

THE BRANCH

The corporate status of a Branch is defined through the Act to Incorporate and the GBL. The primary unit of the Legion is the Branch, and each Branch shall exercise autonomy with regard to its affairs and shall have the power to approve By-Laws and Regulations to govern its activities so long as they are consistent with the Act of Incorporation and By-Laws passed under its authority – Section 9 (1) of The Act to Incorporate.

Any Branch may sue or be sued in its own name – Section 9 (2) of The Act to Incorporate.

No Branch may, without the consent in writing of the Provincial Command having jurisdiction over the Branch, hypothecate, mortgage, pledge, lease, sell, convey or otherwise dispose of its real or personal property, except in the ordinary and usual course of its activities. A Notice of Motion, so resolved by a two-thirds majority vote of the members of the Branch, in good standing, present and voting – Section 11 (2) of the Act to Incorporate. Fourteen (14) days notice in writing by mail to all members in good standing is required - The Royal Canadian Legion Act 1990. All property related expenditures in excess of \$25,000, during the course of the fiscal year, from any Branch account or fund, must have written approval from the Provincial Property Committee prior to commitment of the expenditure. Refer to the Property Section for procedure.

THE LEGION ACTS – 1965 AND 1990

The Legion Act 1965 preceded the Legion Act 1990 and the two Provincial pieces of Provincial legislation complement each other. The 1965 Act outlined the powers of Branches and Commands to hold property and specified that the property of the Command or branch could be held in the name of the Command or Branch. Following the 1965 Legion Act, the By-Laws of Ontario Command were later changed to require that the property of the Branch ‘shall’ be held in the name of the Branch. This change occurred in 1971 and can be found in the current Provincial By-Laws in Section 905. All Branches shall hold branch property in the name of the Branch and not in the name of trustees.

The Legion Act 1990 outlines the process that must be followed for property transactions and borrowing. It reads as follows:

WHEREAS The Royal Canadian Legion, herein called the Legion, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. (1) Despite any other general or special Act, no Branch of the Legion may mortgage, lease or convey real property unless,

- (a) It is authorized by resolution passed by a two-thirds majority vote of the members of the Branch in good standing who are present and vote at a special or general meeting of the Branch; and
 - (b) The consent in writing of the Ontario Provincial Command or the Manitoba and Northwestern Ontario Provincial Command, as applicable, is first obtained.
- (2) Notice of the meeting under clause (1) (a) shall be given to members in good standing by mailing it to the last known address of the member at least fourteen (14) days before the meeting as per GBLO Section 918 (2).
- 2.
 - (1) If the charter of the Provincial Command of the Legion is revoked or suspended, the Dominion Command of the Legion may register in the proper registry or land titles office a certificate, signed by the President and Executive Director under the seal of the Dominion Command, stating that the charter of the Provincial Command has been revoked or suspended.
 - (2) Upon the registration of the certificate under subsection (1), the real property held in the name of the Provincial Command vests in the Dominion Command.
 - (3) A certificate registered under subsection (1) shall contain a reference to this Act.
- 3. The Royal Canadian Legion Act, 1975, being chapter 24, is repealed.
- 4. This Act comes into force on the day it receives Royal Assent.
- 5. The short title of this Act is The Royal Canadian Legion Act, 1990.

The Royal Canadian Legion is incorporated at the national level only: For purposes of applying for grants, Branches are asked for Dominion Corporation information about our organization. Here is the information needed:

Corporation Number 058870-9

Business Number (BN) 107928798RC0001

Corporate Name: The Royal Canadian Legion.

Governing Legislation: Special Act of Parliament-1948-06-30. As amended 1981

Registered Office Address

86 Aird Place Ottawa ON K2L 0A1

No Branch may become incorporated under the laws of Canada or any Province or cause a corporation to be formed for the purpose of holding or administering any of its property – GBL Section 122. a.

The real property that may be held or acquired by a Branch shall be held in the name of the Branch GBLO Section 905. A Branch, when preparing Branch Regulations, Policies and Procedures, shall not include a section covering a Board of Trustees.

The real or personal property of any Branch that has been wound up, dissolved or suspended or the charter of which has been revoked or suspended vests in the Provincial Command of the Province wherein the property is situated and **only such property is liable for the debts or liabilities of such Branch** – Section 10 (1) of the Act to Incorporate.

Upon the winding up or dissolution of any Branch, the property of that Branch shall not be distributed to or for the benefit of the members thereof – Section 10 (2) of the Act to Incorporate.

Upon the surrender of a Branch Charter, all property and finances will be vested to the Command. A Branch may apply to the Administrative Committee of Ontario Command for any or all of the surplus remaining, after all debts and liabilities have been satisfied, to be used to benefit the community in which the Branch is located. – GBLO Section 928.

In all cases, upon the surrender of a charter or amalgamation of one Branch with another Branch, the Branch officers are responsible to ensure that a final financial statement is prepared, reconciling all funds received and disbursed in the final period. The Branch officers must further ensure that records are retained in accordance with the policy on the ‘disposition of Branch records’ outlined in this manual in the chapter entitled ‘PROCEDURE TO SURRENDER A CHARTER OF A BRANCH’.

DOMINION COMMAND POLICY – USE OF THE TRADEMARKS

General

The trademarks of The Royal Canadian Legion and owned by Dominion Command are:

- a. The words “Canadian Legion”, “Legion” and “The Royal Canadian Legion”;
- b. The Legion badge/crest;
- c. The Legion Logo;
- d. The Legion tie; and
- e. The Poppy Symbol

None of these trademarks may be used in any manner or configuration without the specific written permission of Dominion Command. Without an effective and visible policy of trademark control, the Legion runs the risk of losing its trademarks. Therefore, the following policy guidelines pertain.

Signage

Commands and Branches of The Royal Canadian Legion are authorized to use the badge/crest or logo and associated titles of The Legion in all building signage on Legion property. Use of the Dominion Command trademarks for signage at other facilities which do not belong to the Command or Branch such as cemeteries, theatres, civic centres, highways, etc., may only be authorized with the specific permission of Dominion Command. Use of the Poppy symbol on signage of any configuration must first be approved by Dominion Command.

Letterheads and Printed Products

Commands and Branches are authorized to use the Legion badge/crest or logo on letterheads and printed material as appropriate. These same trademarks may be used on all Command or Branch paper products (such as napkins and place mats) which are supportive of Command or Branch operations or activities. The Poppy symbol may be used by Commands and Branches for printed materials to be used in support of the Poppy Campaign.

Regalia

Dominion Command is the sole authority for the design, distribution and use of regalia items containing Legion trademarks.

Production of Non-Regalia Consumer Items by Commands and Branches

Dominion Command reserves the right to produce and market non-regalia consumer items of a general nature across the Legion.

Provincial Commands are authorized to market non-regalia consumer items to Branches and members within the Command. Branches are also authorized to market pins, crests and other non-regalia consumer items to Branch members. However, the use of the Legion trademark such as the crest or logo must be accompanied by the Command or Branch name in the design to identify it as a Command or Branch initiated consumer item. These items will normally consist of pins or non-regalia dress items such as sweaters, jackets, ball caps, etc., affixed with the Legion crest and the Command or Branch identifier. Other Command or Branch identified consumer items may be produced as well.

Commands and Branches are not authorized to use the Poppy symbol for the design and production of Command identified consumer items. Dominion Command reserves the sole right to market Poppy related items.

Commands may not market items outside the jurisdictional boundary of the Command.

The Poppy Symbol Trademark - refer to the current Poppy Manual for detailed information.

As indicated earlier, the Poppy symbol may be used by Commands and Branches for printed materials in direct support of the Poppy Campaign. However, Commands and Branches are not authorized to use the Poppy symbol for other purposes or for the design or production of any consumer or resale items. Requests from Commands or Branches to use the Poppy symbol in the

promotion of Remembrance on licence plates, signage or other items of Remembrance, which are unique to the Command or the Branch, are to be forwarded to the Secretary of the Poppy and Remembrance Committee, Dominion Command.

On occasion, Dominion Command may produce resale items containing a Poppy symbol in order to help promote Remembrance.

Unauthorized Use of Legion Trademarks

Commands and Branches are requested to report unauthorized uses of Legion trademarks to the Dominion Command Director of Supply and Sales.

For further information and a copy of the Canadian Legion Trademark Control Contract, please check the Supply section on the Dominion web site at www.legion.ca.

Organized Groups within Branches

Branch Regulations may provide for the formation of organized groups within the Branch providing they are administered by the Branch Officers and the funds are administered by the Branch Treasurer – GBL Section 614.

The formation of organizations within a Branch and the control of them are determined by the GBLB Section 710. and as provided for in the Branch Regulations.

Organized clubs within a Branch are merely a loose association of individuals with a common interest without legal entity and therefore no status.

The only legal entity is the Branch. Any other entity is prohibited by the GBL.

Qualification to vote or hold office

Except as otherwise provided in the General By-Laws, only Ordinary, Life, Associate and Affiliate-Voting members in good standing shall have the right to vote or hold office at any level of the Legion – GBL Section 111. a.

No person shall be nominated for any office in the Legion unless present or having signified in writing a willingness to accept such office and signed by a member in good standing - GBL Section 111. b.

All Branch officers, elected or appointed, shall have the right to vote at Branch Executive meetings – GBL Section 111. c.

Branch By-Laws will require a member to serve one term on a Executive Committee to be eligible for the office of President or Vice-President and be a member of a Branch for one year to be eligible to be elected to the Executive Committee – GBLB Section 402 & 403.

Branch By-Laws

Approval was given at the 2009 Provincial Convention held in Burlington, to create one set of *General By-Laws for Branches* to govern **all** Branches within Ontario Command. These By-Laws are contained in a separate section within the GBLO.

Branch Regulations are created to address specifics of each Branch, such as: Term of office, date and time of general meetings date and time of annual/biennial elections, quorums. etc. See the chapter “Branch Regulations”.

Provincial Command By-Laws – Section 512.a of the Dominion By-Laws

Provincial Command By-Laws and any amendments thereto shall not become effective until approved by the Dominion Command Constitution and Laws Committee.

Convention

Any delegate, accredited by the Branch of which they are a member, may carry, in addition to their own credentials, up to four proxy votes from the Branch of which they are a member, or any other Branch or Branches within the Command. A delegate may also be a member of another Branch within Ontario Command but may not carry proxies – GBLO Section 317.

All changes of Legion policy and administrative procedures resulting from resolutions passed or By-Law amendments enacted by Conventions shall, unless otherwise specified, by By-Law and presented to Convention for approval, take effect on the first day of the fifth month following Convention or 1 January, whichever comes first. – GBL Section 921.

Notice of Branch Meetings

The Branch must communicate to all members the date and time of the general meeting at least seven (7) days prior to the meeting date. See GBLO Section 918 (4). Notice of a Branch general meeting contained in the Branch Bulletin will suffice if distribution of the bulletin can be achieved before the next general meeting. **Note:** this is not required if the Branch has a Command approved Regulation that has determined the day and time of its general meetings

For mortgaging, leasing, or conveying property, a notice of motion is required. It must be communicated to all members in good standing at least fourteen (14) days prior to the meeting at which the matter is discussed. See GBLO Section 918. (2) See Notice of Motion – Generic

Appointments to the Executive Committee

Although Branch By-Laws require that a member must be a paid-up member in the Branch for the year in which the election is held and have held membership in the Branch for a period of one year prior to the date of the election meeting, in order to qualify for election to the Branch Executive Committee, there is no provision in the General By-Laws to prohibit a paid-up member of the Branch with less than one year of service in the Branch from being appointed to

the Executive Committee, i.e. Chair of a Standing Committee or to complete an unfinished term caused by resignation, death, etc. This would also apply to the position of Vice-President.

The member in question would have the same rights and privileges as if they had been elected.

Appointment/Election Standing Committee Chairs

Each Branch shall be required to appoint the following Chairs who shall be members of the Executive Committee:

- (a) Legion Seniors
- (b) Membership
- (c) Poppy
- (d) Public Relations
- (e) Sports
- (f) Track and Field
- (g) Leadership Development
- (h) Veterans Services
- (i) Youth Education

Note

The Veterans Services Committee and the Legion Seniors Committee amalgamated at the Provincial level in 2003 and most Districts have also amalgamated the two Committees. At the Branch level, a separate Chair for each Committee is required to ensure sufficient direction and resources to deliver both programs.

Installation of Officers

Branch Officers and members of the Executive Committee shall take office and assume their duties and responsibilities on June 1st and shall be installed in accordance with the Ritual on or before this date – GBLO Section 911. (2).

The Installation Ceremony is to be performed by an installation team comprised of members of The Royal Canadian Legion upon invitation by a Branch and that Branches shall advise the Zone Commander of the date and time of such Ceremonies - 1979 Convention.

The Provincial Convention (1971) has directed that the Installation Ceremonies are not the responsibility of the Senior Elected Officers. The District/Zone Commanders hold this responsibility but, in their absence, the ceremonies may be conducted by a Committee of the Branch Past Presidents or a Branch Installation Team.

Branch Visitation

From a legal viewpoint, a Branch is autonomous; however, in the interest of comradeship a member in good standing should ordinarily have the privilege of visiting other Legion Branches - 1986 Dominion Convention.

Manuals

It is the responsibility of the Branch President and the Executive Committee to ensure that the most recent edition of the Provincial and Dominion By-Laws, Manuals, etc., are available to the membership in order that those responsible for the leadership within the Branch have access to Legion legislation.

Use of Land Acknowledgements

It is now common practice to include a land acknowledgement prior to Opening Ceremonies at Legion meetings. This is a statement that a public event is taking place on land originally inhabited by Indigenous peoples. Land acknowledgements mark a small and important step in the process of reconciliation and building a positive relationship with Indigenous peoples. By making a land acknowledgement you are taking part in an act of reconciliation, honouring the land and Indigenous presence which dates back over 10,000 years. Local municipal authorities can provide you with your local Indigenous land information. An example is displayed below.

LAND ACKNOWLEDGEMENT

We acknowledge that the Royal Canadian Legion Branch _____ is located on the traditional territories of the _____ peoples and the treaty land of the _____ First nations, and other indigenous peoples whose presence here continues to this day. We thank them for sharing the land with us.

Dress Regulations – Legion Branches

Branches are considered to be private clubs and they can therefore make their own rules governing access, conduct and dress of members and their guests while they are on Branch premises; however, Branch clubhouse rules or inhouse policies that deny entry to members and guests because of their religious obligation to wear a particular head covering contravene the laws of Canada.

When public access is permitted to areas on Branch premises (for example, when meeting rooms are rented to an outside agency or organization for any purpose) Branch dress regulations do not apply to the rented areas.

Remembrance Day Ceremonies

It is the Legion's position that Remembrance Day Ceremonies are held to honour those Canadians who paid the supreme sacrifice in any conflict in which Canada was officially

engaged and under no circumstances should these occasions be used by any organization seeking publicity, platform for protest or recognition of other grounds.

Those wishing to pay respect to our Comrades on such occasions should be welcome to do so either by attending the Ceremony or by placing a wreath on the memorial immediately following the official Ceremony -1988 Convention.

Where the Legion controls the parades associated with Remembrance Day Ceremonies, it is generally not considered appropriate for non-Canadian organizations to march as a group. Nor should we permit any organization whose interests' conflict with the avowed purposes and objects of the Legion to participate in our Remembrance Parades and Services. Traditionally, Canadian Veterans' groups that participate in these Ceremonies do so because of their association with those who served with and/or within Canada's forces.

General

The channel of communication shall be from the member to the Branch and from the Branch through its Command. – GBL Section 110.

No Branch shall at any time, appeal for financial contributions or payments of money from the public or from the membership of the Legion, beyond the area in which such Branch normally operates and exercises jurisdiction – GBL Section 129. a.

Each Branch shall supply forthwith such information relating to the affairs of the Branch as may from time to time be required by its Provincial Command - GBL Section 1205. b.

Branch Officers and Executive Committee Members may be elected for a two-year term if the Branch specifies a two-year term in the approved Branch Regulations. The term shall be from June 1 to May 31 of the following year and applies to Standing Committee Chair with the exception of the Track and Field Chair whose term of office shall be August 1 to July 31 of the following year.

BRANCH OFFICERS

PRESIDENT

The President, as the Chief Executive Officer of the Branch, exemplifies to the membership, the fundamental qualities of leadership. As its leader, they have the ultimate responsibility for whatever happens, and their function is and will remain that of directing the members.

As the Chief Administrator of the Branch, they are its representative in the community and their basic or essential character must show a combination of discretion, enterprise, integrity, responsibility, decisiveness, judgment, etc. While exercising leadership, they will accept direction from the Branch.

The General By-Laws limit the authority of a Branch President to carrying out the directives of the Executive Committee and the General Meeting and, further they should exercise a democratic approach to conducting the affairs of the Branch by recognition of the authority of the Executive Committee.

The President of a Branch does not have the authority to overrule a decision(s) of the Executive Committee or the General Membership.

The By-Laws are specific, in that, the President is a member of the Zone Executive Council and **obligated** to attend both Zone Council and Zone Conventions. If unable to attend, a Vice-President should represent the President on these occasions.

It is the President's responsibility to ensure that the Branch is represented at Zone and District Conventions with its full complement of delegates.

If the Branch does not have an elected Chair, the President, by virtue of the office, is the Presiding Officer at all meetings and will enforce order and strict observance of the By-Laws, except that the Executive Committee may name some other member to act as Chair for the conduct of elections at the annual meeting.

The President shall exercise a general supervision and control over the officers and business of the Branch and shall call meetings of the Executive Committee or of the Branch, in accordance with the By-Laws. The President shall transact such other business as may by custom pertain to the office and shall have the casting vote when there shall be an equal division on any question, provided they have not already voted on that question.

When appointing members to a committee, careful thought and consideration should be given to same. The President must be able to recognize ability, delegate effectively and be positive with plans and decisions.

IMMEDIATE PAST PRESIDENT

A President becomes the Immediate Past President on the election of their successor – Section 114.a. of the GBL.

A President who resigns before the term of office is completed is not the Immediate Past President – GBL Section 114.b. **Note:** A resignation nullifies any claim to the position of the Immediate Past President, even though they may have served two or more consecutive terms in office.

In the event of the death, resignation or inability to act, or removal of the Immediate Past President, the position of Immediate Past President may be filled for the remainder of the term by the appointment of a former President by the Branch Executive – GBL Section 114.c. In the event that a former President is not found, the position may remain vacant.

The Immediate Past President shall be an Officer and member of the Branch Executive Committee – Section 613.a. GBL. The Immediate Past President has knowledge and experience, which can be an invaluable resource to the President, the Executive Committee and the Membership in general. The Executive should make use of the experience as an advisor or Standing Committee Chair.

As per the Ritual, Awards and Protocol Manual, the Legion Order of Precedence, at Dominion, Provincial and Branch levels, the order is President, Immediate Past President, First Vice-President, Vice-Presidents, other Officers in order of seniority, and Members of the Executive Committee. The Immediate Past President is seated to the right of the President at the head table for events and meetings. See the Ritual Awards and Protocol (RAP) Manual for more information.

VICE-PRESIDENT(S)

The importance of a Vice-President should not be underestimated and the First Vice-President, in the absence of any By-law to the contrary, shall automatically succeed the President for the remainder of the term of office, should the President for any reason be unable to complete their term of office.

In the absence or conflict of interest of the President, all rights and powers vested to the President are, for the time being, *transferred to the Vice-President*, or, if there is more than one, then according to seniority of office.

The office of Vice-President is your assurance that your Branch will have knowledgeable Presidents in the future. The Vice-President should be required to accept the Chair of major Branch committees, i.e., Bar, Poppy, By-Laws & Regulations, Finance, Membership, Youth Education, Public Relations, etc. To be a success, the Vice-President should:

- (a) attend Committee Meetings;

- (b) Chair a meeting(s) of the Branch in the absence of the President, or when assigned by the President for Leadership Development purposes.
- (c) have knowledge of the Ritual, Awards and Protocol Manual, the General By-Laws, the Provincial By-Laws, Branch Regulations, Legion Officers' Manual, etc;
- (d) assist the President and understudy in all functions;
- (e) be a Zone or District delegate;
- (f) train for the office of President.

EXECUTIVE COMMITTEE

The composition of the Executive Committee shall consist of the President, Immediate Past President, Vice-Presidents, Secretary, Treasurer (Secretary-Treasurer) if unpaid, and the elected (usually not more than six) or appointed members, in the absence of any Branch Regulation to the contrary.

The Executive Committee has the authority to add to its number or fill by appointment, any casual vacancy which may occur on the Executive Committee by motion at a meeting, subject to the approval of the Branch at its next General Meeting – GBLB Section 510.

Ladies' Auxiliary members employed by a Branch may, at the discretion of the Branch or Command hold office in the Auxiliary – GBL Section 112.c.

Where any member of the Executive of a Branch transacts business or performs any service for which a fee or commission is paid by any Branch or Command, the Executive Office or position shall be immediately forfeited and become vacant, unless such transaction has been previously approved in advance by the Executive of the Branch or Command – GBL Section 113. The approval in advance of a contract or fee for service would apply to a one-time transaction rather than services that are provided on a continuing basis.

For the purposes of this Article, a member who provides unpaid volunteer services to a Branch is not, by virtue of accepting tips from paying customers, considered to be receiving a salary of wages.

The Secretary or Treasurer (Secretary-Treasurer) is an Officer of the Branch whether or not they are remunerated by the Branch. If unpaid, they may be a voting member of the Executive Committee, if paid, they continue to be an Officer, but ceases to have authority to move or second motions or to vote at Executive Committee meetings. As a member of the Branch, the Secretary or Treasurer retains the power to vote and may exercise that right at general meetings.

An Executive Committee member by virtue of the office is expected to accept an appointment as a Standing Committee Chair.

The Executive Committee shall be responsible for the administration of the policies authorized by the General Membership, providing such policies are consistent with the General By-Laws and principles of The Royal Canadian Legion. All new business requiring the approval of a General Meeting should be considered by the Executive Committee prior to presentation to the members.

In its responsibility as the governing body of the Branch, the Executive Committee shall have the following duties:

- 1) To meet at least once per month on a day to be fixed by general consent or at the call of the Chair, to discuss and conduct the general affairs of the Branch.
- 2) To enforce the By-Laws and Regulations and make rules, that are not inconsistent with Dominion and Provincial By-Laws, for the efficient operation of the Branch, and to govern the general conduct of members and their guests while on Branch premises.
- 3) To authorize the payment of liabilities and expenses of the Branch, such as, rent, salaries, taxes, utilities, insurances, and to provide the necessary services required for its business operation.
- 4) To attend to the welfare of the members.
- 5) To exercise complete autonomy over the business operation of the licensed premises insofar as the Regulations of the Liquor License Act may permit.
- 6) To appoint or dismiss any salaried officer or employee in accordance with the Employment Standards and Labour Acts of Ontario.
- 7) To ensure that government payroll/source deductions are deducted and remitted for all employees and that no payments subject to source deductions are made without the appropriate deductions and that all such income is reported on the annual T4's issued.
- 8) The Branch Treasurer/Executive Committee should have a general knowledge of the Workplace Safety and Insurance Board requirements (WSIB), Liquor License Regulations (AGCO), Employment Standards and Labour Acts as applicable, HST, Employer Health Act, C.P.P. and Income Tax Act, Goods and Services Tax (GST), Insurances, Payroll Records, the Retention of Records, Employee-Employer Benefit Plan, Occupational Health and Safety Act, etc.
- 9) To ensure that a job description (duties and responsibilities) of each paid position in the Branch is on file – signed by and copied to the employee.
- 10) To delegate powers to sub-committees and to define the duties of such committees.
- 11) To recommend, when necessary, the borrowing of money on behalf of and for the specific use of the Branch, subject to approval by a General Meeting. Whenever a major

expenditure such as construction, renovations, etc., is considered, all members are to be advised of same by Notice of Motion, the date of the meeting and the business for said meeting. Refer to the Section Property Committee.

- 12) To promote social functions for the entertainment of the members and guests.
- 13) To ensure that the annual Poppy Campaign is well organized by the Chair and the Committee and that all expenditures from the Poppy Trust Account are within the guidelines of the GBL. Refer to the Poppy Manual.
- 14) To raise funds for the assistance of Veterans and to provide for the administration of the Legion at all levels of Command.
- 15) To organize, support and participate in programs that will promote and uphold the aims and objects of The Royal Canadian Legion.
- 16) To ensure that the Financial Review Committee is appointed following the Annual Meeting of the Branch, subject to the approval by the General Meeting.
- 17) Any expenditure other than normal operating expenses in excess of \$1,000.00 shall be referred to the Branch Executive Committee for its recommendation to the next General Meeting, prior to any commitment for such expenditure being made by the Branch.
- 18) To ensure, on an ongoing basis, that the Branch has adequate Fire (Replacement Costs), Liability, Theft, Burglary, Inventory and Directors & Officers Insurance, etc., to meet today's costs.
- 19) To perform such other acts and duties as are implied or expressed by the General By-Laws of The Royal Canadian Legion.
- 20) Committee Chair appointments are subject to the approval of the General Meeting.
- 21) **HONORARIUM** - An "Honorarium" is a payment or reward for past services rendered. Any payment for services on an ongoing weekly or monthly basis is not an "Honorarium", rather it is a "Salary". This is taxable income under the Income Tax Act and should be reported with a T-4 issued. Anyone receiving a salary is ineligible to hold any Executive position on the Executive. GBLB Section 405 (1)

SECRETARY

When we use the term "Branch Secretary" we are referring to the member who is elected or appointed and is unpaid.

The Branch Secretary will attend all regular and Executive Committee meetings and keep a complete and accurate account of all business transacted. Note: A Branch may by a Branch

Regulation, appoint a Recording Secretary or Correspondence Secretary, which would be under the direction of the Branch Secretary.

All correspondence received pertaining to the business of the Branch is drawn to the attention of the President, Committee Chairs, appropriate Officer or placed on the Executive agenda file. Article III complaints are brought to the attention of the President immediately upon receipt.

Communicate with the President and keep the Officers informed of Branch business.

The Secretary is required by Branch Regulations, to communicate to each member at least seven (7) days prior to the date of the General Meeting, unless otherwise provided for by Branch Regulations. (14 days Notice if mortgaging, leasing or conveying of real property of the Branch is to be discussed). – For methods of communication see GBLO Section 918. (4)

Be familiar with GBLB, Branch Regulations, GBL and GBLO to the extent that they can turn to any given section for reference. The Secretary should prepare a written agenda and review same with the President prior to the meeting.

In preparation for a meeting, prepare a check list of needs, Minute Book, Correspondence, By-Laws, Ritual, Award and Protocol Manual, Rules of Procedure and all other records pertinent to the business of the meeting.

The Secretary receives and replies to all correspondence as directed, completes questionnaires, corresponds with all levels of Command and other agencies for the business of the Branch.

Maintains a proper file system for all correspondence and other matters as it may relate to the Branch.

Ensures that the Branch records remain on file and are stored for safekeeping.

In cooperation with the Branch Membership Chair, maintains a proper index system of the Branch membership.

The secretary carries out their duties in accordance with the wishes of the Executive Committee. They are the scribe, the organizer and the coordinator of the Branch.

TREASURER

All monies received by a Branch shall be deposited immediately in such chartered Bank, Trust Company, Credit Union, Caisse Populaire or Treasury Branch as the Branch may decide. (Authority – General By-Laws).

Proceeds from Break-Open Ticket, Bingo and other similar lotteries, approved by the Government of Ontario, **shall be deposited in a designated lottery trust account(s)**, which must have cheque writing privileges, in a financial institution, approved by the Branch. ***NOTE: Lottery Funds cannot be deposited into the general account under any circumstances.***

When preparing a set of books to meet the requirements of the Branch, it is mandatory to keep a good descriptive:

- 1) Receipts and Disbursement Journal
- 2) Payroll Journal
- 3) Bar Summary Journal
- 4) General Ledger

The first three are books of original entry and record the happenings on a continuing basis. The General Ledger is a consolidation of the journals into their proper accounts and it is from the General Ledger that the Treasurer will prepare statements and ensure that the accounts are correctly summarized. Ledgers and Books of entry are to be posted not later than monthly.

The basic documentation for much of the Treasurer's book entries will come from other sources. For instance, the membership dues receipt books will provide the data to determine receipts for dues. Promotional activity report, cash register tapes, vouchers, etc., all constitute source documentation and as such must be carefully preserved for purpose of verification.

The general ledger, payroll journal, weekly bar sheets, beer and liquor order purchase sheets and the cancelled cheques should be reviewed by the Executive Committee or Finance Committee and the Branch Financial Review Committee each month to ensure that financial anomalies and or problems are identified at an early point. See Section "Finance"

Revenue - (*Beer & Liquor*) - The bartender(s) at the end of their work period should clear the cash register; count their cash and reconcile to the sales as shown on the cash register tapes; cash reconciliation (daily cash report) along with the cash register tape is to be given to the Branch Manager/Treasurer who shall verify the cash count, record the daily cash report and prepare the bank deposit.

Internal Control - The Executive or Finance Committees and the Financial Review Committee should on an ongoing basis review cash count and reconciliations, payroll records and check bank reconciliations.

All cheques are to be pre-numbered.

Cheques issued by the Branch require the signature of two persons who are authorized to sign on behalf of the Branch and who are not related by blood, marriage or common-law relationship. No cheque shall be signed in blank. All cheques and cheque stubs are to show the reason for payment.

Show the cheque number on the monthly statement or invoice of the account to be paid, for audit purposes.

All disbursements regardless of their nature should be, by way of cheque - Compare the statement against the invoice(s) for accuracy, mathematical correctness, prices and quantity agree, and goods received prior the payment of same – Do not make payment in cash where a cheque will suffice – Petty cash expenditures are to be kept to an absolute minimum.

Consider the implementation of a system whereby purchase orders are utilized for all purchases over a certain value - signed by the authorizing Officer and attached to the invoice or the invoice to be signed by the individual who has authorized the purchase.

The Branch Resale Account at Provincial Headquarters - a 1% service charge shall be applied against all outstanding balances, thirty (30) days following the date of statement - 1981 Provincial Convention.

Prepare and file the required forms to the Workplace Safety and Insurance Board and to ensure that the Branch complies with the requirements of the WSIB.

T4's must be issued to all employees by February 28th of each year.

In addition to banking, the Treasurer is responsible for the Branch payroll and the required monthly remittances to the various government agencies, e.g., E.I., C.P.P., Income Tax, Ontario Health Tax, HST, etc.

To be aware of the information contained in the (HST Sales Tax Guide) news circulars and to implement changes whenever necessary.

Prepare a monthly statement of income and expense, together with a monthly balance sheet.

The Treasurer should review weekly bar sheets for accuracy, errors or omissions, calculation of bar and liquor averages, ascertain the amount of retail sales and goods and services tax payable, complete a breakdown of miscellaneous sales and income and sundry cash paid out. (Miscellaneous Cash Paid Out and Income Sheet, Inventory Sheet and Summary Sheet).

Review the cost and the selling price of all commodities on a continuing basis to ensure the Branch of a reasonable markup and make recommendations to the Executive Committee.

Employees are considered to be full-time (paid to work regularly more than 24 hours per week), part-time (paid to work regularly not more than 24 hours per week) or elect-to-work (occasionally offered paid work and may decline or accept a shift without penalty). Entitlements to over-time, paid public holidays, etc., are based on the category of the employee. They are entitled to pay at time and one-half the regular rate of pay for all hours worked on a public (statutory holiday). The term "casual help" does not apply and all wages are to be accounted for in the payroll ledger.

It is recommended that a Bar Committee of 3 members be appointed by the President or Executive Committee, one of whom should be a Vice-President. The Branch Treasurer would be an automatic member of the Committee.

Weekly bar inventory to be conducted with a minimum of 2 members of the Bar Committee in attendance. Branch Steward is to attend all bar inventory counts.

Note: An employer may never make deductions from an employee's wages for cash shortages where any other person has access to the cash and further, cannot make deductions from an employee's wage unless the employee agrees in writing that, if money is owing to an employer, it can be deducted from their wages. (Employment Standards Act – ESA)

Weekly bar sheets - to be initialed by the Bar Committee following each inventory check-off.

On completion of bar or inventory check-off, vouchers, receipts, cash register tapes, etc., should be attached to the bar sheets.

A Voucher system is to be utilized to record all cash transactions of miscellaneous cash paid out or received. A copy of the Voucher (invoice or expense report) is to be attached to the bar sheets with an explanation and signed by the authorizing person.

All monies received by the Treasurer from membership (dues), or Committee Chairs such as entertainment, sports, hall rentals (rental contracts should be prenumbered and all numbers taken into account), etc. are to be posted to their proper accounts in the month received, not in the month deposited in the bank.

Bank deposits should be made daily, after every bar check-off or as the need arises. The Branch Executive should determine who is authorized to do deposits and what the required paperwork would be.

All accounts must be reconciled with the bank statement at least monthly.

Authority was given at the 2019 Provincial Convention for Branches to conduct business using electronic means. Refer to the GBLB Sections 1204, 1205 & 1206. The Treasurer and the Administrator of the Financial Security Measures are responsible for the maintenance and coordination of the permitted payee(s) with the Branch's financial institution. Refer to the section "Finance" for additional information.

The Branch Financial Review Committee is responsible to ensure that there is an ongoing and regular review of the financial accounts of the Branch, as outlined above. Where the Branch accounts are not audited by an external audit and are subject only to a review engagement, the Financial Review Committee of the Branch must certify the validity of the financial statements and a copy of the certified statement shall be retained on the Branch files. – Refer to the Section "Finance".

The Branch Treasurer by virtue of the office, is not necessarily a member of the Poppy Trust Fund Committee. Where possible, it is however recommended.

SERGEANT-AT-ARMS

The Sergeant-at-Arms may be appointed by the Executive Committee or elected by the General Membership of the Branch.

The Sergeant-at-Arms's responsibilities include that of assisting the President in maintaining order during the meeting; ensuring that only those eligible are permitted to attend the meetings; being responsible for the colours and Branch Insignia, Ceremonial duties and to perform other duties assigned to them by the President.

At the Ceremony of Installation of Officers, the Sergeant-at-Arms conducts the recently Elected Officers and Committee Members to a place in front of the Installing Officer and conducts the newly enrolled members at the Welcoming Ceremony.

Duties do not include that of surveillance of the licensed premises or social events. This is the responsibility of the Elected Officers and the Executive Committee.

BRANCH MEETINGS

Quorum

A Branch shall, by Branch Regulation, establish a quorum for General Meetings.

The Rules of Procedure state that the Chair or Presiding Officer will determine if a quorum is present prior to the opening of the Meeting.

Quorum means a minimum number (of Voting Members) who must be present in order to legally transact business. The Executive Committee members in attendance are to be included in the count of Voting Members present, when calculating the Quorum.

It should also be noted that a Member who declares a conflict of interest is still counted as part of the quorum.

If the applicable quorum found in the Branch Regulations is not present, the Chair is unable to call the meeting to order and no business can be transacted at any time until the required number is present. Members must recognize individual responsibility in this matter.

Order(s) of Business

The Order of Business is a list of items of business to be transacted at a meeting and should be prepared by the Secretary. An Amendment to the By-Laws in 2015 resulted in the requirement that Branches create Orders of Business for a number of different scenarios and include as Attachment Forms to their Branch Regulations. The purpose of the Order of Business is to ensure that no business is overlooked and to retain consistency.

Refer to GBLB Sections 804 through 809 or your Branch Regulations for the Order of Business (Agenda) for General, Annual, Special General Meetings etc.

Minutes

The minutes are a record of the proceedings of a meeting. The essentials of the record are:

- (a) The type of meeting - i.e., Regular, Special or Executive.
- (b) Name of the Branch and Branch Number.
- (c) Time, date and place of meeting.
- (d) The names of the Presiding Officer and the Executive Committee Members in attendance.
Note: The names of the Executive Committee Members absent and the reasons for same, if known.
- (e) The applicable quorum and the total number of voting Members present.
- (f) Whether the minutes of the previous meeting were approved, or their reading dispensed with before their approval.
- (g) Whether the minutes of Executive Meetings were read, distributed, or previously posted for review.
- (h) Any business arising from any of the minutes.
- (i) All motions presented and those requiring a vote should indicate the outcome with the names of the mover and seconder and a short summary of any discussion that took place, if applicable.
- (j) Time of adjournment.

While the minutes are a record of happenings, or of actions to be taken, and not a record of what has been said, it is advisable to give a short outline of the discussion from which the motion arose. This will refresh the memory of the Committee Members when the minutes are read at the next meeting.

When the minutes of the previous meeting have been adopted, they should be signed by the President and the Secretary.

Rules of Procedure for Legion meetings

This booklet details the procedures for all Legion meetings and includes the duties of the Chair, methods of voting, classification of motions, tables of rules relating to motions and the order of precedence of motions. See Dominion Command website for online manual.

Meetings

- 1. The General Meeting is the senior authority of the Branch.
- 2. The Executive Committee is the administrative body of the Branch.
- 3. The Executive Committee reports to the governing body for approval of its activities.
- 4. The method of reporting is through minutes of meetings.

Adoption, accepting, receiving of minutes is normally carried out by the body initiating the minutes. However, when reporting to a senior body, minutes (reflecting action taken) are presented to the senior body. It is mandatory that the minutes of a Branch Executive Committee meeting be presented to the next Branch General Meeting for the knowledge and oversight of the senior authority.

Notices of Motion

Any item that requires a significant financial decision or is a major decision of the Branch should be by way of a Notice of Motion. It is also mandatory respecting the surrender of a Branch Charter, introduction or amendment of Branch Regulations, borrowing, leasing and the sale of property. The Notice of Motion is presented and tabled at one Meeting of the Branch and the motion is made at the next Meeting of the Branch. The Chair also has the authority to defer a motion to the next meeting and thus allow the initial presentation of a motion to become a Notice of Motion.

The procedure is as follows:

- 1) A Member presents a Notice of Motion at a General Meeting of the Branch.
- 2) The motion is not seconded or discussed, and it is tabled to the next Meeting of the Branch.
- 3) A copy of the Notice of Motion may be posted on the Branch bulletin board (regulations and regulation amendments) and may also be communicated to all Members in good standing (surrender of charter, mortgaging, leasing and sale of property – GBO Section 918. (4)). These aspects may be covered in the Notice of a Special General Meeting, if applicable. The notice should specify what is proposed and the date and time of the General Meeting at which the motion will be discussed.
- 4) The motion is presented and seconded at the next General Meeting or a Special General Meeting (which has been called and the details of which appeared in the notice mailed to the Members).
- 5) A 2/3 majority is required for regulations, mortgaging, leasing, sale of property and surrender of the Branch charter. An amendment to the motion does not require a 2/3 vote. It is only the main motion, as originally made or as amended, to which the 2/3 rule applies.

Resignations

Sometimes there is a question as to when an Executive Committee Member's resignation becomes effective. Assuming that it is addressed to the President (Chair) or Secretary, and presented at the next meeting, normally a resignation becomes effective at the adjournment of the meeting at which it is presented. A resignation must be in writing.

Robert's Rules of Order

Where the Rules of Procedure at Legion Meetings do not provide the necessary authority, then, "Robert's Rules of Order" will prevail.

BRANCH REGULATIONS

(Please note that this section of The Royal Canadian Legion Officer's Manual is currently under review by Ontario Command Constitution & Laws Committee.)

Detailed guidelines for creating Branch Regulations are on the Ontario Command website. It is recommended the branch print a copy. The guidelines should be referenced along with the applicable By-Laws when creating or amending Branch Regulations.

It is imperative that a Branch use only the current version of the required forms for regulations and amendments as available from the Ontario Command website.

Branch Regulations become effective once approved at a Branch General Meeting. The GBL and the GBLO and any amendments to same, automatically supersede Branch Regulations.

Each Branch must submit to Provincial Headquarters, updated Branch Regulations for review by the C & L Committee. A Branch may amend any regulation once per term by providing the amendments in writing to the Provincial Headquarters for the review of the C&L Committee.

Amendments to Branch Regulations - A Notice of Motion is required, so resolved by a two-thirds majority vote of the members of the Branch in good standing, present and voting.

Approval Procedure for Branch Regulations

A Branch **must** prepare a set of Branch Regulations to govern its activities. It must rule as a minimum, on the subjects listed in the GBLB "Memorandum regarding preparation of Branch Regulations" for Command approval.

When the Branch C&L Committee is satisfied, the Branch Regulations will be submitted to the General Meeting of the Branch as a Notice of Motion. There will be no discussion on the Regulations at that meeting. The Branch Regulations will be posted on the Branch notice board, as well as published in the Branch bulletin, if distribution of the bulletin can be achieved before the next General Meeting.

The Branch Regulations must be discussed as an agenda item at the General Meeting immediately following the meeting at which the Notice of Motion has been presented. Each regulation must be approved by a 2/3 majority. Any amendment required to the Branch Regulations must be refined at this and any subsequent meetings, until approval by a two-thirds majority can be obtained.

Upon approval by the Branch, four copies of the following items are to be forwarded to Provincial Headquarters: Regulations (form 3), Notice of Motion (form 2A), and Branch Submission form (Form 5). Provincial Headquarters will send one copy to each member of the Provincial Constitution and Laws Committee (three members) for the Committee's review.

The Committee will return its comments to Provincial Headquarters recommending:

1. Approval, as submitted; or
2. Approval, subject to the Committee's comments being incorporated into the Regulations; or
3. Non-approval, with a listing of the Committee's comments, indicating changes to be made, where further clarification is needed and/or suggestions for improvement.

Provincial Headquarters will advise the Branch of the Committee's comments, as noted in items #1 through #3 above, and take the following actions:

1. Provincial Headquarters will provide a Certificate of Review.
2. Where minor revisions are required, Provincial Headquarters will advise the Branch that their regulations may be approved, subject to the Branch's amending the Branch Regulations to comply with the Committee's comments. If the Branch agrees, it will amend the regulations as requested and submit two copies of the amended regulations to Provincial Headquarters. Provincial Headquarters will then provide a Certificate of Review to the Branch and send one copy of the Branch Regulations and the Certificate of Review to the Chair of the Provincial Constitution and Laws committee for their records; or
3. Provincial Headquarters will advise the Branch of the Constitution and Laws Committee's recommendations and provide the list of comments. The Branch will then amend the Branch Regulations as recommended or provide reasons for not complying with the comments. Four copies of the amended Branch Regulations must be sent to Provincial Headquarters for resubmission. These will be reviewed again by the Constitution and Laws Committee and the Committee will then return its comments to Provincial Headquarters for forwarding back to the Branch.

Approval Procedure for Amendment(s) to Branch Regulations

The Branch C & L Committee or any Branch voting member in good standing may propose an amendment(s) to the Branch Regulations. It must be submitted as a Notice of Motion to a General Meeting. No discussion will take place on the Notice of Motion at that meeting. Immediately following the meeting, the Notice of Motion should be placed on the Branch bulletin board and remain there until the next General meeting. If a monthly Branch bulletin is produced, it should also appear in that publication, where time permits. At the following General Meeting, it should be discussed as an agenda item and must be approved by a two-thirds majority in order for the motion to be carried. Upon approval, the proposed amendment(s) must be sent to the Provincial Headquarters for approval.

The Branch must state the section number(s) of the proposed amendment(s) together with the exact wording that it proposes to use. (Care should be taken to ensure that references to this item in any other sections of the Regulations are also changed). The Branch sends four copies of the required amendments, four copies of the existing Regulations, and four copies of a Notice of Motion that was presented and the amendment was approved.

Provincial Headquarters will send a copy of all documentation to each of the three members of the Provincial Constitution and Laws Committee. This Committee usually meets monthly and therefore Branches should allow approximately two months from the date of mailing its submission for the receipt of a reply. The Constitution and Laws Committee will review both the requested amendments and the existing Regulations, to ensure that they conform to all current By-Laws and Regulations. Its comments will be mailed back to Provincial Headquarters which will:

1. Issue a signed Certificate of Amendment Review for the amendment(s) or amended Regulations; or
2. Advise the Branch that its Regulations may be approved, if the Committee's comments are incorporated. The Branch then resubmits four copies of its revised Regulations, amended as requested. Upon confirmation that all comments are now included, a signed Certificate of Amendment Review will be sent to the Branch; or
3. Advise the Branch that the amendments and/or existing Regulations cannot be approved in their present form (usually because too many changes are required). In this case the Branch must resubmit its Regulations in four copies, amended as requested, for further review. The covering letter must indicate that the Branch General Membership has approved these changes by a two-thirds majority.

BRANCH CLUBHOUSE RULES

Branch Clubhouse Rules are not mandatory for Branches. However, all Branches should consider maintaining them. As an example, unruly behaviour in many circumstances is not covered by Article III of the GBL unless contained in the Branch Clubhouse Rules.

The Constitution and Laws Committee will only certify that the appropriate approval process was completed by the Branch and thus permit the retention by Command. However, this certification does not suggest a real or implied approval of the subject matter content.

Any subject matter not addressed by the GBL, Branch Regulations, or **Branch Clubhouse Rules** (BCR) may be maintained in a ***Policy and Procedure Manual*** (PPM), provided that the content does not infringe upon the General By-Laws, or violate any law in Canada **and** is within the autonomy of the Branch.

The creation and/or amendment to ***Branch Clubhouse Rules or Policy and Procedure Manuals*** require processing in a similar fashion to Branch Regulations as they still require the approval of the Branch Membership i.e. the Tabling of a Notice of Motion (**BCR Form No. 1** including the proposals) are presented at one (1) Meeting of the Branch and moved for approval at the next Meeting of the Branch, as all such matters impact the rights and privileges of the Membership.

The criterion listed below is supplied for information purposes re the content of **BRANCH CLUBHOUSE RULES**:

(NOTE: *Any Breach must be capable of forming the basis of a Complaint under Article III for Members)*

- The document Header must include the Branch Name and Number along with the title ‘**BRANCH CLUBHOUSE RULES**’ (*Corresponds with its citing in the By-Laws*).
- Provisions must be focused on matters dealing with the acceptable actions, behaviour, and discipline of the Members and their Guests while on Branch property. It may include, but not limited to, such things as the use of e-cigarettes, tobacco, vaping, and cannabis products, acceptable dress codes, which may include a prohibition to the wearing of any lawfully recognized Outlaw Motorcycle Gang Colours while onsite, Etc.
- No provision shall infringe on any By-Law, Federal or Provincial law including Human Rights Codes.
- Other matters e.g. Hours of Operation, Bar Steward duties, etc. do not fall within the purview of this document and can be maintained in a *Policy and Procedure Manual* which is also not reviewable by the Committee. It does not require submission to Command as this document should contain matters which remain part of the autonomy of the Branch.
- All original provisions and/or amendments thereto must be approved by the Branch Membership at a Meeting of the Branch after a Notice of Motion was tabled at the previous Meeting of the Branch including the proposal(s).
- The document, once approved, must be properly signed by the Branch Officers – President and Secretary with the date of such signatures being affixed thereto.
- The approved document must be posted in a conspicuous place within the Branch and available for the reference of all Branch Members and Guests.
- Four (4) copies of the current Branch Clubhouse Rules, including the subject Meeting Minutes and BCR Form No. 1, must be forwarded to Command under the cover of a Form No. 5 (*Branch Regulations / Branch Clubhouse Rules Submission Cover Form*).

Note: *Failure to follow the above criterion may render any provision unconstitutional when it is applied in an Article III Complaint situation. Clubhouse is defined under Section 301. a. of the GBL.*

GUIDE TO NOMINATION AND ELECTION OF BRANCH OFFICERS

Each Branch shall notify their Zone Commander of the date set for the Branch Elections.

Note although it has been common practice to have the Elections managed and supervised by Zone Officers, there is no mandatory requirement to do so.

The Election Chair, appointed by the President and approved by the Executive Committee, shall choose members to assist with the Elections. They all must be members in good standing who

are not running for Office at the subject Branch and have no apparent or perceived conflict of interest in the pending process.

The nomination and election of Branch Officers shall be conducted in accordance with the approved Branch Regulations under the auspices of the General By-Laws for Branches and the General By-Laws for Ontario Command.

Nominating Committee

A Nominating Committee, if utilized by the Branch, has the responsibility of interviewing prospective candidates for election to determine if they will accept nominations to a specific office and to receive the written acceptance of the candidates for presentation to the Nomination Meeting.

The Nominating Committee may nominate candidates for each elected office on the Executive Committee. Additional nominations shall be accepted at the Nomination Meeting.

Nominations

No person shall be nominated for any office in the Legion unless present or having signified in writing a willingness to accept such office and signed by the member in good standing – Section 111. b. GBL.

A member must be in good standing in order to place a name in nomination.

In order to qualify for election, the member must be a paid-up voting member for the year in which the election is held.

Nominations do not require a seconder.

Nominations for Branch Officers may be re-opened at the Election Meeting, if no advance poll has been held.

A member wishing to place a name in nomination shall rise and be recognized by the Chair prior to the nomination being made.

The Secretary shall record, in addition to the name being placed in nomination, the name of the nominator.

Prior to the close of nominations for each office, the Election Chair shall inform the meeting that they will issue three calls for further nominations and if none are received, they will declare the nominations closed for that office.

The General By-Laws make no provision whereby a member of a Branch for more than one year, who transfers his membership to another Branch and subsequently returns to his original Branch by way of transfer, shall be denied the right to contest an Elected Office, if so nominated.

A member must be a member of the Branch for one year prior to the date of the election meeting. There is no stipulation that he must be a member for a one-year period immediately prior to the Election Meeting.

Elections - Sections 1001 to 1013 GBLB

The Election Chair shall be familiar with the Articles IV and X of the Branch Regulations and ensure that there is a quorum in attendance prior to proceeding with the election. The Election Chair, with the assistance of the Branch Sergeant-at-Arms and/or Membership Chair, determines that everyone in attendance is a voting member of the Branch and the total number of eligible votes. Should there be guests/observers, they should be seated in a separate area where possible.

If the Branch had a Nominating Committee, that Chair should provide a list of candidates for the election, before the election begins.

The paper used as a ballot (or ballot book) must be identified as such and made available to the Election Chair prior to the election.

The ballots shall be distributed prior to the casting of the first ballot.

The Election Officer shall not declare all offices vacant but shall only request that the Chairs be vacated during the election process.

To be eligible for election, a nominee must be in attendance at the Election Meeting or have signified their intention in writing to the Branch Secretary, prior to the meeting, with respect to the office for which they have been nominated.

If a member signifies their intention to contest an Elected Office by letter, the correspondence shall not be read to the General Membership until after the Member in question has been nominated.

Prior to balloting for each individual office, the Election Chair shall introduce each candidate to the meeting. It may be the practice of the Branch to allow candidates a couple of minutes to address the floor. If permitted to address the floor, all candidates would be offered the same opportunity and time limit.

Election of Officers and Executive Committee Members shall be by secret ballot except where Branch Regulations provide for an appointment or in the case of an acclamation.

Each candidate shall be provided the privilege of appointing a scrutineer to observe in the counting of ballots.

All entrances and exits shall be tiled during the election process and no one will be permitted to enter or leave the meeting hall.

Suitable containers shall be available for the collection of all ballots.

A separate and private room shall be provided for the counting of ballots and only the Chief Scrutineer and Scrutineers shall be permitted to enter.

Following the collection of ballots for an individual office and when the ballots have been deposited in the counting room, waiting members may be admitted to the meeting.

The Chief Scrutineer shall report directly to the Election Chair in writing, the result of each ballot. The Scrutineers following this report shall then be permitted to enter the hall for the distribution and collection of the next ballot.

All counted ballots shall be delivered to the Election Chair in a closed container (a sealed envelope can be used) following each count and all ballots shall be destroyed immediately following the conclusion of the election.

The Election Chair will announce the total number of ballots cast, the number of spoiled ballots and the name of the member declared elected, or, where a majority vote is required, the name(s) of the candidate(s) dropped from the ballot.

A defeated candidate for the positions of President or Vice-President(s) may be automatically dropped down for the next office provided there is a Branch Regulation created for this purpose. Section 1008. GBLB.

A spoiled ballot shall be one that is cast in blank, or where the name is not eligible or identifiable as one of the candidates. The Election Chair may determine if the use of first names are allowed. If ballots are provided with the title of each Elected Office printed thereon and the voting member marks and deposits the wrong ballot, it will be ruled to be a spoiled ballot.

If there are no Candidates for President the Election Chair must advise the membership in attendance that the failure to fill this position will result in the suspension of the election and the matter will be referred to the Provincial Headquarters for review and direction which may take any of the following forms:

- A new Election, commencing at the first vacant Office after the next superior Office originally filled by Election, may be convened at a Special General Meeting which will require a Meeting Notification to all Members by the Branch. Further the Election Chair will be appointed by Provincial Command which will also determine whether the Branch or Command incurs the costs thereof.
- The installation of a Board of Trustees, if necessary, to oversee the affairs of the Branch in the interim and make attempts to identify sufficient candidates to convene a new Election at a Special General Meeting to fill the subject Offices. This will be dependent upon a number of factors including the status of the Branch Term of Office and what level of the hierarchy was met in the Election.
- Amalgamation with another Branch may be considered and proposed as an option.
- Surrender or revocation of the Branch Charter and dissolution of all Branch affairs and assets associated therein.

NOTE:

The Election Chair is urged to make a second attempt to seek Candidates after advising the body of the alternatives to avoid having the matter going to Provincial Headquarters.

VOTING BY MAIL OR PROXY IS PROHIBITED.

Advance Polls

A Branch may by a Command reviewed Branch Regulation, conduct an advance poll on the date of the election meeting. The regulation must specify the time the advance poll will commence and end.

Where an advance poll is held, nominations **shall not** be re-opened on the night of the election meeting.

Nominees shall be required to notify the Branch Secretary at a reasonable time prior to the opening of the advance poll, if it is their intention to stand or decline, bearing in mind that all members have to be advised of the entire slate.

An up-to-date copy of the nominal roll validated by the Branch President and Secretary shall be provided to the Chief Scrutineer and each voting member in attendance must be checked off during the advance poll process.

A ballot for each position should be used, and the ballot must be so identified. A ballot may allow for the voting of more than one person -ie: Three (3) Vice-Presidents, Six (6) Executive Members.

Each candidate for election shall be accorded the privilege of appointing a scrutineer to oversee the casting of ballots in the advance poll.

All polling at an Election Meeting must be continuous and completed on the date of the Election Meeting. A separate and private room shall be provided for the counting of the ballots. The counting of the Advance Ballots will be completed by the Election Team between the time that the advance poll ends and prior to the start of the Election Meeting.

At least two members shall be appointed by the Executive Committee to supervise the counting of the ballots and each candidate for election may appoint a scrutineer to be present to protect their interest.

An Election Meeting shall not be adjourned to the next or subsequent day to permit further balloting.

The candidate receiving the highest number of votes is declared elected.

ORGANIZATION – NEW BRANCHES

Section 108 of the GBL specifies that there must be a minimum of fifty (50) or more persons to form a new Branch in urban areas and at least ten (10) persons to form a new Branch in non-urban areas. These persons must be new members and cannot be members transferring from another Branch in the area. A Provincial Command may after due investigation recommend that a Branch with less than the minimum be granted a Charter under exceptional circumstances.

The following procedure will apply to the establishment of a new Branch in Ontario Command:

- A new Branch being proposed in a Municipality where another Legion Branch is currently in operation, requires the endorsement of the existing Branch;
- The District Commander and Zone Commander for the area where the Branch has been proposed will investigate to determine the extent of interest in the new Branch, the potential leadership of the Branch, the prospects for its long term sustainability and whether a new Branch in the proposed location would be in the best interests of the Legion and other Branches in the area;
- Following the investigation, the District Commander and Zone Commander will file a written report to the Provincial Headquarters with their findings and recommendations;
- When the required minimum number of persons who fulfill the qualifications for voting membership has been attained and tentative approval has been given for the establishment of a new Branch by Provincial Command, the District or Zone Commander will convene an organization meeting at which the applications for membership will be reviewed and approved in accordance with the requirements of the General By-laws;
- The meeting will be required to petition, by motion, the granting of a Charter to the organization. A motion dealing with the following matters will also be required:
 1. The title of the new Branch.
 2. The mailing address.
 3. A slate of Provisional Officers and Executive Committee will be elected (a President, one or more Vice-Presidents, not more than six (depending upon the size of the Branch) Executive Committee members, a Secretary and a Treasurer; or alternatively, a Secretary-Treasurer.
 4. Appointment of provisional Standing Committee Chairs.
 5. Signing Officers to be appointed.
 6. Designation of the bank in which the funds will be held.

It is normal procedure that a trust fund be set up, pending the granting of the Charter.

7. A Per Capita Tax cheque is made payable to Dominion Command and sent to Provincial Headquarters. The remittance of Per Capita Tax must be accompanied by a Transmittal form and the necessary membership forms as detailed in the most recent copy of the Membership Manual.
- In order to obtain a Charter, an application form must be filled out in triplicate, and the names of not less than ten members listed. This application must accompany other documentation submitted to the Provincial Headquarters for review and approval. The Provincial Command will then recommend to Dominion Command the granting of a Charter.
 - The Officers elected at this meeting are considered to be provisional Officers only, and when the Charter has been received identifying the organization as a Branch of The Royal Canadian Legion, a new election may be held or the membership may, by motion approve the slate presently in office;
 - On receipt of the Charter by the Provincial Headquarters, the Branch will be advised in order that arrangements may be made for a convenient date for its presentation by a member of the Provincial Council who will, at the same time, install the Officers and Executive Members of the Branch.
 - The Command will provide the Branch with the necessary booklets, applications, forms, etc., required in the operation of the Branch.

ONTARIO COMMAND TERMS OF REFERENCE FOR BRANCH AMALGAMATION

The Ontario Command Terms of Reference is a guideline for Branches in Ontario. These Terms of Reference are not to be considered as By-Law and are not to be confused as superseding Section 615 of the General By-Laws of the Royal Canadian Legion.

It is imperative that all levels of Legion realize that each amalgamation process will be unique in itself. These Terms of Reference are meant to address the more common aspects of the amalgamation process. Branches wishing to explore the amalgamation process are urged to seek expertise at any and all levels of the Legion.

FORWARD

Legion Branches across Ontario now face many challenges ranging from declining membership, more stringent rulings from various Government agencies Legions are obliged to deal with, an aging volunteer base, financial issues including increases in Branch insurance, utility costs and many more.

In dealing with these issues many Branches find themselves at the brink of closure and/or forfeiting their Charter. In an attempt to remain solvent and to continue to contribute to their respective communities some Branches have chosen amalgamation as an option.

The following are terms of reference on how Branches shall achieve amalgamation with another Branch if indeed this is the chosen path.

It must be remembered that amalgamation, by definition, includes both Branches having equal rights, equal say, equal benefits and become a new Branch of The Royal Canadian Legion and the years of service of the branch with the longest history in that community will be given to the amalgamated Branch. There shall be no loss of years of service as a result of the amalgamation process. See GBL Section 615. j.

The Property Committee of Ontario Command, in developing these terms of reference, has attempted to define each level of Legion and their responsibilities in the amalgamation process.

BRANCH RESPONSIBILITIES

1. A Branch must first determine that it cannot exist as a lone entity or that combining its forces and assets with another Branch would be desirable. Consideration shall also be given to the Ladies Auxiliary of both Branches and the work they have done in the Community. *NOTE: If the amalgamation process is approved the Ladies Auxiliaries will also be included in the process.*
2. A Special General membership meeting must be held to obtain permission for the Branch to set up an Amalgamation Committee to deal with the amalgamation process. All members in good standing belonging to the Branch must receive a letter explaining the Branch's intention to consider amalgamating with another Branch and advising them of the date, time and place of the Special Meeting. The Branch President sits as an ex-officio member of this committee by virtue of his office.
3. Following the Special General Meeting, the Branch Amalgamation Committee must determine if there is a Branch, within a reasonable distance, which would entertain the possibility of amalgamation. For instance, a Branch in Toronto would not amalgamate with a Branch in Oshawa.
4. The Branch will then with the approval of the general body, approach the other Branch with the thought of amalgamation. The 'other Branch' **must** also send letters to all their members advising them of the proposed amalgamation and the date of a Special Meeting to be held to discuss the possible amalgamation.
5. Both Branches will then set up a joint Amalgamation Committee consisting of equal representation from both Branches to develop the amalgamation process. An immediate task for the joint Amalgamation Committee will be to ensure that both Branches understand the financial situation of the other Branch. A current audit of each Branch is important to show both the assets and liabilities of each Branch. If required, an audit can be conducted by either or both Branches involved.
6. Once the financial position of both Branches has been clearly understood by both, each Branch will present a Notice of Motion to their members declaring the intention to amalgamate.

NOTE: The Notice of Motion must be distributed to all members in good standing pursuant to the methods identified in the GBLO Section 918.

7. Once the Notice of Motion has successfully passed at both Branches, the Secretary, of each Branch shall, forward copies of the minutes of the meeting at which the Notice of Motion was presented. Copies of the meeting at which the Notice of Motion was passed as well as the Financial Statements to Provincial Headquarters, the District and Zone Commanders. The Provincial Headquarters will either approve or deny the request for amalgamation.
8. Following Command's approval, the joint Amalgamation Committee will then recommend a new Branch name, number and residence. *The new Branch can retain one or both of the Branch numbers and can also retain the name of one of the Branches or rename the new amalgamated Branch.* Consideration must be given to previous commitments made by each Branch to annual events and traditions. Both Branches should work together to establish a Ceremony at each Branch Cenotaph on November 11th. There must be a signed agreement by both Branches as to the disposal of assets, community projects, etc. This will serve to avoid any future misunderstandings or conflicts between members of the amalgamated Branch. *NOTE: Once the Amalgamation process has been approved and finalized the Branch will request through Provincial Headquarters the transfer of the membership from the old Branch to the new Branch.*
9. At this point the joint Amalgamation committee members will notify the Zone Commander, the District Commander and Provincial Headquarters of their progress to date.
10. At each Branch General Meeting a full written report will be given to the general body, by the Amalgamation Committee, outlining the progress made regarding the amalgamation process.
11. Once both Branches have reached an agreement the joint Amalgamation Committee must then find a resolution to issues such as original Charters and Banners. Notification of change of name, insurance, Federal, Provincial and Municipal remittances such as HST, taxes, etc. should be completed.
12. All services such as hydro, gas, etc. must be notified in writing as to the impending change.
13. Lawyers must be engaged to ensure legal transfer of documentation for both Branches property eg. Deeds, etc. Once the properties have been decided an Ad-hoc Committee must be formed consisting of members of both Branches to dispose of any assets held by the Branch which are no longer needed. All sales must be approved by members of the amalgamated membership in accordance with Provincial Command policies and By-Laws. *NOTE: If a Branch does not have the services of a lawyer, Provincial Headquarters can provide the contact information of the Command lawyer. All costs will be that of the Branches.*
14. Once all legal issues have been satisfied, approval has been obtained from both Provincial and Dominion Headquarters and the new Charter has been received an 'Amalgamation Meeting' must be held by the new Branch.
15. This Amalgamation Meeting will represent the first meeting of the new Branch and efforts must be made to establish a date for an 'Amalgamation Ceremony' within six (6) months of receipt of the new Charter. Also, steps must be taken to establish a new

Executive Committee with the new Branch and determine the dates of meetings, etc. Invitations may be sent out to senior levels of Legion for this Ceremony. Six (6) members, three from each Branch will form an interim Executive until elections can be held, one of which will be the Chair.

16. Once the new Branch is operational the new Branch should develop their own Regulations within twelve (12) months of amalgamation.
17. A progress report must be sent to the Zone Commander, District Commander and Provincial Headquarters bi-monthly during the first six (6) months of operation.

NOTE: It is imperative that the new Branch understand that during the first six (6) months of operation they must adhere to all Provincial and Dominion by-laws. Further, the new Branch must undertake the writing of new Regulations, which will address their new situation as soon as practical.

ZONE RESPONSIBILITIES

The primary responsibility of the Zone Commandeer is one of support for the Branches within a Zone. The Zone Commander, in his administrative role will ensure that all Branches in the Zone are aware of the amalgamation process. Branches must understand that amalgamation is a valid alternative to simply closing and surrendering their Charter. The Zone Commander must point out the advantages to the amalgamation process, i.e., increase of manpower and resources and an increased ability to deliver Legion programs in the new coverage area. Branches must realize that amalgamation is one of several options which should be reviewed when they are failing to meet their financial and community commitments.

1. The Zone Commander should be involved early in the process. Contact should be made when Branches determine they are in difficulty and require assistance. The Zone Commander's experience and knowledge will be important to the Branch in considering the available options.
2. The Zone Commander should be contacted once a Branch has established an amalgamation committee. The Zone Commander will work with the Committee to ensure the Terms of Reference are followed.
3. Once both Branches agree to amalgamate the Zone Commander must contact the District Commander indicating that both Branches are proceeding with amalgamation.
4. If the Zone Commander wishes to attend an Amalgamation Meeting, they must be invited by the joint Ad-Hoc Committee. An opportunity should be given to the Zone Commander to attend an Amalgamation Meeting to help with any problems that may arise.
5. It will be the Zone's primary responsibility to ensure the terms of reference are followed and that notification has been made to higher levels (District and Provincial) of the Legion.
6. The Zone Commander and Zone Officers should be available at all times and will be important in the process from a support perspective.

DISTRICT RESPONSIBILITIES

The primary responsibility of the District Commander is one of support for the Zone Commanders within a District. It must be remembered that the District Commander, in his administrative role, will ensure that all the Zone Commanders within the District are aware of the amalgamation process, Terms of Reference and all applicable By-Laws dealing with amalgamation. Further, it is the District Commander's responsibility to ensure that all facets of the amalgamation process are followed. The District Commander must remember that any involvement in Branch affairs is to be either by invitation (in writing) or as a directive from Ontario Command.

1. Once the District has been notified of the amalgamation process the District Commander must contact the Zone Commander to ensure that the amalgamation process is valid, and the terms of reference are followed.
2. Once the District Commander is confident the amalgamation process is valid, they will ensure that Provincial Headquarters is aware of the impending amalgamation.
3. If the District Commander wishes to attend an Amalgamation Meeting, they must be invited by the joint Ad-Hoc Committee.
4. The District Commander and District Officers will be important to the amalgamation process from a support perspective.
5. The District Commander will ensure the interim Executive Committee establishes signing authority for the new Branch.

ONTARIO COMMAND RESPONSIBILITIES

1. Upon receiving notification that Branches wish to amalgamate the Provincial Executive Director must contact the District Commander and ensure that all parties in the area are aware of the impending amalgamation process.
2. Once the Provincial Executive Director receives copies of the minutes of the meeting at which the Notice of Motion was presented, copies of the meeting at which the Notice of Motion was passed, as well as the Financial Statements they will inform Dominion Command of the impending amalgamation.
3. It will be a Provincial Command responsibility to ensure that the Branch amalgamation, from the Provincial and Dominion Command perspective is handled effectively.
4. The Provincial President and Senior Officer will be important to the amalgamation process for a support perspective.

RESOLUTIONS

Preface

The use of Resolutions by all facets of the Legion is the accepted mechanism available for members to advance matters respecting a change of By-Laws, Terms of Reference, Policies, and/or other appropriate Legion matters. They can also be used to seek the support of and to direct the organization to advance its views and lobby Government on matters held in high

regard by the Legion.

It is imperative that the initiator of any approved Resolution consider the time required to advance it to and process it by Command. Thus, the Resolution should be submitted in a timely fashion to allow sufficient time for the proper review of the Resolution. There will be occasions when Resolutions can not be forwarded to the Provincial Executive Council for their review due to the pending impact of Convention timelines and thus will be reviewed by the Provincial Administrative Committee re concurrence or non-concurrence.

It is also important that the submitting entity submit a copy of the subject Meeting Minutes as confirmation that the Resolution was properly approved at a General Meeting; or in the case of a Provincial Standing Committee, approved by the Committee Members. Further, the documents received by Command must bear original signatures affixed thereto and thus provide another level of validity.

In order to ensure that Resolutions are properly processed in preparation for their presentation at the next Provincial Convention, or if National in scope, for advancement to Dominion Command, once concurred by Provincial Command, the following policy and procedures will apply.

Resolution Preparation

- Resolutions must be completed on the appropriate **Resolution Submission Form** found on the Command Website → Member Resources → Forms & Manuals → Committee Forms → Resolution Form to Provincial Command.
- These Electronic Forms are fillable but may be completed by hand, if preferred by the crafting member.
- The fillable electronic edition ensures legibility and may be corrected/amended by the originating source prior to presentation/submission.
- Proofread the Resolution prior to presentation to ensure the content is relevant to the subject matter and free of spelling and grammatical errors.

Branch Resolutions – Processing to Command

- The Resolution is presented at a General Meeting of the Branch for approval.
- Create the applicable Branch Meeting Minutes. (A signed draft copy is acceptable).
- The appropriate original signatures are affixed to the original Resolution and Meeting Minutes.
- Forward a copy of the signed original Resolution and Branch Meeting Minutes to the Zone Secretary.
- The Resolution is presented to the Zone Council and/or Zone Convention for concurrence or non-concurrence. (Dependent upon the time of receipt).
- The Zone Commander signs the original Resolution and indicates the decision of the Zone with any comments.
- The original Resolution and accompanying Branch Meeting Minutes are then forwarded to the District Secretary.

- The Resolution is presented to the District Council and/or District Convention for concurrence or non-concurrence. (Dependent upon the time of receipt).
- The District Commander signs the original Resolution and indicates the decision of the District with any comments.
- The original Resolution and accompanying Branch Meeting Minutes are then forwarded to the Provincial Executive Director.

NOTE 1: The assessment of Resolutions by the Councils of Zone and/or District may be included as an agenda item at an in-person meeting or the subject of discussion / vote via electronic communication.

NOTE 2: All resolutions from Branches may be processed through their respective Zones and Districts for their review and comment before submission to Provincial Command with the following exception:

If the subject matter is National in scope and/or considered by the Branch to be of an emergency nature and the timelines in relation to the next appropriate pending Dominion and/or Provincial Convention do not permit the elevation through the Zone and District, the Branch may forward it and a copy of the applicable meeting minutes directly to the Provincial Executive Director. In these cases, to permit proper review and consideration by Provincial Command, it is critical that any such Resolution is received by the Provincial Executive Director at least one (1) month prior to the applicable cut off time limit of 112 days prior to the opening date of such Convention. The Branch may be requested to elaborate and justify their contention that the subject matter qualifies as an emergency if such rationale and information is not originally submitted with the Resolution.

Provincial Standing Committee Resolutions – Processing to Command

- A Resolution is generated by a member of the Committee and distributed to all Committee Members by the Chair.
- The Resolution may be included as an agenda item at an in-person meeting or the subject of a vote via electronic communication dependent upon the subject matter and timelines associated with the appropriate pending Convention.
- Once approved, the appropriate original signature and date is affixed to the Resolution.
- The relevant Minutes are created. (Signed draft copies are acceptable).
- The original Resolution and minutes bearing original signatures are forwarded to the Provincial Executive Director.

NOTE 3: The Provincial Administrative Committee may approve a motion respecting a matter falling under the mandate of a Provincial Standing Committee and advance such motion to the appropriate Provincial Standing Committee for its review and action, if warranted, which may result in the drafting of a Resolution by the subject Provincial Standing Committee.

Receipt and Processing by Provincial Resolutions Committee

- All Resolutions received at Command shall be directed to the Provincial Resolutions Committee Secretary.
- The Secretary shall complete the administrative record including the receipt details, originating source, subject, etc.
- All Resolutions and accompanying minutes shall then be forwarded to the Provincial Resolutions Committee Chair.
- The Chair shall review the minutes and the Resolution to ensure its proper approval and adherence to all applicable By-Laws and procedures.
- The Chair will decide what entity will review those compliant Resolutions, bearing in mind the timelines applicable to the appropriate Convention which will dictate the consideration procedure utilized by the Reviewing Committee e.g., Subject Matter, Physical Meeting, Virtual Meeting, Etc.
- The Chair or Secretary will direct the documents to the Chair of the assigned entity, or its Secretary, for review.

NOTE 4: Any Resolution deemed improperly approved by the originating body and/or failing to meet other provisions cited in the By-Laws and/or the Policy & Procedure Manual will be returned to that entity with a cover letter citing the reasons for return.

NOTE 5: Any Resolution involving the General By-Laws of either Command must be referred to the Provincial Constitution and Laws Committee, and dependent upon the subject content, expertise may be sought from other sources to assist in the review; or the Resolution may be redirected to such other entity for its consideration and decision with any required assistance provided by the Provincial Constitution and Laws Committee.

Reviews of Resolution

- The appropriate timelines, along with the urgency of the subject matter, if applicable, will dictate whether the Resolution will be left for discussion at the next regular Committee Meeting, or the subject of a discussion/vote by electronic communication.
- The Provincial Standing Committee Chair or Secretary will distribute every Resolution to the Committee Members for their Review.
- The Committee shall either concur, or non-concur with each Resolution and provide comments, where appropriate, in support of their decision. Such comments may also highlight grammar, spelling, or context errors/omissions.
- The Resolutions will be returned to the Provincial Resolutions Committee Chair or its Secretary.

NOTE 6: When a number of Resolutions addressing the same topic are received, the Reviewing Committee will be required to draft a resolution combining all those of the same topic, if they concur with the original Resolutions.

NOTE 7: Any Resolution in which the subject matter fails to correspond with the mandate of any Provincial Standing Committee may be assigned for review by the Provincial Administrative Committee re concurrence or non-concurrence along with appropriate comment, if applicable.

Return of Reviewed Resolutions to Provincial Resolutions Committee Chair

- The Provincial Resolutions Chair, upon receipt of reviewed Resolutions, will review their status and determine the next course of action dependent upon the status, content and pending Convention timelines.
- The Chair will forward the Resolutions to the Secretary who will complete the administrative record and distribute as directed by the Provincial Resolutions Chair which may be as follows:
 - To the Provincial Administrative Committee unless it was originally reviewed by this entity.
 - To the Provincial Executive Council unless the pending Convention timelines do not permit this action.
 - To Dominion Command, once reviewed by the Provincial Administrative Committee and/or Provincial Executive Council dependent upon the applicable timelines re a pending Convention.

Resolution of a National Scope

- All Resolutions of a national scope must have been concurred by Provincial Command and shall include appropriate comment before being forwarded to Dominion Command. Any Resolution received by Provincial Command less than 112 days prior to the next Dominion Convention shall not be forwarded unless it has been determined by the Resolutions Committee Chair to be of an urgent nature and subsequently concurred by Provincial Command. All Resolutions meeting this criterion must be forwarded to Dominion Command by the Provincial Resolutions Committee Secretary at the earliest opportunity after the appropriate concurrence by Command.

Resolution Status for Provincial Convention

- All Resolutions to be considered at the next Provincial Convention shall be classified into the following categories:
 - Appendix I - Concurred Resolutions.
 - Appendix II - Non-Concurred Resolutions.
- The distribution of the Convention Proceedings Booklet will act as the Official notification respecting the status of each compliant resolution that has been reviewed by Command since the last Provincial Convention.

References

DOMINION COMMAND – POLICY & PROCEDURE MANUAL – RESOLUTION PROCESSING

ARTICLE IX – THE GENERAL BY-LAWS - RESOLUTIONS

ARTICLE III – THE GENERAL BY-LAWS OF ONTARIO PROVINCIAL COMMAND - RESOLUTIONS

PROCEDURE TO SURRENDER A CHARTER OF A BRANCH

The following procedure applies on the surrender of a Branch Charter:

- 1) Requires a Notice of Motion at a General meeting of the Branch;
- 2) The notice should be communicated to all members in good standing at least 14 days prior to the Special General Meeting at which it is to be discussed; GBLO Section 918. (2)
- 3) Copies of the Notice of Motion shall be sent to the District Commander and the Zone Commander;
- 4) A 2/3 majority vote is required;
- 5) If the motion to surrender the Charter is approved, the Charter shall not be surrendered until:
 - a) The General Membership has approved a motion for the disposition of the assets in accordance with the Act to Incorporate, the GBL and the GBLO; and
 - b) Ontario Command has approved the surrender of the Charter and the proposed disposition of the real property of the Branch; and
 - c) All real and personal property has been disposed of in accordance with the approved proposal.
- 6) The Signing Officers of the Branch shall remain members of the Branch until the surrender of the Charter is finally approved by Ontario Command.
- 7) Upon the surrender of the Charter, the Ladies' Auxiliary Charter (if applicable) shall also be surrendered.
- 8) The Charter shall be returned for cancellation to the Provincial Headquarters.
- 9) A Branch may request the return of the 'cancelled' Charter for display in the community or at another Branch.

Notes:

- (a) The property/assets of the Branch may not be disbursed to the members of the Branch.
- (b) Please see Section 929. of the GBLO, this section deals with the disbursement and what may happen to surplus funds. "A Branch may apply to the PAC of Ontario Command for exemption from this policy, when it is deemed more beneficial to donate the property in another way."
- (c) The following documentation must be submitted to the Provincial Headquarters:
 - A copy of the Notice of Motion which has been communicated to all members in good standing and proof of delivery as per GBLO Section 918 (4).
 - A copy of the certified (signed by President and Secretary) minutes of the General Meeting at which the notice was proposed.
 - A copy of the certified minutes of the General Meeting at which the notice was approved.
 - A complete list of the assets and the liabilities of the Branch.

- A proposal, approved by the General Membership, for the disposition of the assets and a certified copy of the minutes of the General Meeting which provided the approval.

DISPOSITION OF BRANCH RECORDS

The following records disposition policy will apply on the surrender of a Branch Charter:

- 1) If the Branch Membership Chair or another Officer of the Branch is willing to prepare the paperwork for the transfer of the members to a new Branch, the records will remain with that person until all efforts to transfer members have been exhausted. The Branch should notify Provincial Headquarters of the name and address, etc., for contact purposes.
- 2) When no one from the Branch can assist with the transfer of the members, Provincial Headquarters will discuss the transfer of the membership records with the District Membership Chair to determine whether they should be sent from the Branch to the Zone or District Membership Chairs. This Chair will then be responsible for ensuring that the paperwork for the transfers is prepared and/or the documents are sent to the new Branch. Only when all reasonable efforts have been made to transfer the members, will the remaining membership records be forwarded to Provincial Headquarters. The box(es) must be labeled clearly identifying the Branch, the contents and the period that the records cover.
- 3) The following records should be forwarded to Provincial Headquarters on the surrender of the Branch Charter. It is essential that the Branch send only the records that must be retained for Government purposes. The Provincial Headquarters will dispose of these records when there is no longer any requirement to keep them. These are as follows:
 - a) T4 and T4A returns for the past 10 years in chronological sequence.
 - b) Bank statements, cancelled cheques, cash receipt books, deposit books and cheque registers for the past 7 years.
 - c) Inventory records and count sheets for the last 7 years.
 - d) Insurance policies for the past 7 years.
 - e) Employment records and files for the past 7 - 10 years.
 - f) Invoices for the past 7 years.

It is emphasized that the Branch must sort and pack and label this material in an efficient manner to provide for easy identification and retrieval, should this ever be necessary. A covering letter summarizing the full contents of the records sent to Provincial Headquarters and the box # in which the specific records may be located must accompany the final shipment.

The space at the Provincial Headquarters is very limited and storage off site may be required. It is therefore essential that Branches number and label and summarize the documents that they have sent. Further, Branches must complete the necessary Government returns for the period up to and including the Charter surrender date (HST, T4's, etc.) and supply all necessary information regarding any employees of the Branch in its last year of operation.

PROCEDURE TO CHANGE BRANCH NAME

The following standardized procedure for the use by Branches that wish to change their Branch name must be completed.

1. Draft a motion setting out the specifics of the proposed new Branch name and any supporting information that will provide sufficient insight respecting this proposal.
2. Draft a Notice of Motion which includes a statement advising that the attached motion will be moved at the next meeting of the Branch for discussion and a vote for approval.
3. The presenting member tables the above cited two (2) documents at an Annual General Meeting or General Meeting of the Branch. No seconder is required at this time and it is not debatable.
4. At the next meeting of the Branch; which may be an Annual General Meeting, General Meeting, or Special General Meeting; the motion is introduced for discussion and a vote for approval, a two thirds majority of the voting members present is required. NOTE: Should the Branch choose to convene a Special General Meeting for this purpose it will be required to send a notice of the time, place, date and purpose of the meeting at least seven (7) days prior to that meeting by post, electronic or delivered by hand to the last known address of every member entitled to vote at the meeting.
5. Once approved, the aforementioned documents can be forwarded electronically to the Provincial Headquarters under a cover letter from the Branch President.
6. Provincial Headquarters will review the submission and determine if it meets the criteria and has been completed according to this Policy and Procedure.
7. If the submission meets all requirements, the Branch will be so notified, and the necessary correspondence will be forwarded to National Headquarters for their review and the issuance of a new Branch Charter available for a nominal fee.

BRANCH CONSTRUCTION / RENOVATIONS

There are many scenarios which fall under Branch construction projects. It could be the purchase of property and erection of a new building, the purchase of property and renovation of an existing building, the leasing of property and completion of leasehold improvements, the renovation of an existing building on land already owned by the Legion, updating of fixtures and equipment in existing facility, the list goes on. These projects may be funded from existing capital reserves or investments, through the sale, borrowing or mortgaging of property.

Branches may apply to the Provincial Property Committee for loans to assist with short term cash flow problems and/or emergency situations. The terms of reference are further on in this section.

“NOTE: NOTICE OF MOTION Is a notice of a motion given at a meeting to be presented to the next meeting of the same body. Its use should be provided for in the appropriate By-Laws. The Notice of Motion on presentation does not require a seconder and is not debatable. If the motion is introduced at the next meeting, normal rules apply.” *From Rules of Procedure for Legion Meetings January 2022*

Should a project require the review of the Provincial Property Committee, it is recommended that Branches allow 30 days for a response. In order to avoid a delay, ensure that all required documentation is submitted as per the outlined procedures below.

Sometimes Branches are confused about the procedural requirements for Branch construction projects. The following scenarios may assist the Branch to determine the applicable procedure, when in doubt, contact your Zone Commander for direction:

Branch Renovations, upgrades, repairs:

1. No borrowing required:

- **Project is less than \$25,000 for existing Branch building to be funded from Branch reserves**
 - requires approval of the general membership before any commitments or expenditures are made;
 - does not require Notice of Motion or approval by Ontario Command.
- **Including purchases of new/used equipment of more than \$25,000 in the fiscal year for existing Branch building to be funded from Branch reserves (no borrowing required)**
 - requires a Notice of Motion distributed to all members in good standing, pursuant to Provincial By-Laws at least 7 days prior to the General Meeting at which the notice is presented for discussion and a vote; (Notice of Motion is NOT required when the complete amount of money used for the project is provided by Government Grant(s) or is the result of an insurance claim – Please note majority vote is still required by the general membership.
 - requires a covering letter to be submitted to Ontario Command (Secretary of Property Committee) providing an overview of the current situation of the Branch and the complete details of the project
 - requires approval of the general membership by a simple majority and approval of Provincial Property Committee prior to any commitments being made or documents signed.

2. When borrowing is required:

- borrowing requires a Notice of Motion distributed to all members in good standing, pursuant to Provincial By-Laws, at least 14 days prior to the General or Special General Meeting at which the notice is presented for discussion and a vote;
- approval of the general membership by a 2/3 majority of those present and eligible to vote and written approval by the Provincial Property Committee prior to any commitments being made or documents signed.
- requires a covering letter to be submitted to Ontario Command (Secretary of Property Committee) providing an overview of the current situation of the Branch and the complete details of the project

Note section 1208 of The General By-Laws for Branches of the Ontario Provincial Command –

- 1. All expenditures, other than normal operating or emergency expenses, in excess of an amount set out in Branch Regulations which may not exceed \$2,000.00, must be approved at a General, Special General or Annual General Meeting, prior to any commitment for such expenditure being made by the Executive Committee.**
- 2. Any expenditure other than normal operating or emergency expenses, in excess of \$1000.00, shall be referred to the Executive Committee for its recommendation to the next General Meeting, prior to any commitment for such expenditure being made by the Branch.**

Note: see “Procedures for all transactions involving the borrowing, mortgaging, etc. - as shown immediately below.”

Procedure for all transactions involving the borrowing, mortgaging, leasing, or conveying of Real Property for review by the Provincial Property Committee

Note: The method of distribution of a Notice of Motion is covered by GBLO Section 918. (2), 918.(4), 918.(5), 918.(6), 918.(7), quoted below.

918.(2) A Meeting Notification shall be communicated to every member of the Branch in good standing for receipt at least fourteen (14) days in advance of any General Meeting held or Special General Meeting called to discuss mortgaging, leasing or conveying of Branch real property.

918. (4) A Meeting Notification required under these or any other provision of the General By-Laws shall be communicated to all members entitled to attend the subject meeting via one (1) of the following methods.
- (a) By personal hand delivery; or
 - (b) By Canada Post, or other courier service; or
 - (c) Personal delivery to the member's last known address; or
 - (d) By electronic communication.
918. (5) Each Meeting Notification shall include the following items:
- (a) The date, time and location of the meeting.
 - (b) The purpose of the meeting.
 - (c) The Section(s) of the General By-Laws applicable to the call and distribution of same.
918. (6) The Branch shall maintain a copy of each Meeting Notification and a record of the method by which way member was duly notified respecting same.
918. (7) Each Branch member shall:
- (a) Notify their Branch in writing of the method(s) by which they wish to receive Meeting Notifications.
 - (b) Provide their personal postal mailing address to their Branch and ensure that the information is kept current.
 - (c) Provide their current electronic contact information to their Branch should they wish to receive any or all Meeting Notifications via this means.
 - (d) Activate "to follow" or subscribe to any social media facility provided by their Branch, should they wish to receive any or all Meeting Notifications via this means.
1. A Notice of Motion must be presented at a General Meeting of the Branch specifying the details of what is proposed.
 2. The notice must be distributed pursuant to Provincial By-Laws to all members in good standing at least 14 days prior to the General or Special General Meeting at which the motion will be made for discussion and vote taken.
 3. If the matter is approved by a 2/3 majority, the Branch must submit the following information to Provincial Headquarters:
 - a) a copy of the Notice of Motion, with proof of delivery (mail, electronic, etc.)
 - b) a certified copy (signed by the Branch President and Secretary) of the minutes of the General Meeting at which the notice was presented;
 - c) a certified copy (signed by the Branch President and Secretary) of the minutes of the General Meeting at which the Notice was approved by a 2/3 majority;
 - d) a copy of the certified reviewed year-end financial statements of the Branch for the past 2 years and current financial statements.
 - e) a business plan including precise information on how the loan, lease, etc. will be repaid and specifying whether grants and/or lottery funds have been considered through the licensing authority for use of funds 20% policy and/or the Building Fund Policy;
 - f) a budget for the next fiscal year;

- g) a copy of all pertinent documentation, such as sale/lease agreement, mortgage document, etc.
 - h) requires a covering letter to be submitted to Ontario Command (Secretary of Property Committee) providing an overview of the current situation of the Branch and the complete details of the project
 - i) the name, address, telephone number, etc., of the Branch lawyer who is providing the legal advice, etc.
4. The Ontario Command Property Committee reviews all documentation and confirms in writing if the Branch has complied with the Legion Act 1990. Branches must receive the approval from Provincial Headquarters prior to committing to or signing any lease, sale, purchase, etc.

3. Branch building projects (over \$25,000)

- all expenditures in excess of \$25,000 during the course of the fiscal year must have written approval from the Provincial Property Committee prior to any commitment being made or documentation signed. The Branch must therefore submit to Provincial Headquarters the following information for review:
 - a) a copy of the Notice of Motion, distributed to all members in good standing pursuant to the Provincial By-Laws, at least 14 days in advance of the General or Special General Meeting at which the notice is presented for discussion and vote; and proof of delivery (mail, electronic, etc.)
 - b) a certified copy (signed by the President and Secretary) of the minutes of the General Meeting at which the notice was put forward;
 - c) a certified copy of the minutes of the General Meeting at which the notice was approved by a simple majority (where no borrowing is required) or a 2/3 majority (where borrowing is required); Please include the total number of voting members in attendance and the results of the voting (for and against the motion(s));
 - d) a copy of the certified reviewed year-end financial statements for the past 2 years and current financial statements;
 - e) a business plan which details how the loan will be repaid if borrowing is required;
 - f) a copy of all pertinent documentation such as purchase, lease or mortgage proposals; quotes for proposed construction/renovations, etc.;

- g) the name and address of the Branch lawyer involved in the transaction, as required for sale/purchase of property associated with Branch construction.
- h) requires a covering letter to be submitted to Ontario Command (Secretary of Property Committee) providing an overview of the current situation of the Branch and the complete details of the project

4. Projects involving purchase of property and services of an Architect and/or Consultant

- prior to property being purchased, the services of an architect or consultant being engaged, a motion which has been presented to a previous meeting by way of notice distributed pursuant to Provincial By-Laws, 14 days in advance of the General or Special General Meeting at which the notice is presented for discussion and vote to each member in good standing, shall include:
 - (a) the proposed purchase price of the property, as applicable;
 - (b) the estimated cost of the new building or renovation in accordance with the ability of the Branch to pay;
 - (c) the name and address of the architect and/or consultant to be engaged.
- a Branch is not authorized to expend any funds with respect to its program either by way of purchase of property or the hiring of an architect and/or consultant until this motion has been approved;
- following approval of the above motion, the Branch will engage the services of the architect and/or consultant and obtain a price for the drawing of plans in accordance with the funds as approved by the Branch at the meeting;
- when the estimate has been received, the Branch will again proceed by way of Notice of Motion to a General Meeting, such Notice of Motion to include the following details:
 - (a) the names of the Chair and members of the Branch Building Committee;
 - (b) the total cost of the project, could include a 10% allowance for over-runs in accordance with the information received;
 - (c) a statement of the assets of the Branch per the Certified Reviewed Financial Statement as of May 31st in the preceding fiscal year;

- (d) the amount of mortgage required and relevant interest rate;
- (e) a business plan.
- (f) requires a covering letter to be submitted to Ontario Command (Secretary of Property Committee) providing an overview of the current situation of the Branch and the complete details of the project

Branch projects involving the purchase, sale or leasing of property

Branches need to be aware that they do NOT “have authority to bind the Corporation”. If documents with this statement are signed without PRIOR written approval of the Provincial Property Committee you may be held PERSONALLY liable for any deal made.

The following clause must be added to any line of credit, mortgage, sale/purchase, lease agreement proposed within Ontario Command:

“The obligation of the Vendor to complete this Agreement is conditional for a period of 30 days following the date of the execution of this Agreement (the “Condition Period”) upon the approval of this Agreement by The Royal Canadian Legion, Ontario Command (the “Approval Condition”). In the event that the Vendor does not deliver to the Purchaser within the Condition Period written notice of satisfaction of the Approval Condition, this Agreement shall then be terminated, and the Deposit shall be returned to the Purchaser, with any accrued interest thereon. The Approval Condition is for the benefit of the Vendor and shall not be waived by the Vendor.”

- all purchases, sales or leasing of property require a Notice of Motion distributed to all members in good standing, pursuant to Provincial By-Laws, at least 14 days prior to the date of the General or Special General Meeting at which the notice is presented for discussion and vote;
- approval of the general membership by a 2/3 majority and **written approval from the Provincial Property Committee is required before commitments are to be made or documents signed.**
- requires a covering letter to be submitted to Ontario Command (Secretary of Property Committee) providing an overview of the current situation of the Branch and the complete details of the project

Note: see “Procedures for all transactions involving the borrowing, mortgaging, etc - as shown immediately below.”

Procedure for all transactions involving the borrowing, mortgaging, leasing, or conveying of Real Property for review by the Provincial Property Committee

Note: The method of distribution of a Notice of Motion is covered by GBLO Section 918. (2), 918.(4), 918.(5), 918.(6), 918.(7), quoted below.

918.(2) A Meeting Notification shall be communicated to every member of the Branch in good standing for receipt at least fourteen (14) days in advance of any General Meeting held or Special General Meeting called to discuss mortgaging, leasing or conveying of Branch real property.

918. (4) A Meeting Notification required under these or any other provision of the General By-Laws shall be communicated to all members entitled to attend the subject meeting via one (1) of the following methods.

- (a) By personal hand delivery; or
- (b) By Canada Post, or other courier service; or
- (c) Personal delivery to the Member's last known address; or
- (d) By electronic communication.

918. (5) Each Meeting Notification shall include the following items:

- (a) The date, time and location of the meeting.
- (b) The purpose of the meeting.
- (c) The Section(s) of the General By-Laws applicable to the call and distribution of same.

918. (6) The Branch shall maintain a copy of each Meeting Notification and a record of the method by which way member was duly notified respecting same.

918. (7) Each Branch Member shall:

- (a) Notify their Branch in writing of the method(s) by which they wish to receive Meeting Notifications.
- (b) Provide their personal postal mailing address to their Branch and ensure that the information is kept current.
- (c) Provide their current electronic contact information to their Branch should they wish to receive any or all Meeting Notifications via this means.
- (d) Activate "to follow" or subscribe to any social media facility provided by their Branch, should they wish to receive any or all Meeting Notifications via this means.

5. A Notice of Motion must be presented at a General Meeting of the Branch specifying the details of what is proposed.

6. The notice must be distributed pursuant to Provincial By-Laws to all members in good standing at least 14 days prior to the General or Special General Meeting at which the motion will be made for discussion and vote taken.

7. If the matter is approved by a 2/3 majority, the Branch must submit the following information to Provincial Headquarters:
- a) a copy of the Notice of Motion, with proof of delivery (mail, electronic, etc.)
 - b) a certified copy (signed by the Branch President and Secretary) of the minutes of the General Meeting at which the notice was presented;
 - c) a certified copy (signed by the Branch President and Secretary) of the minutes of the General Meeting at which the Notice was approved by a 2/3 majority;
 - d) a copy of the Certified Reviewed Year-End Financial Statements of the Branch for the past 2 years and current financial statements.
 - e) a business plan including precise information on how the loan, lease, etc. will be repaid and specifying whether grants and/or lottery funds have been considered through application to the licensing authority for use of funds 20% policy and/or the Building Fund Policy;
 - f) a budget for the next fiscal year;
 - g) a copy of all pertinent documentation, such as sale/lease agreement, mortgage document, etc.;
 - h) the name, address, telephone number, etc., of the Branch lawyer who is providing the legal advice, etc.
 - i) requires a covering letter to be submitted to Ontario Command (Secretary of Property Committee) providing an overview of the current situation of the Branch and the complete details of the project
- j) The Ontario Command Property Committee reviews all documentation and confirms in writing if the Branch has complied with the Legion Act 1990. Branches must receive the approval from Provincial Headquarters prior to committing to or signing any lease, sale, purchase, etc.

Policy for Branches selling property and maintaining residual funds

Branches that sell property and lease back, amalgamate or enter into a lease agreement must consent to the following policy prior to any agreements being signed:

1. All funds derived from the sale of a building, or an amalgamation must be deposited or invested in a Canadian Banking Institution.
2. An amount not to exceed \$75,000 may be deposited to a Canadian Banking facility in the name of the Branch. The remaining funds must be invested in a mix of short, medium, and long-term investments as directed by the members at a General Meeting. Should a Branch wish to renovate, etc. they must follow the guidelines below.
3. Funds can be invested in but are not limited to the following: Guaranteed Investment Certificates, Bankers' Acceptance, Treasury Bills, Government of Canada Bonds,

Provincial Bonds, Commercial paper, Triple B Bonds, low to medium risk Mutual Funds, Equities, Income Trusts, Linked Notes, Principal Protected Notes and Segregated Funds.

4. Investments may only be cashed, with the approval of a **BRANCH GENERAL MEETING**. An Executive Committee **DOES NOT** have the right to approve cashing of any investments at ANY time.
5. Branches that are amalgamating must follow the above noted in item #2. If property is sold by one Branch, which is amalgamating with another, the funds would be held in the name of the new Branch and the Legion Act 1990 and the Act to Incorporate would apply.

Short Term Loans to Branches

Ontario Command has funds available to assist Branches in need of short-term funding. Branches may apply to the Provincial Property Committee to borrow funds to address short-term cash flow problems.

Note: Requests which exceed the maximum amount and require extended repayment periods beyond five years will be reviewed by the Provincial Property Committee and referred to the Provincial Administrative Committee for approval or otherwise, along with their recommendation.

Terms of Reference for Short Term Loans to Branches

- The application will be reviewed by the Provincial Property Committee and loans will be determined on a case by case basis but may not exceed \$ 50,000;
- The loan must be repaid within five years, interest will be charged at 2% per annum;
- A covering letter must be submitted with the application providing an overview of the current situation of the Branch, why the funds are needed and how the Branch proposes repayment within the time frame allotted;
- The Branch must submit a current balance sheet and statement of income and expense for the current fiscal period including the last three months;
- The Branch must agree to repay the loan on a monthly basis with a pre-authorized automatic withdrawal from a Branch account and a copy of a void cheque. Short Term Loan Funds will not be released until this signed agreement has been completed and received by Provincial Headquarters.
- Branches must comply with the By-Laws and Legion Act 1990 requirements for borrowing, unless an emergency exists;
- The Property Committee may consult with the District and Zone Commander for information purposes.

Property Committee Approval

The role of the Committee is to review and decide on all real property transactions exceeding \$25,000.00.

Branches are reminded that prior to any sale or leasing agreement being signed, they must follow the procedures of the Act to Incorporate, the Legion Act 1990 and all policies as described in the current Legion Officers' Manual under the Property Section. It is a prerequisite and mandatory that notification to the members of Special Meetings for the purpose of mortgaging, leasing or conveying of Branch property, must be made in writing, and distributed as directed in the GBLO Section 918., titled 'Notifications Re Meetings of the Branch'. The Provincial Property Committee will not tolerate failure to follow this procedure.

Any member who enters into an agreement, without the express written consent of the General Membership, could be held responsible for all legal costs and liable for any transactions made. The Provincial Property Committee has the right to null and void any transaction that has not followed proper procedure.

Before approval is given by the Provincial Property Committee, Branches must consent to the above noted.

The document when completed requires the date signed and signatures of the Provincial Property Committee Secretary and the Branch President.

CMHC Seed Funding

This is a loan of up to \$200,000.00 available to developers to assist with predevelopment soft costs, such as professional fees, management plan, preliminary design of the project, etc.

The Provincial Property Committee **will not approve any Seed Funding applications**. It is the developer that should be applying for this, if required. **If the project does not reach completion, the applicant is responsible for repayment, in this case the Branch and it is mandatory for repayment in full.**

Frequently Asked Questions (FAQs)

1. Does the \$25,000 amount include monies received from Governments - or donations from the membership - or donations from the public?
 - Yes as these monies are considered to be Branch monies once received
2. Our Ladies' Auxiliary is funding half of the project. Does their money get included as part of the \$25,000 limit?
 - Yes as this money is considered Branch money once received

3. We are negotiating with a telecommunications company for a lease to allow them to install a tower on our Branch property. Does this require approval from the Property Committee?
 - Yes as this is a transaction involving leasing of real property
4. Does the \$25,000 amount include monies received from an insurance claim?
 - Yes as these monies are considered to be Branch monies once received
5. Does the Branch have the authority to bind the corporation?
 - **NO THE BRANCH DOES NOT HAVE THE AUTHORITY TO BIND THE CORPORATION WITHOUT APPROVAL OF ONTARIO COMMAND.**

RETENTION OF RECORDS

BANKING	Cash books, Cheque Register, Bank Statements, Cancelled cheques, etc.	7 years
INVENTORY	Perpetual records and physical count sheets	7 years
JOURNALS & LEDGERS	Accounts Receivable, Payable, etc.	7 years
INSURANCE	Accident, Fidelity, Fire, Group, Liability Property, Workmen's Compensation	7-10 years
TAXES	Retail Sales Tax (Provincial)	7 years
	Harmonized Sales Tax	7 years
	Withholding Tax Forms, such as T-4, T-5 Summaries and TD-1's	7-10 years
PERSONNEL EMPLOYEE	Employment Records and Payroll Summaries	7-10 years
INVOICES	Sales and Purchases	7 years
MINUTE BOOKS	All written and Electronic formats – ensure that the electronic formats are kept up to date with available technology.	Permanent
GENERAL LEDGER FINANCIAL STATEMENTS ALL ACCOUNTS	All written and Electronic formats - ensure that the electronic formats are kept up to date with available technology.	Permanent

FINANCE

Sound financial management is very important to the survival of a Branch. Simply put continued expenditures in excess of revenues will eventually reduce the assets to the point where ceasing operations and giving up the Charter will be the only option open.

A budget should be prepared at the beginning of the Legion year which estimates revenues and expenditures. While it is recognized that the actual results will differ from the estimates, monthly comparisons of the two will highlight areas of potential concern.

Branch financial reporting standardization has been established and is used in order to both accurately assess performance and compare year to year operations. A training manual for this purpose is available on the Provincial Website www.on.legion.ca under Forms & Manuals, Leadership Development.

Normal monthly expenditures such as heating and light bills are processed by the Treasurer or Bookkeeper without requiring an approval process. Nonrecurring expenditures up to \$500 (or as determined by Branch Regulations) may be approved by the Branch Executive Committee and those in excess of \$500 at a Branch General Meeting. Exception to the normal approval requirement is allowed in the case of an immediate operational requirement with an after the fact approval being required at the appropriate level.

While disbursements are normally made by cheque, authority has been given for payment by electronic means. See section below. Petty cash payments should be kept to a minimum. All cheques require two signatures and all payments made electronically must be reviewed. A bank statement reconciliation is to be completed monthly for all branch accounts.

FINANCE COMMITTEE

The Branch Treasurer is usually the Chair of this Committee. The Branch Finance Committee provides an overview of the financial affairs of the Branch on a regular basis and provides recommendations to the Executive Committee for improvements to the revenues and expenditures. Generally, it will be responsible to develop policies and controls regarding the Branch finances. It may also be tasked by the Executive Committee to provide recommendations on correcting abnormal expenses.

FINANCIAL REVIEW COMMITTEE

The Branch Financial Review Committee has a different task from that of the Finance Committee. It has the responsibility of monitoring of the financial operations throughout the year. Guidelines for this committee have been created and are available on the Provincial website under “Forms and Manuals” and “Leadership Development”.

First glance at the guidelines may make it feel that it is a daunting task, but rest assured it does not have to be. The Committee can meet monthly or quarterly to determine which section should be reviewed. The Committee is only responsible for the review procedure and reporting of any discrepancies in the Branch financial control systems. Essentially this is an informal internal audit of finances and control procedures. The Committee must prepare a report to be submitted to the Executive Committee within ninety (90) days following the end of the fiscal year and then presented to the next General Meeting for approval. GBLB Section 1203.

ONLINE BANKING

ADMINISTRATOR (FINANCIAL SECURITY MEASURES)

The 2019 Provincial Convention gave authority to Branches to conduct their business via online banking. See GBLB Sections 1205, 1206 and 1207.

The Branch is required to appoint an Administrator – Financial Security Measurers. This person works in conjunction with the Branch Treasurer to ensure that the appropriate controls are in place for online access, passwords, pins, etc. The Chair of the Branch Financial Review Committee could be this person.

There are many different financial institutions and each of them have their own procedures in place regarding Businesses using online banking. Therefore, Branches should contact their own bank to determine the best practice, additional costs that may be involved and if necessary, to change the type of account that they currently have.

An example of a Branch that banks with Bank of Montreal – their procedures for multi-approval for a non-profit business:

- The Branch was issued two FOB's (much like a key fob) which has a display window with a series of numbers. The numbers in the FOB change every three (3) minutes and have a countdown bar.
- The procedure starts by logging in to the Branch account using standard username/password and/or PIN.
- Once inside the Branch account (usually the Treasurer) keys in the necessary transfers, ETF's, etc.
- They are then prompted to key in the number displayed on their FOB.
- The transfers will appear as "Transfer Pending" on the site until the 2nd authorized FOB number is keyed in.
- The 2nd FOB number can be done from any computer.
- Note: the "Transfer Pending" will expire after a few days if not authorized.

This satisfies the Bank and the Branch requirements of having two signatures on a cheque.



NOTICE OF MOTION

ONTARIO No.

ROYAL CANADIAN LEGION BRANCH NAME

BRANCH NUMBER

, 20

DATE PREPARED

NOTICE OF MOTION IS HEREBY GIVEN THAT _____

**SIGNED AND DATED BY THE PRESENTING MEMBER WILL BE
PRESENTED AT THE NEXT MEETING OF THE BRANCH FOR
CONSIDERATION, DISCUSSION, AND A VOTE FOR ACCEPTANCE.**

PRESENTING MEMBER'S NAME
(PRINT)

PRESENTING MEMBER'S
SIGNATURE

, 20

DATE OF ANNUAL GENERAL MEETING OR
GENERAL MEETING OR
SPECIAL GENERAL MEETING

(UNDERLINE THE APPLICABLE MEETING)

NOTICE OF MOTION TABLED

, 20

DATE OF ANNUAL GENERAL MEETING OR
GENERAL MEETING OR
SPECIAL GENERAL MEETING

(UNDERLINE THE APPLICABLE MEETING)

MOTION MOVED FOR APPROVAL