



## **By-Laws of the Montgomery Amateur Radio Club, Inc.**

P. O. Box 3141  
Montgomery, Alabama 36109-0141

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**BY-LAWS OF THE**  
**MONTGOMERY AMATEUR RADIO CLUB, INC.**

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**ARTICLE 1**  
**ORGANIZATION**

**1.1 NAME**

1.1.1) The name of this organization shall be the Montgomery Amateur Radio Club, Incorporated, hereinafter referred to in these by-laws as *Montgomery Amateur Radio Club*, *MARC*, or the *Club*.

**1.2 PURPOSE**

*MARC* is incorporated in accordance with the laws of the State of Alabama for the purpose of assisting through the use of amateur radio in emergency situations in which normal lines of communication are disrupted or otherwise not feasible. To prepare to be of assistance in emergency situations, the *MARC* will participate in the following activities:

1.2.1) Encourage continued education and training for prospective and current amateur radio operators by providing opportunities for both academic and hands-on training.

1.2.2) Encourage research and experimentation with new and existing technologies in an effort to facilitate the advancement of the field of radio communications.

1.2.3) Promote amateur radio by providing opportunities for fellowship among members and other interested persons.

1.2.4) Promote public awareness of amateur radio and its many contributions to public welfare.

1.2.5) Maintain licensed amateur radio stations for operation for its membership, in the name of its Trustees, when and where appropriate, under the rules of the Federal Communications Commission of the United States of America, hereinafter referred to as the FCC.

1.2.6) Exercise any and all general powers, whether herein enumerated or not, which a non-profit corporation may or can exercise under the Constitution and Laws of the State of Alabama that are not inconsistent with the purpose herein contained.

**1.3 AFFILIATION**

1.3.1) *MARC* is an affiliate of the American Radio Relay League (ARRL).

**ARTICLE 2**  
**MEMBERSHIP**

**2.1 MEMBERSHIP APPLICATION**

2.1.1) Membership in the *MARC* is open to all licensed radio amateurs and to any other individuals with an interest in amateur radio without regard to race, creed, color, sex, sexual orientation, national origin or disabilities of the applicant.

2.1.2) Any person wishing to join the *MARC* may apply for membership by submitting a completed membership application, along with any necessary dues, to any *MARC* Officer or by mailing their completed application and dues to the *MARC* mailing address.

2.1.3) Members in the *MARC* shall hold membership based on only one (1) of the available membership classifications, as defined in Paragraph 2.2.

## **2.2 MEMBERSHIP CLASSIFICATIONS**

*MARC* offers the following classifications of membership:

2.2.1) Regular Member: Anyone holding a valid amateur radio operator's license that is issued by the FCC.

2.2.2) Life Member: Anyone meeting the conditions for Regular Membership and who has attained the age of 70 years or older during the current membership year. In other words, a Regular Member or Senior Member is eligible for Life membership on January 1 of the year of their 70<sup>th</sup> birthday.

2.2.3) Senior Member: Anyone meeting the conditions for Regular membership and who has attained the age of 65 years or older during the current membership year. In other words, a Regular Member is eligible for senior membership on January 1 of the year of their 65<sup>th</sup> birthday.

2.2.4) Associate Member: Associate membership is available to anyone interested in amateur radio communications and who does not hold a valid amateur radio license issued by the FCC. Associate Members may not vote, hold an elected office, or serve on the Executive Board. Associate Members may however, serve on committees.

2.2.5) Family Member: Anyone meeting the conditions of Regular or Associate membership and who shall also reside at the same address as an existing Regular Member in good standing of the *MARC*. At least one (1) member of the household shall be a Regular Member of the

*MARC* in order for any other member of the same household to apply for Family membership. Licensed Family Members shall have the same status as Regular Members and unlicensed family members shall have the same status as Associate Members.

2.2.6) Honorary Member: Any person may be granted an honorary membership in the *MARC* by a two-thirds affirmative vote of the membership present at any regular *MARC* meeting.

## **ARTICLE 3** **VOTING CLASSIFICATION**

### **3.1 VOTING CLASSIFICATIONS**

There shall be two classifications of voting rights consisting of:

3.1.1) Voting Member: All members in good standing that hold a current valid amateur radio operators license issued by the FCC and are either Regular, Life, Senior, licensed Family, or licensed Honorary members shall be Voting Members.

3.1.2) Non-Voting Member: All members not holding a valid amateur radio operator's license. This will generally be, but is not limited to, Associate Members and Honorary Members not holding a valid amateur radio operator's license.

## **ARTICLE 4** **DUES**

### **4.1 MEMBERSHIP DUES**

4.1.1) Membership dues, in an amount determined by the Executive Board and approved by a majority of the voting membership present, shall be assessed annually and are payable during the renewal period of January 1 through March 1. The Executive Board may assess reduced rates for members

who are classified as Life, Senior or Family members. Persons for whom payment of dues would constitute a hardship, at the discretion of the Executive Board, may be exempt from payment of dues. The Executive Board shall take up deduction or elimination of dues on a case-by-case basis. Honorary members shall be exempt from payment of *MARC* dues.

**4.2 PRORATING OF DUES**

4.2.1) Dues for new members that have not been a member during the preceding fiscal year shall be prorated from the date of application based on a quarterly basis according to the following schedule:

<u>From</u>	<u>T</u> <u>o</u>	<u>% of applicable dues</u>
Jan 1	Mar 31	100
Apr 1	Jun 30	75
Jul 1	Sep 30	50
Oct 1	Dec 31	25

**4.3 NON-PAYMENT OF DUES**

4.3.1) Failure to pay *MARC* dues within the membership renewal period, as defined in Paragraph 4.1 of these by-laws, shall be considered cause for removal from the *MARC* membership rolls. Members removed for non-payment of dues shall be reinstated to their previous membership status upon full payment of all applicable dues for the current fiscal year.

**4.4 ANNUAL DUES REMINDER**

4.4.1) A notice of delinquency shall be mailed to all members of the *MARC* not renewing by March 1 of the year. The intent of this notice is to remind members their dues are past due. The notice will consist of a reminder letter, a membership application, and a return addressed envelope. Notices will be mailed to all individuals who have been paying members within the past three (3) years unless a specific reason exists for which the notice should not be

sent, e.g., death or has moved out of the area. The source for this membership information shall be the *MARC*'s membership database. Reminder notices shall be mailed no later than March 31 of each year.

**ARTICLE 5**  
**FISCAL YEAR**

**5.1 PERIOD OF FISCAL YEAR**

5.1.1) The *MARC* fiscal year shall be from January 1 through December 31.

**ARTICLE 6**  
**ELECTIONS**

**6.1 ELECTION AND TERMS OF OFFICE**

6.1.1) Officers and Executive Board members described in these by-laws shall be elected annually at the regularly scheduled *MARC* meeting in November. The terms of the Officers shall be for one (1) year and those of the Trustees shall be for three (3) years from January 1 through December 31. One (1) of the three (3) Trustee positions shall expire each year.

**6.2 NOMINATIONS**

6.2.1) All nominees must be members of the *MARC* in good standing and possessing voting rights. To be nominated as an Officer of the *MARC*, a person must have been a voting member of *MARC* for one (1) full year prior to nomination. To be nominated as a Trustee, a person must have served as an Officer of the *MARC* or be a voting member of *MARC* for three (3) full years prior to nomination.

6.2.2) The presiding Officer at the regularly scheduled *MARC* meeting in October shall open the floor for nominations. Nominations will be taken from the floor for all elected Officers and the one Trustee whose term expires on

December 31. Once opened, the time period for nominations shall remain open through the November meeting elections. After any and all nominations have been received from the floor during the November *MARC* meeting, the presiding *MARC* Officer at the November meeting shall close the nominations. Elections shall immediately follow the closing of the nominations.

### **6.3 ELECTION PROCEDURES**

6.3.1) The presiding *MARC* Officer shall supervise the election.

6.3.2) Balloting shall be by secret written ballot.

6.3.3) A candidate shall be elected to an office or a Trustee seat by a simple majority of votes cast.

6.3.4) If there is only one candidate for an office or Executive Board seat, that candidate shall be declared elected by a voice vote of the members present without objection.

6.3.5) The *MARC* Secretary shall count votes cast at the election and shall then inform the presiding *MARC* Officer and the members present at the election meeting of the results of the election.

6.3.6) The results shall be printed in the next available issue of the *MARC* newsletter and/or on the *MARC*'s web site.

6.3.7) The newly elected Officers and Executive Board members shall take office in accordance with these by-laws.

### **ARTICLE 7** **OFFICERS**

#### **7.1 OFFICERS**

7.1.1) The Officers of the *MARC* shall be President, Vice-President, Secretary, Treasurer and Publicity Officer.

#### **7.2 TERM OF OFFICE**

7.2.1) The *MARC* Officers' term of office shall be for one (1) *MARC* fiscal year.

### **ARTICLE 8** **EXECUTIVE BOARD**

#### **8.1 COMPOSITION**

8.1.1) The Executive Board shall be composed of the *MARC* Officers and four (4) other Trustees.

8.1.2) The President from the previous fiscal year, with their consent, shall automatically be elected for one (1) of the four (4) Trustee positions. The fourth Trustee position may only be filled by the immediate past President. If the immediate past President does not wish to fill the Trustee position reserved for him or her, it shall remain vacant.

#### **8.2 CHAIRMAN OF EXECUTIVE BOARD**

8.2.1) The President shall preside over all Executive Board meetings.

#### **8.3 VOTING RIGHTS**

8.3.1) All members of the Executive Board shall be entitled to vote on any matter properly brought before the Executive Board unless otherwise prohibited within these by-laws.

#### **8.4 DUTIES**

8.4.1) The Executive Board shall conduct all business of the *MARC* not otherwise delegated by the by-laws to the membership.

#### **8.5 MEETINGS**

8.5.1) The Executive Board shall meet when needed, but not less than quarterly.

8.5.2) All meetings of the Executive Board will be open to all *MARC* members in good standing except as provided in Paragraph 8.5.3.

8.5.3) In cases where the Executive Board is to discuss matters specified in Article 19, Removal From Office, or Article 20, Expulsion From Membership, the Chairman shall have the authority to close, at their discretion, such meeting to anyone not a member of the Executive Board for the duration of such discussion. This authority is given to the Chairman to allow for the protection of confidentiality and privacy of the *MARC* members involved.

8.5.4) The Executive Board may consider matters that arise between meetings by electronic or postal means. As to such matters so considered, a vote of seven members of the Executive Board in favor of or against a matter shall be conclusive of both a quorum and majority vote.

## **8.6 REPORT OF MEETINGS**

8.6.1) Following each Executive Board meeting, the presiding Officer shall provide a report to the *MARC* membership at the next regular *MARC* meeting. This report will include at a minimum a summary of any actions taken by the Board.

## **ARTICLE 9** **OFFICER OR ELECTED BOARD** **MEMBER VACANCY**

### **9.1 OFFICER VACANCY**

9.1.1) Should any *MARC* office or Trustee seat, except that of President, be vacated for any reason, that position shall be filled by any eligible *MARC* member who shall be voted upon

and approved by a simple majority of the remaining Executive Board. This person shall serve the remainder of the current term.

9.1.2) Should the office of President be vacated for any reason, the Vice President shall assume the office and duties of President for the remainder of the term leaving the office of Vice President vacant for filling by the Executive Board as set forth in these by-laws.

## **ARTICLE 10** **DUTIES OF OFFICERS**

### **10.1 PRESIDENT**

10.1.1) The President shall preside at all *MARC* meetings and shall vote only in the case of tie in which case he or she will cast the deciding vote.

10.1.2) The President shall be an ex-officio member of all *MARC* committees.

10.1.3) The President may, from time to time, delegate to others the authority to act as *MARC* spokesperson or representative of the *MARC*, but shall retain the ultimate authority to act as the primary spokesperson and representative of the *MARC* in all cases.

### **10.2 VICE-PRESIDENT**

10.2.1) The Vice President shall serve as membership chairman, solicit and encourage new members, accept membership applications, and maintain the *MARC* membership roster.

10.2.2) The Vice President shall assist the President in the performance of the President's duties.

10.2.3) The Vice President shall preside over all *MARC* functions in the stead of the President should the President not be able to do so.

### **10.3 SECRETARY**



10.3.1) The Secretary shall maintain the official and accurate record of all *MARC* activities, including, but not limited to:

(a) Copies of the current *MARC* Articles of Incorporation and *MARC* By-Laws and any amendments relating to these items.

(b) Copies of all meeting minutes, to include general membership, Officer and Executive Board meetings.

(c) Originals or copies, as appropriate, of all correspondence relating to *MARC* business, regardless of the author thereof.

(d) A copy of all amateur radio licenses issued to the *MARC* through its License Trustees as herein provided.

(e) A list of the current name, address, and telephone number of all License Trustees of the various *MARC* radio systems.

(f) An accurate and up-to-date list of all *MARC*-owned, leased or borrowed equipment.

(g) Copies of all financial documents provided by the *MARC* Treasurer.

(h) A current and accurate list of the *MARC* membership.

(i) Any other documents deemed appropriate by the *MARC* Executive Board.

10.3.2) Documents having legal or historical significance shall be stored and protected in an appropriate manner.

10.3.3) No original documents in the custody of the Secretary may be transferred, assigned, or given to any other party without the express permission(s) of the President. Should information be required, only photocopies shall be provided.

10.3.4) The Secretary may write official correspondence for the *MARC*.

10.3.5) The Secretary shall file, in a timely manner, the necessary Corporate report(s) and/or filing(s) with the appropriate office(s) of

the State of Alabama in order to keep the corporation's status current as required by law.

10.3.6) The Secretary shall, upon completion of their term of office, turn over all materials and documents to the incoming Secretary in a timely manner.

#### **10.4 TREASURER**

10.4.1) The Treasurer shall receive and disburse all *MARC* funds as directed by the Executive Board, committee chairpersons, or the *MARC* membership in accordance with the procedures described within these by-laws.

10.4.2) The Treasurer shall maintain a checking account in the name of the Montgomery Amateur Radio Club, Incorporated, for deposit of funds and payment of normal disbursements.

10.4.3) The Treasurer shall maintain and keep accurate, current, and detailed records of all financial transactions to which the *MARC* is a party.

10.4.4) The Treasurer shall set up and maintain an effective system to track budget status and projected budget conditions so as to alert the President to any potential financial shortfalls that may occur.

10.4.5) The Treasurer shall provide, as requested, to the Executive Board or the President, a detailed and complete listing of receipts, expenditures, receivables, and liabilities.

10.4.6) The Treasurer shall provide a summary accounting of the *MARC* treasury to the membership once per month at a regularly scheduled *MARC* meeting. The books shall be accessible to any bona fide *MARC* member to inspect. No information concerning *MARC* financial status shall be given outside normal *MARC* channels without the express permission

of the President. No document shall leave the possession of the Treasurer without the express permission of the President.

10.4.7) The Treasurer shall assist other authorized parties in a timely manner, as required, with any audits or reviews of *MARC* books, tax matters, and any other issues that may arise. Questions regarding how to handle these items shall be directed to the Executive Board.

10.4.8) The Treasurer shall file, in a timely manner, the necessary tax documents with the appropriate State and Federal agencies, as required of a corporation by law. The Treasurer shall provide copies of these documents to the *MARC* Secretary.

10.4.9) The Treasurer shall, at the completion of the term of office, turn over all materials and information to the incoming Treasurer in a timely manner.

### **10.5 PUBLICITY OFFICER**

10.5.1) The Publicity Officers shall be responsible for generating publicity and recognition for all *MARC* functions and activities.

10.5.2) The Publicity Officer shall maintain an accurate and permanent record of their activities and at the completion of the term of office turn over all materials and information to the incoming Publicity Officer in a timely manner.

## **ARTICLE 11** **MARC COMMITTEES**

### **11.1 COMMITTEES**

11.1.1) All committees, both standing and interim, are expected to operate and to serve the *MARC* in a manner consistent with the stated purpose of the *MARC* as specified in Article 1 of

these by-laws. All committee chairpersons serve at the request and the pleasure of the *MARC* President.

## **ARTICLE 12** **INDEMNIFICATION**

12.1.1) Pursuant to Alabama Code 10A-3-2.43 (2011), the *MARC* will indemnify every elected officer and any appointed individual performing duties for *MARC* from and against all liabilities, costs and expenses incurred by reason of their endeavors on the part of *MARC*. Such indemnification shall be interpreted liberally but shall not include willful misconduct or knowing violation of law, civil or criminal. Unless a determination has been made that indemnification is not permissible, the *MARC* shall make advances and reimbursements for expenses incurred by a person entitled to indemnification under this paragraph. Such person who is in such a proceeding shall provide an undertaking to repay the same if it is ultimately determined that there is no entitlement to indemnification. Such undertaking shall be an unlimited, unsecured general obligation of that person and shall be accepted without reference to any ability to make repayment.

12.1.2) The Executive Board is hereby empowered to cause the *MARC* to indemnify or contract in advance to indemnify any person not specified in Paragraph 12.1.1, who was or is a party to any proceeding, by reason of the fact that he is or was agent of the *MARC*, or is or was serving at the request of the *MARC* to the same extent as if such person was specified as one to whom indemnification is granted in Paragraph 12.1.1.

12.1.3) The *MARC* may, but shall not be required, to purchase and maintain insurance to indemnify it against the whole or any portion of the liability assumed by it in accordance with this Article, in such amounts as the Executive

Board may determine, on behalf of any persons who may be indemnified against liability asserted against or incurred by such person in such capacity or arising from his status as such, whether or not the *MARC* would have power to indemnify against such liability under the provisions of this Article.

12.1.4) The provisions of this Article shall be applicable to all actions, claims, suits or proceedings commenced after the adoption hereof, whether arising from any action taken or failure to act before or after such adoption. No amendment, modification or repeal of this Article shall diminish the rights provided hereby or diminish the right to indemnification with respect to any claim, issue or matter in any then pending or subsequent proceeding that is based in any material respect on any alleged action or failure to act prior to such amendment, modification or repeal.

**ARTICLE 13**  
**REVIEWS**

**13.1 FINANCIAL REVIEWS**

13.1.1) Periodically, but no less than every three (3) years, the President shall appoint an audit committee to conduct or oversee an audit of the *MARC's* financial records. The results of that audit shall be reported to the Executive Board and the general membership upon its completion. The Executive Board shall determine the extent of the audit and the possible employment of outside professionals at the time the committee is appointed.

**ARTICLE 14**  
**BUDGETS AND EXPENDITURES**

**14.1 ADOPTION OF THE BUDGET**

14.1.1) In January, after the new Officers are installed, a meeting will be held by the new Executive Board to review the

status of the *MARC* funds and the financial transactions of the past year. In this meeting, a proposed budget will be prepared for presentation to the general membership.

14.1.2) At the January or February meeting of the *MARC* 's members, the President or their designee shall submit the proposed budget to the *MARC* members for the current calendar year. This proposed budget will show the income and expenses for the past year as well as the expected expenses for the current year. The proposed budget shall be voted upon by the membership allowing for agreed upon modifications at that meeting. The budget will be considered adopted by a simple majority vote of those members present.

**14.2 PRESIDENTIAL DISCRETIONARY SPENDING AUTHORITY**

14.2.1) The purpose of the Presidential Discretionary Spending Authority is to allow the *MARC* President the ability to spend a limited amount of money, without any prior approval, as necessary to conduct the business of the *MARC*.

14.2.2) The *MARC* President shall have the authority to spend a limited amount of funds as he or she sees fit in the normal conduct of the *MARC's* business.

14.2.3) The specific amount of the President's discretionary

account shall be reviewed and revised, as necessary, at least annually at the Executive Board's January budget meeting. The Executive Board may review the account and make any necessary adjustments more often if it deems it appropriate.

14.2.4) The President shall, upon making any expenditure from their discretionary account, report to the membership, at the next regularly scheduled *MARC* meeting as to the specifics of the expenditure.

14.2.5) Upon disclosure by the President of an expenditure of funds from the Presidential account, the membership present at that meeting shall either approve or disapprove the expenditure. Upon approval by the membership of the legitimacy of expenditures by the President from the Presidential account, the membership may vote to reinstate the discretionary fund to its full amount.

14.2.6) If there is a question of the legitimacy of expenditure or expenditures, the membership may vote to suspend the President's spending authority until the next meeting of the Executive Board. At the next Executive Board meeting, the board shall discuss and decide upon appropriate action.

### **ARTICLE 15** **QUORUMS**

#### **15.1 QUORUM**

15.1.1) A quorum of the Executive Board shall consist of at least five (5) members of the board.

15.1.2) A quorum at any regularly scheduled *MARC* meeting shall consist of the voting members present.

#### **15.2 ABSENCE OF QUORUM**

15.2.1) In the absence of a quorum, no action taken by the Executive Board shall be valid.

### **ARTICLE 16** **CLUB LICENSE TRUSTEES**

#### **16.1 REQUIREMENTS**

16.1.1) As required by Title 47, Part 97 of the FCC rules governing Amateur Radio, the *MARC* shall designate License Trustees to hold the several licenses necessary to fully operate the various *MARC* radio systems. This Article is intended to supplement the FCC rules and should it be determined that this Article is in conflict with FCC rules, the FCC rules will prevail. These License Trustees are not to be confused with the *MARC*'s Executive Board Trustees, as defined in Paragraph 8.1.1 of these by-laws.

#### **16.2 QUALIFICATIONS**

16.2.1) Each *MARC* License Trustee shall be a member in good standing of the *MARC* and shall maintain a valid FCC amateur radio license.

16.2.2) In addition to the requirements of Paragraph 16.2.1, the following requirements must be met:

(a) The Trustee holding the primary *MARC* Station License Grant must hold the highest class license currently issued by the FCC.

(b) All other Trustees of *MARC* radio systems must hold the next higher license class than necessary for the frequencies and use for which the license is intended.

#### **16.3 TRUSTEES SELECTION**

16.3.1) In the event a License Trustee of record no longer meets the requirements of this Article or the License Trustee is no longer willing or able to serve as License Trustee, the *MARC* Executive Board shall select a new License Trustee. The *MARC* Secretary will ensure that all appropriate records are updated in accordance with FCC rules and regulations in force at the time of selection.

**ARTICLE 17**  
**NON-PROFIT CORPORATION**

**17.1 NON-PROFIT CORPORATION**

17.1.1) The Montgomery Amateur Radio Club is a non-profit corporation and shall not have or issue shares of stock. No dividend will be paid, and no part of the income of the corporation will be distributed to its members, Trustees, or Officers.

**17.2 LOANS TO TRUSTEES, OFFICERS OR MEMBERS**

17.2.1) The Montgomery Amateur Radio Club shall make no loans to any of its members, Trustees, or Officers.

**17.3 RIGHTS AND INTERESTS IN ASSETS**

17.3.1) No member, Trustee, or Officer shall have any vested right, interest, or privilege in or to the assets, functions, or affairs of the *MARC*, or any right, interest, or privilege which may be transferable or inheritable, or which will continue if their membership ceases.

**ARTICLE 18**  
**DISSOLUTION OF THE CLUB**

**18.1 DISSOLUTION PROCEDURE**

18.1.1) Upon dissolution of the Montgomery Amateur Radio Club, Incorporated, hereinafter referred to as the Corporation, or the forfeiture

of the Corporation's *Articles of Incorporation*, the Executive Board shall have the power to dispose of the assets of the Corporation after paying or making provisions for payment of all liabilities of the Corporation. The Executive Board shall distribute or dispose of the assets of the Corporation by transferring or conveying such assets, or the proceeds of the sale, to another corporation or organization which is organized and operated exclusively for charitable, educational, or scientific purposes. In the event the Executive Board fails to or is unable to distribute such assets in accordance with the provisions of this Article, any *MARC* member may petition a court of appropriate jurisdiction to assume jurisdiction over the assets and accomplish a distribution in accordance with the intent and purpose of this section.

**ARTICLE 19**  
**REMOVAL FROM OFFICE**

**19.1 CAUSES FOR REMOVAL**

19.1.1) The Executive Board may recommend the removal of any *MARC* Officer or Trustee for any of the following reasons:

- (a) Poor meeting attendance without good reason.
- (b) Failure to pay dues within the period in which dues are to be paid.
- (c) Gross misconduct as determined by a majority of the Executive Board in the performance of official duties.
- (d) Behavior that brings discredit to themselves or to the *MARC* such as an FCC license suspension, or other civil or criminal action.

19.1.2) Any Officer or Executive Board member removed from their office or board seat retains membership within the *MARC* unless expelled from the *MARC*. Should such expulsion from the *MARC* be deemed necessary, and then expulsion shall be handled

as specified in Article 20, Expulsion from Membership.

## **19.2 PROCEDURES FOR REMOVAL**

19.2.1) At the next Executive Board meeting, the matter of removal from office of a *MARC* Officer or Trustee must be taken up before any other business may be conducted. The Executive Board members shall vote, except for the accused Officer or Trustee, upon the removal action. A simple majority of the Executive Board members present shall cause the motion to carry and the accused Officer or Trustee shall be removed from office effective immediately.

19.2.2) Any vacancies resulting from this procedure shall be filled in accordance with Article 9, Officer or Elected Board Member Vacancy.

## **ARTICLE 20** **EXPULSION FROM MEMBERSHIP**

### **20.1 EXPULSION OF A MEMBER**

20.1.1) Any member who willfully and knowingly violates any of the *MARC*'s practices and procedures and/or violates the FCC rules, Part 97, which results in suspension or revocation of that member's FCC license or results in a finally adjudicated monetary forfeiture to the U.S. Government shall be liable for expulsion from the *MARC*. After final adjudication and completion of expulsion proceedings, any member, Officer, or appointee shall be removed from the membership rolls of the *MARC*. Upon expulsion from the *MARC*, any member, Officer, or appointee shall immediately turn over any and all records, assets, equipment, and information belonging to, or necessary for the continuing activities of the *MARC*. Once a member is expelled, re-admittance to *MARC* membership shall only occur upon a unanimous affirmative vote of the entire Executive Board of the *MARC*.

## **20.2 PROCESS OF EXPULSION**

20.2.1) The Executive Board shall determine if there is sufficient evidence and if the infraction rises to the level that necessitates expulsion from the *MARC*. These matters shall be handled on a case-by-case basis and by simple majority vote of the Executive Board.

20.2.2) If the Executive Board votes to expel, the accused member must be notified of the accusation of misconduct by certified mail, return receipt requested.

20.2.3) Once the Executive Board has made its report to the *MARC* members, the accused member may make a rebuttal of the accusation against them. If the accused member does not present a rebuttal within ninety days of the report of the Executive Board to the *MARC*, the accused member's membership shall be terminated.

20.2.4) When the accused member has finished making their rebuttal, the members of the *MARC*, by a two-thirds majority vote of the quorum, may adopt the recommendations of the Executive Board. If the Executive Board's recommendations are not adopted, the accusation or accusations of misconduct made against the accused member shall be declared null and void.

20.2.5) An Officer or Trustee must first be removed from his or her office before an expulsion proceeding can commence.

## **ARTICLE 21** **PARLIAMENTARY AUTHORITY**

### **21.1 PARLIAMENTARY AUTHORITY**

21.1.1) The rules contained in "Robert's Rules of Order Revised" shall govern in all cases to

which they are applicable, and in which they are not inconsistent with these by-laws.

**ARTICLE 22**  
**AMENDMENTS TO THE BY-LAWS**

**22.1 AMENDMENT PROCEDURE**

22.1.1) Any voting *MARC* member may submit a proposed amendment to these by-laws at any regular meeting of the *MARC*. Such proposals must be written, signed by five voting members of the *MARC*, and must be given to the *MARC* Officer presiding at the regular meeting, who shall in turn give it to the President.

22.1.2) At the next meeting of the Executive Board, the President shall present the proposed amendment to the Board, which will then discuss it and recommend either adoption or rejection of the proposed amendment, including in the recommendation the reasons for adoption or rejection. A decision on a recommendation may be postponed until the next meeting of the Board if the Board feels that additional investigation is required.

22.1.3) At the first regular meeting of the *MARC* following the decisive meeting of the Board, the Officer presiding at the meeting shall present to the *MARC* the Board's recommendation on the proposed amendment to these by-laws. The only action the *MARC* may take at this time is to set a date, time, and place at which a vote on the proposed amendment shall occur.

22.1.4) The Secretary shall convey copies of the proposed amendment and supporting comments from its creators, and the Executive Board's recommendations and comments on the proposed amendments to the *MARC* newsletter editor for incorporation into the next *MARC* newsletter. The newsletter shall also announce the date, time, and place of the vote on the submitted amendment. The same information

shall also be given to the web site manager for incorporation onto the *MARC* web site and the *MARC*-List may be used to transmit the information by email. The meeting date for voting shall also be announced on all *MARC* nets prior to the voting meeting.

22.1.5) At the meeting of the *MARC* at which the vote on the proposed amendment shall occur, a two-thirds majority vote of the quorum present in favor of the proposed amendment is required to adopt the amendment.

By-Laws Of The Montgomery Amateur Radio Club, Inc.  
Appendix A – Amendments

The purpose of this appendix is to record all amendments to these by-laws.

For all amendments, record the amendment number, the date the amendment is adopted, its author(s) and sponsors, file the original, and attach a copy of the amendment as presented to these by-laws.

- For a new article or paragraph, record the new wording and annotate as NEW.
- For a deletion, record the previously worded section and record as DELETED.
- For a modification, record the old and the new wording and record as CHANGED.

*CHANGED:*

This amendment restates the MARC By-Laws. It is the result of the recently convened MARC By-Laws Review Committee. Almost all of the more than 200 changes were made to clean up grammar/spelling/readability issues, and to clarify intent of the July 21, 2008 version of these By-Laws. The exception is Article 12. The original contents of Article 12 have been incorporated into other sections of these by-laws. The changed Article 12 addresses an Indemnification process for the *MARC*.

Sponsors:

Randolph Crowder, AJ4HX (Chair)

Jim Eiland, KR4JY

Dana Persells, WJ6Z

Scott Poole, W4SPA

Paul St. John, K4APG

Executive Board Recommendation: Recommended

Proposed: \_\_\_\_\_

Adopted at monthly meeting: \_\_\_\_\_

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*CHANGED:*

This amendment makes six (6) minor corrections to the restated *By-Laws*, as described in the previous amendment.

(1) Paragraph 6.3.5:

- Change *from*: "...shall then inform the current President and..." *to*: "...shall then inform the presiding *MARC* Officer and..."

- Reason: To maintain consistency with wording in paragraph 6.3.1.

(2) Paragraph 9.2.2:

- Change paragraph number *from*: "9.2.2" *to*: "9.1.2"

- Reason: To properly sequence the paragraphs.

(3) Paragraph 10.3.3, line 4:

- Change *from*: "...permissions..." *to*: "...permission(s)..."

- Reason: Covers both singular and plural document requests.



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Appendix A – Amendments

(4) Paragraph 13.1.1, Line 1:

- Change *from*: "...no less then every..." *to*: "...no less than every..."
- Reason: Proper verbiage/grammar.

(5) Paragraph 14.1.2, second to last line:

- Change *from*: "...accepted..." *to*: "...adopted..."
- Reason: More accurate.

(6) Article 22

- Change title *from*: "AMMENDMENTS" *to*: "AMENDMENTS"
- Reason: Correct the spelling.

Sponsors:

Randolph Crowder, AJ4HX (Author)

Jim Eiland, KR4JY

Nancy S. Mulligan, AK4NF

Scott Poole, W4SPA

Randal Sedlak, KV4AC

Executive Board Recommendation: Recommended

Proposed: 04/15/2013

Adopted at monthly meeting: 05/20/2013