ALL-HAZARDS INCIDENT MANAGEMENT TEAMS ASSOCIATION, INC. (A 501 (c) 3 NONPROFIT CORPORATION)

ARTICLE ONE, NAME

The name of the corporation (the "Association") shall be "All-Hazards Incident Management Teams Association, Inc."

ARTICLE TWO, PURPOSE

The Association is organized, and will be operated exclusively, for educational and trade organization purposes, including, more specifically: for the purpose of promoting, supporting, improving and enhancing the profession of emergency management based on the incident management team approach by providing educational opportunities, setting standards, establishing and maintaining a certification program, and promoting the cooperation of federal, state, local and tribal entities as well as non-governmental agencies in all phases of emergency management.

ARTICLE THREE, MEMBERSHIP

A. Members. 1,7

General Membership: The general members shall consist of those individuals involved or actively engaged in the Incident Management Team field to include response, preparedness, development, management or training.

Associate Membership (Non-Voting): The associate members shall consist of those individuals or entities that are not involved or actively engaged in the Incident Management Team field, but have knowledge or experience, or a professional or industry position that enables them to assist the Association in fulfilling its purpose.

Lifetime Membership: Lifetime members are general or associate members who have paid the Lifetime membership fee as allowed under Section B of this Article. To vote, a lifetime member must meet the requirements of a general member.

Corporate Membership (Non-Voting): Corporate membership is for individuals and/or businesses engaged in the manufacture or sale of emergency equipment, supplies or services, or the provision of products and/or services to incident management teams and that support the goals and objectives of the Association.

- **B.** Dues. The Board of Directors shall require payment of dues as a qualification of membership, (both voting and non-voting), in such amounts as may be necessary to carry on the business affairs of the Association.
- **C. Period of membership.** The period of membership shall be one calendar year, from the date dues are paid after the Association's acceptance of application on such forms as the Association may require.

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- **D.** Resignation. Any member may resign at any time by delivering to the Board of Directors or the President of the Association a written resignation. Dues paid for the unexpired portion of the membership year shall be forfeited.
- **E.** Annual meeting.² The annual meeting of the members, held for the purpose of transacting Association business, shall be held at the Association's annual conference or, if no conference is held in any year, at another location designated by the Board of Directors at any time. The Board of Directors shall determine the date and time of the meeting.
- F. Special meetings. Special meetings of the members, other than a special meeting for the election of directors, may be called at any time by the Board of Directors or the President, and shall be called by the Secretary on receipt of a written request via electronic mail of record from at least ten percent (10%) of the members of the Association entitled to vote at such meeting.
- **G. Notice of annual or special meetings.**¹ Notice of the place, date, hour and purpose of the annual or any special meeting shall be given, either personally or by electronic mail to each member of record entitled to vote at the meeting, not less than thirty (30) nor more than sixty (60) days prior to the date of the meeting. If transmitted by electronic mail, such notice shall be deemed to have been given upon transmission to the member at the electronic address appearing on the record of members, unless a written statement has been filed with the Secretary of the Association requesting that notices be sent to some other address, in which case it shall be mailed or transmitted to the other address so designated.
- **H.** Waiver of notice. Notice of meeting need not be given to any member who submits a signed waiver of notice, in person or by proxy, either before or after the meeting. The attendance of any member at a meeting, in person, or by proxy, without protesting prior to the conclusion of the meeting the lack of notice of such meeting, shall constitute a waiver of notice.
- I. List of members. A list of members as of the record date, certified by the corporate officer responsible for its preparation, shall be produced at any meeting of the members upon the request of any member made prior to or at the meeting. If the member's right to vote at any meeting is challenged, the inspectors of election, or if none, the person presiding at the meeting, shall require that such list of members be produced as evidence of the right of the person challenged to vote at such meeting, and all persons who appear from such list to be members entitled to vote at the meeting may then vote.

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- **J. Quorum.** At any meeting of members of the Association the members present shall constitute a quorum for all purposes except as otherwise provided by law. Members shall be deemed present "in person" at a meeting by actual attendance.
- **K. Voting.**¹ At every meeting of the general members, each general member present "in person" shall be entitled to one vote. All questions shall be decided by a majority vote of the general members present.
- L. Conduct of meetings. Meetings of general membership shall be presided over by the President of the Association, or if the President is absent, by the 1st Vice President. If both the President and the Vice President are absent, the meeting shall be presided over by the 2nd Vice President. If none of the above officers are present, then the directors present shall select a board member to preside over the meeting. The Secretary of the Association, if present, shall act as secretary of the meeting. If the Secretary is absent, the secretary of the meeting shall be chosen at the meeting. Meetings shall be conducted under Robert's Rules of Order or such other rules of order as may be adopted by the Board.
- M. Removal of members and directors. Any member or director may be removed by majority vote of the Board of Directors from membership or office for failure to pay dues when due, for conduct detrimental to the interests of the Association, for lack of sympathy with its objectives, for refusal to render reasonable assistance in carrying out its purpose, for failing to meet membership requirements or, in the case of a director, for the failure to attend three consecutive meetings, without being excused, of the Board of Directors.

Any such member or director proposed to be removed, with the exception of a member removed for failure to pay dues, shall be entitled to at least forty-five (45) days' notice in writing (by first-class mail) of the meeting at which such removal is to be voted on. Said member shall be entitled to appear before and be heard at such meeting. If removed from membership, dues paid for the unexpired portion of the membership year shall be forfeited.

N. Compensation and expenses.¹ Members shall not receive any stated salary for their services in that capacity. The Board of Directors shall have the power, in its discretion, to contract for and to pay to members who render unusual or special services to the Association special compensation appropriate to the value of such services. The Board of Directors shall also have the power, in its discretion, to hire and provide compensation/salary and expenses for support staff, as needed, to meet the operational needs of the Association.

The provisions of Section L and M of Article Four shall apply to all contracts between the Association and any member, director, or officer.

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- **O.** Confidentiality. The Association shall not sell or use membership information for commercial purposes or share such information with any third party for unsolicited commercial email or advertising purposes.
- **P.** Regions. The Association shall be comprised of ten (10) regions, the boundaries of which shall be the same as the ten (10) Federal Emergency Management Agency ("FEMA") Regions.

ARTICLE FOUR, DIRECTORS

- A. Number and term.¹ The business of the Association shall be managed and controlled by its Board of Directors, which shall consist of at least eleven (11) members of the Association, one member from each of the Association's ten (10) regions elected by each region's voting members, and at least one (1) of up to five (5) at-large members appointed by the Board. All Board members shall be appointed for a term of four (4) years, except as provided below for filling vacancies, and until a successor has been appointed and qualified as required under Section B of this Article. The number of members of the Board of Directors, within the minimum and maximum limitation as provided in this article, may be increased or decreased by a vote of a majority of all directors.
- **B.** Nominations and Elections. 1,2,3,4,5,6,7 At least ninety-days (90) prior to the next annual meeting of the Association, the President shall appoint a nomination committee for all seats of the board up for election.

The nomination committee shall consist of at least one board member who is not up for reelection in accordance with Article Eight, and may also include general members. The committee shall be responsible for soliciting nominations from the membership of each region having a board seat up for election. The nomination period shall be a minimum of 30 days and not more than 60 days. The written nomination must be submitted by two (2) current active members, one of whom may be the nominee from the region, and shall include the nominee's name, position, address, contact numbers, and the position for which he/she is being nominated. Members of the Nomination Committee may be nominated for a vacancy within the region in which they reside.

A qualified candidate must be a voting member who is willing to serve in the elected position. In addition, a qualified candidate for a seat representing an Association region shall be a legal resident of the region and be involved or actively engaged in the Incident Management field to include response, preparedness, development, management or training.

It shall be the responsibility of the Chair of the Nomination Committee to verify qualifications and dues currency. A Nomination Committee member shall contact the nominee to ascertain willingness to serve and to request a biography outlining the

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candidate's qualifications. In the event there are no nominees for a position the Board of Directors shall provide an eligible nominee before nominations are closed.

Once nominations have been closed, the chair will prepare an electronic ballot that includes all eligible candidates. The ballot shall be submitted to the Board of Directors to be reviewed and approved. Following approval, the chair will facilitate electronic distribution of the regional ballots to the membership in each respective region.

The chair will facilitate electronic distribution of the ballot to the respective membership not more than 21 days following the annual meeting. Voting will be open for not less than two weeks following distribution of the ballots. Ballots will be submitted electronically and must contain the voting member's membership number. The minimum participation from any region shall be ten percent (10%) or a total of five (5) of the region's active members, whichever is greater. If less than the required number of members cast ballots, then the members of the Board of Directors not up for election in that region will be able to cast ballots to determine a winner.

The Chair of the Nomination Committee will verify the qualifications of any write-in candidates and that the ballots are from eligible members and shall submit the results of the election at the regular monthly board meeting following the close of the voting period. The Board of Directors will validate the election results and new Board members will take their seats at the monthly board meeting following validation of the election.

In the event of a tie, the President will cast the deciding vote.

C. Resignation.^{1,2,5,7} Any director may resign (his/her directorship) at any time by giving written notice of such resignation to the Board of Directors.

If a director is no longer a legal resident of the region that the director was elected to represent, he/she may continue to hold office until the next regular election cycle and may not be considered for reelection for that region unless he/she is once again a legal resident of that region.

The Board of Directors shall appoint a replacement for the resigning director to fill the unexpired term until the next regular election cycle. Resignation as a director does not constitute resignation from the Association.

D. Vacancies.¹ Any vacancy on the Board of Directors occurring during the year may be filled by a vote of the majority of the directors then in office, regardless of their number.

Any director so appointed by the Board of Directors to an unexpired term shall hold office until the next scheduled board elections. The election will be for the unexpired term of the former member.

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- **E.** Annual meeting of directors. The annual meeting of the directors shall occur at least once each year.
- F. Regular meetings³. The Board of Directors shall meet at least twice each year (in addition to the annual meeting) at such places, either within or without the State of Colorado, as it may determine. Meetings may be held in any manner determined by the board including electronically that provides voice contact between the members of the Board of Directors. No notice shall be required for regular meetings for which the time and place have been fixed at least ninety (90) days in advance either under these Bylaws or by the Board of Directors.
- **G.** Special meetings. Special meetings of the Board of Directors may be called, upon notice, at any time by the President and must be called by the President or Secretary on the written request of two directors.
- H. Notice of meetings. Except as provided above, notice of all meetings of the Board of Directors, except as otherwise provided in these Bylaws, shall be given by telephone or other electronic means at least three days prior to the meeting, but such notice may be waived by any director. Any director who attends a meeting without protesting lack of notice to him or her either prior to or at the commencement of the meeting waives his or her right to notice. At any meeting at which every director is present, even though without notice or waiver of notice, any business may be transacted.
- I. Quorum. At all meetings of the Board of Directors, the presence of a majority of all directors is necessary to constitute a quorum for the transaction of business, and the act of a majority of the directors present at any meeting at which there is a quorum shall be the act of the Board of Directors, except as otherwise provided by law or by these Bylaws. The absence of a director at a meeting shall constitute a waiver of all objections to any action taken by the Board of Directors at such meeting provided that notice to that director has been given, if required. Directors shall be deemed present "in person" at a meeting by actual attendance or by any means of communication by which all persons participating in the meeting may hear each other during the meeting.
- **J. Presiding Officer.** At all meetings of the Board of Directors, the President of the Association, or in his or her absence the Vice President, shall preside. If neither of them is present, the meeting shall be presided over by 2nd Vice President. In the case where the President and both Vice Presidents are not present then a Presiding Officer shall be chosen at the meeting by a majority of the Directors present. The Secretary of the Association, if present, shall act as secretary of the meeting. If not present, the secretary of the meeting shall be chosen at the meeting.

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- K. Action taken without a meeting.¹ Any action required or permitted to be taken by the Board of Directors, or any committee of the Board, may be taken without a meeting if all members of the Board or committee have been notified, and a quorum of the members of the Board or committee consent to authorize such action. For any vote to be valid in the context of electronic mail votes, a quorum of ballots must be returned within a period of time set by the Presiding Officer or committee chair.
- L. Interested directors and officers.¹ The Board shall adopt and periodically review a conflict of interest policy to protect the Association's interest when it is contemplating any transaction or arrangement, which may benefit any director, officer, employee, affiliate, or member of a committee with Board-delegated powers.

No contract, transaction or act shall be taken on behalf of the Association if such contract, transaction or act is a prohibited transaction or would result in the denial of the tax-exempt status under the Internal Revenue Code and its regulations as they now exist or as they may subsequently be amended.

M. Compensation and expenses.⁶ Directors shall not receive any stated salary for their services in that capacity. The Board of Directors shall have the power, in its discretion, to contract for and to pay to directors who render unusual or special services to the Association special compensation appropriate to the value of such services. The Board of Directors shall also have the power, in its discretion, to hire and provide compensation/salary and expenses for support staff, as needed, to meet the operational needs of the Association.

In establishing the compensation, the following practices are followed:

- 1. Compensation arrangements will follow the Association's Conflict of Interest Policy;
- Compensation arrangements will be approved in advance of paying compensation;
- The date and terms of approved compensation arrangements will be documented in writing;
- Decision made by each individual who decided or voted on compensation arrangements will be recorded in writing;
- Compensation arrangements are to be approved based on information about compensation paid by similarly situated taxable or tax-exempt organizations for similar services, current compensation surveys compiled by independent firms, or actual written offers from similarly situated organizations and
- 6. Both the information and its source used in decisions on compensation will be recorded in writing.

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N. Powers. All of the Association's powers, except such as are otherwise provided for in these Bylaws and the laws of Colorado, are vested in and shall be exercised by the Board of Directors. The Board of Directors may by general resolution appoint committees and delegate to them or to officers of the Association such powers as they may see fit.

ARTICLE FIVE, OFFICERS

- **A.** Election. The officers of the Association shall be the President, Vice President, 2nd Vice President, Secretary, Treasurer and such other officers, with such powers and duties as may be appointed and determined by the Board of Directors.
- **B.** Term.⁷ The officers shall be elected to two-year terms by the Board of Directors at a regular monthly Board meeting following the certification of the election of directors. Officers shall be selected from current board members who have been on the Board for a minimum of one year. An officer shall serve in such capacity for the ensuing term and until a successor has been elected. No director may succeed himself/herself in an officer position more than one time for a total of four years.
- **C.** Vacancies. In case any office becomes vacant for any reason the directors then in office, regardless of their number, shall elect a director to fill such vacancy, and the officer so appointed shall hold office for the unexpired portion of the term.
- **D. President.** The President shall preside at all meetings of the Board of Directors and shall exercise general supervision of the affairs of the Association and shall have active management of the business of the Association. The President shall see that all resolutions of the Board of Directors are executed. The President shall execute bonds and other contracts, except where the signing and execution shall be expressly delegated by the Board of Directors to some other officer, committee or agent of the Association. The President shall have such other powers and duties as may be assigned by the Board of Directors.
- **E.** Vice President. In the absence or disability of the President, the Vice President shall perform the duties of that office. The Vice President shall have such other powers and duties as may be assigned by the Board of Directors.
- **F.** 2nd Vice President. In the absence or disability of the President and the Vice President, the 2nd Vice President shall perform the duties of that office. The 2nd Vice President shall have such other powers and duties as may be assigned by the Board of Directors.
- **G. Secretary.** The Secretary shall have charge of such books, documents and papers as the Board of Directors may determine. The Secretary shall also:

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- 1. Ensure minutes are kept for all meetings of the Board of Directors and shall file all minutes in the permanent records of the Association; and
- 2. Ensure the approved minutes of Directors Meeting are posted to the Association's website within one week of approval; and
- 3. Give notice of all meetings, special or regular; and
- 4. Keep a membership roll containing the names of all persons who are members of the Association, showing their place of residence; and
- 5. Exercise other powers and perform such duties as may be assigned by the Board of Directors.
- **H.** Treasurer. The Treasurer shall have the custody of all funds, property and securities of the Association subject to such regulations as may be imposed by the Board of Directors. The Treasurer may be required to give a bond in such sum and with such sureties as the Board of Directors may require. The Treasurer shall also:
 - 1. Endorse on behalf of the Association checks, notes and other obligations, and shall deposit them to the credit of the Association at such bank(s) or depository as the Board of Directors may designate; and
 - 2. Have, along with the President, the authority to encumber and/or expend association funds for items contained in the current year's budget and for legitimate expenses for association business not itemized in the current year budget up to \$1,000 without prior Board approval. Any such expenditures will be reported to the Board at the next meeting: and
 - 3. Sign all receipts and vouchers and, together with such officer or officers, if any, as shall be designated by the Board of Directors, shall sign all checks of the Association and all bills of exchange and promissory notes issued by the Association, except in cases where the signing and execution is expressly designated by the Board of Directors or these Bylaws to some other officer or agent of the Association, either in lieu of or in addition to the signature of the Treasurer; and
 - 4. Make such payments as may be necessary or proper to be made on behalf of the Association, and shall enter regularly on the books of the Association a full and accurate account of all moneys and obligations received and paid or incurred for or on account of the Association; and
 - 5. Perform all the duties incident to the office of Treasurer, and shall have such other powers and duties as may be assigned by the Board of Directors.
- **I.** Removal. The Board of Directors may remove any officer from office, with or without cause. Any officer so removed shall be entitled to appeal in writing to the President within (10) days from the notice of removal. The Board of Directors will review the appeal and provide a determination within forty-five (45) days. Removal from an officer position does not constitute removal of a director, which is addressed in Article 3, Part M.

ARTICLE SIX, AGENTS AND REPRESENTATIVES

BYLAWS

FOR

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The Board of Directors may employ an Executive Director who shall serve at such compensation and upon such other terms of employment as the Board may determine. The Board also may appoint such other agents and representatives with such powers and to have such duties and to perform such acts on behalf of the Association as the Board may see fit, provided that any such appointment shall be consistent with these Bylaws and authorized or permitted by law.

ARTICLE SEVEN, ANNUAL REPORT 5

The Board of Directors shall present at the annual meeting of members a report, verified by the President and Treasurer showing in appropriate details the following:

- The assets and liabilities, including the trust funds, of the Association as of the end of a 12-month fiscal period terminating not more than six months prior to the meeting (the "fiscal period");
- 2. The principal changes in assets and liabilities, including trust funds, during the fiscal period;
- 3. The revenue or receipts of the Association, both unrestricted and restricted to particular purposes, for the fiscal period;
- 4. The expenses or disbursements of the Association, for both general and restricted purposes, during the fiscal period; and
- 5. The number of members of the Association as of the date of the report, together with a statement of increase or decrease in such number during the fiscal period, and a statement of the place where the names and places of residence of the current members may be found.
- 6. The findings of the internal audit committee or an independent certified public accountant. 7

The annual report of the Board of Directors shall be filed with the records of the Association, and either a copy or an abstract of the report shall be entered in the minutes of the proceedings of the annual meeting of members.

ARTICLE EIGHT, COMMITTEES 1,7

The Board of Directors may appoint committees, which may include advisory boards. Each committee shall consist of one or more individuals, at least one who is a director and all of whom shall serve at the pleasure of the Board. The committee or President shall select the chair of the committee.

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Any such committee shall have the full authority to conduct the business of that committee, subject to review and approval of the Board of Directors. Any action required or permitted to be taken at a meeting of a committee may be taken without a meeting if all members of the committee consent in writing to the proposed action. The members of any committee shall not receive any compensation for their services in that capacity.

The Board of Directors shall have the power, in its discretion, to contract for and to pay to any member of a committee who renders unusual or special services to the Association special compensation appropriate to the value of such services.

ARTICLE NINE, PROHIBITION AGAINST SHARING IN CORPORATE EARNINGS

No member, director, officer, employee or member of any committee or person otherwise connected with the Association or any other private individual or Association shall receive at any time any of the assets, income or profit of the Association, provided, however, that this shall not prevent the payment to any person of such reasonable compensation for unusual or special services rendered to or for the Association.

ARTICLE TEN, EXEMPT ACTIVITIES 1

Notwithstanding any other provision of the Bylaws, no director, officer, employee or representative of the Association shall take any action or carry on any activity by or on behalf of the Association not permitted to be taken or carried on by any Association exempt under 501(c) 3* of the Internal Revenue Code and its regulations as they now exist or as they may later be amended.

* As of March 13, 2017

ARTICLE ELEVEN, INDEMNIFICATION

The Association shall indemnify any person made or threatened to be made a party to an action or proceeding by reason of the fact that the person, or his or her testator or intestate, is or was a director or officer of the Association, and any director or officer of the Association who served any other organization in any capacity at the request of the Association, in the manner and to the maximum extent permitted by Colorado law as now existing and as amended. The Association may, in the discretion of the Board of Directors, indemnify all corporate personnel, other than directors and officers, in the same manner and to the same extent as any officer or director.

ARTICLE TWELVE, FISCAL YEAR⁷

The fiscal year of the Association shall be set by the Board of Directors.

ARTICLE THIRTEEN, AMENDMENT^{1,5,8,}

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Bylaws of the Association may be adopted, altered, amended, or repealed by the Board of Directors. Notwithstanding the foregoing, as required by Colorado law, the members of the Association may also adopt, alter, amend, or repeal the Bylaws and only the members may adopt, alter, amend or repeal a particular provision of the Bylaws that expressly prohibits the Board of Directors from doing any act or reserves such act to the member or any provision that would result in a change of the rights, privileges, preferences, restrictions or conditions of membership as to voting or dissolution.

Proposed amendments to the Bylaws with a written explanation for said amendment by the Board of Directors shall be announced and posted on the Association website for a period of 21 days prior to the Board of Directors adopting, altering, amending, or repealing a section of the Bylaws. Association membership will be advised of the posting by electronic format and provided the opportunity to comment on the proposed amendment to the Bylaws during the 21-day posting period. The Board of Directors may take action on the proposal after the close of the 21-day period. The final decision of the Board of Directors on the proposed amendment will be provided to the membership in electronic format within two (2) days following the Board of Directors' decision.

Amendments to the Bylaws of the Association by an Association member must be submitted to the President at least twenty-one (21) days prior to the annual membership meeting for consideration at the annual meeting. The proposed amendments to the bylaws for consideration at the annual meeting shall be announced and posted on the Association website after receipt by the President. Association membership will be advised of the posting by electronic format.

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CERTIFICATE

I do hereby certify that the above and foregoing Bylaws representing Revision No. 7 to the AHIMTA Bylaws were duly adopted and approved as the Bylaws of said Association by vote of the members of the Board of Directors present in a duly constituted meeting of the All-Hazards Incident Management Team Association, Inc. held May 15. 2019.

Randal A, Collins

President

APPROVED: July 8, 2011

Amended: December 3, 2012 Amended: October 25, 2013 Amended: August 29, 2014 Amended: October 31, 2014 November 21, 2014 Amended: Amended: November 7, 2016 Amended: August 30, 2017 Amended: May 15, 2019

¹ Amended: August 30, 2017

² Amended: August 29, 2014

³ Amended: December 3, 2012

⁴ Amended: October 25, 2013

⁵ Amended: November 21, 2014

⁶ Amended: November 7, 2016

⁷ Amended: May 15, 2019

⁸ Amended: October 31, 2014