

Portuguese Athletic Club of San Jose Bylaws

Chapter I Purpose and Objectives

Article 1: The Portuguese Athletic Club, herein referred to as P.A.C., is a sports, social and cultural organization, founded on February 22, 1962, and shall be governed by these laws.

Article 2: P.A.C. is located in the city of San Jose, state of California.

Article 3: The purpose of the P.A.C. shall be to promote sports, culture, art and recreation.

Chapter II Symbol, Banner, Flag and Uniform

Article 4: The symbol consists of an armor, in triangular shape, similar to the center of the Portuguese flag.

Article 5: The banner shall be rectangular, with black and white alternating triangles, having in the center the emblem of the P.A.C.

Article 6: The flag is made up of white and black alternating triangles, with a vertex at the center, and the words Portuguese Athletic Club of San Jose, in arch, form, adjoining each other.

Article 7: The Pavilion is identical to the flag, although in a much more reduced size.

Article 8: The uniform shall consist of a black and white shirt, black shorts and striped black and white socks. Under unforeseen circumstances, the uniform can be substituted, keeping as much as possible to the white and black colors.

Chapter III Section 1 Membership

Article 9: Every individual, regardless of race, creed, nationality, religion or sex, eighteen years of age and over, may request membership in the P.A.C.

- a) Any individual under eighteen years of age may seek membership if authorized by their parents or tutors.
- b) P.A.C. can distinguish individuals or organizations with honorary membership

Article 10: Application for membership shall be in such form prescribed by the Board of Directors, and recommended by a member in good standing.

Article 11: Any member who, without written justification, falls behind in the payment of dues, after a 30-day notice from the board of Directors, may be subject to disciplinary action by the board.

Article 12: Re-admission shall be under the same rules of the original admission.

Article 13: Members of P.A.C. are categorized as follows:

- a) Effective – Member with all rights and privileges established in these by laws.
- b) Auxiliary – Those who are involved in sports activities.
- c) Contributory
 1. Minors – between three and eighteen years of age
 2. Infantile – sons and daughters of members under 3 years of age
- d) Beneficial – Any member, who has contributed substantial monetary gift to the organization, or contributed services to the organization, residing within or outside California, and should be approved by the board.
- e) Honorary – Any person, organization or official entity of distinction, approved by the General Assembly.

Section 2 **Rights and Obligations**

Article 14: Effective members have the right:

- a) To receive, upon acceptance, a copy of the bylaws of the P.A.C.
- b) Request a meeting of the general Assembly, in conformity with Chapter VI, Section 1, article 25
- c) Examine books, accounts and other documents, eight days prior to the general assembly meeting.
- d) Entitled to vote at the Annual General Meeting elections and at any special meeting requested as per the bylaws of this organization.
- e) Members of Beneficial status have the same rights of Effective members.

Article 15: Dues shall be established by the general assembly for all classes of membership.

Article 16: Dues are due on November 1st of each year, and shall be payable throughout the respective month.

Article 17: New members admitted into the club after January 1st shall pay pro-rated amount for membership assigned based on remaining months until November 1st.

Chapter VI **Directive Bodies (Officers)**

Article 18: The following are the directive bodies of the P.A.C.

- 1.) General Assembly

- 2.) Board of Directors
- 3.) Fiscal Counsel

Article 19: The General Assembly has the supreme power, and embodies all members of the P.A.C.

Article 20: The Board of Directors manages, administers and represents the P.A.C.

Article 21: The Fiscal Counsel collaborates with the General Assembly and the Board of Directors, inspects and verifies all the operational and administrative acts of the Board of Directors, in conformity with the by laws and regulation of the P.A.C.; internal audit

Article 22: The directive bodies are elected annually established by the General Assembly

- a.) Elections shall be by a list presented by any group of members with their dues current as well as by nomination from the floor, and carried by secret ballot.
- b.) In case of a tie, the President of the General Assembly has the right to use the vote of finality.

Article 23: The directive bodies can be reelected. However, no one individual shall be elected to more than one office.

Section I General Assembly

Article 24: The General Assembly is the meeting of all eligible adult members of the P.A.C. On it, is the supreme powers as long as it does not violate these bylaws, the laws of the state and the Robert's Rules of order.

Article 25: The General Assembly shall consist of a President, a Vice President, a Secretary and an Assistant Secretary, which together form the Executive Board of the General Assembly.

- 1.) The General Assembly shall meet, ordinarily, in the month of June of each year, for the election of officers and the presentation of the financial report.
- 2.) The General Assembly shall meet at any other date whenever requested according to these bylaws by:
 - a.) General Assembly Executive Board
 - b.) Board of Directors
 - c.) Fiscal Counsel
 - d.) At least 20 members in good standing. The meeting cannot take place without the presence of $2/3$ of the members who requested it.

Article 26: The meeting of the General Assembly shall be requested at least 25 days prior to the date established for such meeting, by means of email or postal letters sent to the membership.

Article 27: All decisions of the General Assembly shall be recorded in a book solely for that purpose.

Article 28: Twenty members shall constitute a Quorum.

Article 29: Only matters described in the agenda shall be discussed.

Article 30: All resolutions of the General Assembly shall be by majority vote, unless otherwise designated.

- 1.) The General Assembly is sovereign in its decisions, as long it is not in conflict with these bylaws and the laws of the land.
- 2.) All decisions shall be recorded in the appropriate book and shall be signed by the President and Secretary.

Article 31: The President of the General Assembly is the highest representative of the P.A.C. and has the power of:

- 1.) Calling the meeting of the General Assembly and preparing the agenda.
- 2.) Preside over the General Assembly meetings, assisted by the Secretary.
- 3.) Search for potential presidential candidates
- 4.) Sign the minutes of the meetings with the secretary.
- 5.) Represent the PAC in all official and private acts, wherever his presence, wherever requested by his office.
- 6.) Install all Officers
- 7.) Take any decision whenever necessary, presenting it afterwards to the General Assembly meeting.
- 8) in the event of a prolonged absence of the President and VP of BOD, the President of the general assembly will assume interim responsibility until a new officer is installed

Article 32: The Vice President shall substitute the President whenever designated, with the same powers of the President.

Article 33: The Secretaries write the minutes, collaborate with the President in preparing for the meetings of the GA and execute all the orders given for the running of the meeting of the General Assembly.

Section II **Board of Directors**

Article 34: The P.A.C. shall be administered by an elected Board of Directors. The Board is comprised of:

President
Vice President
General Secretary
Assistant Secretary
General Treasurer
Assistant Treasurer
Sports Director
Asst. Sports Director
Cultural Director

Social Director.
Asst. Social Director
Asst. Cultural Director
Maintenance and Preservation director (bar)
Asst. Maintenance and Preservation director (bar)
Facilities Management (take care of rentals)
Asst. Facilities Management

Article 35: Duties of the Board of Directors

- 1.) Follow the bylaws, regulations and decisions of the General Assembly.
- 2.) Represent the P.A.C. officially as well as with private entities.
- 3.) Administer the P.A.C. and practice all necessary acts related to the activities of the club.
- 4.) Create sub committee whenever necessary and of the interest to the club.
- 5.) Prepare the budget and financial statements for the General Assembly.
- 6.) Admit and manage the membership and, when necessary, propose their expulsion to the General Assembly.
- 7.) Recommend to the General Assembly, the nomination of honorary members and record such recommendation in a special book.
- 8.) Propose an honor book to record the visit of authorities, either official or private, individuals of organizations who will bring prestige to the P.A.C.
- 9.) Request meetings of the General Assembly whenever necessary.
- 11.) Acknowledge when possible the passing of members.
- 12.) Recommend to the General Assembly disciplinary actions whenever feasible.

Article 36: The President of the Board of Directors supervises and controls all businesses and affairs of the P.A.C. The President shall perform all the duties related to their office and such other duties as may be required by law, the board of directors and these by laws.

Article 37: The Vice President shall assist the President in all the Presidents duties as necessary as well as in the absence or disability of the President or in the event of their refusal to act, perform all the duties of the President and, when so acting, shall have the power of the President.

Article 38: The General Secretary shall be in charge of all correspondence, which shall be presented at the board meeting as well as executing all acts of publicity of the P.A.C. and the honor book. The General Secretary is also responsible for the taking of minutes at all board meetings.

Article 39: The Assistant Secretary shall assist the General Secretary in all their duties as necessary as well as in the absence or disability of the General Secretary or in the event of their refusal to act, perform all the duties of the General Secretary and, when so acting, shall have the power of the General Secretary.

Article 40: The General Treasurer shall supervise all services of the treasury, be responsible for all the funds and monetary transactions of the P.A.C

- 1.) Sign all payment orders with the President or VP, previously approved by the board.
- 2.) Present a monthly statement of the income and expenses of the P.A.C.
- 3.) Present to the General Assembly at the end of the fiscal year and annual summary of the income and expenses of the P.A.C .
- 4.) Receive the annual budget estimates from all sections and prepare the budget for the P.A.C. management to be approved by the Board
- 5.) Deposit all funds within 48 hours if feasible but not to exceed a period of 96 hours.
- 6.) Receive all proceedings from all activities
- 7.) Keep all financial books in order and prepare the monthly financial statements for the board

Article 41: The Assistant Treasurer shall assist the General Treasurer in all their duties as necessary as well as in the absence or disability of the General Treasurer or in the event of his refusal to act, perform all the duties of the General Treasurer and, when so acting, shall have the power of the General Treasurer

Article 42: The Sports Director shall be in charge of all sports activities.

Article 43: The Assistant Sports Director shall assist the Sports Director in all their duties as necessary as well as in the absence or disability of the Sports Director or in the event of their refusal to act, perform all the duties of the Sports Director and, when so acting, shall have the power of the Sports Director.

Article 44: The Cultural Director shall promote everything related to the cultural activities.

Article 45: The Assistant Cultural Director shall assist the Cultural Director in all their duties as necessary as well as in the absence or disability of the Cultural Director or in the event of their refusal to act, perform all the duties of the Cultural Director and, when so acting, shall have the power of the Cultural Director.

Article 46: The Social Director shall organize social activities of the P.A.C., including everything related to food and décor.

Article 47: The Assistant Social Director shall assist the Social Director in all their duties as necessary as well as in the absence or disability of the Social Director or in the event of their refusal to act, perform all the duties of the Social Director and, when so acting, shall have the power of the Social Director.

Article 48: The Maintenance and Preservation Director shall be in charge of the maintenance, the bar and the restaurant operations.

Article 49: The Assistant Maintenance and Preservation Director shall assist the Maintenance and Preservation Director in all their duties as necessary as well as in the absence or disability of the Maintenance and Preservation Director or in the event of

their refusal to act, perform all the duties of the Maintenance and Preservation Director and, when so acting, shall have the power of the Maintenance and Preservation Director.

Article 50: The Facilities Management Director will be responsible for all rentals or reservations for the PAC.

Article 51: The Assistant Facilities Management Director shall assist the Facilities Management Director in all their duties as necessary as well as in the absence or disability of the Facilities Management Director or in the event of their refusal to act, perform all the duties of the Facilities Management Director and, when so acting, shall have the power of the Facilities Management Director.

Article 52: The Board of Directors is fully responsible for it's own actions:

- 1.) The profit and loss statement shall be presented to the General Assembly prior to the election of the new officers.
- 2.) The Board is not responsible for the acts of the membership
- 3.) In case of acquiring debts over \$10,000, the board shall submit to the General Assembly for approval.
- 4.) Any member of the board who contracts debts without prior authorization from the board, shall be personally responsible for his acts.

Article 53: The regular board meeting shall be at set dates. Whenever necessary, the President or the majority of the board members may request a special meeting.

Article 54: All financial expenditures shall be signed by the two of the following people: President, VP, the General Treasurer, asst. treasurer.; when exceeding \$5000.

Article 55: No one shall remove from the premises any documents, books of the minutes, or any article related to the board's activities.

Chapter V Fiscal Counsel

Article 56: The Fiscal Counsel is comprised of a President, a Vice President and a Secretary.

Article 57: It shall be the duty of the Fiscal Counsel to:

- 1.) Check all administrative and operational records of the P.A.C.
- 2.) Present to the General Assembly the findings as well as the acts of the board of directors.
- 3.) Request a meeting of the General Assembly, if justifiable.
- 4.) Meet monthly or whenever the President deems necessary to do so.
- 5.) Record the minutes of the meetings in a special book.

Chapter VI Sections

Article 58: The Sports section shall meet at least once a month, organize everything related to physical education and sports, nominate the necessary members for the good function of the section, present to the board the dates of all friendly games, report to the board the punishment of any sportsman, choose coaches for the boards approval.

Article 59: The Cultural section shall meet at least once a month and shall organize everything related to culture, nominate the necessary members, present to the board dates of all activities for prior approval, and organize its own regulations.

Article 60: The Social section shall meet at least once a month, organize everything related to the social activities of the P.A.C., nominate the necessary members for the good function of the section, present to the board the dates of all activities for approval.

Article 61: The Maintenance and Preservation section shall meet at least once a month, organize everything to the conservation, maintenance, and exploration of the P.A.C. They will nominate the necessary members for the good function of the section, present to the board a list with the dates of all activities for the boards approval.

Article 62: The Facilities Management section shall meet at least once a month, nominate the necessary members for the good function of the section, responsible for all rentals or reservations for the PAC ensuring all payments are met, turn all payments into General Treasurer and ensure Maintenance and Preservation section is informed of all details to prepare accordingly.

Chapter VII General Rules

Article 63: February 22, the anniversary of the P.A.C., shall be considered a festive day.

Article 64: The P.A.C. can only be dissolved by means of unsolved difficulties, and by decision of the General Assembly, called specifically for that purpose, and by 4/5 of the membership on the first meeting or 4/5 of the members in the second meeting.

Article 65: If the P.A.C. is dissolved, whatever is left after all debts are paid, will be decided by the General Assembly.

Article 66: Medals, trophies, memories, shall not be sold and shall have the fate decided by the General Assembly.


Article 67: The fiscal year begins on July 1st and ends June 30th.

Article 68: The new officers shall be installed by the past President of the General Assembly immediately after the election.

Article 69: Any changes in the present bylaw as shall be approved by 2/3 of the General Assembly at a meeting called for that purpose only.

Article 70: Any omission no specified by these bylaws shall follow the Roberts Rules of Order.

May 13, 2013


PAULA FLETCHER
VICE President