

January 23, 2025

**ARTICLES OF RE-INCORPORATION  
OF  
THE ELECTRIC EMPLOYEE BENEFIT  
ASSOCIATION, INC.  
(A Corporation Not for Profit)**

**ARTICLE I**

The name of the Corporation is THE ELECTRIC EMPLOYEES BENEFIT ASSOCIATION, INC.

**ARTICLE II**

The general nature of objects and purposes of this Corporation shall be to provide mutual aid for its members in case of illness, injury or other disability, and to provide benefits in case of death for grandfathered members eligible, and to that end to do and perform all other acts and things necessary and proper to carry out the purposes of this Corporation not prohibited by its Articles of Re-incorporation, by-laws, or the laws of Florida.

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**ARTICLE III**

**Section 1.** All persons at the time of application to membership in the corporation, and who are bona fide employees of Tampa Electric, shall be eligible for membership in the corporation upon application and upon the approval of the Board of Directors.

**Section 2.** Membership in the Corporation shall cease for the reasons, and in the manner, provided in the by-laws.

**ARTICLE IV**

This Corporation is to exist perpetually unless dissolved according to law.

**ARTICLE V**

The names of the subscribers to the original charter of the Corporation were:

James A. Banton  
Wilson R. Collins  
George W. Nelson  
T. L. Strange  
J.H. Stacy Norman, Jr.  
H.V. Smith

The names of the subscribers to these Articles of Re-Incorporation were:

Julian C. Johnson  
Samuel J. Jones, Jr.  
Willart T. Hicks

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## ARTICLE VI

**Section 1.** The officers of the Corporation shall be a President, a Vice President, a Secretary, a Treasurer, and such other officers as may be provided in the by-laws. The offices of Secretary and Treasurer may be combined at the discretion of the Board of Directors.

**Section 2.** The President shall be elected at the regular annual meeting of the Corporation, as provided in the by-laws. The remaining officers of the Corporation shall be elected by the Board of Directors from their number at the first meeting of the Board of Directors after the annual meeting.

## ARTICLE VII

**Section 1.** The affairs of this Corporation shall be managed by a **Board of Directors which shall be composed** of sixteen directors initially. The number of directors may be changed from time to time by the by-laws but shall never be less than three.

**Section 2.** All officers and board members shall be members of the Corporation.

**Section 3.** The names and work locations and phone numbers of the persons who are to serve as directors for the ensuing year or until the next annual meeting of the Corporation are available on the TECO web site, **TEEBABENEFITS.COM**, under organizations or by contacting the TEEBA Office.

## ARTICLE VIII

The By-laws of the Corporation may be made, altered, or rescinded by the affirmative vote of two-thirds (2/3) of the members present in person, or by proxy, at any regular or special meeting of the membership; provided, however, that written notice of the nature of any proposal to make, alter, or amend the by-laws shall be provided to all members of the Corporation at least ten (10) days prior to any such meeting; and provided further that such by-laws, or any amendment or rescission thereof, can not become effective until approved by the Board of Directors.

## ARTICLE IX

These Articles of Re-Incorporation may be amended by the affirmative vote of two-thirds (2/3) of the members present in person, or by proxy, at any regular or special meeting of the membership; provided, however, that written notice of the nature of any proposal to make, alter, or amend these Articles shall be provided to all members of the Corporation at least ten (10) days prior to any such meeting; and provided further that such articles, or amendment, or rescission thereof, cannot become effective until approved by the Board of Directors.

## ARTICLE X

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All correspondence **should be addressed to:**

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TEEBA  
P.O. Box 1335  
Valrico, Florida 33595

**Phone Numbers:**  
813 - 380-2528

**E-mail:**  
TEEBA98@aol.com

**Website:**  
TEEBABENEFITS.COM

## ARTICLE XI

No person, firm, or Corporation shall ever receive any dividends or profits from the undertaking of this Corporation, other than the benefits for death, illness, injury, or other disability as prescribed in the by-laws.

**BY-LAWS  
OF  
THE ELECTRIC EMPLOYEES BENEFIT  
ASSOCIATION, INC.**

**ARTICLE I - Name**

The name of this Corporation is The Electric Employees Benefit Association, Incorporated.

**ARTICLE II - Objects**

The objects of this Corporation are as follows: To provide mutual aid for its members in case of illness, injury or any other disability, and to provide for benefits in case of death for those members that joined prior to July 1, 2013, in the manner provided herein.

**ARTICLE III - Membership**

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~~**Section 1.** All persons who have been continuously employed by Tampa Electric Company or approved subsidiaries for less than five years at the time of application, shall be eligible for membership in the Corporation upon application, and shall be admitted thereto upon approval of the Board of Directors subject to the following conditions:~~

- ~~A. **Medical Questionnaire.** All prospective members must submit a Medical Questionnaire and Membership Application supplied by TEEBA within the first 5 years of employment.~~
- ~~B. Any member of TEEBA transferred to any subsidiary of TECO Energy, Inc. shall be allowed to continue their membership~~
- ~~C. TECO employees will be eligible for TEEBA membership up until their 5th year employment anniversary.~~
- ~~D. Membership is not guaranteed based on application. Board approval is required, and the applicant will be notified with the decision of the Board.~~

**Section 1.** All persons who have been continuously employed by Tampa Electric Company shall be eligible for membership in the Corporation upon application, and shall be admitted thereto upon approval of the Board of Directors subject to the following conditions:

- A. Any member of TEEBA transferred to any subsidiary of TECO Energy, Inc. shall be allowed to continue their membership
- B. TECO employees will be eligible for TEEBA membership.
- C. Membership is not guaranteed based on application. Board approval is required, and the application will be notified with the decision of the Board.

**Section 2.** Membership in the Corporation shall cease for the following reasons; (1) resignation; (2) expulsion from membership in the Corporation by the Board of Directors as may be provided in these by-laws; (3) termination of employment from qualifying company, except that retired or pensioned employees may continue their membership in this Corporation at their option by the payment of all dues and assessments required by the Board of Directors of regular members.

**Section 3.** The names of all persons whose membership in the Corporation have been terminated shall be stricken from the roll of membership, and such persons shall not thereafter be entitled to any benefits from the corporation, except the right to receive such benefits as have therefore accrued.

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**Section 4.** Whenever any person ceases to be a member for any reason, he/she shall have no further interest in nor claim upon any of the funds or assets of the Corporation.

**Section 5.** It is the responsibility of the members to inform TEEBA of their retirement within 90 days of said retirement.

#### **ARTICLE IV - Meetings of Members**

~~Annual Meeting. The annual meeting of the membership of this Corporation shall be held at the offices of Tampa Electric Company, Energy Control Center, Tampa, Florida at 5:00 P.M. on the second Thursday of January of each year.~~

**Section 1. Annual Meeting.** The annual meeting of the membership of this Corporation shall be held virtually at 5:00 P.M. on the second Thursday of January of each year. The board shall meet annually, in person, in November of each year. The date and time shall be determined by the President.

~~**Section 2. Terms.** Directors shall be elected to hold office for a term of three (3) years~~

**Section 2. Special Meetings.** Special meetings may be held at the call of the President or by written request of a majority of members of the Board of Directors, or of 10% of the members of the Corporation.

~~**Section 3. Qualifications.** The Board of Directors shall be members in good standing of the Corporation who have been such for at least one year at the time of their election as director.~~

**Section 3. Notice.** At least ten (10) days notice in writing of each meeting, whether annual or special, shall be provided to each member of the Corporation at the place or location of his/her usual employment with Tampa Electric Company, or in the case of a retired member, each notice shall be mailed to his/her residence as shown upon the records of the Corporation.

**Section 4. Order of Business.** Order of business at annual meeting:

- A. Roll call of Officers.
- B. Reading Notice of Meeting.
- C. Reading of Minutes of previous meeting and approving same.
- D. Reading of Financial Statement and approving same.
- E. Reports of committees.
- F. Unfinished business
- G. New business
- H. Elections of President and Directors.
- I. Adjournment.

**Section 5. Quorum.** At all meetings of the members of the Corporation, 5% of the active membership of the Corporation shall constitute a quorum for the transaction of business.

**Section 6. Voting.** Every member of the Corporation, in good standing, shall have the right and be entitled to one vote, in person or by proxy, upon every proposal properly submitted to vote at any meeting of the Corporation.

#### **ARTICLE V – Board of Directors**

**Section 1. Number and Term of Directors.** The business, property, and affairs of this Corporation shall be managed by the Board of Directors as provided herein. The Board of Directors shall be composed of the President, elected as provided in Article VII of these by-laws, and sufficient additional members, on of which additional directors shall represent each department and division of Tampa Electric Company. Each director shall hold office for the term for which he/she is elected and until his/her successor is elected and qualified.

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~~Section 2. Terms. Directors shall be elected to hold office for a term of three (3) years~~

**Section 2. Qualifications.** The Board of Directors shall be members in good standing of the Corporation who have been such for at least one year at the time of their election as director.

**Section 3. Duties of the Board of Directors.** The Board of Directors shall transact all the business of the Corporation and shall have general supervision of its affairs. The Board of Directors shall prescribe a form of application for membership in the Corporation and shall decide upon all applications for membership in the Corporation. The Board of Directors shall determine the policies, fiscal matters, and in general, assume responsibility for the guidance of the affairs of this Corporation. They may employ accountants and/or the services of outside firms or individuals if deemed necessary and to the good of the association. All expenditures of the corporation, for the benefits provided hereunder or otherwise, must be approved by the Board of Directors.

**Section 5. Quorum.** For the purpose of the Directors meeting, those Directors at the meeting shall constitute a quorum and a simple majority vote shall be the act of the Board of Directors.

~~Section 6. Time of Meeting. Annual meeting of the Board of Directors shall be held immediately following the annual meeting of the members in each year, and at such times thereafter as the Board of Directors may fix, not less frequently than quarterly, and at other times upon the call of the President or by five of the Directors. Notice of each special meeting shall be given by the Secretary to each director not less than five (5) days before the meeting, unless each director shall waive notice thereof before, at, or after the meeting.~~

**Section 6.** Annual meeting of the Board of Directors shall be held in January, or set by the President, for the purpose of closing out the previous year's business. The Board of Directors shall meet once a year, in person, in November. Notice of this meeting, and any other special meetings, shall be given by the Secretary to each director not less than five (5) days before the meeting, unless each director waive notice thereof before, at, or after the meeting.

**Section 7.** The order of business at the regular meetings of the Board of Directors shall be as follows:

- A. Roll call of Officers.
- B. Reading Notice of Meeting.
- C. Reading of Minutes of previous meeting and approving same.
- D. Reading of Financial Statement and approving same.
- E. Reports of committees.
- F. Unfinished business
- G. New business
- H. Elections of President and Directors.
- I. Adjournment.

**Section 8. Vacancies.** Vacancies in the Board of Directors shall be filled by election by the remaining directors. Each person so elected to fill a vacancy shall remain a director until a successor has been elected by a vote of the board membership, who may make such election at their next annual meeting, or at any special meeting duly called for that purpose and held prior thereto.

**Section 9. Power to Elect Certain Officers.** The Board of Directors, at their annual meeting, shall elect from their own number, a President, Vice-President, Secretary, and Treasurer, to serve. The offices of Secretary and Treasurer may be combined at the discretion of the Board of Directors. The Board of Directors shall have the power to appoint such other officers and employees as the Board may deem necessary for the transaction of the business of the Corporation. The Board shall have the power to fill any vacancy in any office occurring for any reason whatsoever, including the office of the President

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**Section 10. Removal of Directors and Officers.** Any director or officer, including the President, may be removed by the Board of Directors whenever, in the judgment of the Board, the best interest of the Corporation will be served thereby, by a two-thirds vote of the Board of Directors.

**Section 11. Delegation of Powers.** For any reason deemed sufficient by the Board of Directors, the Board may delegate any power or duty of any officer or director, but no officer or director shall execute, acknowledge, or verify any instrument in more than one capacity.

**Section 12. Investments.** Cash funds of the Corporation shall be deposited in a financial institution. Any funds that are not required for current operation expenses in the judgement of a quorum may be invested in such stocks, bonds, or other securities as may be approved by a quorum of the Board of Directors.

A. **Cash Accounts.** Cash funds shall be distributed into a minimum of three (3) distinct and separate "set aside" accounts:

1. Account set aside for dues and assessments; available to pay all medical benefits.
2. Account set aside for all vending machine income; available to pay death benefits.
3. Account set aside for interest income from investments; available for investments and as a reserve fund in the event accounts 1 and 2 have insufficient funds to meet benefit payments.

B. **Annual Report** the Treasurer shall present the report of the operation of the corporation for the preceding year, at the annual meeting of the Board of Directors or the membership.

## **ARTICLE VI - Officers**

**Section 1. Officers.** The officers of this Corporation shall be a President, a Vice-President, a Secretary, and a Treasurer. Each officer shall be appointed or elected to hold office for a period of one (1) year.

- A. It is required that one (1) officer sign all checks.
- B. It is required that two (2) officers sign all checks more than \$250.00.
- C. There is one (1) corporate credit account with three (3) cards issued to the President, Vice President and Secretary of the Corporation.

**Section 2. President.** The President shall:

- (1) Preside over the annual meeting of the membership and at all meetings of the Board of Directors.
- (2) Make all committee appointments as provided in these by-laws.
- (3) Call a special meeting of the Corporation at the written request of ten percent (10%) of the members of the Corporation.

**Section 3. Vice President.** The Vice President shall perform the duties of the president in the absence of the latter, and all other duties usually pertaining to the office of Vice President.

**Section 4. Secretary.** The Secretary shall:

- (1) Answer to the President and/or Vice President, whichever is in charge at that time.
- (2) Take Minutes of all regular or called meetings, type, and have copies available at the regular monthly meeting. Maintain Minutes and records of association.

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- (3) All assignments must be cleared with the President and/or Vice President, whichever is in charge of the assignment, before finalizing.
- (4) Plan for all regular or special meetings which have been authorized by the President and/or Vice President.
- (5) Handle correspondence for the association after approval from President and/or Vice President.
- (6) As special occasions arise, the Secretary will be assigned additional duties by the President and or Vice President.
- (7) In the absence of the President and Vice President, the Secretary shall be responsible for the duties of that office.

**Section 5. Treasurer.** The Treasurer shall:

- (1) Be custodian of all funds and securities of the Corporation and shall collect all dues and assessments.
- (2) Keep a record of the accounts of the Corporation and make sure reports thereon as may be required by the Board of Directors.
- (3) Shall pay out monies only upon written orders signed by the President.
- (4) In the absence of the Secretary, the Treasurer shall be responsible for the duties of that office.

**Section 6.** All properties of the Corporation held by officers of the Corporation shall, at the expiration of their terms of office, be turned over to their successors. All financials, including but not limited to, record of the accounts, shall be stored digitally.

**ARTICLE VII - Fiscal Year**

The fiscal year of the Corporation shall be the calendar year.

**ARTICLE VIII – Dues, Revenues and Assessments**

**Section 1.** The revenues of this Corporation shall consist of the assessments and membership dues as prescribed herein and such funds from other sources as may be received by the Corporation.

**Section 2. Dues.** ~~Each member who joined prior to October 2006 shall pay monthly dues of \$11.00 per month. Dues for members joining after October 2006 will be based on the member’s age at the time of application as follows:~~

<del>_____</del>	<del>Join at age 18 – 29.....</del>	<del>\$12.00 per month</del>
<del>_____</del>	<del>Join at age 30 – 39.....</del>	<del>\$15.75 per month</del>
<del>_____</del>	<del>Join at age 40 – 49.....</del>	<del>\$19.50 per month</del>
<del>_____</del>	<del>Join at age 50 or above.....</del>	<del>\$25.50 per month</del>

~~Dues for retirees shall be \$105.00 annually for year 2014 and \$120.00 for years 2015 and forward unless voted upon to change this amount. Option: Retirees reaching Medicare age and who are receiving such benefits may pay a one time life membership fee of \$440.00 as payment in full for the Death Benefit. Employees retiring earlier than Medicare age will pay the annual amount noted above until reaching Medicare age at which time they may choose a lifetime membership. If dues for retired members have not been paid by the last day in February, said retiree’s membership will be terminated. At no time will any Retired Member who is Medicare eligible be reimbursed for out of pocket expenses for either charges or co-pays from Medicare or TECO Energy’s Company Health Plan.~~

**Section 2: Dues:** All members’ dues shall be \$20 per month, as of June 01,2025.

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Dues for retirees shall \$140.00 for June 01, 2025 and forward unless voted upon to change this amount.

**\*\*\*Effective January 2025, retirees reaching Medicare age and who are receiving such benefits will no longer be able to pay a one-time to be a Lifetime member.**

If dues for retired members have not been paid by the last day in February, said retiree's membership will be terminated. At no time will any Retired Member who is Medicare eligible be reimbursed for out-of-pocket expenses for either charges or co-pays from Medicare or TECO Energy's Company Health Plan.

**Section 3.** Any member of the Corporation who is not receiving compensation from Tampa Electric Company or from the Corporation, from which dues and assessments may be deducted, must pay his/her dues and such assessments as may be made to the Treasurer of the Corporation annually. If any member shall not pay his/her dues or assessments within thirty (30) days after the same are due, the Board of Directors in its discretion may terminate the membership of such member in this Corporation.

**Section 4. Assessments.** The Board of Directors shall have the power from time to time to levy an assessment upon the members of this corporation to meet contingencies, sickness, and accident more than previous experience, provided however, that the assessment shall not exceed Two Dollars (\$2.00) per member per month and assessments shall not be levied more than twice during one calendar year. Further assessments may be levied only by two-thirds vote of members present in person or by proxy at a regular or special meeting of the Corporation.

## ARTICLE IX - Benefits

**Section 1. Maximum Yearly Benefit.** In no case shall the liability of the Corporation to any member exceed \$800.00 per year.

**Section 2.** New applicants with pre-existing conditions such as pregnancy may be subject to a one year exemption of benefits for medical or death claims relating to pre-existing illnesses

The Corporation will not provide surgery, hospitalization, or any other benefits not provided by the Corporate Health Plan, but the Corporation will supplement the benefits provided by the said Corporate Health Plan as provided in the Article. If, while a member in good standing of this Corporation, such member shall as a result of **bodily injury or sickness** be in a lawfully operating public or private hospital (1) as a registered bed patient, (2) for emergency accident treatment, (3) for surgery, or (4) as an out-patient, the following benefits are payable:

**Section 3.** At no time will any Retired Member who is Medicare eligible be reimbursed for out of pocket expenses for either charges/copays from Medicare or TECO Energy's Company Health Plan.

**All bills for charges covered by the Article must be presented to the Corporation for payment within ~~90 days~~ 120 days of the date incurred along with the Explanation of Benefits provided by the Corporate Plan. Bills not submitted within such time shall not be considered for payment.**

**All services covered by TEEBA will be paid at the rate of 50% if a non-participating Provider is used.**

**The first \$450.00 of fund monies will not be reimbursed. TEEBA coverage will commence when those funds have been exhausted.**

**The Corporation may ask for further documentation in order to process a claim.**

Room and Board Expense. Up to \$15 per day of the expense incurred in excess of the maximum payable per day by the Corporate Health Plan, but not to exceed a maximum of 31 days during any illness or injury.

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Hospital Services. Other necessary and reasonable hospital services expense (other than the basic room and board charge) incurred in excess of the maximum payable by the Corporate Health Plan which shall not exceed \$175.00 per illness or injury.

Ambulance Expense. For necessary ambulance transportation to or from the hospital, the expense incurred in excess of the maximum payable by the said Corporate Health Plan, but not to exceed a maximum of \$50.00 during any one illness or injury.

Medical Treatment While in Hospital. The cost of necessary professional medical treatment from a licensed physician while confined in a lawfully operating hospital as a registered bed patient shall be reimbursed the amount of \$15.00 per day, not to exceed 31 days, to the member during any one hospital confinement for illness or injury. Members receiving out-patient treatment at a hospital, such out-patient treatment being authorized by a medical doctor shall be entitled to the same benefits as an office visit.

Anesthesia Expense. Necessary and reasonable anesthesia services expense incurred in excess of the maximum payable by the Corporate Health Plan which shall not exceed \$175.00 for any illness or injury.

Surgical Benefits. If, as a result of bodily injury or sickness, the member undergoes any surgical procedure, the Corporation shall pay the expense incurred by the member in excess of the maximum payable by the Corporate Health Plan for surgical procedure which shall not exceed \$175.00 for any illness or injury.

X-ray and Laboratory Work. The Corporation will pay up to \$125.00 per calendar quarter for such portion of X-ray and laboratory expense required by the attending physician and not paid for by the Corporate Health Plan

Office Visits. The Corporation will pay a maximum of \$90.00 (up to \$30.00 per visit) a year toward Office Visits to a licensed M.D., D.O., D.C., or D.P.M., if call is a result of sickness or illness.

- A. Members will receive a co-payment reimbursement for services that fall within Corporate medical guidelines.
- B. Members will receive up to \$15.00 for a non participating doctor visit, not to exceed \$45.00 per year.
- C. All claims coded as Office Visits will be reimbursed under Office Visits regardless of what occurs during that visit.

**Section 3.** Maternity Related Expenses. The Corporation will pay a maximum of three hundred fifty dollars (\$350.00) per pregnancy.

**Section 4.** There shall be no eligibility for benefits under this Article before acceptance for membership in the Corporation not during periods in which the member's affiliation with the Corporation is terminated under these by-laws.

**Section 5.** No benefits shall be payable for any illness, injury or disability arising from venereal disease, use of illegal drugs, intemperance or immoral act, including suicide or attempted suicide on the part of the member. No benefits shall be paid for psychiatric treatment, artificial limbs, implants (pacemakers). No benefits shall be paid for prescriptions, optical, dental or inoculations including but not limited to, allergy, asthma and influenza.

**Section 6.** Claim Forms. Each member of the Corporation, including Retirees, will be required to present an Explanation of Benefits (EOB) or Your Claims Up Close form or any form as required by the Corporation and as provided by the Tampa Electric Health plan. **All claims must be presented within 120 days of incurred expense.**

**Section 7.** Death Benefits. Upon presentation of satisfactory proof of the death certificate that is stamped or sealed, to the Secretary of the Corporation of the death of a member in good standing, who

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became a member prior to July 1, 2013, the following benefit shall be paid to the beneficiary. The age of a member at the time of joining TEEBA shall determine the death benefit as follows:

Age 18 – 29.....	\$2,500.00
Age 30 – 39.....	\$2,000.00
Age 40 – 49.....	\$1,500.00
Age 50 – 59.....	\$1,000.00
Age 60 or above.....	\$500.00

This benefit shall be paid to the beneficiary of record. No such designation of beneficiary shall be effective unless in writing, on forms to be provided by the Corporation, and until received by the corporation. In default of such designation of beneficiary. The beneficiary, or a representative for the beneficiary, must claim the Death Benefit within 6 months of the passing of the member.

**Any member who joins TEEBA on or after July 1, 2013, shall not receive or be offered any type of death benefit whatsoever.**

**Section 8.** Any member who obtains or attempts to obtain benefits from the Corporation with the intent to defraud, while not being entitled to such benefits, shall be expelled from the Corporation.

### **ARTICLE X - Committees**

**Section 1. General.** In addition to the standing committees hereafter established, the President may, with the approval of the Board of Directors, appoint special committees as the need arises.

**Section 2. Standing Committees.** The Standing Committees shall be appointed annually by the President, with the approval of the Board of Directors, and shall be as follows:

- A. Office Committee. The duties of this committee shall be to audit the books and accounts of the Secretary and Treasurer and make reports of such audit to the Corporation, to audit the financial statements of the Corporation and to certify as to their correctness; and generally, to audit any special accounts of any type as requested by the Board of Directors.
- B. By-Laws Revision Committee. This committee shall study carefully and review the Articles of Re- incorporation and the by-laws of this Corporation and to discuss in committee proposed changes to the Articles and to the by-laws, and to make proposals for such changes as the committee may deem desirable at the meetings of the Board of Directors of the Corporation.

### **ARTICLE XI - RULES OF ORDER**

**Section 1.** "Robert's Rules of Order" shall be the parliamentary authority for all matters of procedures not specifically covered by those by-laws.

**Section 2.** Motion to adjourn or lay on the table, any discussion shall be decided without debate.

**Section 3.** No debate shall be permitted on appeal from the decision of the chair.

### **ARTICLE XII - Amendments to the By-Laws**

**Section 1.** The Board of Directors may make revisions, amendments, revision, addition, or repeal of or to the by-laws at their discretion to benefit to the Corporation.

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**Section 2.** Any member of the Corporation desiring to propose amendments, revisions, additions, or repeals of or to the by-laws of this corporation may do so by presenting such proposed amendments in writing, signed by him/herself and at least three other members of the Corporation, to the President to review and study by the By-Laws Revision Committee, which committee shall make recommendations as to such proposal. No such proposal, however, may be submitted to the membership at any meeting thereof, unless it has been approved by the Board of Directors, and the notice provided in Section 1 thereof has been given.