

## **Section Two**

# **BYLAWS OF ABATE Of California, INC.**

## **ABATE BYLAWS**

The Bylaws of **ABATE** of California outline the structure of our organization. They enable us to function and provide the fundamental framework for the operation. These Bylaws contain a statement of the purposes of **ABATE** and provisions for members, our governing board and our officers. Each Local may establish their own bylaws, but the Local bylaws must not be in conflict with the State Bylaws.

### **Bylaws of AMERICAN BROTHERHOOD AIMED TOWARDS EDUCATION OF CALIFORNIA (ABATE of California, Inc.)**

Revised ~~August 8, 2007~~ October 2013

#### **ARTICLE I - OFFICE**

Section 1 - PRINCIPAL OFFICE - The principal office for the transaction of business of the organization is located in San Bernardino County. The location may be changed by approval of a majority of the authorized Directors, and additional offices may be established by a majority vote of the Board of Directors and maintained as deemed necessary by the Board of Directors.

#### **ARTICLE II - OBJECTIVES AND PURPOSES**

Section 1 - OBJECTIVES AND PURPOSES - The primary objectives and purposes of this union of motorcyclists shall be:

- a) Promote safety and educational programs, public awareness programs, and other programs to improve the general image of the motorcycle community.
- b) Protect the rights of motorcyclists by informing the membership on all relevant regulations and legislation and promoting political action activities in the best interests of the motorcycle community.

#### **ARTICLE III - MEMBERSHIP**

Section 1 - MEMBERSHIP PROVISIONS - The following provisions apply to applications and memberships:

- a) Any person or business may apply for membership by written application to the organization and payment of applicable dues. An application may be denied for any conduct prejudicial to the purpose of ABATE of California or its membership, to be determined by a majority vote of the Board of Directors.
- b) All new memberships are provisional for the first year and may be revoked at any time during the first year by a majority vote of the Board of Directors.

A membership card and official ABATE patch will be issued to each first year member. A year pin shall be issued for each year of membership after the first year.

Section 2 - MEMBERSHIP RIGHTS - The membership is the highest authority of ABATE and shall be empowered to take or direct any action consistent with the bylaws of the organization. The specific rights of a member in good standing (membership dues are current) are:

- a) To nominate and vote on ABATE Local representatives.
- b) To nominate and vote for the State Board of Directors of ABATE of California.

ABATE membership information shall only be used for authorized ABATE business, and shall not be used for any personal purpose. No member shall be personally liable for debts or obligations of the organization.

Section 3 - SPECIAL MEMBERSHIPS - The Board of Directors by majority vote may establish and grant honorary and Lifetime memberships. Special memberships automatically assume the rights of a general membership.

Section 4 - SUSPENSION AND EXPULSION OF A MEMBER - A member may be suspended by a two-thirds majority vote of the Board of Directors. Expulsion shall be effective only if the member has been given notice and an opportunity to be heard before the Board of Directors, and upon finding by a two-thirds majority vote that the member has violated the rules of ABATE or committed acts prejudicial to the purposes or welfare of ABATE or its membership.

## ARTICLE IV - STATE ORGANIZATIONAL STRUCTURE

Section 1 - BOARD OF DIRECTORS - The overall management of the organization will be the responsibility of the Board of Directors:

- a) The authorized number of directors shall be eleven (11).
- b) Directors will be elected by the general membership each December for a term of two years to commence at the first Board of Directors Meeting of the year following the elections. Six Board members shall be elected for a two-year term on even election years, and five board members shall be elected for a two-year term on odd election years.
- c) The Board by majority vote will select a Chairman of the Board.
- d) The Chairman will be responsible for scheduling the Board meetings, preparing the agenda, chairing the meetings, and other duties as delegated by the Board of Directors.
- e) Vacancies on the Board of Directors shall be filled immediately by the next highest vote recipient(s) in the current election. If none is available, the seat shall be filled by a person selected, by a majority vote of the Board of Directors.
- f) The Board may remove by two-thirds vote any Board Member who has not attended two consecutive Board meetings or for cause. This intent to remove a Board Member must be started by informing the individual of the intent and of the date of the meeting where that decision will be made final.
- g) There shall be a minimum of four board meetings per year.
- h) The Board of Directors by majority vote shall appoint the state officers of the organization. Any member may submit candidates from current members of ABATE of California.
- i) A quorum shall be necessary to conduct a Board of Directors meeting. A quorum is a majority of the existing Board members.
- j) A majority vote at a Board of Directors meeting, with a quorum present, is the act of the board.
- k) Special meetings of the Board of Directors may be called at the request of the Chairman or any two Members of the Board. Special meetings must have a specific topic and agenda and no other topics will be decided at that meeting.

Section 2 - OFFICERS -The officers of the organization will be responsible for the daily management and operation of state level affairs. Policy decisions and fund expenditures (see Article VI for expenditures limits) must be authorized by the Board of Directors. The State officers will consist of the Executive Director, Regional ~~Directors Representatives~~ **1**, Treasurer, Secretary, Safety Officer, Newsletter Editor, Membership Coordinator, ~~Political Action Committee Chairman~~ **Legislative Director** **2**, Merchandise Coordinator, Public Relations Officer, ~~Judicial Officer~~ **Information Coordinator** **3** and other officers as determined by a majority vote of the Board of Directors. Officer duties shall include:

- a) **Executive Director** - The Executive Director shall be the Chief Executive Officer and shall, subject to the control of the Board of Directors, of which he/she may be a member, have general supervision, direction and control of the organization and Officers, except for duties delegated by the Board of Directors to the Chairman of the Board or other Officers. Other responsibilities include:
  - 1) Official spokesman for ABATE of California on all non political issues.
  - 2) Coordinator between the State and Locals, which will include effectively maintaining and managing the ~~Deputy Director~~ **Regional Representatives** **4** network to aid the ~~Deputy Directors~~ **Regional Representatives** in working with the Locals. **4**
  - 3) Assist new and existing Locals in an advisory capacity.
  - 4) Represent ABATE of California at meetings of traffic safety groups, workshops, and other activities which affect motorcycling.
  - 5) Maintain current information regarding all ABATE programs.
  - 6) Work on establishing cooperation between motorcycle groups on a statewide basis in the common interests of motorcycle safety and political awareness of mutual interest.
  - 7) Responsible for the production, distribution, maintenance, and periodic updates of the Policies and Procedures Manual.
- b) **Regional ~~Directors Representatives~~ **4**** - Shall assist the Executive Director in the performance of his/her duties.
- c) **State Treasurer** - Shall keep a complete, accurate account of all ABATE monies. The State Treasurer shall furnish a quarterly internal financial statement and ~~distribute~~ **make available** **5** to each Local Treasurer.

- d) **State Secretary** - Shall maintain a file of the minutes of all Board of Directors meetings. Meeting minutes shall be sent to all Board Members and State Officers after each meeting and maintained at the state principal office.
- e) **Safety Officer** - Shall coordinate with, both government agencies and private agencies to invent, develop and assist any program or idea that might be beneficial to motorcycle safety. The Safety Officer will report directly to the Executive Director, and will also give progress reports at each Board of Directors meeting.
- f) **Newsletter Editor** - Shall be responsible for editing, publishing, and distributing a monthly newsletter and other **printed** **6** materials as directed.
- g) **Membership Coordinator** - Shall be responsible for ~~maintaining~~ **ensuring the maintenance of** **7** an up-to-date master membership list. The membership coordinator shall develop and implement programs to increase the State membership. An updated Local membership list for specific Locals shall be provided to each Local President **quarterly or** **8** upon request.
- h) ~~**Political Action Committee Chairman**~~ **Legislative Director** **9** - Shall research all California State and Federal legislation and programs pertinent to the motorcyclist and keep the ABATE membership informed in a monthly article in the ABATE state newsletter. The ~~**Political Action Committee Chairman**~~**Legislative Director** **9** shall recommend political action programs to the Board of Directors at each Board meeting. Other responsibilities shall include:
  - 1) Act as official spokesman for and representative of ABATE of California on all political issues.
  - 2) Responsible for developing all political policy and political action, and implementing decisions by the Political Action Committee.
  - 3) Responsible for the direction of all lobbying efforts and the lobbyist on behalf of ABATE of California.
  - 4) Responsible for the operation of the Political Action Committee, including but not limited to, appointing the ~~**PAC Vice Chairman**~~ **Assistant Legislative Director, PAC Secretary and PAC Treasurer**, all to be approved by the Board of Directors. **10**
- i) **Merchandise Coordinator** - Shall act as the purchasing agent for ABATE merchandise as well as solicit designs, maintain and distribute merchandise as needed.
- j) **Public Relations Officer** – Shall be responsible for creating and maintaining a public relations program for ABATE of California as well as assist and teach Locals to administer a public relations program. **Other responsibilities shall include:**
  - 1) **In conjunction with the Executive Director, provide Regional Representatives with pertinent information for dissemination to the Local presidents.****11**
  - 2) **As directed by the Executive Director, assist Regional Representatives with implementation of ABATE programs, events, etc.** **12**
- k) ~~**Judicial Officer**~~ **Information Coordinator** – The ~~**Judicial Information**~~ **Coordinator** is responsible for coordinating ongoing litigation as it pertains to ABATE and other motorcycle rights’ issues and for informing the membership of ways to pursue judicial issues (i.e.: fighting helmet tickets).**13**

## ARTICLE V - LOCALS

Section 1 - THE LOCAL - A Local may be established under the supervision of the Executive Director. Each Local will have a minimum of the following officers: President, Vice President, Secretary /Treasurer.

Section 2 - LOCAL OPERATION - Each Local may establish bylaws, but the Local bylaws cannot be in conflict with the State bylaws. Each Local may maintain a treasury, and a quarterly report will be submitted to the State Treasurer. Each Local may determine the use of excess funds, but these funds will at no time be used to profit any individual member.

Section 3 - LOCAL ELECTIONS - Each Local will provide the opportunity to the membership of annual elections of officers. In the event of non-participation, the positions of President, Vice President, Secretary, and Treasurer can be assumed by volunteers with the approval of the Executive Director and at least two members of the Board of Directors.

Section 4 - OFFICER INFORMATION - Each Local must provide to the State Membership Coordinator an up-to-date list of all Local Officers including name, address, telephone number, and date of assuming those duties.

## ARTICLE VI - FINANCIAL

Section 1 - MEMBERSHIP FEES - The State Treasury will receive eighty-five percent (85%) of each membership fee. The Local selling the membership will retain fifteen percent (15%).

Section 2 - TREASURY REPORTS - The State Treasurer will furnish a quarterly internal Financial Report and ~~distribute~~ **make available 14** to each Local President. Each Local shall send the State Treasurer a quarterly Local report. Each Local shall make available to any Local member the financial status of the Local and/or the last known status of the State treasury.

Section 3 - ABATE MERCHANDISE - The State Merchandise Coordinator will make all purchases of ABATE State merchandise. All merchandise purchases and sales accounting shall be reported to the State Treasurer on a quarterly basis.

Section 4 - SALARIES - Salaried positions may be established and salaries determined as necessary by the Board of Directors. At a minimum, the necessity of a position will be reviewed annually together with a performance and salary review.

Section 5 - EXPENSES - Any member may be reimbursed ABATE-incurred State expenses with the approval of the Board of Directors or State Treasurer.

Section 6 - STATE TREASURY EXPENDITURES - All expenses greater than four-hundred dollars (\$400.00) must be approved by the Board of Directors. Expenditures less than \$400.00 can be made with the approval of the State Treasurer and one Board member or State Officer. This does not include routine business expenses such as purchase of pins, payment for T-shirts and other promotional items, newsletter printing or mailing costs, etc.

Section 7 - MEMBERSHIP FEE CHANGES - A majority vote of the Board of Directors is needed to change membership fees.

Section 8 - SALARY CHANGES - A majority vote of the Board of Directors is needed to change the salary of any employee.

## **ARTICLE VII - BYLAW COMMITTEE**

Section 1 - BYLAW COMMITTEE APPOINTMENT - The Board of Directors will select three members that are volunteers to oversee and review modifications of the bylaws as needed, but not less than every three years.

Section 2 - BYLAW CHANGES - Recommended changes by the committee will be ~~published in the State newsletter~~ **distributed via email to the general membership 15** to be voted on by the general membership. A majority of the “voting” membership by ballot is necessary to change a bylaw.

## **ARTICLE VIII - POLICIES AND PROCEDURES**

Section 1 - POLICIES AND PROCEDURES MANUAL - This manual will clearly define all policies and procedures of ABATE of California in regards to overall operation, committee operation, duties of officers and other subjects as they become needed.

Section 2 - MANUAL RESPONSIBILITY - The Board of Directors and the State Officers will contribute to the development of the manual. The Board of Directors will approve the manual and periodic revisions.

Section 3 - MANUAL DISTRIBUTION - The Executive Director will be responsible for distributing the manual and revisions to all Local Presidents and Members of the Board of Directors.