.01 These By-laws may be amended or altered by a Notice of Motion submitted by the Executive Committee or any Ordinary, Life or Associate Voting Member, at a Regular Monthly meeting of the Branch. Such notice, however, shall set out the proposed alterations or amendments and must be submitted in writing. The 'motion to amend' shall be made at the next monthly meeting of the Branch. The majority of the members present at the meeting, in accordance with Section 1304 of the General By-laws shall be required to vote in favor of such proposed alterations or amendments in order to make it effective. All alterations or amendments to the By-laws are subject to Command approval and shall become effective immediately upon receipt of such approval.

ARTICLE 11 – BY-LAWS

11.01 All transactions of the Branch or Branch Executive not specifically covered by these By-laws shall be covered by the General By-laws of the Royal Canadian Legion and the General By-laws of the PEI Provincial Command of the Legion as amended to date.

11.02 These By-laws as amended shall come into effect on the date approved by Provincial Command, on which date all previous By-laws shall be considered as being repealed. Such repeal of the By-laws shall not affect the validity of any appointments or business undertakings made under the authority of the previous By-laws.

ARTICLE 12 – LADIES AUXILIARY

12.01 The Ladies Auxiliary of Charlottetown Branch No. 1 of the Royal Canadian Legion, as authorized by Charter dated December 20th 1936, shall hereinafter be referred to as the Ladies Auxiliary. -DIRECTION AND CONTROL

12.02.1 The Ladies Auxiliary shall be under the direction and control of the Branch.

12.02.2 A Ladies' Organization under any other name than Auxiliary is not permitted.

12.02.3 The By-laws of the Ladies Auxiliary and any amendments thereto shall not become effective until they have been approved by the Branch and ratified by the Prince Edward Island Command of the Royal Canadian Legion.

-LIAISON WITH THE BRANCH

12.03.1 The Branch shall appoint a Liaison Officer, who shall be a member of the Branch Executive Committee. Such Liaison Officer, at

the discretion of the Branch and agreement of the Ladies Auxiliary, may attend all Ladies Auxiliary General, Special and Executive meetings. The Liaison Officer shall be the official link between the Branch and the Ladies Auxiliary.

12.03.2 The Executive Committee of the Branch and the Executive Committee of the Ladies Auxiliary shall hold a joint meeting at least twice in each year.

-FINANCIAL

12.04.1 The Branch shall require its Ladies Auxiliary to provide a copy of the audited annual financial statement within a time specified by the Branch.

12.04.2 All expenditures other than normal operating expenditures, in excess of two hundred and fifty dollars (\$250.00), must be approved by the Branch Executive Committee at a monthly or special meeting prior to such expenditure being made. Notwithstanding the forgoing, the Ladies Auxiliary may make contributions to the Branch and any ongoing activities in which a standing authority has been agreed to by the Branch at a General meeting.

12.04.3 Should the Ladies Auxiliary cease to function as such, it shall be surrendered to the Branch and its assets shall forthwith be vested in the Branch.

12.05 A member of the Ladies Auxiliary who is a member of the Branch, may not hold office simultaneously in both the Ladies Auxiliary and the Branch.

