



*16th District
Department of Virginia
The American Legion*



The American Legion Department of Virginia

16th District Bylaws

Revised from 09 June 2013

The American Legion Department of Virginia – Sixteenth District BYLAWS

ARTICLE I

Section 1 The organization existing under these Bylaws is to be known as the Sixteenth District. The American Legion, Department of Virginia.

Section 2 The Sixteenth District shall be governed by the Constitution of the Department of Virginia, which is hereby adopted as the Constitution of the Sixteenth District, and these Bylaws are intended to adapt that document to essentially local situations.

Sections 3 These Bylaws are adopted subject to the provisions of the National Constitution of the American Legion and the Department Constitution. Any amendment to the said National or Department Constitutions which conflicts with any provision hereof shall be regarded as automatically repealing or modifying the provisions of these Bylaws to the extent of such conflict.

Section 4 Any Post in the Sixteenth District, that knowingly violates any Section of these Bylaws, may, by action of the Sixteenth District Executive Committee, be sanctioned and denied participation in all Sixteenth District programs, activities, and functions. Should said sanctioning action be executed against a Post in the Sixteenth District, the sanctioned Post will be given formal written notice, within ten (10) days of the District Executive Committee action. The formal notice will indicate the specific violation, the action taken by the District Executive Committee, the period of the sanction, and the corrective action required by the Post to remove the sanction. This notice will also inform the Post of its right to appeal, and the procedure for such appeal.

The American Legion Department of Virginia – Sixteenth District BYLAWS

ARTICLE II - DISTRICT OFFICERS

Section 1 The elected officers of the District shall be a Commander, three Vice Commanders, Finance Officer, Sergeant-at-Arms, Chaplain and, except for the provisions detailed under Article VIII of these Bylaws, one Finance Committee Member.

Section 2 Officers of the District will be elected at the District Convention in accordance with Article VI, Section 2, of the Department Constitution.

Section 3 The District Commander, immediately upon assuming office, should be bonded and shall appoint the following District officers: Adjutant, Historian, Judge Advocate and Service Officer. In addition, the District Commander, immediately upon assuming office, shall, as provided for in Article I, Section 6 of the Department Bylaws, designate one of the elected District Vice Commanders as his Deputy Commander.

Section 4 District officers and members of the Executive committee shall serve for a term of one year, which shall commence immediately upon adjournment of the Department Convention of the year of election or appointment until the adjournment of the Department Convention of the next succeeding Legion year.

Section 5 All District Officers are charged with the responsibility of being intimately familiar with The American Legion's Officer Guide and Roberts Rules of Order as described in the Officer's Guide to fairly and uniformly provide guidance to Post Commanders and members on the proper manner to conduct and administer an American Legion Post.

Section 6 The District Commander and Vice Commanders should successfully complete the four lessons (courses) of the American Legion Extension Institute. This should be completed by the District Fall Conference of the elected year. The District Commander should have served as a Post Commander for at least one (1) full term and must have prerequisites to be bonded.

The American Legion Department of Virginia – Sixteenth District BYLAWS

ARTICLE III – MANAGEMENT

Section 1 The government and management of the District is entrusted to a committee to be known as the "Executive Committee".

Section 2 The Executive Committee shall consist of all elected and appointed officers of the District, the immediate Past District Commander, the Post Commanders of each Post in good standing of the Sixteenth District, and all Past District Commanders subject to the limitations of Section 5 of this Article. A Post Commander may, if necessary, designate a representative to attend the Executive Committee meetings, with authority to exercise the Post Commander's vote. Designation of an alternate representative by a Post Commander should be in communication to the District Adjutant in writing or via phone call or Email, prior to the Executive Committee meeting at which the alternate representative will act on behalf of the designating Post Commander. The District Adjutant shall act as the Executive Committee Secretary.

Section 3 The Executive Committee may meet at the call of the District Commander or upon the written request at least four (4) members of the Executive Committee, provided, however, that regular meetings of the Executive Committee may be held at least once each calendar quarter.

Section 4 Those four (4) members of the Executive Committee in good standing, present and having a vote shall constitute a quorum. A majority vote is required to carry any measure unless otherwise specified in these Bylaws.

Section 5 All Past District Commanders, while a member of a Post in this District, shall be members without a right to vote, except the immediate Past Commander (Ex officio).

Section 6 Upon the death, inability, or unwillingness to serve on the part of any District officer, selected or appointed, the vacancy shall exist until the District Executive committee, if appropriate, meets and, by a majority vote, fills such vacancy. However, if the vacancy exists in the office of Commander, the Deputy Commander shall immediately advance to that office until the Commander is able to resume the position, if appropriate or until such time that the Executive Committee meets and, by majority vote, elects a Commander. In all cases, the term of office of the individual elected by the Executive Committee, under the provisions of this Section, shall be only for the unexpired term of office of the vacancy filled.

Section 7 It shall be the duty of the District Executive Committee to review and approve the budget submitted by the Finance Committee and to act upon, accept or reject all expenditures of funds, which exceed the approved budget. All District Officers and

The American Legion Department of Virginia – Sixteenth District BYLAWS

Committee Chairs shall submit their request at the District Organizational Meetings so they can be reviewed by the District Finance Committee prior to the District Fall Conference.

Section 8 The Executive Committee shall cause the financial records of the District to be audited on an annual basis.

Section 9 All matters of policy relating to the District and not otherwise covered by these Bylaws shall be referred to the District Executive Committee for determination.

Section 10 All meetings of the District Executive Committee shall be open to all Legionnaires in good standing. However, only members of the Executive Committee shall speak, except by unanimous consent of the Committee. Notices of Executive Committee meetings shall be sent to each member by the District Adjutant at least ten (10) days prior to the date of the meeting. The Executive Committee may go into a closed-door session for discussions such that may be of a personal nature.

Section 11 As soon as practicable after each meeting of the Executive Committee, a synopsis of the proceedings will be sent to each member of the Executive Committee.

The American Legion Department of Virginia – Sixteenth District BYLAWS

ARTICLE IV - DISTRICT STANDING AND SPECIAL COMMITTEES

Section 1 The District Commander shall, within 30 days of assuming office, appoint the following Standing Committee Chairpersons: Americanism, Athletic, Boys State, Children and Youth, Constitution and Bylaws, Credentials, Foreign Relations, Junior Law Cadet, Junior Shooting Sports, Legislative, Membership, National Security, New Post, Nominating, Oratorical, Media and Communications, Rehabilitation (VA&R & VAVS), Resolutions, Sons of the American Legion, and American Legion Riders (ALR) as per Department ByLaws article II.

Section 2 The District Commander may appoint such other Special Committees as deemed necessary.

Section 3 Each Standing or Special Committee Chairperson, , shall submit an annual budget to the District Finance Committee at the District Organizational Meeting for review and final approval at the District Fall Conference.

The American Legion Department of Virginia – Sixteenth District BYLAWS

ARTICLE V - DUTIES OF OFFICERS

Section 1 The District Commander shall be the executive head of the District with full power to enforce the provisions of these Bylaws and the will of the District Executive Committee and of the District Convention. The District Commander shall be the chair of the District Executive Committee and perform such duties specified in Article I, Section 5, of the Department Bylaws, and other necessary and required duties as are usually incident to the office. The District Commander shall, schedule, before the District Fall Conference, a District Organizational meeting. When so called, the District Organizational meeting should be attended by all elected and appointed District Officers, all members of the District Executive Committee, and all appointed District, Standing or Special Committee Chairpersons.

Section 2 Within thirty (30) days after the adjournment of the Department Convention, District Fall Conference and District Spring Conference, the District Commander shall assign Vice Commanders to specific Posts to be under their special supervision.

Section 3 The District shall make quarterly reports to the Department Commander showing the condition of the District. Forms for such reports will be furnished by Department Headquarters. The District Commander shall also cause a written report, indicating the condition of each Post within the District to the Department.

Section 4 The District Adjutant will cause an email or communication to be sent monthly to the Posts for reading at the respective meetings. The email communication is to advise and keep the Posts updated on District news, membership status, Legion Programs, events within the District, and items of interest.

Section 5 In case of absence or inability of the District Commander to act, the designated Deputy Commander, as provided for and within the provisions thereof, in Article III, Section 6 of these Bylaws, shall act in his place.

The American Legion Department of Virginia – Sixteenth District BYLAWS

ARTICLE VI - DISTRICT VICE COMMANDERS

Section 1 District Vice Commanders are responsible to promote, stimulate and coordinate Legion programs so that the work of the Posts becomes more effective. Vice Commanders are responsible for direct liaison with the Posts and will assist in membership efforts and establishing and organizing new Posts in the District. They will report membership progress with appropriate recommendations to the Membership Chair and the District Commander.

Section 2 During the year, all Vice Commanders will, as a minimum, attempt to attend one **(1)** regular membership meeting of each assigned Post within the District. All visits will be coordinated with the Post Commanders of the Posts to be visited.

Section 3 The District Vice Commanders shall submit a written report, indicating their Legion activities, to the District Adjutant at least fifteen (15) days prior to the date fixed for the District Conferences and Convention . If desired, the District Vice Commander may present the report, submitted to the District Adjutant, on the floor of the District Conference or Convention; otherwise, the District Adjutant will cause the report to be made part of the official minutes of the Conference or Convention.

The American Legion Department of Virginia – Sixteenth District BYLAWS

ARTICLE VII – FINANCE

Section 1 The District Commander, District Finance Officer, Assistant Finance Officer and Adjutant shall be bonded for amounts determined by the Executive Committee.

Section 2 Each Post in the Sixteenth District shall be assessed dues in the amount of Twenty Dollars (\$25.00) for Post and twenty cents (\$.25) per member for the use in defraying official operating expenses of the District. The Executive Committee, upon recommendation of the Finance Committee, may waive for a given year such assessment when the Finance Committee determines that the financial condition of the District does not warrant collection of the dues. The District assessed dues shall be based on the Department membership of each Post indicated on the last Department membership report preceding the District Convention and will be transmitted to the District Finance Officer not later than first day of August of the current year.

Section 3 The Finance Committee shall consist of the Finance Officer and three (3) members elected at a District Convention. The Finance Officer shall serve as Chairman and shall annually designate one of the elected Committee members as the Assistant District Finance Officer.

Section 4 The Finance Committee shall prepare a balanced budget for the current year and ensure there is a sufficient amount to cover usual and ongoing expenses until all Posts have remitted their assessed dues for the year.

Section 5 The Finance Committee shall make recommendations to the Executive Committee on the collection of District dues authorized in Section 2 of this Article. The Committee shall recommend to the Executive Committee approval of the funding of new programs projects or expenditures of funds not contained in the budget.

Section 6 If a Post is financially unable to pay District dues and fees, the Post Commander may come before the Executive Committee to ask for a waiver for that membership year.

Section 7 Expenses incurred by Posts hosting a District function shall be borne solely by the entertaining Post. However, the District Commander may recommend that the District Executive Committee approve an exception to this policy if circumstances warrant. Posts can be reimbursed up to \$100.00 for expenses should they be required. Posts that cannot host a District function or Conference may consider supporting another hosting Post.

The American Legion Department of Virginia – Sixteenth District BYLAWS

ARTICLE VIII - NOMINATIONS AND ELECTIONS

Section 1 The 16th District will hold an annual election of officers as prescribed in the Constitution of the Department of Virginia, Article VI, and Section 2.

Section 2 There shall be a District Nominating Committee consisting of a representative of each Post in the District, designated by such Post with the authority to exercise their vote. Each Post represented on the District Nominating Committee shall be authorized to cast one (1) vote on all matters so determined. The District Nominating Committee shall meet immediately following the District Spring Conference and will assure that all candidates nominated has expressed interest in the position, have agreed to serve, and are qualified to serve in the office for which they are nominated.

Section 3 The Chair of the District Nominating Committee shall, ensure that the District Adjutant inform the Commander and Adjutant of each Post in good standing in the District, and the scheduled meeting of the Nominating Committee immediately following the Spring Conference.

Section 4 Any Legionnaire in good standing in the Sixteenth District shall be eligible for nomination to any of the offices set forth in Article II at the District Nominating Committee meeting with service verification in accordance with National Bylaws. All nominations for District leadership positions should include a resolution from the sponsoring Post.

Section 5 Notwithstanding the provisions of Section 2 of this Article, IAW Robert's Rules of Order, any Legionnaire in good standing in the Sixteenth District may be nominated for any District elective office at the District Convention.

Section 6 At the first District Convention held after the adoption of these Bylaws, three (3) District Finance Committee members shall be elected. Each District Finance Committee member will be elected for a specified term of one (1), two (2) or three (3) years. Subsequently, one (1) District Finance Committee member will be elected annually, at the District Convention, for a three (3) year term. Any vacancies, which are created, other than those that result from the expiration of an elected term, shall be filled under the provision of Article III, Section 6.

The American Legion Department of Virginia – Sixteenth District BYLAWS

ARTICLE IX - DISTRICT CONVENTION

Section 1 The legislative body of the District shall be the District Convention to be held annually at least thirty (30) days and not more than sixty (60) days prior to the Department Convention. The time and place for the District Convention shall be determined by the District Commander.

Section 2 Each Post shall be entitled to two (2) votes and to an additional vote for each fifty (50) members whose annual dues have been received by Department Headquarters prior to the opening of the District Convention. Upon a roll call, the voting shall be by Posts in order of Post membership standing.

Section 3 Each Past Sixteenth District Commander shall be an ex-officio delegate, with vote, to the District Convention, provided that he is a member in good standing of a Post within the District, and is present at the District Convention, and provided further that the vote of such ex-officio delegate shall be added to and cast with the vote of respective Post and; provided further that no person shall cast more than one vote as an ex-officio delegate and that the vote of an ex-officio delegate shall not be bound nor controlled by the vote of respective Post.

Section 4 It shall be the duty of the District Adjutant to ascertain, from Department Headquarters, the membership of each Post within ten (10) days before or after the opening of the District Convention. The Adjutant will advise all in attendance of the total number of votes allowed by each Post.

Section 5 A quorum exists at the District Convention when 40 percent (6) of the Post in the District are represented.

Section 6 Delegates and Alternates to the National Convention shall be elected at the District Convention in accordance with the provisions of the Department Constitution, Article XIII.

The American Legion Department of Virginia – Sixteenth District BYLAWS

ARTICLE X - DISTRICT CONFERENCES

Section 1 The Fall and Spring Conferences of the Sixteenth District shall be held annually not more than thirty (30) days prior to, or following the Department Fall and Spring Conferences, at a time and place determined by the District Commander.

Section 2 The District Fall and Spring Conferences shall be the legislative bodies of the District for the transaction of business that pertains to the District or Posts thereof and which does not require action by the Department or National Conventions for its implementation. Such business shall include, but not be limited to, reports of all standing and special committees, resolutions, District finances and other District administrative matters, and the actions of the Conference shall constitute a mandate to the administrative component of the District.

ARTICLE XI – RULES

Section 1 All proceedings of the District shall be conducted under and pursuant to ROBERT'S RULES OF ORDER, REVISED with such modifications as may be adopted by the District in meetings assembled.

ARTICLE XII – AMENDMENTS

Section 1 These Bylaws may be amended at any District Convention by a vote of two-thirds (2/3) of the delegate strength present and voting, provided, that a notice of the proposed amendment shall have been sent to all Post Commanders and Adjutants at least thirty (30) days prior to the convening of the District Convention.

Section 2 These Bylaws shall become effective immediately upon the adjournment of the District Convention at which they are adopted.

Adopted at the 16th District Convention on June 9, 2018.

16th District Commander _____

16th District Adjutant _____