

SIXTEENTH DISTRICT



THE AMERICAN LEGION

DEPARTMENT OF CALIFORNIA

VENTURA - SANTA BARBARA - SAN LUIS OBISPO COUNTIES

BY-LAWS OF THE
SIXTEENTH DISTRICT COUNCIL
THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA.

REPRINTED: SEPTEMBER 1995
(Includes all amendments adopted since 1975)

PREAMBLE

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our association in the Great Wars; to inculcate a sense of individual obligation to community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of Justice, Freedom and Democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I

Name

Section 1. The name of this organization shall be SIXTEENTH DISTRICT COUNCIL OF THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA.

ARTICLE II

Membership

Section 1. Membership in the Council shall include all American Legion Posts in the Sixteenth District, The American Legion, Department of California.

ARTICLE III

Powers

Section 1. The powers of this Council shall be the carrying out of the policies and mandates of the Department of California within the Sixteenth District.

Section 2. No candidate for any office in The American Legion shall be endorsed by the Sixteenth District unless the candidate be from the Sixteenth District. Furthermore, no one representing the Sixteenth District at any American Legion meeting will be permitted to endorse for the Sixteenth District any candidate not from the Sixteenth District.

ARTICLE IV

Representation

Section 1. Representation to all District Council meetings shall be by the duly elected or appointed delegates or alternates from each of the Posts within the Sixteenth District, and the Junior Past Commander of the Sixteenth District.

**THE AMERICAN LEGION
DEPARTMENT OF CALIFORNIA
117 WAR MEMORIAL VETERANS BUILDING
SAN FRANCISCO, CALIFORNIA 94102**

DATE: 23 February 2003

DISTRICT NUMBER: 16th

AREA NUMBER: 6th

AMENDMENT TO CONSTITUTION AND/OR BYLAWS

ARTICLE NO. IV SECTION NO. VI

NOW READS

The regular annual per capita tax payable by the Posts to the Sixteenth District shall be not more than (40) cents per member based on (Feb.93) the Post Membership at the close of the Department membership year. This be due and payable on or before October 1st of each year.

AMENDMENT:

CHANGE TO READ:

The regular annual per capita tax payable by the Posts to the Sixteenth District shall be not more than (50) cents per member based on (Feb.03) the Post membership at the close of the Department membership year. This amount shall be due and payable on or before October 1st of each year.

We hereby certify that the above amendment to the Constitution *and/or* By-laws was read at two meetings and adopted on 23 February 03 a quorum being present, and by two-thirds vote of those present and voting.

FIRST READING: 24 November 02 SECOND READING AND ADOPTED: 23 February 03
(Date) (Date)

Signature of District Commander: Steven C Weber

Signature of District Adjutant: John A. Fazzino

Section 2. Each Post shall be entitled to the same number of delegates as each Post was entitled to at the preceding Department Convention provided, however, that the Posts organized after such Department Convention shall be entitled to such number of delegates as it would be entitled to by reason of its membership at the date of the District meeting. Provided further, that at the annual meeting, each Post shall be represented by the delegates accredited to the next following Department Convention, such delegates to be elected by the several Posts and to be certified by the Post Commander and Adjutant to the District Commander not less than thirty (30) days prior to the Department Convention.

Section 3. No delegate or delegates from any Post within the Sixteenth District shall have voice or vote in the Annual District Meeting unless all obligations to the District and Department shall have been paid or satisfied by their respective Posts.

Section 4. The respective Posts shall fill vacancies in their delegation in the manner provided for filling vacancies in their respective Executive Committees and shall be entitled to fill any vacancies created by elevation of a delegate to the position of District Commander, Department Vice Commander or Department Commander.

Section 5. Each Post represented by one or more delegates at a meeting of the Sixteenth District Council shall be entitled to the number of votes equal to the number of delegates to which such Post is entitled and which have been regularly certified as set forth above.

Section 6. The regular annual per capita tax payable by the Posts to the Sixteenth District shall be not more than ~~forty (40)~~ cents per member based on (Feb. 93) the Post's membership at the close of the Department's membership year. This amount shall be due and payable on or before October 1st of each year.

*Amended
23 Feb 03*

The District Commander shall be reimbursed, each quarter, in an amount not to exceed twelve and one-half (12-1/2) percent of the District income from the per capita tax. The reimbursement is to pay the District Commander's travel expense at the rate of ten (10) cents per mile, telephone, restaurant and motel expenses when he travels to make official visits to Posts in the District, to District meetings, and other official business, such as the initiation of new members, the installation of officers or other District gatherings within the geographical confines of the Sixteenth District. The District Finance Officer is authorized to pay this amount to the District Commander upon presentation of invoices or certificates showing the date of the expenditure, nature of the expense and the amount expended.

The remaining fifty (50) percent of the funds from the per capita tax, as well as any funds not paid to the District Commander, shall be placed in the general

fund to be expended for the budgeted items shown in the budget adopted at the annual meeting or as directed by vote of the delegates at a District meeting for American Legion programs only. All other funds shall be allotted to the particular project or program for which they were donated or collected.

ARTICLE V

Quorum

Section 1. A quorum shall consist of a majority of the Posts of the Sixteenth District.

ARTICLE VI

Officers

Section 1. The officers of the District shall be the Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Adjutant, Finance Officer, Chaplain, Sergeant-at-Arms, Historian, Judge Advocate, Service Officer and the Junior Past Commander of the Sixteenth District.

Section 2. To be eligible to hold office in the Sixteenth District, the candidate must be a member in good standing of a Post within the Sixteenth District. Any officer who transfers his membership to a Post not a member Post of the Sixteenth District shall forfeit his office. Such vacated office shall be filled in accordance with Section 5 of this Article.

Section 3. The Commander, First Vice Commander, Second Vice Commander and Third Vice Commander will hold elective offices and be elected by the delegation. The Adjutant, Finance Officer, Chaplain, Sergeant-at-Arms, Historian, Judge Advocate and Service Officer shall be appointed by the Commander. (Feb 92)

Section 4. All elective officers and the Executive Committee shall be elected at the annual meeting. The term of the District officers shall correspond with that of the elective Department Officers to be elected at the following annual Department Convention. All District officers will assume office when the District Commander is installed at Department Convention. At each election, each Post shall vote by roll call vote the same number of votes as each Post may vote at the next following Department Convention. The delegates accredited to the annual District meeting shall be certified by the Post Commander and Adjutant to the District Commander (Article IX, Section 15, Department By-Laws adopted June 26, 1968).

Section 5. Any vacancy in an elective office of the District, whether such vacancy shall occur through death, his transferring from the District, or any

other cause, shall be filled by nomination and election at the meeting of the District at which such vacancy is officially recognized. In the event that only one (1) candidate has been nominated for such vacancy, election to that office shall be by voice vote. (Sep. 81)

ARTICLE VII

Procedure

Section 1. The procedure at all meetings shall be as set forth in Roberts Rules of Order, except as otherwise provided herein.

ARTICLE VIII

Meetings

Section 1. There shall be regular meetings of this District Council each year as follows:

- a. An Organizational meeting on the third Sunday in July.
- b. Regular meeting on the first Sunday after Labor Day, the Sunday before Thanksgiving and the second (2nd) Sunday following Lincoln's Birthday.
- c. An Annual meeting on the first Sunday in June which shall comply with Article IX, Section 15 of the Department of California By-Laws.

Section 2. At the annual meeting, the Commander Elect shall announce his selection of tentative dates for the organizational meeting and for the four regular meetings. At the organizational Executive Committee meeting, the Executive Committee shall meet and approve the meeting dates and select and approve requests to host the first through third regular meetings, provided such requests have been submitted in writing to the District Adjutant prior to such organizational Executive Committee meeting and will not be accepted thereafter. The Commander shall have the prerogative of selecting the host Post for the Annual meeting. No Post will be considered as a host Post that has not submitted a written request to the Adjutant prior to the organizational Executive Committee meeting. (Feb. 89)

Section 3. A special meeting may be called by the Commander and must be called by the Commander upon written request of the Commanders of a majority of the member Posts.

Section 4. Notice of all meetings must be mailed by the Adjutant to the Commander and Adjutant of each member Post at least fifteen (15) days in advance of such meeting, stating the time and place of the meeting and, in the case of a special meeting, the subject to be considered. (Feb. 76)

ARTICLE IX

Executive Committee

Section 1. The administrative affairs of this Council shall, except as otherwise provided herein, be under the supervision of an Executive Committee which shall consist of six elected Executive Committeemen, two from each County in the District, as well as the elected officers and the Junior Past Commander of the Sixteenth District. The Adjutant shall be the "Recording Secretary". The Finance Officer and the Judge Advocate shall be "Advisors" to the Committee. The Adjutant, Finance Officer and Judge Advocate, as Appointed Officers, have no voting rights on this Committee. (Feb. 85)

Section 2. The Executive Committee shall meet at the call of the Commander. The Commander shall call a meeting of the District Executive Committee upon the joint written request of three (3) or more members of the Committee. Seven (7) members of the Executive Committee shall constitute a quorum thereof. (Feb. 85)

Section 3. The Executive Committee shall consider all matters affecting the District and shall make recommendations to the District.

Section 4. The District Executive Committee shall require adequate bonds from all persons having custody of District funds.

Section 5. The Commander, Vice Commanders and Adjutant shall be chairman, vice chairmen and secretary, respectively, of the Executive Committee.

ARTICLE X

Duties of Officers

Section 1. The District Commander shall be the executive head of the Council. He shall preside at all meetings of the Council, shall appoint all committees required to carry out the Department program and such other officers and committees as shall be ordered by the Council. He shall comply with all phases of Article VI, Section 3 of the By-Laws of the Department of California.

Section 2. The Vice Commanders shall act as representatives of the District Commander on all matters referred to them by him and, in his absence, shall preside at all meetings of the Council in order of seniority.

Section 3. The Adjutant shall give notice of all meetings of the Council and shall keep minutes of all such meetings. He shall conduct correspondence, keep records of the Council and collect per capita tax. He shall, on the first

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117 WAR MEMORIAL VETERANS BUILDING
SAN FRANCISCO, CALIFORNIA 94102

DATE: 19 November 1995

District 16

AMENDMENT TO CONSTITUTION AND/OR BY-LAWS

ARTICLE NO. VI SECTION NO. 1 & 3

Remove the position of Third Vice Commander from list of elected officers and all other reference to Third Vice Commander.

We hereby certify that the above amendment to the Constitution and/or By-Laws was read at two meetings and adopted on 19 November 1995 a quorum being present, and by two-thirds vote of those present and voting.

FIRST READING 10 September 1995 SECOND READING AND ADOPTED 19 November 1995

Signature of Commander *Russell K. Brown*

Signature of Adjutant *R. V. Reed*

day of July of each year, send each Post in the District a bill showing the amount of per capita tax due to the Council and shall perform such other duties as are usually incident to the office.

Section 4. The Finance Officer shall be responsible for keeping an accurate account of all District funds and see that a record is made of all transactions. The Finance Officer shall be bonded and, in the event there are any discrepancies in the District funds, the Finance Officer shall be held responsible along with the District Commander. An Audit Committee of three will be appointed by the Commander, First Vice Commander and Second Vice Commander to audit the District books and report during the organizational meeting.

Section 5. The Sergeant-at-Arms shall perform all duties usually incident to the office.

Section 6. The Chaplain shall perform all duties usually incident to that office.

Section 7. The duties of the Historian shall be to compile a permanent record of the events of the District.

Section 8. The duties of the Judge Advocate shall be to act as the legal advisor to the Commander and District and shall render decisions based upon the District By-Laws and Roberts Rules of Order.

ARTICLE XI

Committees

Section 1. The standing committees shall be as designated by the Department of California.

Section 2. The committees shall be composed of not less than three (3) members, one (1) from each County in the District.

Section 3. The Finance Committee shall be composed of the Commander, First Vice Commander, Second Vice Commander, Adjutant and Finance Officer. The Finance Committee shall prepare and submit a proposed budget for adoption by the membership at the annual meeting.

ARTICLE XII

Amendments

Section 1. Proposed amendments to these By-Laws must be submitted in writing at a regular meeting of the District council, read thereat and, at the next

regular meeting, the proposed amendment may be adopted by a two-thirds (2/3) affirmative vote of the voting strength of the Posts present by representation of one or more qualified delegates.

Section 2. The provisions hereof shall be automatically changed to conform to any change which may be adopted in the Constitution and By-Laws or any regulations that may be adopted by the State and National Conventions.

ARTICLE XIII

Certification

Section 1. We, the undersigned Commander and Adjutant, respectively, of the Sixteenth District Council, The American Legion, Department of California, hereby certify that the foregoing is the true and correct copy of the By-Laws of this District Council, as revised on the days herein set forth below, said revision having been introduced and read at the regular meeting of the District council held in Arroyo Grande, California, on the 8th day of September 1974 and re-read at the regular meeting of the District Council held in Santa Barbara, California on the 10th day of October 1974 and adopted thereat by more than two-thirds (2/3) of the voting strength of the Posts present by representation of one or more qualified delegates, a quorum being present at such meetings.

/s/ Humphrey J. Nixon
Humphrey J. Nixon, Adjutant

/s/ Harry O. Wells
Harry O. Wells, Commander

APPROVED:

/s/ Tom Golden
Chairman, Department Constitution
& By-Laws Commission

Date 1-16-75