

# CONSTITUTION

Allen County Amateur Radio Technical Society, Inc.

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**Revision History**

<u>Date</u>	<u>Description</u>
9/18/2024	Initial Adoption

## Article I Name and Purpose

The name of this organization shall be the Allen County Amateur Radio Technical Society, Inc. hereinafter referred to as "ACARTS", located in Allen County, Indiana.

Purpose of the Organization - The primary purposes as filed verbatim within the articles of incorporation are to operate a non-profit corporation for educational and scientific purposes as follows:

- 1) To promote the science and usage of radio with particular emphasis on the use of the amateur radio bands.
- 2) To provide public service communications:
  - a) to other non-profit organizations.
  - b) to local, state and national organizations in times of emergency.
- 3) To promote the courteous and lawful use of the radio frequency spectrum.
- 4) To provide a means by which individual Radio operators can join together to increase the pleasures and benefits derived from the usage of Radio.
- 5) To increase public awareness of Amateur Radio and radio usage and the useful functions they serve in the community.
- 6) To develop and maintain a working relationship with agencies and organizations who have purposes and objectives similar to ACARTS.

## Article II Membership

- 1) Membership in the ACARTS is open to any person interested in radio usage.
- 2) Membership may not be denied because of age, race, creed, color, religion, gender, sexual orientation, political affiliation, marital status, disability, or any other reason that would be biased or prejudicial.
- 3) There shall be two (2) categories of membership: the Full Member and the Associate Member.
  - a) The Full Member shall be a person holding a valid FCC Amateur Radio license. The Full Member is entitled to all rights and privileges of the organization, including holding of office in the ACARTS.
  - b) The Associate Member shall be a person interested in Radio but who does not hold a valid FCC Amateur Radio License. The Associate Member is entitled to all organizational privileges, except the holding of office, providing the activity is consistent with FCC regulations. An Associate Member can be a member of any committee with the assessment and approval of The Board of Directors.

## Article III Meetings

- 1) The Election Meeting shall be held annually as determined in the By-Laws.

- 2) The Board of Directors shall meet at least quarterly as determined in the By-Laws.
- 3) General Meetings of the ACARTS shall be held monthly as determined in the By-Laws.
- 4) Special Meetings of the ACARTS may be called by the President, by a majority of the Board of Directors, or by a written request to the President of 10% of the current membership. Notices shall be sent to all members concerning special meetings and the business to be transacted. Such notices shall be sent so that they arrive not less than 24 hours before the meeting. Only such business as designated shall be transacted.
- 5) All meetings shall be conducted under the “Roberts Rules of Order”

#### Article IV Board of Directors

- 1) The Board of Directors of the ACARTS shall consist of the officers, board members, the managers, and the trustee.
  - a) The officers of the ACARTS shall be:
    - 1) President
    - 2) Vice President
    - 3) Secretary
    - 4) Treasurer
  - b) There shall be three (3) At-Large Board Members.
  - c) The managers of the ACARTS shall be defined in the club Policies document.
- 2) The officers shall be elected by a ballot vote to a two (2) year term of office.
  - a) The offices of President and Secretary shall be elected on the even-numbered years.
  - b) The offices of Vice-President and Treasurer shall be elected on the odd-numbered years.
- 3) The Trustee, who shall be a non-voting member of the board, shall be appointed by the President with the approval of the board. This office shall be vacated by resignation or if declared vacant by a majority vote of the Board. The Trustee shall:
  - (1) Be a Full Member of ACARTS in good standing.
  - (2) Meet FCC requirements.
  - (3) Not have had their Radio Amateur licensed revoked or sanctioned at any time.

#### Article V Election and Removal of Officers

- 1) The officers and managers shall be elected by a ballot vote to a two (2) year term of office during the Election Meeting provided a quorum is present.
- 2) Vacancies occurring between elections must be filled by special elections at the first General Meeting following the withdrawal or resignation.
- 3) In order to hold an office an individual must be a member in good standing for at least one year and hold a valid Amateur Radio license.
- 4) Any officer may resign his/her position in writing at which time all records and assets of the club in their possession will be turned over to the President or Vice President.

- 5) Upon the death of an officer that position will immediately be deemed vacant.
- 6) Removal of a member of the Board of Directors with investigation and vote.
  - a) Officers may be removed from office for cause, upon written petition of six (6) or more members presented to the President or Vice President.
  - b) After investigation, the petition will be presented to the membership at the next General Meeting of the club and voted on by the membership.
  - c) Removal of an officer requires a majority vote of the full membership per the club's By-Laws
- 7) Immediate removal of a member of the Board of Directors
  - a) A member of the Board of Directors can be immediately removed due to an egregious action against the club.
  - b) This requires an immediate meeting of the Board of the Directors to be called and removal approved by a majority vote of attendees.

## Article VI Finances

- 1) ACARTS, by majority vote of those present at any General Meeting, may levy upon the general membership such dues or assessments as shall be deemed necessary for the business of the organization. Non-payment of such dues or assessments shall be cause for expulsion from the club within the discretion of the membership.
- 2) At every General Meeting, a financial standing report will be presented to those present.
- 3) Once a year, the Treasurer will oversee an audit of all financial accounts and report on such audit to the membership at a General Meeting.
- 4) Information on all financial accounts including expenditures and income will be available to anyone upon written request to the Treasurer within two (2) weeks of request in accordance with IRS regulations.

## Article VII Dissolution of Assets

- 1) In the event that the Board of Directors vote that the Club shall be dissolved, the motion for dissolution must receive more than two thirds vote of the full membership to pass.
- 2) Upon dissolution of the corporation, the Board of Directors shall, after paying or making provisions for the payment of all liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such corporation or corporations organized and operated exclusively for educational, and/or scientific purposes as shall at the time qualify as an exempt corporation or corporations under section 501(c) (3) of the Internal Revenue Code of 1954 (or corresponding provision of any further United States Internal Revenue Law), as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction, exclusively for such purposes or to such corporations, as said court shall determine, which are organized and operated exclusively for such purposes.

Article VIII  
Committees of the Organization

- 1) Nomination Committee
- 2) Audit Committees – consisting of two sub-committees
  - a) Financial Audit Sub-committee
  - b) Equipment Audit Sub-committee
- 3) Constitution & By-laws Review Committee
- 4) Such committees as laid out in Article II of the club Policies.

Article IX  
Amending Constitution or By-Laws

This Constitution or By-Laws may be amended provided the procedure outlined below is followed:

- 1) The proposed amendment is submitted in writing at any General Meeting and is disseminated to the full membership in writing.
- 2) The proposed amendment is considered for discussion and amendment at the next General Meeting provided all members have been notified in writing of the intent to amend the Constitution and/or By-Laws at said meeting.
- 3) The final form of the amendment is disseminated to the membership and a vote is taken at the next General Meeting, providing a quorum is present.
- 4) Voting via a secure online voting system and written ballot is acceptable as long as received before the start of the General Meeting.
- 5) For the amendment to pass, it must receive an affirmative vote from 2/3 of the voting members provided a quorum is present.

# BY-LAWS

Allen County Amateur Radio Technical Society, Inc.

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**Revision History**

<u>Date</u>	<u>Description</u>
9/18/2024	Initial Adoption

## Article I Membership

- 1) The membership year for the ACARTS shall be the calendar year.
- 2) Lifetime membership shall be conferred upon individuals whom the organization believes have rendered exceptionally outstanding service to the ACARTS or to the Amateur Radio community.
  - a) Lifetime Membership entitles the individual to the same rights and privileges as the Full member and entitles the person to a lifetime membership in the ACARTS.
  - b) Lifetime Membership is conferred upon an individual by a 2/3 majority of those present and voting.
- 3) Honorary membership shall be conferred upon individuals whom the organization believes deserves an honorary membership into the ACARTS membership roster.
  - a) Honorary Membership entitles the individual to the same rights and privileges as a Full Member or Associate Member and entitles the person to a limited term (e.g. the current calendar year).
  - b) Honorary Membership is conferred upon an individual by a 2/3 majority of those present and voting (e.g. a quorum).

## Article II Meetings

- 1) The Board of Directors shall meet as needed provided they meet at least quarterly. These meetings shall be called by the President or by the request of two (2) members of the Board.
- 2) All members are welcome to attend any meeting.
- 3) Meetings may be cancelled or moved at the agreement of a majority of the Board of Directors. Notification of such modification shall be issued promptly to all ACARTS members.
- 4) The rules contained in Robert's Rules of Order Revised shall govern this organization in all cases to which they are applicable, and in which they are not in conflict with the Constitution or By-Laws of this organization.
- 5) Quorum
  - a) A majority of the members of the Board of Directors, one of whom shall be an officer, shall constitute a quorum of the Board.
  - b) 10% of the membership, at least two (2) of whom shall be members of the Board of Directors, shall constitute a quorum at any General Meeting.

Article III  
Roles of Officers and Trustee

- 1) President
  - a) Preside at all meetings of this organization or delegate such duty.
  - b) Be Chairperson for the Board of Directors.
  - c) Appoint special committees with the approval of the Board.
  - d) Resolve all conflicts of overlapping responsibilities of members of the Board.
  - e) Perform all customary duties pertaining to the office of President.
  - f) Shall be ex-officio of all committees.
- 2) Vice President
  - a) In the temporary absence of the President, assume the duties of the President.
  - b) Become the President if that office becomes vacant.
  - c) Assist the President at meetings with matters of Parliamentary Procedure
  - d) Perform other duties as assigned by the President.
- 3) Secretary
  - a) Keep a record of the proceedings of all meetings.
  - b) Receive all applications for membership and keep an accurate list of all members.
  - c) Keep all online databases up to date.
  - d) Maintain an offline active backup of all member databases on at least a monthly basis.
  - e) Notify the Treasurer, Trustee and Communications Manager of new members and address changes within a week of their receipt.
  - f) Preserve all papers and letters of this organization excluding those charged to the safekeeping of the Treasurer.
  - g) Conduct general correspondence for this organization.
  - h) Notify all officers, managers, and committee members of their election or appointment.
  - i) Take to each meeting a copy of the Constitution and By-Laws of this organization.
  - j) Take to each meeting copies of the Membership Application of this organization.
- 4) Treasurer
  - a) Receive all funds of this organization.
  - b) Deposit such funds in a bank designated by the Board of Directors.
  - c) Keep an itemized account of all receipts, and disbursements, and transaction data online via a secure banking application and to also maintain an active offline backup of this data.
  - d) Maintain an offline active backup of all financial databases on at least a monthly basis.
  - e) Pay only those bills authorized under the budget as adopted by the membership.
  - f) Give a financial standing report at all General Meetings.
  - g) Submit all books of account for audit at the end of the elected term and at other times as specified by the Board.
  - h) Allow an inspection of the books by the membership with a written request during any reasonable time.
  - i) Submit any and all reports as required by the laws governing non-profit organizations in Indiana and to the US Internal Revenue Service.

- j) Be responsible for completing the appropriate state and federal tax forms for the year in which they held office.
- 5) Trustee
- a) Represent the organization on matters directly related to the Federal Communications Commission.
  - b) Be responsible for the station license(s) used as a function of the organization.
  - c) Be responsible for system coordinating with the state coordinating body.
  - d) Supervise the activity of Control Operators who are charged with helping enforce FCC and club rules and policies governing station(s).
  - e) With approval of the Board, designate Control Operators.

#### Article IV Committees

- 1) Nomination Committee: See Elections section below.
- 2) Audit Committees: By the November meeting of each year, two Audit Committees will be appointed.
  - a) Financial Audit Committee: The responsibilities of this committee will be the auditing of current ACARTS finances.
  - b) Equipment Audit Committee: This committee is responsible for auditing all current ACARTS equipment and historical holdings and maintenance of that list on an online secure database.
- 3) Constitution & By-Law Review Committee: Formed biennially on even-numbered years to review the Constitution and By-Laws for any revisions. This committee will create and make a report to the Board within six months on any recommended changes to the Constitution or By-Laws.

#### Article V Elections

- 1) Elections for Board of Directors members including the officers, the at-large board members, and the managers shall take place at the January General Meeting each year.
- 2) The term of office for all newly elected Board Members shall start February 1 after the election
- 3) Outgoing Board Members shall coordinate and assist the replacement for their position for a period of at least two months after the end of their term or at the discretion of the newly elected Board.
- 4) Nomination Committee
  - a) The President will appoint a nomination committee six months prior to elections.
  - b) The committee will be charged with finding qualified candidates to run for office.
  - c) Each nominee will be encouraged to supply a short biographical/ historical sketch to the Communications Manager for publication prior to elections so that the members can make more informed decisions in voting.

- d) The committee will present a ballot to the president at the General Meeting one month prior to elections at which time the President will entertain a motion for nominations and to accept the ballot.
  - e) The final ballot will be published and made available to all club members in writing.
  - f) The president will dissolve the nomination committee after the annual elections.
- 5) Voting
- a) Only members in good standing can vote.
  - b) Floor nominations and elections of Officers will take place first, followed by floor nominations and elections of At-Large Board Members, and then by floor nominations and elections of Managers.
  - c) Those nominated from the floor at the Election Meeting will be asked to give a short verbal biographical sketch.
  - d) Members may be nominated for more than one position but must choose one nomination prior to voting. Since the Officers, At-Large Board Members, and Managers are elected separately, the member may choose to remain in nomination for one position in each of these categories.
  - e) Voting via anonymous secure online voting system and written ballot is acceptable as long as received before the start of the General Meeting when the general vote is to take place.
  - f) In-person voting will be done using paper ballots.
  - g) Voting will be verified against the online/mail-in ballots to ensure no double voting has occurred.
  - h) Immediately after voting the ballots will be counted openly in front of the membership.
  - i) Any candidate may request a recount of the ballots.
  - j) In the case of an unopposed slate the President may entertain a motion for the Secretary to propose a single ballot for all candidates.

## Article VI Finances

- 1) The fiscal year shall be the calendar year.
- 2) Dues
  - a) Annual dues are hereby assessed in accordance with the provisions of the constitution for the purpose of providing funds for expenses.
  - b) The dues amount as noted in Article VI of the club Policies will be examined by the Board each year and adjusted as needed and as approved by vote at a General Meeting.
  - c) Members who qualify for one of the following categories may elect to pay 50% of the annual dues and maintain all rights and privileges of membership:
    - (1) Additional member of an immediate family in the same household
    - (2) Under 18 years of age.
  - d) Membership dues are payable by January 31 of each year.

- e) Any member whose dues are not paid by March 31 will be considered inactive and removed from the membership roster. Inactive members have no voting privileges.
- f) New members (those who have not been a member of the organization in the last two (2) calendar years) shall be assessed prorated dues for their first year of membership. These dues shall be prorated on a monthly basis.
- g) Termination of membership either by resignation or expulsion will not constitute a refund of dues paid.

## Article VII Disciplinary Action

- 1) Membership shall be rejected or revoked for cause providing the following procedure is followed:
  - a) Testimony or other evidence shows the applicant or member to have violated or ignored FCC regulations or established and published ACARTS policies and procedures to such an extent as to threaten the effectiveness of the organization in the community, the organization's usefulness to other members or any licensure used by the organization.
  - b) The Board of Directors investigates the allegations and offers the accused an opportunity to be heard if further action is contemplated.
  - c) If the Board of Directors determines that such membership should be rejected or revoked, the applicant or member in question shall be notified in writing at least ten (10) days in advance of the next General Meeting that a vote regarding their membership will be taken at the meeting.
  - d) A 2/3 majority of the members present at the General Meeting vote to reject or revoke the membership of the applicant or member.
- 2) Once membership has been rejected or revoked, it may not be issued until one of the following conditions is met:
  - a) Two years have elapsed since the most recent rejection or revocation in effect.
  - b) A 2/3 majority of the members present at a General Meeting vote to accept such membership.

## Article VIII Repeater Use

Repeater Use: The Station Manager and Trustee have the right to ban anyone from use of any of the ACARTS' systems.