



The Royal Canadian Legion Ontario Provincial Command



DISTRICT / ZONE BY-LAWS (BL)

GUIDELINES FOR CRAFTING / MAINTAINING

BACKGROUND

The policy respecting the governance of Districts and Zones in the Command was changed in 2010 to permit them to be able to craft and maintain Policy and Procedure Manuals rather than By-Laws, as several entities either failed to maintain any form of official governance and procedure or maintained various assorted documents covering an array of matters. Unfortunately, the response was limited, and it was determined that in today's environment, it is essential to maintain a document of Governance in either a By-Law or Policy and Procedure Manual format or two (2) separate documents. It is also noted that there were entities that had maintained By-Laws in the past; however, the majority have become redundant through a failure to revise and submit to Command for review and certification on a regular four (4) year basis as was the previous practice.

With recent changes to the Command By-Laws, Districts and Zones that presently do not maintain a current **Command Certified** governance document will be provided a reasonable and appropriate amount of time to comply during the 2022 – 2025 Term of Office.

BY-LAWS CRITERIA

The following criteria shall apply to the development, crafting, and processing of the subject BL document. Please note that where 'District' is cited, it shall import 'Zone' where appropriate:

- The Cover Page and inside Header must include the title '**BY-LAWS OF DISTRICT _____**' and identify the entity.
- No provision shall infringe on any By-Law or violate any law in Canada.
- The BL document must be appropriately organized and in an easily readable and referencing format.
- Paragraphs and other entries containing various subjects without appropriate breakdown, separation, and identifiers must be avoided. *Reference the By-Laws of the Commands for assistance and samples of same.*
- Provisions may include, but **are not limited to** the following:
 - I. **INTERPRETATION** – Include frequently used terms in the BL document and thus provide consistency of use throughout the document.
 - II. **ORGANIZATION** – Hierarchal structure, authority, and jurisdiction. *Reference the By-Laws for samples of such terms.*
 - III. **DISTRICT CONVENTIONS** – Cite all details respecting accreditation, frequency, etc.
 - IV. **DISTRICT OFFICERS** – List elected Offices, duties, and vacancy provisions.
 - V. **DISTRICT ELECTIONS** – Include eligibility requirements and all aspects of the process from start to finish.
 - I. **DISTRICT COUNCIL** – Identify the Members (elected & appointed), Meetings, Quorum, Responsibilities, Levies, etc. **Note:** *Choose a Secretary and Treasurer or a Secretary-Treasurer. Further the By-Laws permit other voting Members from Branches within the respective area to be included on Council upon the approval of the Convention e.g. Dominion Command Officers, Dominion Command Standing Committee Chair, etc.*
 - VI. **DISTRICT COMMITTEES** – List all Committees, how created, when, and who appoints the Chairs.

Guidelines for Crafting/Maintaining By-Laws Continued

- VII. **DUTIES / TERMS OF REFERENCE** – Specify the duties applicable to each Committee Chair, and other Positions. Reference to a specific Manual available from the Commands should be cited where appropriate.
 - VIII. **DISTRICT FINANCIAL OPERATIONS** – Rules citing eligibility of those identified to be permitted to sign cheques & initiate other financial transactions. May also include the maintenance of Special Funds and investments and their oversight.
 - IX. **VETERANS CARE/HOSPITAL FUND** – Members appointed and by whom along with including associated duties/responsibilities.
 - X. **AMENDMENT PROCESS** – Procedure re the creation/amending of provisions therein. See the Note re use of Notice of Motion respecting additional provisions that could be included in this area for use in the future by the entity.
- The **Notice of Motion** (Command Form), including the proposed provisions and/or Amendments, is tabled at one (1) Convention with no seconder or debate. (Reference the **NOTE: Notice of Motion under Classification of Motions in The Rules of Procedure for Legion Meetings.**)

Note re Use of Notice of Motion

*The requirement involving the tabling and approval at two (2) consecutive Conventions is applicable on each occasion (if multiple attempts are necessary) that the District presents their By-Laws until they have been successfully reviewed and issued their initial Certificate of Review from Command. Thus, the Amending provisions included in the approved and certified document may permit the tabling to take place at a regularly scheduled Council Meeting and approval at a subsequent Convention, but this will only become operative after the aforementioned issuance of the first **Certificate of Review**. Regularly scheduled Council Meetings must be clearly cited in the provisions i.e., what months they will take place as called by the Commander outside of an emergency situation.*

Further, the tabling at a Council Meeting must be at least fifteen (15) days in advance of the approving Convention to permit distribution to the Members of Council and subsequent distribution to the Branches to ensure that all eligible voting Members have been apprised in advance and able to make an informed decision.

There may be occasions when a proposed amendment is raised at the Convention and due to its importance and/or urgency, cannot be advanced in the normal process. In this case, the use of a Notice of Motion may be waived upon the concurrence vote of two-thirds (2/3) of the voting Members present. This provision must have been included in the BL document under the Amendments Article, passed, and Certified prior to its use at any subsequent Convention.

- The motion for approval is made at the next Convention and it must be approved by a majority. A higher degree of approval is left to the prerogative of the entity.
- Include a statement at the end of the BL document immediately prior to the Officers' signature blocks citing the date and location of the Convention at which the provision(s) were passed.
- The provisions, once approved, must be signed by the Officers – Commander and Secretary – with the date of such signatures being affixed thereto at the end of the BL document in the Signature Block before submission to Command.
- Four (4) copies of each applicable BL document used in the process as listed on the **District / Zone By-Laws (By-Laws) Submission Cover Form** (Command Form) must be forwarded to Command within **one (1) month** of approval.
- Four (4) complete copies of the signed Minutes (excerpts will not be accepted) involving the Tabling of the Motion and its subsequent approval must also be forwarded to Command with the aforementioned submission of the BL documents to provide documentary confirmation that the process was completed

Guidelines for Crafting/Maintaining By-Laws Continued

properly.

COMMITTEE REVIEW / CERTIFICATION

The Provincial Constitution and Laws Committee review Criteria and applicable responses are as follows:

- That the BL document was properly processed and approved by the subject entity.
- That the content does not infringe upon any By-Law of the Commands or violate any law in Canada.
- That the BL document is in an organized and legible format.
- That the provisions contained therein are within the autonomy of the subject entity and applicable provisions from The General By-Laws of Ontario Provincial Command are included in the BL document for the proper reference.
- That all spelling, punctuation, grammatical, and other content determined to be in error or requiring clarity is highlighted and correction requested.
- That it contains provisions referencing the acceptable process and procedure to create and/or amend the BL document provisions therein.
- That a reply will be forwarded in due course to the submitting entity with the results and comments respecting its review.
- That a **Certificate of Review** will be issued, if appropriate, unless the entity is directed to make changes/corrections and/or redo the process.
- A copy of the certified By-Laws will be retained on file by Command for future reference.

***Note:** Failure to follow the above Criteria may render any provision unconstitutional or improper should it become included as a Breach of it in an Article III Complaint situation.*

This is a living document and will be modified on a regular basis when situations arise indicating that there is confusion respecting a specific matter that requires clarification. It is therefore beneficial for all users when engaged in crafting or amending their BL document to reference the Command Website for the most current version of these Guidelines.