

PROPOSED BY LAWS CHANGES

Strikethrough = removed

Highlighted = added

CHANGE #1: Article V – Qualification and Election

Section 3. Election

1. Change Section 3 to “Membership”

Rationale: The board does not elect anyone for membership

2. Remove “election to” from the first line

Rationale: The Board does not elect anyone for membership

3. Remove the last line in section (b) and remove (c) and (d)

Rationale: The Board does not elect anyone for membership

Section 3. ~~Election~~ Membership

The procedure for ~~election to~~ membership shall be as follows.

(a) The chief staff executive (or duly authorized designee) shall determine whether the applicant is applying for the appropriate class of membership. If the Association has adopted provisional membership, applicants for REALTOR® membership may be granted provisional membership immediately upon submission of a completed application form and remittance of applicable Association dues and any application fee. Provisional members shall be considered REALTORS® and shall be subject to all the same privileges and obligations of membership. ~~Provisional membership is granted subject to final review of the application by the Board of Directors.~~

(b) If the Board of Directors determines that the individual does not meet all of the qualifications for membership as established in the Association's Bylaws, or, if the individual does not satisfy all of the requirements of membership (for example, completion of a mandatory orientation program) within 60 days from the Association's receipt of their application, membership may, at the discretion of the Board of Directors, be terminated. In such instances, dues shall be returned to the individual less a prorated amount to cover the number of days that the individual received Association services and any application fee. ~~The Board of Directors shall vote on the applicant's eligibility for membership. If the applicant receives a majority vote of the Board of Directors, he/she shall be declared elected to membership and shall be advised by written notice.~~

(c) ~~The Board of Directors may not reject an application without providing the applicant with advance notice of the findings, an opportunity to appear before the Board of Directors, to call witnesses on his/her behalf, to be represented by counsel, and to make such statements as he/she deems relevant. The Board of Directors may also have counsel present. The Board of~~

~~Directors shall require that written minutes be made of any hearing before it or may electronically or mechanically record the proceedings.~~

~~(d) If the Board of Directors determines that the application should be rejected, it shall record its reasons with the chief staff executive (or duly authorized designee). If the Board of Directors believes that denial of membership to the applicant may become the basis of litigation and a claim of damage by the applicant, it may specify that denial shall become effective upon entry in a suit by the Association for a declaratory judgment by a court of competent jurisdiction of a final judgment declaring that the rejection violates no rights of the applicant. (Adopted 1/98, Amended 1/05)~~

CHANGE #2: Article VI – Privileges and Obligations

Section 6. REALTOR® Members

1. Renumber

Rationale: This is a repeated section number, and the rest of the section will need to be renumbered 7-13.

2. (a) remove “whether primary or secondary,” in the first sentence

Rationale: All members have the same privileges, whether primary or secondary

~~Section 6.~~ **7. REALTOR Members.**

- a. ~~REALTOR® Members, whether primary or secondary,~~ in good standing are entitled to vote and to hold elective office in the Association and may use the term REALTOR® and REALTORS®, which shall be subject to the provisions of Article VIII. For purposes of this section, the term “good standing” means the member satisfies the “Obligations of REALTOR® members,” is current with all financial and disciplinary obligations to the Association and MLS, has completed any new member requirements, and complies with NAR’s trademark rules.

CHANGE #3: Article XI – Officers and Directors

Section 1. Officers

1. Change Secretary to Vice President

2. Remove “the secretary and treasurer shall be two separate elections”

3. Change Secretary to Vice President where indicated in that section

4. Last sentence to be revised to remove staff membership status and add responsibilities statement

Rationale: Secretary is really no longer a position recognized by NAR. Vice President serves as the right hand to help the President-Elect. Notes will be taken by AE. Staff should not be members of either body referenced in this article.

Section 1. Officers. The elected officers of the Association shall be: a President, President Elect, Secretary **Vice-President** and Treasurer. ~~The Secretary and Treasurer shall be two separate elections. They shall be elected for terms of one year. No person shall be eligible for elective officer position of this Association until he/she has served at least one year as an elected Director. No person shall be eligible for President Elect until he/she has served at least two years as a Director, or at least one year as Secretary~~ **Vice-President, Treasurer or Past President. The Association Executive chosen and paid by the Association shall be a member of the Board of Directors and Executive Committee without vote. The Association Executive (Staff) shall serve in a staff capacity and shall be responsible for taking minutes and maintaining official records of meetings of the Board of Directors and the Executive Committee. The Association Executive shall not be a member of either body and shall have no vote.**

Section 3. Board of Directors

1. Midway down, add “active” to members of the local Association who hold or (add) “have held” elective office in the Alabama Association of REALTORS®, of the National Association of REALTORS® shall serve as non-voting ex-officio Directors.

2. Remove “for the years in which they hold such office.”

Rationale: Only active members can be on the Board, and we want our ex-officio Directors to be able to serve as long as they would like.

Section 3. Board of Directors. The governing body of the Association shall be a Board of Directors consisting of the elected officers and nine (9) REALTOR® Members of the Association, the immediate past President and other Ex-officio members as provided for in this section. No elected director may succeed themselves on the Board of Directors. The Board of Directors shall have the responsibility to establish policy and procedures in order to assure compliance with the Bylaws of the Association and shall be charged with the full responsibility and authority to carry out all business and professional activities of the Association. Directors shall be elected to serve for terms of one, two and three years, respectively. Thereafter, as many Directors shall be elected each year as are required to fill vacancies. **Active** Members of the local Association who hold **or have held** elective office in the Alabama Association of REALTORS®, of the National Association of REALTORS® shall serve as non-voting ex-officio Directors ~~for the years in which they hold such office.~~ It shall be the particular duty of the Association Executive to keep the records of the Association and to carry on all necessary correspondence with the National Association of REALTORS® and the Alabama Association of REALTORS®.

Section 4. Election of Officers and Directors

1. (b) change secretary to vice president

2. (c) change secretary to vice president

Rationale: Secretary is really no longer a position recognized by NAR. Vice President serves as the right hand to help the President-Elect

(b) The Nominating Committee shall select at least one candidate for the offices of President Elect,

~~Secretary~~ **Vice-President** and Treasurer, and shall select a number of candidates at least two greater than the number of Director vacancies to be filled. All Officers and Directors shall be elected by the REALTOR® membership.

- (c) The report of the Nominating Committee shall be posted on the MLS Log in page and posted on the bulletin board at the Association Office at least three (3) weeks preceding the election. Additional candidates for the offices to be filled may be placed in nomination by petition signed by at least ten (10) REALTOR® Members. The petition shall be filed with the ~~Secretary~~ **Vice-President** of the Morgan County Association of REALTORS® at least two (2) weeks before the election. The AE shall publish any such petition on the MLS Log-in page and posted on the bulletin board at the Association Office at least one (1) week preceding the election.

CHANGE #4: Article XII – Meetings

Section 1. Annual Meeting

1. Remove “during September” from the first sentence

Rationale: No dates or time should be put into the By Laws

Section 1. Annual Meeting. The annual meeting of the Association shall be held ~~during September~~ of each year. The date, place, and hour shall be designated by the Board of Directors.

Section 4. Quorum

(c) Task Force/Committee Meetings

1. Remove “task force” from the title

Rationale: task force is really no longer recognized by NAR and AAR. The term currently used is Presidential Advisory Group (PAG) and are established only when necessary.

(c) ~~Task Force/Committee Meetings.~~ A quorum for the transaction of business shall consist of 51% of the task force/committee. Business conducted without a quorum will be presented as a report versus a motion. Reports will require a motion from the Directors.

CHANGE #5: Article XIII – Committees

Section 1. Standing Committees

1. Add new committee: Young Professionals Network

Section 1. Standing Committees. The President shall appoint, subject to confirmation by the Board of Directors, the following standing committees:

1. Bylaws
2. Professional Standards

3. Grievance
4. Multiple Listing Service
5. Administrative
6. Member Services
7. Governmental Affairs
8. Core Standards
9. Education/Technology
10. Honors
11. Community Outreach
12. Nominating
13. Young Professionals Network

Section 3. Task Forces/Committee Chairperson

1. Remove task force from the title and description

Rationale: task force is really no longer recognized by NAR and AAR. The term currently used is Presidential Advisory Group (PAG) and are established only when necessary.

Section 3. ~~Task Forces/Committee Chairperson.~~ The President shall appoint, subject to confirmation by the Board of Directors, the Chairperson of each ~~task force/committee.~~

CHANGE #6: Article XIV – Fiscal and Elective Year

Section 1.

1. Remove “and elective” from the description
2. Add: The elective year shall coincide with the Alabama Association of REALTORS® elective year cycle

Rationale: We induct our officers in December, which is different than AAR. We need to be on the same elective cycle as AAR so that the correct State Directors are attending the appropriate meetings

Section 1. The fiscal ~~and elective~~ year of the Association shall be January 1st to December 31st. The elective year shall coincide with the Alabama Association of REALTORS® elective year cycle.

CHANGE #7: Article XVI – Amendments

Section 2.

1. Change “bulletin board at the Association Office” to “website”

Rationale: The Association no longer has a bulletin board

Section 2. Notice in writing of all meetings at which such amendments are to be considered shall be published on the MLS Log-in page and posted on the ~~bulletin board at the Association Office~~ website at least two weeks prior to the meeting.

CHANGE #8: Article XVIII – Multiple Listing Service

Section 1. Authority – Remove

Section 2. Purpose – Remove

Rationale: We do not offer a local MLS any longer. We will make sure that the information we keep in this section comes directly from ValleyMLS, except the Article on the Key Safe System, as that is local Association specific

~~*Section 1. **Authority.** The Association of REALTORS® shall maintain for the use of its Members a Multiple Listing Service which shall be subject to the Bylaws of the Association of REALTORS® and such Rules and Regulations as may be hereinafter adopted.*~~

~~*Section 2. **Purpose.** A Multiple Listing Service is a means by which authorized Participants make blanket unilateral offers of compensation to the other Participants (acting as subagents, buyer agents, or in other agency or non-agency capacities defined by law); by which cooperation among participants is enhanced; by which information is accumulated and disseminated to enable authorized Participants to prepare appraisals, analyses, and other valuations of real property for bona fide clients and customers; by which participants engaging in real estate appraisal contribute to common data bases and is a facility for the orderly correlation and dissemination of listing information so participants may better serve their clients and the public. Entitlement to compensation is determined by the cooperating broker's performance as a procuring cause of the sale (or lease).*~~

**Note: Section 3 of this article comes directly from the VallyMLS.com bylaws. It will be updated according to their information as there is compensation information in this section that needs to be removed.