



ALBERT COUNTY TRAIL BLAZERS INC. ATV CLUB CONSTITUTION

Articles and By-Laws

Issue 4

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ARTICLE 1

Name and Purpose

- 1.1 The name of this non-profit organization shall be the Albert County Trail Blazers Inc. ATV Club.
- 1.2 The purpose of the club is to advance the sport of ATVing, and the positive aspects of ATV use, through the education of its members and the General Public.
- 1.3 To encourage club members to always ride respectfully, environmentally conscious, and in accordance with all applicable laws.
- 1.4 To promote a positive image through community service.

ARTICLE 2

Membership & Fees

- 2.1 Membership shall be open to any non-owner or owner of a legally registered and insured All Terrain Vehicle who submits a club membership application and agrees to the listed membership fee(s), club rules, ethics, goals, and liability responsibilities.
- 2.2 “Primary Member” shall be the main ATV owner or non-owner, club member of a family.
- 2.3 Associate members must be the ATV owners or non-owners associated to the Primary Member.
- 2.4 “Youth” members must be 15 years or younger.
- 2.5 Members under the age of 16 must be accompanied by their “Primary Member”, or approved guardian member at all club activities and functions.
- 2.6 Annual membership period will be for one full calendar year from January 1 to December 31.
- 2.7 **All Executive, BOD And Committee Heads shall be responsible to transfer all records to incoming members taking their position.**
- 2.8 The Board of Directors cannot, and will not, discriminate against any applicant on the basis of race, creed, religion, color, age, sexual orientation, disability, veteran status, marital status or national origin.

- 2.9 Membership in the Club is a privilege. Any member may be removed from the Club register for conduct contrary to the activities, purposes, and goals of the club or for conduct, which impedes the rights of fellow members to enjoy the benefits of the club. Report of the offence must be made in writing and submitted by a club member within 30 days of the incident to the Board of Directors. A copy must be forwarded to the accused member who must then receive a minimum of one-week written notice of a special membership meeting. The name of any member will be removed from the club register upon passing of a resolution by at least 65% of the votes cast at the special membership meeting. The member will no longer be permitted to attend Club meetings and all voting privileges are revoked **and trail permit fee shall not be refunded.**
- 2.10 **Social media activities: any message sent via email, social media message platform or post made to any club social media platform by any member or non-member deemed by the BOD as negative or damaging to the club, BOD or executive member, that message or post will be deleted and/or it's author may be banished and blocked from all the club social media and messenger platforms at the discretion of the BOD.**
- 2.11 Members in good standing **shall** have complete authority to vote at all attended club meetings on any given issue(s).
- 2.12 Members in good standing have the right to run for any position within the Executive and Board of Directors at the time of election(s).
- 2.13 Standard membership fees are based on the current rates set by the New Brunswick ATV Federation (**Quadnb**). Associate membership fees shall be \$25 and will be effective through the fiscal year running January 1 to December 31.
- 2.14 Portions of the membership fees **shall** be submitted as membership dues to the New Brunswick ATV Federation (**Quad NB**).

ARTICLE 3

Definitions

- 3.1 Member complaint: A complaint received by a member in good standing and shall be dealt with as directed in ARTICLE 2.9.

- 3.2 Non-member complaint: A complaint received by a non-member of ACTB. The time frames in ARTICLE 2.9 cannot be held with a non-member. The complaint shall be dealt with as the BOD recommends unless it directly affects the GM.
- 3.3 Member in good standing: A member whose membership fees are paid in full and follows the rules set out by these by-laws.
- 3.4 Primary member: A member who is registered with the NBATV Federation (Quad NB).
- 3.5 Youth member: A member who is considered a youth in accordance with provincial regulation or NBATV Federation (Quad NB).
- 3.6 Associate member: A member who has purchased an associate membership from ACTB and is not a member of the NBATV Federation (Quad NB) and follows ARTICLE 2.3.
- 3.7 Executive member: A member who has been elected to the position of President, Vice President, 2nd Vice President, Secretary or Treasurer in accordance with ARTICLE 2.11.
- 3.8 BOD member: A member who has been elected to a position on the BOD in accordance with ARTICLE 2.11. BOD members may be nominated and elected at a General Meeting or appointed by the BOD if accepted at the next General Meeting without any objections in accordance with Article 4.2.

ARTICLE 4

Meetings:

- 4.1 General meetings will be held for all members on a minimum monthly basis unless otherwise directed by the BOD.
- 4.2 A minimum of one week's notice must be given for any meeting in which an election is to be held.
- 4.3 The Board of Directors will meet on a minimum monthly basis unless otherwise directed by the BOD.
- 4.4 A representative of any committee may be required to attend the Board of Director meetings.
- 4.5 Meetings shall be conducted in an orderly fashion with attending members able to open a discussion on any given topic.

- 4.6 Any and all issues can be voted into policy by the general membership providing the presence of two members of the Board of Directors, one of whom must be the President, or Vice-President, or Second Vice President, and a quorum are present.
- 4.7 A quorum for a general membership meeting shall consist of a minimum of 15 voting members.
- 4.8 A quorum for a Board of Director meeting shall consist of a majority of the Board of Director members as listed in ARTICLE 5.1.
- 4.9 Any issues discussed can be tabled until which time the requirements for a vote as listed in ARTICLE 4.6 is established.

ARTICLE 5

The Board of Directors:

- 5.1 The Board of Directors will consist of the Executive Committee made up of one of each of President, Vice-President, Second Vice President, Treasurer, Secretary, the outgoing Past President (**optional see paragraph 5.6**) and a minimum of six to a maximum of fifteen voted directors.
- 5.2 The Board of Directors shall conduct official business, on behalf of the club, consistent with club policies, ethics, and rules.
- 5.3 The Board of Directors shall report to the general membership regularly as listed in ARTICLE 4.1.
- 5.4 The Board of Directors shall establish and solicit a Chairperson and members for any committee(s) as they deem necessary for the operations and functions of the club. **Additionally, Committee heads that are appointed by the BOD so they may act and manage their respective committee to the best of their ability and for the good of the club as set out in the constitution. Also spend moneys as set out in the approved budget, pending available funds are confirmed by treasurer and as set out in the paragraphs of article 7 (Finances, Expenditures and Sales of club assets) (All paragraphs).**
- 5.5 **Position** with the Board of Directors is for a one-year term only.
- 5.6 The President, Vice-President, **Second Vice-President**, Secretary and Treasurer shall be elected for terms of two (2) years each at the Annual General Meeting (**AGM**). The President and the

Second-Vice President and the Secretary shall be elected at Annual General Meetings held in even numbered years, and the Vice-President and the Treasurer shall be elected at Annual General Meetings held in odd numbered years. There shall be no limit to the number of successive two (2) year terms for which a person shall be eligible to stand subject to the requirements in ARTICLE 5.7 for election to an executive position. **Additionally, to be considered for nomination the member must attend the AGM unless prior reason has been submitted to the BOD prior to the AGM and the reason accepted by the majority of members at the AGM.**

In regard to the Past President position, if an outgoing president loosing by reason of the vote of the general membership or not reoffering may offer for the position as Past President at that AGM but must be nominated and seconded by a club member in good standing and have the approval of both the majority of the sitting BOD and the general membership at the time of that AGM. Should the position be approved, the term shall be considered unless otherwise stated to be for as long as the incoming president remains in their position, or the outgoing president sets as a time limit for their term when offering.

- 5.7 No member of the Executive may hold any one position for more than two consecutive terms unless open nominations for eligible candidates for the position are unsuccessful. If open nominations only result in one candidate, then the executive member may re-offer for the position, in accordance with ARTICLE 2.11.
- 5.8 Membership of the Board of Directors **shall** be limited to members 18 years of age and older.
- 5.9 Any member 18 years of age and older, in good standing, **shall** be eligible to become a member of the Board of Directors.
- 5.10 Election of the Board of Director members must be held on a regular scheduled annual basis. All nominations must be moved by a club member in good standing and seconded by a different club member in good standing. **All votes for executive positions shall be conducted by secret ballot, written down and placed into ballot box to be counted, and results given at that time of the election by the election chair.**
- 5.11 Board members must attend a minimum of six (6) board **meetings and shall not miss more than 3 meetings in a row without good reason as accepted by the board** during the year to remain on the Board of Directors. Attendance by phone or electronic communication is an acceptable form of participation, subject to the discretion of the current BOD.

- 5.12 Any Board of Director who has a financial, personal or official interest in, or conflict (or appearance of conflict) with any matter pending before the Board, of such nature that it prevents or may prevent that member from acting in an impartial manner, must excuse him/herself, vacate their seat and refrain from discussion and voting in respect of the matter on which they have declared a conflict. All Board members are expected to act in the best interest of the ACTB at all times.
- 5.13 In case of resignation, dismissal, or termination of any Board of Director member, the remaining Directors, at their option by a majority vote nominate a successor for each non-expired term. All nominations must be seconded by a member in good standing. A vote for each nominee will take place at the next general meeting by majority of membership that appropriate conditions exist as stated in ARTICLE 4.2. An Officer and/or Director can be removed from office for any reason or behavior not consistent with Club Bylaws, by a two thirds majority vote of the club members during a regular scheduled general meeting.

ARTICLE 6

Duties of the Members of the Executive:

President

- 6.1 The President shall have the primary responsibility for all legal and financial affairs of the club.
- 6.2 The President shall call and attend, as well as act as, or designate a chairperson, for all club meetings.
- 6.3 The President shall vote on any issue(s) only in the event to act as a tiebreaker.
- 6.4 The President will be considered an ex officio officer of any committees.
- 6.5 The President shall be the official spokesperson of the club, representing the policies, views and opinions of the club in its relations with the public, all government, and authorities.
- 6.6 The President **shall** have the authority to co-sign, with the Treasurer, any cheques written on club accounts.
- 6.7 Shall draw up an agenda for all General Membership and Board of Director meetings.

Vice-President

- 6.8 The Vice-President shall act as President and retain the powers of President in the case of the absence, inability to act, resignation, or termination of the President.
- 6.9 The Vice-President will have the authority to co-sign, with the Treasurer, any cheques written on club accounts.
- 6.10 The Vice-President shall be responsible to keep up to date on all club affairs.
- 6.11 The Vice-President will assist the President as called upon to do so.

Second Vice-President

- 6.12 The Second-Vice-President shall act as President and retain the powers of President in the case of the absence, inability to act, resignation, or termination of the President and Vice-President.
- 6.13 The Second-Vice-President shall act as Vice President and retain the powers of Vice President in the case of the inability to act, resignation, or termination of the Vice President.
- 6.14 The Second-Vice-President shall be responsible to keep up to date on all club affairs.
- 6.15 The Second-Vice-President will assist the President and Vice-President as called upon to do so.
- 6.16 At a meeting where both the President and the Vice-President are absent, the Second Vice President shall chair the meeting.

Secretary

- 6.17 The Secretary shall attend and record all minutes of the Board of Directors and the General Membership meetings. Following the meeting will send the minutes to the President within two weeks.
- 6.18 Shall retain a list of eligible voting members for attendance purposes.
- 6.19 Other than in his capacity as Secretary, shall not act in the name of the ACTB, unless authorized to do so by the Board of Directors.
- 6.20 Is responsible for all Albert County Trail Blazer documents and assets that are related to the functions of the Secretary. The Secretary shall maintain these records for a minimum of (3) **three** years, at which time the records are subject to disposal at the discretion of the BOD.

Treasurer

- 6.21 The Treasurer is responsible for the expenditures / receivables and maintaining accurate records. Due to the financial responsibility of the position, the Treasurer must have financial accounting experience and / or experience in dealing with large sums of money and budgets. Therefore, **at bod meeting prior to an election** the position of Treasurer is subject to approval by a majority vote of the Board of Directors **to be eligible to offer for the position at the upcoming AGM**. Any member may request the credentials of the Treasurer candidate at the time of nominations, **at any time including the BOD meeting** prior to the election.
- 6.22 The Treasurer shall be the primary signer of any cheques written on club account(s).
- 6.23 The Treasurer shall prepare and provide an up to date, accurate financial statement every meeting and/or when called upon to do so, given reasonable notice.
- 6.24 The Treasurer shall consent to a financial audit not less than annually by persons or a committee appointed by the Board of Directors and agreed to by the general membership body.

Past President

- 6.25 **The Past President shall have the primary responsibility for advising, support and mentorship for the incoming president regarding legal, financial, and general affairs of the club when called upon to do so.**
- 6.26 **The Past President shall vote on any issue(s).**

ARTICLE 7

Finances, Expenditures and Sales of club assets:

- 7.1 All monies received from all sources shall be immediately turned over to the Treasurer to be deposited into the account of the Albert County Trail Blazers Inc. ATV Club.
- 7.2 No withdrawal of any funds from the club bank account will exceed **\$5000** without prior approval of a majority of the general membership body, or the expense is related to an item on an approved budget, until ARTICLE 7.4 can be met.
- 7.3 If an expenditure is outside the scope of the approved budget and costs less than **\$5000** approval may come from the BOD.

- 7.4 If an expenditure is outside the scope of the approved budget and costs more than \$5000 approval must come from the General Membership.
- 7.5 Club assets may be sold if deemed that they are not of any further value to the club. all monies collected by the sale of any club asset shall be immediately turned over to the treasurer to be deposited as per paragraph 7.1. The responsibility and authority to decide to sell an item shall be as follows based on the original purchase value of item: The BOD for \$5000 or less, For \$5000 and over approval by the membership at a general meeting.
- 7.6 Budget requests and the justification for the expenses must be submitted to the President by March 31st annually.
- 7.7 Budget – The budget will be presented to the BOD for approval/rejection no later than April’s BOD meeting. Once approved by the BOD, the budget will be presented for approval/rejection to the membership at the next General Meeting. The budget will run from June 1 until May 31 each year.

ARTICLE 8

Amendments:

- 8.1 Any Amendment(s) to this constitution require(s) an affirmative vote of two-thirds of the eligible voting membership, as listed in ARTICLES 4.6 & 4.7, present at a regular scheduled general meeting.
- 8.2 A minimum of one week’s notice must be given to the general membership of any pending constitutional amendment(s).

ARTICLE 9

Club Assets (are):

- 9.1 All assets donated to or purchased by the Club, bank account balances and funds allotted from the Trust Fund monies.
- 9.2 In the event the club folds or becomes dormant, all assets purchased by or donated to The Club, funds allotted from the Trust Fund monies or grants will be returned to Quad NB. Therefore, all monies coming from the club activities to raise funds can be dispersed to a charity of the Club's choice. If any material, equipment, or tools were donated to The Club by an individual, other organization or companies with conditions, those conditions will be

respected by Quad NB. If any material or tools purchased by the club with membership money, trust fund or governmental funding will go to the neighbor clubs or be put up for sale and revenues from sales will be disbursed between the neighbor clubs allowing them to maintain the membership and the trail network added to their trail respective system.

- 9.3 In the event of an amalgamation approved by the Federation Board of Directors, the amalgamating club assets will be transferred to the new Club.
- 9.4 It is expected that the Clubs shall maintain a current inventory of all equipment assets and their location and current Statement of Accounts. Copies shall be provided to the Region directors on an annual basis.