

# **East Coast Amateur Radio Service**

## **Bylaws Revision Approved for Submission to ECARS Membership Approval During December 2020 Election.**

**PREAMBLE:** The East Coast Amateur Radio Service “ECARS” was organized in December 1968 with the purpose of providing public service through the medium of Amateur Radio. All ECARS-sanctioned on-air activities shall be conducted pursuant to Amateur Radio regulations, and shall be consistent with good Amateur Radio practice. The administrative function shall be separate and distinct from on-air operations to the extent practicable, subject to Amateur Radio regulations. ECARS shall strive to provide a high level of service to its members, other radio amateurs and the general public when needed.

These Bylaws shall be adopted and effective upon approval by a majority of the Full members who cast ballots in a referendum held for such purpose, and once adopted shall repeal and replace any and all prior ECARS bylaws.

### **ARTICLE 1 - STATEMENT OF NON-PROFIT STATUS**

ECARS shall not be conducted or operated for profit, and no part of any net income or monetary surplus from dues or donations shall be used to the private benefit of any member or individual, and it shall operate under the Internal Revenue Rules for a 501(c)(3) non-profit organization. All official positions of ECARS shall be filled solely on a voluntary, uncompensated basis.

Upon the dissolution of this organization, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose.

## **ARTICLE II - - BOARD**

### **2.1 GENERAL POWERS**

The business of ECARS shall be managed by its Board which shall consist of the elected Directors and Officers (President, Vice-president, Secretary and Treasurer and/or Secretary/Treasurer) of ECARS. The Board may adopt such rules and regulations for the conduct of their meetings and the management of ECARS, as they may deem proper, not inconsistent with these Bylaws.

### **2.2 NUMBER, QUALIFICATION AND TENURE**

#### **2.2A - NUMBER OF DIRECTORS**

The number of ECARS Directors shall be not more than five (5) nor less than three (3), the precise number to be fixed by resolution of the Board from time to time, or as circumstances warrant.

#### **2.2B - QUALIFICATIONS OF DIRECTORS.**

Any initial full member of ECARS who holds a valid Amateur Radio license, and has been a member in good standing for (1) one continuous year of unexpired membership, or whose membership was lapsed for a period not exceeding 3 months in the current year, shall be eligible for elected office.

#### **2.2C TERM OF OFFICE AND ELECTIONS**

A Director's Term of Office shall be for two years, with two (2) Directors elected one year and three (3) Directors elected the following year, or similar distribution if fewer than 5 Directors are authorized pursuant to 2.2A. Elections for Director vacancies shall occur annually by majority vote of ECARS members who submit properly executed ballots. A Director shall hold office until his or her term expires or until his death, resignation, incapacity to serve, or removal. If a

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vacancy (or vacancies) occurs, the remaining Board may, by majority vote, appoint Directors to fill up to three (3) vacancies on the Board, to serve until the next annual ECARS election.

Directors may be elected for an indefinite number of consecutive terms.

### **2.3 REGULAR AND ANNUAL MEETINGS**

#### **2.3A BOARD MEETINGS**

The term “meeting” shall include, but not be limited to, the act of meeting of the Board in the presence of each other at the same geographic location, by amateur radio, by telephony, and business conducted and concluded electronically, e.g., electronic mail. The board shall establish the protocol to apply to each type of meeting. The Board shall make reasonable allowances for absences of Directors or Officers. An absent Director or Officer may authorize another Director or Officer to vote on the absent Board member's behalf, said authorization to be given in written form in advance, with copies promptly transmitted to all other Directors, Officers and the Secretary, and valid for no longer than thirty (30) consecutive days unless a longer period is approved by the Board.

#### **2.3B BOARD MEETINGS**

Periodic meetings of the Board may be held when deemed appropriate by the Board and subject to the notice requirements of Bylaw 2.5, Notice of Meeting, requirements. The Board shall provide, by resolution, the date, time, place and manner of meeting, subject to Bylaw 2.5.

#### **2.3C - MEETINGS**

A General Meeting of ECARS membership, or a Business Meeting of the ECARS Board, may be conducted by the President of ECARS as deemed necessary. The Board shall direct that a notice be published a general meeting of the ECARS membership, and may direct that one be published for the business meeting of the Board. The meeting notice shall include: (1) The type of meeting, pursuant to Article 2.3A, the date, time, and any other relevant information pertaining to the Business Meeting and (2) Invite submissions of agenda items for the Business Meeting from the Membership, to be received by the Secretary no fewer than (10) ten days prior to the date of the Business Meeting. All agenda items submitted to the Secretary shall be promptly forwarded to the Board, who will review and place all approved items on the agenda for the Business Meeting.

### **2.5 NOTICE OF MEETINGS**

Notice of meetings may be given by publication on the ECARS website, by radio signal during regular ECARS net operations, by electronic mail (E-mail), surface mail, courier service or by telephone as appropriate for the meeting in question. Notice of any meeting shall be given at least seven (7) calendar days prior thereto. No notice of any meeting of the Board need state the purposes thereof. Meeting notices and meeting agendas may, in the discretion of the Board, be published as the Board deems appropriate.

### **2.6 QUORUM**

At any meeting of the Board a quorum shall be defined as that number of Officers and Directors equal to or greater than half the total number of serving Officers and Directors.

### **2.7 MANNER OF ACTING.**

The act of the majority of the Board present at a meeting at which a quorum is present shall be the act of the Board. The Board, in its discretion, may elect a chairman.

### **2.8 CONDUCTING BUSINESS BY ELECTRONIC MAIL.**

If business is being conducted by electronic mail, a Board member who fails to respond to an

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outstanding matter of business more than five (5) calendar days after the corresponding motion is transmitted shall be deemed absent, and his vote shall not be counted.

**2.10 REMOVAL OF DIRECTORS.**

Any or all of the Directors may be removed with or without cause by two-thirds majority vote of the voting Membership, provided that the Director to be removed is given reasonable notice.

**2.11 RESIGNATION**

(a) A Director may resign at any time by giving written notice to the Board, the President, or the Secretary of ECARS. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the Board or such officer, and the acceptance of the resignation shall not be necessary to make it effective.

(b) A Director who fails to respond to outstanding business, or attend any Board meeting, three (3) times in any consecutive twelve (12) month period shall, by operation of this Bylaw, have resigned from the Board.

(c) A Director who resigns by operation of this Bylaw may be reinstated only by unanimous vote of the Board upon its acceptance of a compelling reason for the Director's failure to respond.

**2.12 PRESUMPTION OF ASSENT.**

An ECARS Director or Officer who is present at a meeting of the Board, in which a Board member states an action, or intended action, shall be presumed to have assented to the action taken unless his dissent shall be made known and entered in the minutes of the meeting.

**2.13 COMMITTEES.** The Board, may designate one or more ad hoc or standing committees. Any committee shall consist of members and of a size as required, and shall have and may exercise only such powers as the Board deems necessary for the proper functioning of the committee.

**2.13(A)**

A committee shall act by majority vote of its members, and shall conduct business, pursuant to Bylaws 2.5 of this Article. The principles set forth in Bylaw 2.8 shall apply to committee proceedings.

**2.13(B)**

The Board, by resolution adopted in accordance with paragraph (a) of this Bylaw, may designate one or more Directors or Officers as alternate members of any such committee, who may act in the place and stead of any absent regular committee member.

**2.13(C)**

The Board shall have power at any time to remove any member of any committee, with or without cause, and to fill vacancies in and to dissolve any such committee.

**2.14 COMMUNICATIONS.**

Expression and/or communication of any kind that in any way pertains to the views, opinions, or positions of one or more Board members in their official capacity, or reflects a statement of policy of ECARS may not be conveyed to the public or parties outside ECARS without the express approval by a majority of the Board, unless conveyance is expressly authorized in advance. Copies of communications shall be retained by ECARS pursuant to Bylaw 9.1 when otherwise directed by the Board. The Board shall maintain the confidentiality of matters discussed within meetings of the Board, and membership personal matters that may come to their attention. Notwithstanding the foregoing, the President or Secretary of ECARS may issue correspondence, which is consistent with the established views of the Board concerning ECARS

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matters. Copies of such issued correspondence shall be immediately submitted to the Board and are subject to Bylaw 9.1.

### **2.15 DELEGATION OF DUTIES**

In case of the absence of any officer of ECARS, or for any other reason that the Board may deem sufficient, the Board may delegate, for the time being, any or all of the powers or duties of such officer to any officer or to any Director. However, the Board must act with reasonable diligence in filling any vacancy.

### **2.16 PUBLICATION OF BOARD BUSINESS.**

The Board may publish a summary of business matters conducted by the Board. Summaries shall be prepared by the Secretary or other officer designated by the Board in a format approved by the Board.

## **ARTICLE III - OFFICERS**

### **3.1 QUALIFICATIONS**

Any initial full member of ECARS who holds a valid Amateur Radio license, and has been a member in good standing for (1) one continuous year of unexpired membership, or whose membership was lapsed for a period not exceeding 3 months in the current year, shall be eligible for elected office.

### **3.2 NUMBER**

The officers of ECARS shall be a President, Vice President, Secretary, and Treasurer. The offices of Secretary and Treasurer may be combined upon resolution of the Board. Such resolution shall, until superseded by resolution of the Board, render candidacy for a respective separate office unavailable.

### **3.3 ELECTION AND TERM OF OFFICE.**

The Officers of ECARS shall be elected annually by majority vote of those members who submit properly executed ballots. Officers may be elected for an indefinite number of consecutive terms.

### **3.4 REMOVAL.**

Any officer may be removed by two-thirds vote of the Board, whenever in their sole discretion and judgment the best interests of ECARS would be served thereby. The Board may establish reasonable rules for removal proceedings and revise said rules from time to time, as necessary.

### **3.5 VACANCIES.**

A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board for the unexpired portion of the term. Notwithstanding the foregoing, any vacancy in any of the administrative offices, except the office of President, occurring between elections, shall be filled by a full member who consents thereto, within 30 days by majority vote of the Board. The appointed officer shall complete the remainder of the term of the retired or vacating officer. The Vice President shall fill a vacancy in the office of the President. If the Vice President chooses not to fill that vacancy the Board shall, within 30 days, appoint any eligible full member to serve the remainder of the term. If the vacancy occurs between the time of election and the taking of office, the runner-up in the election shall succeed to the office in question.

### **3.6 PRESIDENT**

The President shall be the principal officer of ECARS, be part of the Board, have an equal vote on the Board, be subject to the supervision of the remaining Board, and shall in general supervise

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and control all of the business affairs of ECARS. He may sign, with the Secretary or any other proper officer of ECARS thereunto authorized by the Board, any instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or by these Bylaws to some other officer or agent of ECARS, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board from time to time.

**3.6(A)** Should a sufficient number of Board posts become vacant for any reason, the effect of which renders ECARS without the ability to ordinarily conduct business according to these Bylaws, the President or his successor shall be empowered to, and shall, within 5 days (1) resume the conduct of ECARS business as is reasonably necessary and prudent, consistent with these Bylaws, (2) fill up to three Director or Officer vacancies by immediate appointment, and (3) announce an election to be held, consistent with these Bylaws, within 60 days of the date of resumption of ECARS business, and publish the announcement.

**3.6(B)** The President may appoint ad hoc committees for any purpose reasonable and necessary to carry out ECARS activities. The President shall not appoint a committee whose purpose would be duplicative of a committee appointed by the Board pursuant to Bylaw 2.13. Any committee thus appointed may also be dissolved by the President upon conclusion of the committee's work.

**3.6(C)** The President shall provide procedures and guidance to any appointed committee as necessary, and shall confer closely with committees in fulfilling committee tasks and obligations.

**3.6(E)** The President shall appoint various positions as required for the operation of ECARS. The positions may include, but are not limited to, the Net Manager and Webmaster.

### **3.7 VICE PRESIDENT.**

The Vice President shall be a member of the Board and assume the duties and exercise the powers of the President should the President be absent for any reason. If a permanent vacancy in the office of President occurs the Vice-President shall automatically become President.

### **3.8 SECRETARY.**

The Secretary shall be a member of the Board and shall keep the minutes of Board meetings, see that all notices are duly given in accordance with the provisions of these Bylaws or as required, be custodian of the corporate records, keep a register of ECARS members, and in general perform all duties incident to the office of Secretary and such other duties as may be assigned to him by the President or by the Board. Prior to completion of his or her annual term of office, the Secretary shall submit an annual report of the significant activities of the current term (the "Secretary's Annual Report") to the Board and the President, and promptly convey in an orderly manner any instruments of the office to his or her successor, taking due care to preserve said instruments.

### **3.9 TREASURER.**

The Treasurer shall be a member of the Board. He shall have charge and custody of and be responsible for all funds and securities of ECARS; receive and give receipts for monies due and payable to ECARS from any source whatsoever, and deposit all such monies in the name of ECARS in such banks, trust companies or other depositories as shall be selected in accordance with these Bylaws and in general perform all of the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him by the Board. Prior to completion

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of his or her annual term of office, the Treasurer shall submit an annual report of ECARS receipts and expenses (the "Treasurer's Annual Report") to the Board and the President, and promptly convey in an orderly manner any instruments of the office to his or her successor, taking due care to preserve said instruments.

### **ARTICLE IV - DUTIES OF APPOINTEES**

#### **4.1 APPOINTEES.**

ECARS appointees shall carry out their duties subject to these Bylaws.

#### **4.2 REQUIRED APPOINTEES**

A number of appointed positions are necessary for the proper operation of ECARS.

##### **4.2(a) Net Manager.**

The Net Manager is appointed by, and shall report to, the President. The Net Manager shall be responsible for establishing and maintaining a schedule of net control operations and operators published on the ECARS website. An Assistant Net Manager may be appointed to assist the Net Manager and to perform the duties of the Net Manager in his absence. The Net Manager shall provide a net operations report to the Board at the end of each calendar year.

##### **4.2(b) Webmaster.**

The Webmaster is appointed by, and reports to, the President of ECARS. The Webmaster shall be responsible for establishing and maintaining the ECARS website, ensuring that it implements appropriate security, and soliciting members and the Board for content. The Webmaster may share responsibility for creating and maintaining certain web pages with other appointees or Board members (e.g. Net Manager and Secretary) when deemed appropriate. An Assistant Webmaster may be appointed to assist the Webmaster and to perform the duties of the Webmaster in his absence.

#### **4.3 Temporary Appointees.**

From time to time it may be necessary to appoint people to temporarily perform duties for ECARS. These persons shall be appointed by, and report to, the President of ECARS.

At the conclusion of their task the position will be eliminated. The Temporary Appointee may at their discretion select members to assist in the task.

### **ARTICLE V - ELECTIONS**

#### **5.1 ELECTION OF DIRECTORS AND OFFICERS**

Directors and officers shall be elected subject to these Bylaws. In order to provide the Membership with a reliable, democratic election process, elections shall be conducted in a fair, impartial, and open matter. Those charged with conducting an election shall take all steps necessary to ensure that all election activities are properly and faithfully executed, and that the results are accurately determined.

**5.1(A)** Elections shall be held on an annual basis in Decembers for officers, and as appropriate for Directors as their respective terms draw to a close pursuant to Bylaw 2.2C.

**5.1(B)** Prior to October 15 of each year, the President shall designate an Election Committee consisting of no fewer than three Full Members who are currently not serving on the Board. The Election Committee shall accept nominations for each position, certify that nominated candidates are members of ECARS and compliant with Bylaws 2.2(B) and 3.1, count and certify the election results and report the results to the Board, the President, Net Manager and respective

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candidates no later than January 10. The Secretary will be an ex officio member of the Election Committee in order to verify nominees satisfy membership requirements established in these bylaws.

**5.1(C)** Any full member may nominate eligible members as candidates for Director or Offices upon prior consent there from, by submitting written or electronic (email) nominations to the Election Committee. To ensure open and fair elections, no nominee once nominated, shall be eligible for the candidacy for a different post during the election period. A Nominee may withdraw from the position for which he or she was nominated prior to November 25th, the date nominations shall be closed. In selecting candidates the Election Committee shall consider each candidate's qualifications, experience, conduct and other relevant information. The Election Committee shall, with the assistance of the Secretary, promptly certify from the pool of nominations received, a ballot of candidates (the "Certified Ballot"), and forward the Certified Ballot to any and all publications no later than November 30th for immediate publication. Ballots may as appropriate include proposed amendments to the Bylaws, subject to Article VI of these Bylaws

**5.1(D)** Nominations shall close on November 25, and ballots shall be certified no later than November 30.

**5.1(E)** No member may seek or hold more than one office at a time.

**5.1(F)** A full member shall vote by completing a single ballot, voting only for one candidate per post, or in the affirmative or negative on any ballot measure, and submitting it for receipt by a Election Committee, as specified on the ballot, no later than December 30th, at which time the election shall officially close. Electronic voting (e.g., by e-mail or website) shall be permitted. Electronic voting shall be conducted pursuant to rules adopted by the Board, said rules to be published no fewer than 30 days prior to an election. The Board shall revise electronic voting rules from time to time, as needed. However, no revisions shall be made after publication without a compelling reason, which shall, along with the revisions, be promptly published.

**5.1(G)** Newly elected Directors and Officers shall assume their posts on January 15.

**5.1(H)** The Board may establish reasonable election rules consistent with fairness and subject to this Bylaw 5.1, said rules to be published no fewer than 30 days prior to an election. The Board may revise the election rules from time to time, as needed. However, no revisions shall be made after publication without a compelling reason, which shall, along with the revisions, be promptly published.

### **ARTICLE VI - AMENDMENTS**

#### **6.1 AMENDMENTS**

**6.1(A)** Proposals for amendments shall be submitted to the Secretary in writing. The Secretary shall promptly forward amendments to the Board for review prior to publication, which shall be effected by the Board no later than 30 days from receipt by the Secretary. The Board may edit proposed amendments as to form and appropriateness and determine if they should continue to be processed for approval. Proposed amendments inconsistent with these Bylaws, or state or federal laws and regulations, shall not be balloted, and members whose proposals are not balloted shall be promptly informed with explanation of reasons.

**6.1(B)** The Board shall determine whether a proposed amendment shall be voted upon during the annual election or in a special referendum to be called by the Board. Votes shall not be solicited

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fewer than 30 days from the date of publication of a proposed amendment

**6.1(C)** Balloting of amendments shall be conducted in open and fair manner, consistent with these Bylaws

**ARTICLE VII - MEMBERS**

**7.1 ECARS MEMBERSHIP**

**7A MEMBERSHIP CATEGORIES**

There shall be two categories of ECARS membership, Full and Associate, available to those who satisfy the requirements of this Bylaw, and have paid annual dues, which are not refundable.

**7A(a)** Full Membership: To be eligible for Full membership, an applicant must hold a valid internationally recognized Amateur Radio license granting operating privileges on frequencies where the ECARS nets are conducted. The right to vote and all other privileges, subject to Bylaws 2.2B and 3.1, shall be extended to individuals granted Full membership.

**7A(b)** Associate Membership: To be eligible for Associate membership, an applicant must have a genuine interest in Amateur Radio, but need not hold an Amateur Radio license. All privileges of Full membership, with the exception of voting privileges and eligibility to hold elected office, are extended to Associate members.

**7B - MEMBERSHIP DURATION.**

Membership duration shall be for the period of one, two, or three years and lifetime and shall be renewable, if applicable on the anniversary date of the member's enrollment in ECARS.

Adjustments to the amount of dues shall be made by majority vote of the Board. A person who submits an initial application for membership after September 30th shall not be eligible to vote in the election of that calendar year. A member whose membership was lapsed on September 30 may vote if his lapse did not exceed 3 months in the current year. Payment of dues shall be submitted to the Secretary as determined by the Board from time to time.

**7C - APPLICATIONS FOR MEMBERSHIP.**

Applications for ECARS membership or renewal of membership shall be submitted to the Secretary. The Secretary shall have the authority to grant membership, but may refer any application to the Board for review, as he or she deems reasonably appropriate, or shall so refer upon request from the Board. The Board may, in its sole discretion, decline to extend membership to any applicant after review and consideration of the application and available, relevant information. Prompt notice shall be given by the Secretary to applicants whose applications for membership are declined.

**7D - MEMBERSHIP STATUS.**

All members are members at will, and termination of membership by the Board shall be permitted for good cause upon 10 days written notice by sending to the member a Notice of Termination. A member who receives a Notice of Termination may appeal the decision in writing to the Board. Appeals must be sent to the Secretary, postmarked within 10 days of receipt, to be considered by the Board. Decision on appeal shall be promptly rendered. Termination proceedings shall be conducted in a fair manner, entirely and only in writing by surface mail only. The Board may establish reasonable rules for termination proceedings and revise said rules from time to time, as necessary.



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**ARTICLE VIII - ECARS ASSETS, FINANCES, CONTRACTS**

**8.1 MANAGEMENT AND CONTROL OF ECARS ASSETS.**

The Board shall exercise lawful control over ECARS's physical and financial assets, and intellectual property of any kind, including, but not limited to, trademarks and service marks, copyrights, Internet domain name registrations, and website content (the "ECARS Intellectual Property"). Any person who obtains, creates, or maintains any ECARS Intellectual Property does so exclusively on behalf of ECARS, and shall claim no right or interest thereto.

**8.2 DEPOSITS**

All funds of ECARS not otherwise employed shall be deposited from time to time to the credit of ECARS in a federally insured financial institution(s) in the United States.

**8.3 CHECKS, DRAFTS, ETC.**

All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of ECARS, shall be signed by such officer or officers of ECARS and in such manner as shall from time to time be determined by resolution of the Board. A complete and accurate record of all receipts, deposits, and disbursements shall be prepared by the Treasurer on a monthly basis and promptly submitted to the Board (the "Treasurer's Monthly Report"), or as frequently as the Board directs. Only elected Board members shall execute ECARS checks or other instruments. No committee, appointee, or other persons or agents shall be given authority to access ECARS funds or accounts for any reason without the unanimous resolution of the Board. Any such resolution shall include a sunset clause.

**8.4 LOANS**

No loans shall be contracted on behalf of ECARS and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board. Such authority may be general or confined to specific instances. No ECARS funds shall be loaned or given to any ECARS member for any reason.

**8.5 CONTRACTS.**

The Board may authorize any Board member or members, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of ECARS, and such authority may be general or confined to specific instances.

**ARTICLE IX - COMMUNICATIONS**

**9.1 PUBLICATIONS AND PRESENCE ON WORLD WIDE WEB.**

ECARS shall maintain a presence on the Internet, a/k/a the World Wide Web, using its website. The content of the website shall be solely for the dissemination of information about ECARS, the on-air activities of its members, and/or information about Amateur Radio, generally, and to provide a means to archive ECARS records in a secure manner. The Webmaster shall ensure that all website content is current and appropriate in all respects for the intended audience. All Official Notices for ECARS shall be published on the website.

**9.2 OFFICIAL NOTICES**

The appearance of notices and other information on the ECARS website shall constitute "Official Notice". Any publication of information to the general membership should be under the heading of "Official Notice".

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**ARTICLE X - FISCAL YEAR**

**10.1 FISCAL YEAR.**

The fiscal year of ECARS shall begin on the first day of January.