



FRATERNAL ORDER OF POLICE

JIM "BILLY" BARNES MEMORIAL LODGE #71 – PENSACOLA, FLORIDA

CONSTITUTION & BY-LAWS

Revised on January 8, 2018

CONSTITUTION

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PREAMBLE

We, the members of the Jim Billy Barnes Memorial Lodge agree:

To support and defend the Constitution of the United States and the State of Florida; to inculcate loyalty and allegiance to the United States of America; to promote and foster the impartial enforcement of law and order; to improve the individual and collective proficiency of our members in the performance of their duties; to encourage fraternal, educational, charitable and social activities among all law enforcement officers; to advocate and strive for uniform application of the civil service merit system for appointment and promotion; to support the improvement of the standard of living and working condition of the law enforcement profession through every legal and ethical means available; to create and maintain a tradition of esprit de corps, insuring fidelity to duty under all conditions and circumstances; to cultivate a spirit of fraternalism and mutual helpfulness among our members and the people we serve; to increase the efficiency of the law enforcement profession; and thus more firmly to establish the confidence of the public in the service that is dedicated to the protection of life and property.

All terms used herein to denominate gender shall be generic and, whenever appropriate, the singular shall include the plural and the plural shall include the singular.

CONSTITUTION

ARTICLE 1

NAME

- Section 1.** This organization shall be known as the Jim Billy Barnes Memorial Lodge #71, Fraternal Order of Police, and is hereinafter referred to as the “Lodge.”
- Section 2.** The Florida State Trustee shall police the trademark of the Order.
- Section 3.** The Lodge, by virtue of its affiliation with the Grand Lodge and the State Lodge, shall have the right to use the name, insignia, emblem and mark, trademark or service mark of the Fraternal Order of Police in order to signify or denote their affiliation therewith. In the case of prospective for profit use of the name, insignia, emblem or mark, trademark, and service mark of the Fraternal Order of Police, or such other use that may place such state or subordinate lodges, in competition with the Grand Lodge, such permission may be withheld by the National Board of Trustees.

ARTICLE 2 DEFINITIONS

Section 1. As used herein, the following terms, phrases or words shall be defined as follows:

- a) **“Elected/Appointed Law Enforcement Officer”** shall mean for purposes hereof any law enforcement officer who meets the qualifications in this Constitution or who by law is exempted from meeting the minimum training standards.
- b) **“Full-time employed”** shall mean law enforcement officers that are engaged in such employment as their full-time occupation.
- c) **“Good cause”** shall mean nonfeasance, malfeasance, dishonesty, or refusal to carry out the will of the Executive Board or the Membership.
- d) **“Jurisdiction”** shall be the territorial range of authority or control, where the lodge is located. Disputes over jurisdiction, because of membership and solicitation, shall be settled by District 1. All decisions are appealable to the State Lodge and the Grand Lodge.
- e) **“Member in good standing”** in respect to the Lodge, shall mean a member who fulfilled all requirements of membership in good standing in this Lodge and for whom appropriate per capita tax has been paid to the State and Grand Lodge.
- f) **“Board of Directors”** shall refer to the collective body consisting of the President, Immediate Past President, each of the Active Past Presidents, the 1st and 2nd Vice Presidents (if applicable), the Secretary, the Treasurer, the Conductor, the Inner and Outer Guards, the Chaplain, the State Trustee, and if appropriate any Lodge Trustees. Any member of this Lodge that is elected to either the State or National Board would also be part of the Executive Board.
- g) **“Past President”** shall be defined as any person elected to the office of President by the membership and who served not less than (1) full term and was not removed from office.
- h) **“Regularly appointed law enforcement officer”** shall mean, for purposes hereof, any law enforcement officer who meets the minimum standards, has received the training and education required by the United States, the State, the political subdivision or agency by which they are employed or appointed, and is granted arrest powers.

ARTICLE 3

CHARACTER

Section 1. The Lodge is an organization consisting of professional full-time law enforcement officers.

Section 2.

- a) The Lodge is a fraternal organization composed of professional law enforcement personnel who have joined for their common good.

- b) In no event shall the Lodge, join or be controlled by any labor organization, provided, that this section shall not prohibit cooperative efforts by the Lodge with labor organizations for their common good.

Section 3. The Lodge, shall not strike or by concerted action cause a cessation of the performance of police duties, or induce other members of lodges to do likewise.

Section 4. This constitution shall be fundamental law of the Order and, with the rituals adopted and such By-Laws as may be adopted from time to time, shall govern the conduct of the Lodge and all its members.

Section 5. There shall be By-Laws that govern the day-to-day operation and administration of the Lodge. The By-Laws of the Order may be promulgated, amended, or revised by a vote of two-thirds (2/3) of the membership voting at a General Meeting, after proper notice has been posted.

ARTICLE 4

OBJECTS & PURPOSES

- Section 1.** This organization is formed for the purpose of bettering the existing conditions of Law Enforcement by solidifying their unity and promoting their mutual welfare in this state and nationally through our affiliation with the National Order.
- Section 2.** It shall be the duty of this organization to be always on the alert at all sessions of the City of Pensacola, Escambia County Commission, and the Florida Legislature to promote the interest of law enforcement officers, and work for the passage of laws of benefit to law enforcement.
- Section 3.** It shall be the duty of this organization to see that all laws protecting law enforcement officers are upheld.
- Section 4.** The Lodge Officers shall have the power to act in all matters pertaining to the welfare of this organization.
- Section 5.** The Lodge advocates pensions for law enforcement officers and will continue to work for the establishment of better pensions or relief for the law enforcement officers.
- Section 6.** The Jim Billy Barnes Memorial Lodge #71, Fraternal Order of Police, is an organization of law enforcement officers sworn to enforce the law under all circumstances.

The Fraternal Order of Police may deny membership to anyone who is, or has been, a member of any organization regardless of what name that advocates the abolition, destruction, or violent overthrow of the United States government, or any state or political subdivision thereof.

Any active member may be granted a transfer from one subordinate lodge to another provided that he or she is in good standing, both subordinate lodges agree to the transfer, and the member cannot be active within his or her own law enforcement agency's lodge because of collective bargaining law restrictions or geographical location.

Specifically excluded are private security guards, special police, members of profit making security and correctional organizations, auxiliary or reserve police.

No person at any time shall be a member of the auxiliary or associate lodge when they qualify for membership in the Fraternal Order of Police.

ARTICLE 5 MEMBERSHIP

Section 1. Any regularly appointed or elected and full-time employed law enforcement officer of the United States, any state or political subdivision thereof, or any agency may be eligible for membership in the Fraternal Order of Police, subject to provisions of this Constitution. No person shall be denied membership because of race, religion, color, creed, gender, age, or national origin.

Section 2. Subject only to the provisions of this constitution, this Lodge shall be the judge of its membership. This Lodge shall establish requirements for membership in good standing of its respective membership, which requirements shall not be inconsistent.

Section 3. There shall be three (3) classes of membership:

1) Active Membership:

- (a) Shall include regularly appointed or elected full-time law enforcement officers.
- (b) May include retired regularly appointed or elected law enforcement officers.
- (c) May include, subject to the approval of the State Lodge Board of Trustees and this Lodge, regularly appointed, or elected law enforcement officers who have left the employment of their respective agency and who have remained in good standing with the Lodge.
- (d) Only active members, as herein defined, shall have a voice and vote or be able to hold office.

2) Retired Membership – shall be comprised of regularly appointed or elected law enforcement officers who withdraw from active membership upon or after retirement.

3) **Honorary Membership** – shall be comprised of individuals recognized by the Lodge, for exceptional service or contribution to the Nation, the State, or Political Subdivision, the law enforcement community, or the Fraternal Order of Police.

Section 4. No person shall be a member of more than one or any subordinate lodge at the same time, nor shall a member who is delinquent, or who has been suspended by a subordinate lodge for any reason, be eligible for membership in this Lodge until the suspension has been lifted.

ARTICLE 6

OFFICERS

- Section 1.** The “Officers” of the Lodge shall consist of a President, Immediate Past President, Vice President, Secretary, Treasurer, Conductor, Inner Guard, Outer Guard, Chaplain, and State Trustees.
- Section 2.** The “Executive Board” shall consist of a President, Immediate Past President, all Active Past Presidents, Vice President, Secretary, Treasurer, Conductor, Inner Guard, Outer Guard, Chaplain, State Trustee, and any State or National Officer elected from this Lodge.
- Section 3.** The “Executive Board” shall have the authority to exercise all administrative powers of the order during the periods between meetings. It shall have the power to act in all emergencies pertaining to the welfare of this Lodge and its members.
- Section 4.** The “Officers” of the Lodge shall be elected for a term of one year and shall serve until their successors are elected, qualified, and installed.
- Section 5.** By virtue of their office, the President shall be a Lodge delegate to the Biennial Conference of the Grand Lodge, and the Annual Conference of the Florida State Lodge of the Fraternal Order of Police.
- Section 6.** The President may call meetings of the Executive Board as necessary.

ARTICLE 7

PRESIDENT

- Section 1.** The President shall be the Chief Executive Officer of the Jim Billy Barnes Memorial Lodge #71, Fraternal Order of Police. The President shall preside at all meetings of the Lodge. The President shall have general management of the business of the order and shall see that all orders and resolutions of the Board of Directors and the membership are carried into effect.
- Section 2.** The President shall execute any and all contracts that may be authorized by the Board of Directors and/or the membership.
- Section 3.** The President shall be an ex-officio member of all standing committees.
- Section 4.** The President shall have the power, with the advice and consent of the membership, to appoint the majority of all standing and special committees.
- Section 5.** The President shall have the power to call a special meeting of the membership whenever an emergency arises or upon the petition of a majority of the members of the Board of Directors.
- Section 6.** The President shall submit a written report of the business transacted by him or her together with such recommendations as he or she deems advisable at each meeting.
- Section 7.** The President shall convey to his successor all unfinished business of the Lodge.
- Section 8.** The President shall attest to all warrants or vouchers drawn on any fund of the Lodge before payment by the Treasurer.
- Section 9.** The President shall furnish a fidelity/surety bond for the faithful performance of duty in the amount specified by the Board of Directors.

ARTICLE 8

IMMEDIATE PAST PRESIDENT

Section 1. The Immediate Past President shall attend all meetings of the Board of Directors, and the State and National conferences, and shall assist and advise the President and other officers of the Lodge.

Section 2. The Immediate Past President shall execute such arrangements or orders as may be issued by the President or the Board of Directors.

ARTICLE 9

VICE PRESIDENT

- Section 1.** The Vice President shall assist the President in the performance of his or her duties, and in the absence of the President, shall exercise the powers and the duties of that office.
- Section 2.** The Vice President shall have the power, with the advice and consent of the membership to appoint the minority of all standing and special committees.
- Section 3.** The Vice President will perform such other duties as may be ordered by the President or the Board of Directors.
- Section 4.** The Vice President shall furnish a fidelity/surety bond for the faithful performance of duty in the amount specified by the Board of Directors.

ARTICLE 10

SECRETARY

- Section 1.** The Secretary shall have custody of the books, records, documents, seal of the Lodge, office paraphernalia, and equipment under the general orders of the President and the Board of Directors.
- Section 2.** The Secretary shall keep record of the minutes of all Lodge meetings and shall submit the same for approval, alteration or rejection at the next general meeting.
- Section 3.** The Secretary shall conduct general correspondence of the Lodge.
- Section 4.** The Secretary shall attest, under the seal of the Lodge, all duly authorized contracts of the Lodge.
- Section 5.** The Secretary will be the official custodian of the Constitution and By-Laws of the Lodge, which shall be authenticated by the seal of the Lodge and the signature of the President and Secretary. The Secretary shall keep a record of the official amendments to the Constitution and By-Laws adopted by the Lodge and shall cause them to be properly inserted therein.
- Section 6.** The secretary shall handle the membership roster and prepare the necessary Per Capita tax and assessments forms due to the Grand Lodge and the State Lodge.
- Section 7.** The Secretary shall furnish a fidelity/surety bond for faithful performance of duty in the amount specified by the Board of Directors.
- Section 8.** The Secretary shall perform such other duties as are usual and incidental to the Office of Secretary.

Section 9.

At the expiration of the Secretary's term of office, the Secretary shall deliver to his or her successor the seal of the Lodge and all books, documents, records, funds, supplies, equipment, paraphernalia, etc., and shall require and receive a receipt for the same.

ARTICLE 11

TREASURER

- Section 1.** The Treasurer shall be the custodian of funds of the Lodge. The Treasurer shall furnish a fidelity/surety bond for faithful performance of duty in the amount specified and approved by the Board of Directors.
- Section 2.** The Treasurer shall sign all checks duly authorized for disbursement of funds.
- Section 3.** The Treasurer shall keep an itemized record of all receipts and disbursements.
- Section 4.** The Treasurer shall deposit all funds collected in a bank approved by the Board of directors and shall maintain direct control over all bank accounts involving the Lodge. The Treasurer should retain in his office a contingency fund of not more than \$100.00 for the purpose of paying emergency current expenses.
- Section 5.** The Treasurer shall set up special accounts for special funds approved by the membership.
- Section 6.** The Treasurer shall perform such other duties usual and incidental to the Office of Treasurer.
- Section 7.** The Treasurer shall give a complete report of all receipts and disbursements of all Lodge funds at each Lodge meeting and shall provide a profit or loss statement accompanied with a balance sheet at the end of each quarter.
- Section 8.** The Treasurer shall collect all revenue derived from contractual terms set forth for the promotion of the Lodge, and shall deposit all funds into the Lodge General or Savings funds.

- Section 9.** The Treasurer shall prepare a report of all credits and disbursements pertaining to the Lodge funds, and shall submit a copy of such report a minimum of ten (10) days prior to any meeting.
- Section 10.** At the expiration of the Treasurer's term of office, the Treasurer shall deliver to his or her successor all books, documents, records, funds, supplies, equipment, paraphernalia, etc., and shall require and receive a receipt of the same.
- Section 11.** In the event the Treasurer becomes unable to perform his or her functions, the Lodge Vice President shall temporarily assume these functions until such time the Treasurer can resume his or her duties or a new Treasurer is appointed in accordance with the Constitution and By-Laws.
- Section 12.** The Treasurer shall provide and maintain a supply and record of pre-numbered, triplicate expense vouchers; accounting for these vouchers at each Lodge meeting.

ARTICLE 12

CONDUCTOR

Section 1. The Conductor shall examine the dues cards of Officers, and other members of the organization, ascertaining that all present at each meeting are in good standing; also taking up the password, and make a report to the President of the same. The Conductor shall perform such other duties as the President may require.

ARTICLE 13

GUARDS

Section 1. The Guards shall have charge and control of the meeting room. They shall permit only qualified persons to enter or to remain. The Guards shall assist the Conductor in the execution of such duties as the President may order.

ARTICLE 14

CHAPLAIN

Section 1. The Chaplain shall open each meeting with a prayer. He or she shall close each meeting with a prayer. The Chaplain will be responsible for reporting all members in “sick and relief” and shall be the Chairperson of the Lodge Memorial Committee.

ARTICLE 15

TRUSTEES

- Section 1.** The Trustees shall take charge of all physical property of the Lodge, make a complete itemized inventory of such property and file a certified copy with the Secretary.
- Section 2.** The Trustees shall recommend the amount of bond to be required of the President, Vice President, Secretary, Treasurer, and any standing committees that are deemed to require a performance bond, for the faithful performance of their duties.
- Section 3.** The Trustees shall examine and audit the financial books, records, and funds of the Lodge and make a report of their findings at the May and November meetings.
- Section 4.** The Trustees shall ascertain that all monies received have been allocated to the credit of the proper funds and so deposited in the name of the Lodge.
- Section 5.** The Trustees shall gather data and information of every kind pertaining to the welfare of the law enforcement officers in the Lodge.

ARTICLE 16

DISCIPLINE

- Section 1.** This article shall govern discipline of officers and members and shall be interpreted in such manner as to afford equity and fairness to all affected thereby.
- Section 2.** Discipline shall be initiated by the Lodge and imposed upon an individual member, or officer only in extraordinary circumstances where the member or officer has acted or failed to act in respect of a matter of direct and significant import to the Lodge or has violated this Constitution, the By-Laws, or the Ritual of the Order.
- Section 3.** Individual Members.
- A) In the case of discipline imposed upon an individual member involving suspension, expulsion, or removal from office, an appeal may be taken by the member to the State Lodge and an appeal may be taken from the decision of State Lodge by the non-prevailing party to the National Board of Trustees and ultimately, to the Biennial Conference.
1. An appeal to the State Lodge may be brought by the filing of a written notice of appeal with the State President no more than thirty (30) days after the member's receipt of official notification of his or her suspension, expulsion, or removal from office. Unless continued or delayed for good cause, such appeal shall be heard by the State Lodge at the next board meeting following the State President's receipt of such notice of appeal and, unless waived in writing by both the appealing member and the responding lodge, a written decision shall be rendered by the board within ten (10) days after such meeting. Both the appealing member and the Lodge from whose action the appeal is brought shall have the right to a hearing at which both parties may be heard and may present

witnesses and documents. Such hearing shall be conducted in conformity with the By-Laws. The parties to the appeal shall receive notice of the date of the hearing by registered mail not less than ten (10) days before such hearing.

2. The State Lodge may sustain, modify, or reverse the disciplinary action against the member.

B) In any case of discipline involving suspension, expulsion, or removal from office of an individual member and upon the decision of the State Lodge in respect to an appeal from the action of a subordinate lodge, an appeal may be taken to the National Board of Trustees and ultimately, to the Biennial Conference.

C) Except in the case of discipline initiated thereby, the State Lodge Board of Trustees shall review appeals of disciplinary matters solely to ensure that the parties were afforded due process and that the decision was consistent with this Constitution, By-Laws, and Ritual of the Grand Lodge.

1. Those appeals received by the State Secretary after the Annual Conference but not before the next State Board of Trustees meeting shall be considered by the State Board of Trustees. The State President may appoint a special committee which shall meet, gather and review facts and arguments of the parties, consult with all interested parties in attendance and make a full report, including its recommendation, to the Board prior to its adjournment.

2. Following the report of the special committee, if any, interested parties may appear before the entire Board which shall decide the matter by a majority vote.

D) An appeal may be taken by either party to the Annual Conference from the decision of the State Board of Trustees respecting any appeal of

disciplinary action imposed upon an individual member by a subordinate lodge, or discipline imposed by the State Board of Trustees.

1. A party seeking to appeal a decision of the State Board of Trustees to the Annual Conference shall serve notice thereof upon the State Secretary and opposing party. Such notice of appeal shall consist of a concise statement describing the act of failure to act upon which the appeal is based, the basis for such appeal, the decision appealed from, and those written materials the appellant deems appropriate and relevant to a fair consideration of the appeal by the State Board of Trustees. The opposing party may respond in writing to such notice of appeal with such materials as it deems necessary and shall submit a copy of such response to the State Secretary and appealing party. Said notice of appeal and any responsive submissions shall be forwarded by the State Secretary to the State President who shall deliver said materials to a committee of the Conference which shall consider the matter and report thereon to the Conference prior to a vote thereon by the delegates.

- E) Discipline may be initiated by the lodge and imposed upon an individual member thereby only in extraordinary circumstances in which case, such member shall be afforded a hearing of which he or she will be given notice, at which he or she will be permitted to present witnesses and documents and in which process he or she shall be afforded the same protection set forth in respect to discipline imposed by a local lodge.

Section 4. Lodge Officers.

- A) Lodge officers shall be subject to discipline, including censure, reprimand, and removal from office or expulsion from the Order only upon proof of good cause.

- B) Allegation(s) of misconduct against a lodge officer in respect to his or her duties as a lodge officer shall only be brought by a member in good standing or a member of the Lodge Board of Directors.

Said allegations shall be in writing and notice thereof should be served upon the Lodge officer against whom the allegation(s) are made and the Secretary, provided however, that if such allegation(s) are made against the Secretary, said allegation(s) shall be served upon the President. Said allegation(s) shall specifically describe the nature of the alleged misconduct in sufficient detail for a determination by the Board of Directors as to whether there exists good cause to proceed with the inquiry.

- C) Upon service of the allegation(s) on the affected lodge officer and the Secretary (or President, as the case may be), copies of the allegation(s) shall be distributed to each member of the Board of Directors. The lodge officer against whom the allegation(s) are made shall, within thirty (30) days of receipt of the allegation(s), prepare a response thereto and serve said response upon the Secretary (or President, as the case may be), which response shall be distributed to each member of the Board of Directors.

The Secretary or President, in the event the allegation(s) pertain to the Secretary, shall forward to each member of the Board of Directors an anonymous ballot upon which each member shall indicate, after reviewing the allegation(s) and the response thereto, whether he or she believes there exists good cause to proceed with the inquiry. Said Ballots shall be returned to the Lodge officer from whom they are received and shall be counted and the results thereof certified to the State Trustee (unless he or she is the officer against whom the allegation(s) are made, in which case the results shall be certified to the President). The ballots shall be retained until the resolution of the matter.

- D) Upon receipt by the State Trustee (or the President, as the case may be) of the certified results of the ballot, said Lodge officer shall determine whether good cause to proceed further with the inquiry was found by the Board of Directors. A majority vote of all of the members of the Board of Directors (present at a meeting/hearing) shall be necessary for finding of good cause to proceed further with the inquiry. The State Trustee shall either immediately cause the Secretary (or shall himself) distribute to each member of the Lodge (present at a special meeting) notice that good cause was not found to proceed with an inquiry; or certify to the President (or to the 1st Vice President in the event the allegations are made against the President), that good cause has been found to proceed with further inquiry. The President (or 1st Vice President) shall declare an emergency, call a meeting of the membership and ensure notice thereof is given in accordance with this Constitution within forty-five (45) days of said notice.
- E) The emergency meeting of the membership shall be held for the purpose of resolving the charges against the officer and there shall occur a disciplinary hearing thereon before the membership at which the charged officer shall be afforded due process to the same extent afforded to members herein. The State Trustee or his designee (or the President, if charges have been brought against the State Trustee) shall preside over such disciplinary hearing and shall resolve all questions of procedure and evidence.
- F) No disciplinary action shall be taken upon a lodge officer except up on three-fourth (3/4) vote of the membership present and entitled to vote.
- G) A lodge officer against whom discipline is imposed in accordance herewith shall be entitled to appeal the decision of the membership to the next state Board of Trustees meeting or to the next Annual State Lodge Conference. By taking the oath of office, each lodge officer acknowledges and agrees that until and unless reversed by the State Lodge Conference, the decision of the membership shall be final.

1. An appeal by a lodge officer shall be made by filing notice thereof with the State Secretary within thirty (30) days of the decision of the membership.
2. The lodge officer making the appeal shall be permitted to address the State Lodge Conference for such time as the Chair shall deem appropriate and the State Trustee or his designee (or the Lodge President, as the case may be) shall be permitted an equal amount of time to respond thereto.

H) Any member of this Lodge who brings an allegation against another member or lodge officer which the allegation is found to be brought up frivolously or for personal gain shall be subject to discipline by the Lodge Board of Directors.

ARTICLE 17

FIDELITY BONDS

*** NO ARTICLE INFORMATION LISTED IN PREVIOUS VERISON OF THE CONSTITUTION AND BY-LAWS.

ARTICLE 18

PARLIAMENTARY PROCEDURE

Except as provided in the Jim “Billy” Barnes Memorial Lodge, State Lodge, and/or the National Lodge Constitution and By-Laws, the latest edition of “Roberts Rules of Order” shall govern the conduct and deliberation of this Lodge during meetings.

ARTICLE 19

CONSTITUTIONAL AMENDMENTS

- Section 1.** Only a member, the Lodge Constitution and By-Laws Committee, or a majority of the Board of Directors may propose an amendment to this Constitution. The proposed amendment shall be submitted to consideration and vote by the Lodge membership. No proposed amendment shall become part of this Constitution except upon three-fourths (3/4) vote of those voting at the designated meeting.
- Section 2.** Proposed amendments to this Constitution shall be submitted to the Secretary at least thirty (30) days prior to the convening of the next regular meeting. The Secretary shall post a copy of such proposed amendments at least (20) days prior to the next regular meeting.
- Section 3.** A proposed amendment shall contain the precise language of the proposed amendment, shall specifically set forth the language to be added, deleted, and/or revised, and should identify each and every Article and Section of this Constitution which is affected. Proposed amendments shall be accompanied by a statement, not to exceed one (1) page in length, setting forth the basis for the proposed amendment.
- Section 4.** The Constitution and by-Laws Committee shall receive the proposed amendments to this Constitution and shall review the same for form, grammar, and placement within this Constitution and shall report to the Lodge membership its conclusions and recommendations thereof.

ARTICLE 20

LODGE PER CAPITA TAX & ASSESSMENTS

- Section 1.** Each member shall pay to the Lodge a per capita tax (dues) as stated in the By-Laws.
- Section 2.** If two-thirds (2/3) of the Lodge Board of Directors should deem it necessary that a special assessment is needed to meet an emergency, they shall follow the same procedures as set forth in the Grand Lodge By-Laws.

ARTICLE 21

LEGAL AID

Upon such terms and in accordance with the procedures established in Article 20 of the By-Laws, a member, may request and be granted legal assistance or financial aid.

BY-LAWS

ARTICLE 1

USE & DISPLAY OF EMBLEM (NAME)

- Section 1.** No person, other than a member in good standing of the Fraternal Order of Police, its Associate Lodge, or its Auxiliary, their spouse or child living in the same residence, shall use or display the official emblem of the organization on any automobile or other motor vehicle.
- Section 2.** The unauthorized use or the abuse of the name or insignia of the Fraternal Order of Police or the infringement of a trademark thereof by a member or local lodge shall be grounds for discipline, including suspension, expulsion, removal from office, or revocation of lodge charter.
- Section 3.** Automobile emblems purchased from the National Lodge for re-issue to the members of this Lodge shall not be “sold” to members thereof, but shall remain the exclusive property of the Lodge.
- Section 4.** All emblems as described in Section J, shall be reissued to the members on a “lend-lease” basis and upon their separation from the Lodge, they shall surrender their emblem(s) to the Lodge Secretary. The legal right for possession of the emblem shall be vested in the Lodge.
- Section 5.** Any person who is not a member of an active or associate lodge of the Fraternal Order of Police or a member thereof who is unable to produce a current dues card, shall not use, wear or display the insignia or logo of the Fraternal Order of Police.

ARTICLE 2
LODGE ACTION CONCERNING STATE
AND/OR LOCAL MATTERS

- Section 1.** The Lodge shall take cognizance of all matters concerning and affecting the welfare and interests of law enforcement officers and their dependents. The Board of Directors shall take such immediate action as shall be necessary to safeguard their welfare or interests by providing aid or such other services as may be required.
- Section 2.** In matters of purely local scope or concern, the Board of Directors shall provide such legal or technical advisory service as may be appropriate.

ARTICLE 3 ORGANIZATON

- Section 1.** There shall be established such committees of the order as the Board of Directors and President prescribe.
- Section 2.** The President and 1st Vice President shall appoint members to committees in accordance with the provisions of the Constitution.
- Section 3.** Committees
- A) There shall be established certain Standing and Special Committees as called for in the Constitution and By-Laws or as deemed to be needed by the Lodge Board of Directors.
 - B) These committees shall consist of a Chairperson and members appointed in accordance with the policy and procedures of the Lodge.
 - C) These committees shall submit a written report of all activities to the Vice-President prior to each meeting.
 - D) All expenditures if these committees shall be reported in accordance with the policy and procedures of the Lodge.
 - E) These committees shall, unless otherwise provided in the Constitution and By-Laws, submit a written budget for approval of the Board of Directors at the meeting immediately following the meeting approving the appointment of these committees.
 - F) All revenue generated by the activities of these committees shall, unless otherwise provided for in the Constitution and By-Laws, be placed in the general fund of the Lodge. These funds shall be utilized for the efficient operation of the Lodge.

G) Duties:

1. It shall be the duty of these committees to perform the stated responsibilities of their respective committee in an effective and efficient manner.
2. It shall be the duty of these committees to perform their responsibilities in a manner so as not to bring discredit or financial hardship upon the Lodge.

Section 4. Legislative Committee

A) There shall be a committee established to be known as the “Jim Billy Barnes Memorial Lodge FOP Legislative Committee.

B) This committee shall consist of a Chairperson, Co-Chairperson, State Lodge Legislative Liaison, and a minimum of four (4) other members.

C) Duties:

1. It shall be the duty of the committee to recommend a written legislative program, taking into consideration any issues coming before the City of Pensacola/Escambia County Commission and the Civil Service Personnel board that might have a direct or in-direct effect on our membership.
2. It shall be the duty of this committee to provide for adequate representatives to assist the Florida State Lodge at each session of the Florida Legislature, to assure efforts toward passage of the State Lodge legislative program.

Section 5. Ways & Means Committee

A) There shall be a committee established to be known as the “Ways & Means Committee.”

B) All revenue generated by the activities of this committee shall be placed in the General Fund of the Lodge. These funds shall be utilized for the efficient operation of the Lodge.

C) Duties:

1. It shall be the duty of this committee to provide for the operations of the official Lodge Newsletter.
2. It shall be the duty of this committee to provide for all fund raising activities of the Lodge.
3. It shall be the duty of this committee to ensure that none of the activities, for which it is responsible, brings discredit or financial hardship to the Lodge.

ARTICLE 4

NOMINATION & ELECTION OF DELEGATES TO THE NATIONAL CONFERENCE

- Section 1.** Delegates, from this lodge's to the National Conference (with the exception of the Lodge President) shall be elected as prescribed in the Grand Lodge By-Laws.
- Section 2.** Delegates from subordinate lodges to the State Conference shall be the Lodge President, State Trustee (who is the State Officer), by virtue of their office, and other candidates receiving the majority of votes from members.
- Section 3.** The term of office of the delegates shall commence with the assembling of either the State or National Conference and shall terminate upon the election of their successor.
- Section 4.** The Secretary of the Lodge shall fill out the delegate forms certifying those selected as delegates. They shall then be signed by the President and Secretary and authenticated by the seal of said lodge. One copy shall be forwarded to the State Secretary at least thirty (30) prior to convening of the State Conference and the original shall be given to the delegates for presentation on the floor of the Conference.

ARTICLE 5

NOMINATION & ELECTION OF OFFICERS

- Section 1.** Nominations – Candidates for election to Office, except the State Trustees, shall be nominated at the regular business meeting during the month of November of each year.
- A) The State Trustee shall be elected at a meeting of the delegates of the Jim “Billy” Barnes Memorial Lodge and announced prior to nominations of other State Officers at the June Conference. They shall be declared elected by the State President.
- B) When a duly elected State Trustee is unable to attend any meeting or function called by the State Lodge President, the subordinate lodge President of which the State Trustee has been elected will be permitted to attend the called meeting or function.
- Section 2.** Elections – The election of Officers shall be held between the regular meeting in November and one week preceding the regular meeting in December of each year.
- Section 3.** Installation of Newly Elected Officers – The duly elected Officers shall be declared elected at the regular business meeting and shall take office during the regular business meeting in January.
- Section 4.** Election Procedures – The Lodge Officer shall be elected by a plurality vote of the membership. A printed ballot listing the names of the candidates running for office shall be furnished to each member who shows up at the designated locations to vote. After indicating their choice thereon, the member shall deposit the ballot in the receptacle provided for that purpose.
- Section 5.** Election Committee – An election committee of at least three (3) members of this Lodge shall be appointed by the President and

Vice President, of which one (1) shall be appointed the Chairman. Each candidate will be permitted a Poll Watcher during the election and the counting of the ballots.

Section 6. Absentee Ballots – Absentee Ballots shall be distributed by the Chairman of the Election Committee, to members in good standing requesting an absentee ballot in writing, at least one (1) week prior to the election. These are to be returned in a sealed envelope provided for that purpose, to a member of the Election Committee. Only those ballots returned prior to the opening of the voting receptacles should be opened and counted.

Section 7. Ballots – The ballots shall be tabulated by the Election Committee and shall not be destroyed until the election results are certified by the Board of Directors and the membership at the next regular business meeting.

Section 8. Qualification for Office – No member shall be a candidate for more than one (1) office. To be qualified for nomination to office, the proposed candidate must be in good standing in the Lodge for a period of at least one (1) year prior to nomination, and must have attended a minimum of four (4) Lodge meetings during the preceding year. The Board of Directors shall have the right to waive the minimum attendance time for any AUTHORIZED absence. No member shall be qualified to run for President unless they have held a position previously on the Board of Directors for this Lodge.

ARTICLE 6

PRESIDENT

Section 1. At each meeting of the Lodge's Board of Directors, the President shall submit a full and complete written report in respect to the business transacted by him or her since the last meeting of this Lodge together with such recommendations as he or she deems advisable.

Section 2. It shall be the duty of the President, upon approval of the Board of Directors, to promote the growth of the organization, seek new members, give lectures about the organization, the aims and objects, what it has accomplished, what it can accomplish, and what it strives to do for its members and the citizens of the community.

**ARTICLE 7
PAST PRESIDENTS**

*** ARTICLE RESERVED.

ARTICLE 8

VICE PRESIDENT

Section 1. The Vice President shall submit a report in writing to the Lodge Secretary prior to the Lodge meeting.

ARTICLE 9 SECRETARY

Section 1. A petty cash fund in the amount of one hundred dollars (\$100.00) shall be allowed to the Secretary for the purpose of paying emergency expenses.

Section 2. The Secretary shall be responsible for the compilation, printing, and distribution of the Lodge's Constitution and By-Laws.

ARTICLE 10

TREASURER

- Section 1.** The Treasurer shall submit a report in writing to the Secretary at each regular monthly business meeting.
- Section 2.** The State Treasurer shall cause an annual audit of the accounts, books, and records of the Lodge to be conducted by a certified public accountant.

ARTICLE 11

CONDUCTOR

Section 1. The Conductor shall submit a report in writing to the Secretary every third month advising what Lodge activities he or she has attended.

ARTICLE 12

GUARDS

Section 1. The Guards shall submit a report in writing to the Secretary every third month advising what Lodge activities they have attended.

ARTICLE 13

CHAPLAIN

- Section 1.** The Chaplain shall submit a report in writing to the Secretary every third month advising what lodge activities he or she has attended.
- Section 2.** The Chaplain shall report at each monthly meeting, those members who are sick, injured, or in distress. The Chaplain is authorized to send fruit and/or flowers to those members and/or the immediate family of members that are hospitalized.

ARTICLE 14

LODGE TRUSTEES

- Section 1.** The Lodge Trustees for this Lodge shall consist of three (3) members nominated and elected at the time, date, and method as set forth for the General Election of Officers. The Lodge Trustees shall be elected to three (3) year staggered terms.
- Section 2.** The Lodge Trustees shall make a complete report of the financial conditions of the Lodge at the regular meeting in November, prior to the Nomination of Officers.
- Section 3.** The Lodge Trustees shall select a chairman to speak for them at the meetings, giving all reports to the Lodge.

ARTICLE 15

GENERAL COUNSEL

Section 1. The General Counsel shall report to the President and the Board of Directors at each meeting thereof upon any legal matter of significance to the Lodge.

ARTICLE 16

EXPENSES OF THE LODGE & LODGE OFFICERS

- Section 1.** The President, State Trustee, and any other delegate or alternate to the Conference or Board Meeting, shall receive expenses as prescribed in subsections (A), (B), (C), and (D) of this section.
- A) Travel shall be paid at tourist rate air transportation. When traveling to areas not covered by air transportation, travel shall be paid by mileage at the current IRS rate.
 - B) Hotel or motel accommodations.
 - C) A reasonable rate for meals to be set by the Board of Directors at the February Board of Directors Meeting and ratified by the membership. The current rate is thirty-five dollars (\$35.00) per day.
 - D) Registration fees.
- Section 2.** The President is authorized expenditures not to exceed one-hundred fifty dollars (\$150.00) for Lodge business, without the approval of the membership. The receipts shall be presented to the Secretary.
- Section 3.** Any Lodge Officer or member performing duties and services for the Lodge, upon order of the President, shall be compensated for such expenses pursuant to Section 1.
- Section 4.** Request for funds:
- A) Any member, person, or organization requesting monies from this Lodge must do so in writing. This request must be received by the Lodge Secretary no later than the 20th of the month prior to the next regularly scheduled meeting.
 - B) Request for funds that are five-hundred dollars (\$500.00) or more must be voted on and approved by a majority of the members present, at two consecutive meetings.

ARTICLE 17

FIDELITY BOND

Section 1. This Lodge shall provide proof of fidelity bond or insurance to the State Lodge.

ARTICLE 18

DISCIPLINE & HEARINGS

- Section 1.** In respect to any disciplinary hearing conducted by this Lodge, due process shall be afforded to the parties involved.
- Section 2.** In all disciplinary hearings conducted by this Lodge, the body conducting such hearing shall:
- A) Require the complaint, charge, or allegation be made under Oath and in writing; proving such facts as may enable the charged party to be fairly apprised of the nature of the charge.
 - B) Ensure that the party charged is provided with a copy of such complaint, charge, or allegation and given sufficient time, which in any event shall not be less than thirty (30) days, to prepare a defense, if any.
 - C) Conduct a hearing upon the matter during which the trier of fact shall limit the scope of the inquiry to the specific complaint(s), charge(s), or allegation(s) set forth in the written notice.
 - D) Adhere to an order of procedure which places the burden of proof upon the party charging the member.
 - E) Permit the parties to introduce documents and exhibits and/or the testimony of witnesses in accordance with such rules of evidence as may be determined and applied uniformly by such body.
- Section 3.** Discipline may be imposed upon a member for any violation of the good of the order, including but not limited to, the following:
- A) Violation of the Jim “Billy” Barnes Memorial Lodge, Florida State Lodge, or the Grand Lodge Constitution and By-Laws, of the ritual, oath, or obligation of the order.

- B) Acts of disloyalty to the Fraternal Order of Police, including but not limited to, overt attempts to decertify the Fraternal Order of Police where such Lodge is the certified bargaining representative of its members, holding office in an organization which encourages members of the Fraternal Order of Police to leave the Order, or where applicable, which attempts to decertify the F.O.P. or such other acts as bring disrepute, disgrace, or dishonor upon the Fraternal Order of Police.
- C) Distribution or use of the membership list for any reason without the express permission of the Lodge's Board of Directors.
- D) The unauthorized use or the abuse of the name or insignia of the Fraternal Order of Police or the infringement of a trademark thereof.

ARTICLE 19

LEGAL AID

Section 1. Any participating member of the Trust, when charged with any violation (i.e. Department Orders, City Ordinances, State Statutes, etc.), shall be pursuant to the United States Constitution, presumed innocent until proven guilty in a Court of competent jurisdiction or by a Board with jurisdiction over the particular matters, and if a member of the Legal Defense Trust, he or she may request financial assistance.

Section 2. Creation:

- A) This article allows the creation of a separate corporation, to be known as the “Jim Billy Barnes Memorial F.O.P. #71, Legal Defense Trust, Inc.” with articles of incorporation filed with the State of Florida, Secretary of the State as prescribed by law.
- B) This article creates a separate fund to be known as the “Jim Billy Barnes Memorial F.O.P. Lodge #71, Legal Defense Trust Fund.”

Section 3. Membership:

- A) Any Lodge #71 member who wishes to belong to the “Jim Billy Barnes Memorial F.O.P. Lodge #71 Legal Defense Trust, Inc.” shall do so by paying a bi-weekly fee of ten dollars (\$10.00) into the Trust, through the Pensacola City Employee’s Federal Credit Union or by paying an annual fee of two-hundred sixty dollars (\$260.00) to the Treasurer of the corporation.
- B) Current members of the Lodge shall have sixty (60) days to become participants in the Legal Aid Trust after this By-Law takes effect. After the sixty (60) day period expires, current members of the Lodge, who desire to participate, will be required to wait thirty (30) days after joining before they can

- receive legal assistance from the Trust. The members will also be charged an initiation fee to become a member of the Trust.
- C) After the thirty (30) day waiting period and initiation fee has been met, only those incidents that occur after the date the member joined the Trust will be covered.

Section 4. Funding:

- A) All funds for the Jim Billy Barnes Memorial Legal Defense Trust Fund will come from membership dues and contributions made directly to the Trust.

Section 5. Officers:

- A) The officers of the “Jim Billy Barnes Memorial F.O.P. Lodge #71, Legal Defense Trust, Inc.” shall include a President, Vice President, Secretary, and Treasurer. The President and Treasurer of the Trust shall be the same as the President and Treasurer of the “Jim Billy Barnes Memorial F.O.P. Lodge #71. All other officers shall be elected from within the membership of the Legal Defense Trust.

Section 6. Legal Aid Committee:

- A) To administer and monitor the Legal Aid Trust, there shall be established a Legal Aid Committee appointed according to the Constitution and By-Laws of this Lodge, with the following criteria:
- (1) The committee shall consist of five (5) members who are participating members of the Legal Aid Trust.
 - (2) The majority of the committee shall hold no higher a rank in the Pensacola Department than that of a Police Officer II. The other members of the committee may be of higher rank, but not to exceed the rank of Lieutenant.
 - (3) The President shall select the chairperson of the Legal Aid Committee, from the five (5) appointed members. The

President or his designee shall act as an ex officio member of the committee, providing he or she is a participant of the Legal Aid Trust.

Section 7. Legal Aid Trust Attorney:

- A) The Committee shall retain Legal Counsel for the purpose of representing the participants of the Legal Aid Trust. The Legal Counsel to be retained, will be approved by two-thirds (2/3) of the Trust members voting at the meeting called for the purpose of ratifying the Legal Counsel's retainer.
- B) The Legal Aid Committee can through their research and upon approval of two-thirds (2/3) of the members at a meeting, retain an insurance company or Legal Defense company to represent the participating members.

Section 8. Fees:

- A) The maximum amount that shall be paid to an attorney is eighty-five dollars (\$85.00) per hour. This can be overridden by a three-fourths (3/4) vote of the members of the Trust at a meeting called for that specific purpose.

Section 9. Meetings:

- A) Meetings of the Legal Aid Committee shall be held as called by the Chairperson, upon notice to all of the committee members and the President. A quorum must be present to conduct business.

Section 10. Scope and Purpose:

- A) The Legal Aid Trust shall be available to participating members of the Trust on matters concerning job related activities, administration, civil, and/or criminal. It does not cover counter suits.

- (1) A participating member shall have legal representation immediately upon the start of an investigation or where it is evident the member's rights could be in jeopardy (i.e. shootings, etc.) or where administrative or criminal charges are filed; providing the member's dues to the fund are current.
- (2) Legal representation will be through any administrative hearing (i.e. City Board of Florida Police Standards and Training Decertification hearing, etc.) or a civil and/or criminal court proceeding. Any additional representation will be taken into consideration after that point.
- (3) Participating members shall receive the services of legal counsel that has been retained by the Legal Aid Committee. A participating member desiring representation other than the retained legal counsel can petition the Legal Aid Committee for a change and the Legal Aid Committee shall make the decision whether or not to retain (at the same hourly rate) another attorney to be paid with funds from the Legal Aid Trust.
- (4) When there is more than one legal counsel representing a participating member, the legal counsel for the Legal Aid Trust will act as an advisor for the participating member until such time as other legal counsel are not representing the participating member (i.e. city attorney, etc.).
- (5) After a hearing or court decision has been rendered, if there is any further legal appeal, the Legal Aid Committee shall make a decision by two-thirds (2/3) majority, whether the Legal Aid Trust will continue funding the case in question.
- (6) The legal counsel for the Legal Aid Trust is to be used only for what is specified in the standing Rules of the Trust and no fund from the Legal Aid Trust will be used for any other legal matters.

Section 11. Trust Payback:

A) In the event that a participating member shall subsequently file suit and there is monies collected and attorney fees awarded for the current case and any prior case that the participating member was defended in, the member shall repay the Legal Aid Trust the total amount of monies paid out by the Trust for that participating member's defense.

Section 12. Participating with other Legal Aid/Defense Programs:

A) Should it become feasible and beneficial to the "Jim Billy Barnes Memorial F.O.P. Lodge #71, Legal Aid Trust" this Trust may participate with other similar programs that area endorsed by the Fraternal Order of Police, State or National Lodges.

B) The participating members of the Trust shall make the decision whether this Legal Aid Trust will participate with any other Legal Aid/Defense Fund by a majority vote of those members present at a previously noticed meeting.

Section 13. Additional Assistance:

A) After the Lodge member has received assistance from this Lodge and/or their District he or she may put in a request for legal assistance or financial aid (through this Lodge) to the State Lodge. All requests must be in writing, and shall include all appropriate and relevant documentation and materials. It should be forwarded to the State Secretary (State Office) who shall forward copies of the same to the State Legal Aid Committee.

Section 14. Assumption of payment:

A) No member shall allege, represent, or promise that the Lodge will assume any payment or provide any assistance or aid nor shall the Lodge, or any officer, employee, agent, or representative provide or promise to provide any legal assistance or financial aid except in conformity herewith. Any provision of such legal assistance or financial aid shall be specifically authorized by the Lodge, memorialized by a writing signed by the President and Secretary under the Lodge Seal.

ARTICLE 20 SOLICITATION

- Section 1.** This Lodge (F.O.P., F.O.P.A) shall comply with all Florida state laws in reference to solicitation.
- Section 2.** Failure to comply can result in disciplinary action as stated in the Florida State Lodge Constitution and By-Laws.

ARTICLE 21

ANNUAL BUDGET

Section 1. The Annual Budget of this Lodge shall include an estimate of anticipated revenue, anticipated expenditures, and line item estimates of the needs of the administrative and operational functions of the Lodge. Line items shall include, but are not limited to, the following:

- A) State Conference and Board Meeting Expenses.
- B) Lodge Office Expenditures.
- C) Committee Expenditures.
- D) Legal Expenses.

Section 2. Any other provision of these By-Laws notwithstanding, the Lodge President shall not approve any warrant or voucher in excess of the budgeted amount for any particular line item, or sub-line item account. Each Officer, committee chairman, and employee will cooperate in the institution of and compliance with the annual budget of the Lodge and will, upon request thereof, submit an itemized budget with respect to anticipated revenues and expenses in their area of control or interest for the next fiscal year.

ARTICLE 22

DUES & ASSESSMENTS

- Section 1.** The yearly dues for each Active Member shall be seventy-eight dollars (\$650.00).
- A) The dues can be divided into twenty-six (26) equal payments and taken out as a payroll deduction.
- Section 2.** Retired members shall pay dues in the amount of twenty-six dollars (\$26.00) a year for a period of ten (10) years.
- A) Options:
1. Life Time Memberships may be granted by the Lodge for retired members.
 2. F.O.P. Retiree Status – Pays no dues and has no vote or voice at any F.O.P. meeting (may attend meetings and activities).
- Section 3.** Assessments – In the event of an emergency as determined by the Board of Directors in accordance with this Constitution, the Board of Directors shall first determine the amount of assessment required from each member in order to meet the emergency.
- A) The Board of Directors shall then notify the membership by notice of its intent to levy an assessment upon the membership, setting forth the reason for the assessment and a detailed account of probable expenditures.
- B) The membership would then be provided an opportunity to vote either for the assessment or against it at either a Special Meeting or the next regular business meeting. Absentee ballots would be allowed for those members unable to attend because of work, sickness, or vacation.

Section 4.

Any member who has withdrawn from membership and wishes to once again become active and a member in good standing may do so by the payment of all past amounts due. In the member will pay the current initiation fee at the time of reapplication.

ARTICLE 23

BY-LAW AMENDMENTS

- Section 1.** In order to amend these By-Laws, a member, the Lodge Constitution and By-Laws Committee, or a majority of the Board of Directors shall submit the proposed amendment. No proposed amendment shall become part of these By-Laws except upon two-thirds (2/3) vote of those members voting at a **two** regular business meetings or special meetings, after proper notice has been posted.
- Section 2.** Proposed amendments to these By-Laws shall be submitted to the Secretary at least thirty (30) days prior to the convening of the next regular business meeting. The Secretary shall post a copy of such proposed amendments at least twenty (20) days prior to the next scheduled meeting.
- Section 3.** A proposed amendment shall contain the precise language of the proposed amendment, shall specifically set forth the language to be added, deleted, and/or revised, and should identify each and every Article and Section of the By-Laws affected thereby. Proposed amendments shall not be set forth in resolution form but shall be accompanied by a statement, not to exceed one (1) page in length, setting forth the basis for the proposed amendment.
- Section 4.** The Constitution and By-Laws Committee shall receive proposed amendments to these By-Laws and shall review same for form, grammar, and placement within the By-Laws and shall report to the membership its conclusions and recommendations thereof.