

By-Laws are currently being updated by the Board. Below is the 1970 version.

Common Fence Point Improvement Association

Constitution and By-Laws

Portsmouth, RI 1970

CONSTITUTION

Be it resolved that the Common Fence Point Improvement Association founded on July 4, 1922, has and shall forevermore safeguard, maintain, and manage the beaches, causeways, recreation areas and other properties entrusted to it by deed in 1926 (Portsmouth Land Evidence Book 33-B Page 123 et seq. Recorded in Portsmouth, November 17 A.D. 1926, at 11 o'clock A.M.) Be it further resolved that the Common Fence Point Improvement Association has held and shall henceforth hold these properties in trust forever for the use and mutual benefit of all the residents of Common Fence Point. This resolution supercedes and voids the statement in Paragraph 2 "To Have and To Hold", of the above mentioned deed which reads "to hold, manage, and maintain the said property for the sole use and benefit of all property owners, present or future," and states instead that the Common Fence Point Improvement Associations "shall henceforth hold these properties in trust forever for the use and mutual benefit of all the residents of Common Fence Point."

It is further resolved that the Common Fence Point Improvement Association shall uphold and help to enforce any and all ordinances passed by the Town Council in as much as they may pertain to the mutual welfare and protection of the residents of Common Fence Point. It shall judge fairly and impartially any and all complaints brought to its attention and, if action is indicated, it shall take only that action which is to the mutual benefit and in the best interests of the majority of the residents of this community.

The Common Fence Point Improvement Association shall faithfully uphold the Constitution of the United States and conscientiously abide by the laws of the United States and of this State

and of this community; it shall manage its business in accordance with the articles of this Constitution and it shall conduct its meetings in accordance with its By-Laws.

ARTICLE I

The Association must at all times maintain a five member Board of Trustees in perpetual succession. If a Trustee resigns before the expiration of his term of office for reasons of health, removal from the community or conflict of interests, he must assign his trusteeship to a member in good standing who is not then an officer of the Association. In the event of his death or his failure to assign, the remaining four Trustees must select from among the membership a member in good standing who is not then an officer in the Association; present his name at a special meeting of the Officers and Trustees called for this purpose and by vote of the majority (6) of the Officers and Trustees he shall be declared elected.

If a Trustee assigns his Trusteeship, it must be with the voted approval of a majority of the Trustees (3). Any vacancy on the Board of Trustees must be filled promptly and under no circumstances must a seat remain unfilled for more than sixty days. In the event of a national or local disaster any surviving Trustee or Trustees must appoint within sixty days as many members in good standing as are needed to complete the five member board. If no trustees survive, then any surviving Officer or Officers then in office must follow the appointment procedure as set for surviving Trustees herein. In the event that no Trustees or Officers survive any member or members in good standing shall appoint himself and themselves and as many residents of Common Fence Point as are necessary to fill all existing vacancies. These appointments shall be temporary and the Acting President shall call a meeting of the Trustees or Officers on temporary appointments and by a majority vote of six (6). They shall be declared elected... This meeting must be called within sixty days following the emergency appointments.

The Trustees individually and as a Board must at all times govern themselves in accordance with this article and perform their duties as set forth in the By-Laws of this Association.

ARTICLE II

The Association will on the first Wednesday of each September annually elect six (6) Officers... A President.. A Vice President.. A Secretary... A Treasurer.. A Historian and a Custodian. These Officers shall be governed by Article I of this Constitution as it pertains to emergency appointments. They shall perform their individual and collective duties faithfully and to the best of their ability as set forth in the By-Laws of this Association.

If any Officer resigns before the expiration of his term of Office for the reasons set forth in Article I of this Constitution, he must submit his resignation in writing thirty (30) days prior to its effective date to the Secretary of the Association. The resignation will then be brought to the attention of a Special Meeting of the Officers and Trustees called for this purpose and by a majority vote of six (6) it shall be accepted or Vice Versa.

An Officer may not assign his office when he resigns. This privilege is granted only to the Trustees, they will temporarily appoint a member in good standing to finish out his unexpired term.

ARTICLE III

Membership in this Association will be drawn from among the residents of Common Fence Point; permanent and summer residents. The members shall be governed by Article I of this Constitution as it pertains to emergency appointments. They shall endeavor to perform any duties assigned to them such as chairman of a Committee or member of a Special Committee faithfully and to the best of their ability as defined in the By-Laws of this Association.

Members must follow the procedure set forth in Article II of this Constitution when resigning with the exception that his written resignation will be brought to the attention of the next regular meeting of the Association following the receipt of his resignation and by a majority vote of the members present will be accepted or rejected.

A member in good standing, his wife and any of his children over eighteen (18) years of age are entitled to one vote each on any issue brought to the attention of the membership and requiring a vote of said membership.

A member who is not in good standing shall not serve on committees not be elected an Officer or a Trustee.

ARTICLE IV

No resident of Common Fence Point, permanent or summer resident, and no member of his family may be excluded from membership in the Association because of his race, color, or creed; Nor shall he or any member of his family be denied the right to serve as an Officer or Trustee of this Association; Nor shall he or any member of his family be denied the privilege of attending any social event sponsored by this Association; Nor shall he or any member of his family be excluded from participating in any sports event or excluded from membership on any team sponsored by this Association.

ARTICLE V

No person shall be accepted into membership in this Association who is an active or an inactive member of any subversive organization;

Nor shall he be elected an Officer or Trustee nor shall he receive a temporary emergency appointment as set forth in Article I of this Constitution. However, no person shall be denied membership on suspicion alone. Objectors must submit to the Officers and Trustees absolute proof of his affiliation before his membership will be denied or revoked. The Officers and Trustees will consider the matter at a special closed meeting called for that purpose at which

time the member in question shall be heard. A vote of the majority of the Officers and Trustees (6) shall be final.

ARTICLE VI

This Association shall at no time endorse any candidate from any political party for office on any level of Government nor shall any member, Officer, or Trustee use the name of or his membership in the Association in his or any member of his family's political campaign. No member, Officer or Trustee shall be permitted to solicit votes for himself or anyone else immediately after any meeting of this Association (Special or Regular Meetings).

This Association shall under no circumstances grant permission for the display of Posters, Billboards, Placards, etc. on any of its buildings or other properties if they are of a political nature.

This Association is a non-partisan organization devoted to the improvement of this community for the mutual benefit of all its residents. This article does not deny the members, Officers or Trustees of this Association free choice of candidate or party but it does strongly stress that the Association is non-partisan and shall so remain.

ARTICLE VII

This Constitution or any portion thereof may be amended only by a 2/3 vote of the enrolled membership in good standing. It may not be voted upon at the time the amendment is proposed but rather action shall be tabled until such time as the entire membership has been properly informed of the proposed amendment.

BY-LAWS

ARTICLE I

This article re-avers and confirms Article II of the charter which states that this organization shall be known as "The Common Fence Point Improvement Association" of Portsmouth, Rhode Island.

ARTICLE II

This article re-avers and confirms Article III of the charter and resolution number 1 of the preamble of the Constitution which state "Be it resolved that the Common Fence Point Improvement Association founded on July 4, 1922, has and shall forevermore safeguard, maintain, and manage the beaches, causeways, recreation area and other properties entrusted to it by deed in 1926 (Portsmouth Land Evidence Book 33-B Page 123 et seq. Recorded in Portsmouth, November 17 A.D. 1926, at 11 o'clock A.M.) Be it further resolved that the Common Fence Point Improvement Association has held and shall henceforth hold these properties in trust forever for the use and mutual benefit of all the residence of Common Fence

Point”.

ARTICLE III

In accordance with Article III of the Constitution, membership in this Association will be drawn from among the residents of Common Fence Point – permanent and summer residents. Membership shall be on a voluntary basis. Membership dues shall be \$4.00 per family annually. A family membership shall consist of a man, his wife, and any of his children. A family membership shall entitle a man, his wife, and any of his children over 18 years of age to one vote each on any issue brought before the meetings and requiring a vote. Membership cards will be issued to all members over 21 years of age. Members’ children between the ages of 18 and 21 years may attend meetings, speak, motion, and vote under family membership. A non-member may gain the chair’s permission to speak by having the request for permission put to the chair by a member in good standing. The chair shall reserve unto itself the right to grant or deny such permission; the right to set a time limit of from 3 to 5 minutes on the non-member’s speech and the right to exclude said non-member from the deliberations and business of the meeting both preceding and following his speech. This foregoing shall apply to minors under 18 years of age whether they are members’ children or not. The member requesting permission for the non-member or minor to address the meeting may appeal the chair’s denial or permission by moving that the chair put the question. If 2/3 of the members present vote “Aye” the appeal shall be declared upheld and the chair shall grant permission but still retain the right to limit the speech and exclude the non-member or minor from the meeting before and after he speaks. If the speech is a forerunner to deliberations within the meeting, the chair will charge the member who requested permission for the non-member or minor with the responsibility for bringing the outcome of such deliberations to the speaker’s attention.

Members will be expected to volunteer for service on committees and if no volunteers are forthcoming, the chair shall appoint members in good standing when it is evident that service on said committee or committees will not constitute a hardship.

ARTICLE IV

This article re-avers and confirms Article V of the charter and Article I of the Constitution which state that “The Association must at all times maintain a five member Board of Trustees in perpetual succession”. The procedure set forth in Article I of the Constitution for the appointment or assignment of a member in good standing as a Trustee will be followed by the Trustees in all cases with the addition that the Secretary will keep a roll of Past Presidents of the Association who are still residents of this community and who are still members in good standing and will, when the circumstances warrant it, present this roll to the Board of Trustees so that the Board may fill a vacancy created by the death of a Trustee or his failure to assign. The Past Presidents who comprise this roll must be given first consideration by the Board of Trustees and/or by a Trustee who desires to assign his Trusteeship upon resigning for one of the acceptable reasons set forth in Article I of the Constitution. A President who resigns before the expiration of his term of office for reasons other than those set forth in Article I of the

Constitution will not have his name placed on the role of Past Presidents and under no circumstances will he be considered by the Board of Trustees to fill a vacancy or by a Trustee who wishes to assign his Trusteeship. A Past President who is appointed or assigned from this role will serve an automatic 2 year term and upon expiration of that term may be elected in accordance with the provisions of Article I of the Constitution to a 1, 2, or 3 year term whichever term fills the need of the Board at the time of his election.

ARTICLE V

This article re-avers and confirms Article II of the Constitution and Article VI of the Charter which state that "The Association will, on the first Wednesday of each September, annually elect six Officers: a President, Vice-President, Secretary, Treasurer, Historian, and a Custodian. The Custodian is the only Officer who will receive compensation for his services. The nature of the duties for which he shall be paid will be explained to him by the Installing Officer.

ARTICLE VI

The regular weekly meetings of this Association shall be held every Wednesday at 8pm at the Community Hall. At the meeting on the last Wednesday in September all elected Officers and Trustees shall be installed. The Trustees will, on the last Wednesday of each month, transact any business which needs attention. Special meeting of the Association will be called only if all five members of the Board of Trustees deem the issue involved important enough for such action and only after 2/3 of the total members in good standing sign a petition and present it to the Association President. Two-thirds of the members present at any meeting shall constitute a quorum.

ARTICLE VII

Nominations shall be made from the floor. All nominations must be seconded. A voice vote (Aye) shall be sufficient for election unless the Nos and the Ayes are almost evenly divided. The chair shall then call for a show of hands or a written ballot. If the selection has unanimous approval, the Secretary shall cast one vote and the chair shall declare the member elected.

ARTICLE VIII

Except where they are inconsistent with these By-Laws or the Constitution or charter of this Association, Robert's Revised Rules of Order shall govern this Association in all cases to which they are applicable.

ARTICLE IX

These By-Laws or any portion thereof may be amended only by a 2/3 vote of the enrolled membership in good standing. It may not be voted upon at the time the amendment is proposed but rather action shall be tabled until such time as the entire membership has been properly

informed of the proposed amendment.