

# **THE BY-LAWS OF NOVA SCOTIA/NUNAVUT COMMAND**



## **OF THE ROYAL CANADIAN LEGION**

**As amended to June 2023**





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## **ARTICLE I – GENERAL**

- 101** The name of this Command shall be "The Nova Scotia/Nunavut Command of The Royal Canadian Legion" hereinafter referred to as the "Command".
- 102** In these By-Laws:
- A** "Act of Incorporation" means the Act to Incorporate The Royal Canadian Legion as amended.
  - B** "General By-Laws" means the General By-Laws of the Dominion Command.
  - C** "By-Laws" means the By-Laws of the Command.
  - D** "Convention" means the Nova Scotia/Nunavut (NS/NU) Convention and when it is not in session, the Provincial Executive Council, hereinafter referred to as the "Executive Council".
  - E** "Branch" means a body of persons fulfilling the qualification of membership who have been issued a charter by the Dominion Command of The Royal Canadian Legion.
  - F** "Zone" means a number of branches grouped within a numerically titled, defined geographic area administered by a Zone Commander.
  - G** "District" means a number of Zones grouped within an alphabetically titled, defined geographic area administered by a District Commander.
  - H** "Member" means a member in good standing as defined by the General By-Laws.
  - I** "Spouse" means as per the General By-Laws of the Royal Canadian Legion.
  - J** "Presiding Officer" shall be the Command Chairman or in his absence the Acting Chairman.
  - K** Words indicating the masculine import the feminine.

### **103 Holding of Property**

Command shall be in accordance with Article I, Section 120 of the General By-Laws of The Royal Canadian Legion.

### **ARTICLE II – THE COMMAND**

- 201** The Command consists of all Branches of the Royal Canadian Legion within the Province of Nova Scotia and the Territory of Nunavut.
- 202** The Convention consists of delegates appointed by the Branches assembled in a general meeting at a time and place specified by the Command.
- 203** The Command shall have the power and authority to supervise and regulate the general policy and activities of all Branches within the Province of Nova Scotia and the Territory of Nunavut.
- 204** The Office of the Command shall be in the Halifax Regional Municipality in the Province of Nova Scotia.
- 205** The Charter of the Command, as issued by the Dominion Command, shall be in the custody of the Executive Director.
- 206** The Seal of the Command, as approved by the Dominion Command, shall be in the custody of the Executive Director, who shall keep it available for use on all documents requiring the seal of the Command.
- 207** A reproduction of the official badge of The Royal Canadian Legion may be imprinted on all stationary issued by the Command.
- 208** The Chain of the Command shall be as follows:
- Branch
  - Zone Commander
  - District Commander
  - Provincial Command
  - Dominion Command

This does not preclude branches from liaising directly with the Command Office on routine or necessary matters.

## **ARTICLE III – THE CONVENTION**

### **Section A – General**

- 301** Subject to the General By-Laws and to these By-Laws, the Convention, and when it is not in session, the Executive Council shall be the governing body within the Province of Nova Scotia and the Territory of Nunavut.
- 302** Each Branch within the Command shall be entitled to send to a Command Convention as representing its members, one (1) delegate for the first fifty (50) Ordinary, Life, Associate and Affiliate Voting members or fraction thereof, and one (1) delegate for each additional one hundred (100) members or fraction thereof.
- A** A delegate may be a member of another Branch within the same District.
  - B** A delegate who is not an accredited delegate from their own branch may not carry proxies.
  - C** Members of the Command Executive Council, who are not accredited Branch delegates, shall be accredited delegates of NS/NU Command to the Command Convention.
  - D** Past Presidents of Command shall be voting delegates of the Command when attending a Command Convention but shall not be compensated for expenses incurred as per Article 814 A.
  - E** All proxy votes from Branches are to remain within their respective Districts/Zones.
  - F** Any proxy votes that cannot be distributed in their respective District/Zone shall be distributed to the Command Delegates by the respective District/Zone Commander and the Executive Director.
- 303** The Convention shall be any properly called and constituted assembly of the delegates.
- 304** A Command Convention shall be held at least once every two (2) years as may be determined by Executive Council. When such Convention is called, it shall be held on the long weekend in May.

- 305** The Executive Council may call a Special Convention, time and place as may be determined if the Council considers it expedient and necessary to do so.
- 306** The Executive Council shall call a Special Convention at any time upon the request of one third (1/3) of the Branches within the Command, such Convention to be convened at a date not later than sixty (60) days after receipt of the required number of requests.
- 307** As soon as possible, and except in the case of a Special Convention called upon pursuant to 305 and 306 not less than three (3) months prior to the date set for an assembly of delegates, the Executive Director shall notify each Branch of the time and place of a Convention.
- 308** Every Branch shall pay a registration fee for each delegate accredited to a Convention. Such fee shall be determined by the Executive Council from time to time and shall be paid to the Registration Committee of the Convention. As soon as possible and not less than thirty (30) days before the date set for an assembly of delegates, the Executive Director shall notify each Branch of the amount of the Convention registration fee and the date to which the dues must be paid to constitute a member in good standing.
- 309** Except as otherwise provided as per 314, credential certificates and other materials necessary for, and pertaining to, the Convention must be filed with the Executive Director not less than thirty (30) days before the date set for such Convention.
- 310** The Convention shall have the power to elect or appoint officers, agents, or committees and to give them authority to administer any defined activities or business of the Convention.
- 311** Only Ordinary, Life, Associate and Affiliate Voting members as defined in the General By-Laws shall be entitled to vote or hold office in, or be a member of the Executive Council or any Committee of the Command. No person shall be nominated for any office unless he be present or has signified such willingness in writing to accept such an office prior to the election.
- 312** The President of the Command shall appoint any special officers necessary to facilitate the orderly and proper conduct of the Convention's business.

Such officers must be voting delegates of the Command and shall receive 2 days allowances as per 814A.

**313** Except in the case of a Special Convention called pursuant to the provisions of #305 and #306, notices of and copies of all resolutions for submission to a Convention shall be in the hands of the Executive Director not less than four (4) months previous to the opening date of such Convention and the Executive Director shall notify the Branches not less than five (5) weeks before such a Convention date of all resolutions.

**A** In the case of a Special Convention such notice shall be given as soon as possible.

**B** Resolutions for consideration may be submitted by a branch or branches, or a standing committee of NS/NU Command.

**C** Resolutions received after the designated time frame noted in Article 313 (4 months previous to the opening date of such convention) will be considered as Late Resolutions and shall be referred to the Constitution & Bylaws Committee for review prior to submission and consideration at the pre-conventions Executive Council meeting.

**D** Late resolutions considered urgent by Executive Council will be presented to convention for debate. Resolutions not accepted as urgent by Executive Council will be returned to the respective branch for future consideration.

**314** The reports of District Commanders, Dominion Command Representative and Chairpersons of all Command committees (except Finance) shall be in the hands of the Executive Director by February 15<sup>th</sup> of the Convention year. Any reports received after the deadline will not be included in the Convention Book.

## **Section B – Convention Rules**

**315** The Chairman, or failing him, the Immediate Past President will discharge the duties of the presiding officer, and except where herein otherwise provided, will ensure that the business of the Convention is conducted in accordance with recognized legion publications.

**316** The presiding officer shall enforce order and strict observance of the By-Laws. He shall decide on all points of order subject to an appeal to the Convention.



- 317** Anyone wishing to speak shall rise and address the presiding officer. He shall wait until recognized and shall state his name and Branch before speaking.
- 318** When debate on any question has ceased, the presiding officer shall put the question, giving the exact words of the resolution or motion clearly so that every delegate may understand the question on which the vote is being taken.
- 319** Accredited delegates only shall be permitted to vote or hold proxies at a Command Convention. No delegate shall carry more than four (4) proxy votes.

Voting procedures for the election of officers:

- A** Only accredited delegates on the floor may vote.
- B** A booklet containing ballots will be issued to each accredited delegate; separate booklets will be provided for each proxy held.
- C** Proxy ballots will be issued only to those entitled to them according to the records of the Credential Committee.
- D** Names of candidates will be posted in order of nomination.
- E** The Election Chairperson will designate the ballot to be used by number and colour.
- F** The method of voting will be to place the name of the candidate to be voted on the appropriate ballot. Do not write on any ballot until instructed by the Election Chairperson.
- G** Before ballot vote commences, the Election Chairperson will order the doors to be tiled. The Sergeant-at-Arms will ensure that all doors and exits are guarded and no one may enter or leave the Convention Hall until after the vote has been completed and the Election Chairperson so orders.
- H**
- I** When balloting is for the election of a single officer, the candidate receiving the majority of the votes cast shall be elected.
- II** If no candidate received a majority vote or received a majority of the total votes cast on the first ballot, a

second ballot shall be held, deleting the name of the candidate receiving the least number of votes on the first ballot.

**III** However, if the total of the votes received by the two with the lowest number of votes is less than the votes received by the candidate with the next lowest number of votes, the names of the two with the lowest number of votes shall be deleted from subsequent ballots.

**I**

**I** When the balloting is for the election of more than one officer, delegates may vote for up to, but not more than, the number of officers to be elected.

**II** A person may not vote more than once on the ballot for any candidate.

**III** The ballots shall be in a form approved by the Convention Arrangements Committee.

**IV** Ballots not marked in conformity to this section shall not be counted.

**V** The candidates receiving a majority of the ballots cast shall be elected.

**J** If one or more, but not all, candidates receive a majority on the first ballot, a second ballot shall be held for the office, deleting the names of the candidates with the lowest number of votes on the first ballot.

**K** Whenever on any ballot no candidate is elected, the name of the candidate who received the lowest number of votes shall be deleted from subsequent ballots, provided that

**I** If the total of the votes received by the two (2) with the lowest number of votes is less than the votes received by the candidate with the next lowest number of votes, the names of the two with the lowest number of votes shall be deleted from subsequent ballots, and

**II** Similarly, if the three (3) candidates having the lowest number of votes do not have a total vote equal to that of the candidate having the next lowest number of votes, their names shall be deleted from subsequent ballot.

**L** Command Convention may, by resolution, carried by two thirds (2/3) majority of the total votes cast, amend or adopt such rules to govern voting as may be necessary.

**320** If the presiding officer is a delegate he shall vote as such when the ballot is taken.

**321** When the vote stands equally for or against the question, the presiding officer shall declare the resolution or motion lost.

**322** All motions shall be presented in the affirmative form.

**323** The Executive Director shall make copies of all written reports to come before the Convention available to the delegates at the time of registration and shall determine that each member of the Convention has a copy of each and all such reports.

**324** By unanimous consent the Convention may waive notice of motion to permit consideration of any urgent business, but no notice of motion shall be required to consider the recommendation of a sessional or standing committee.

**325** For any urgent reason, and by unanimous consent, the Convention may suspend any or all of the By-Laws of this Command with the exception of Article XV for the purpose of dealing with a definite question. Such suspension shall not be unlimited and the Convention shall have no power to suspend the provisions of the "Act to Incorporate" or the General By-Laws.

**326** No private discussion shall be held when the Convention is in session, nor shall any debate be conducted in an unseemly manner, and delegates are enjoined to participate in the proceedings in a spirit of understanding and comradeship.

### **Section C – Order of Business**

**327** The presiding officer shall call the Convention to order at the appointed hour; and, all standing, those assembled shall remain so with bowed heads in memory of fallen comrades.

**328**

**A** The order of business for this opening will be:

**I** O Canada (one verse)

**II** Resolution of Loyalty

**III** Receipt of greetings, welcomes and replies to same

**B** The order of business for the first business session will be:

**I** Submission of reports of Presidents and other officers, officials and standing committees.

**II** Announcement of appointments to Convention Committees and of Honorary Chaplain of the Convention.

## **Section D – Compliance with Canadian Law**

**329** To comply with the *Canada Not-for-Profit Corporations Act*, in an off-Convention year at Command level, there shall be an annual meeting held which will have as a minimum the following agenda:

**A** Presentation of the audited financial statements.

**B** Approval of the auditors.

## **Section E – Notice of Annual Meeting**

**330**

**A** A Command notice shall be provided in an All Branch Mailout issued not more than 90 days and not less than 21 days before the annual meeting.

**I** The notice shall specify: "The Executive Council of Command hereby gives notice of an Annual General Meeting of the Command which will take place at (time), (date), (location)."

**II** Agenda for the meeting:

**a)** Presentation of the audited financial statements; and

**b)** Approval of the auditors for (years).

**B** This meeting is being held to fulfill the requirements of the *Canada Not-for-Profit Corporations Act*. Members wishing to make comment or raise questions on these two items may do so by written submission to Nova Scotia/Nunavut Command, 61 Gloria McCluskey Avenue, Dartmouth, NS, B3B-2Z3 to be received no later than (date 14 days prior to the meeting).

**C** Documentation pertaining to the annual meeting shall be made available on the Command website at [www.legion.ns.ca](http://www.legion.ns.ca) at

least 21 days prior to the annual meeting or upon written request by a member enclosing a self-addressed stamped envelope received at Command at least 14 days prior to the annual meeting.

- 331** Members may make submissions on the agenda items in writing to Command which will be considered at the meeting if received at least 14 days prior to the meeting.
- 332** A quorum for the meeting shall be a majority of the Executive Council.

#### **ARTICLE IV – DISTRICTS AND ZONES**

- 401** From time to time, the Convention may divide the jurisdiction into Districts and Zones to facilitate supervision of the activities of the Command.
- 402** The Command may, by By-Law, group two or more Zones in a specified area into a unit to be known as a District.
- 403** No Branch shall be transferred to a different Zone or District without prior direct notification to the Branch.
- 404** A District or Zone is designed to ensure equitable representation on the Executive Council and to facilitate supervision and advice in Branch work.
- 405** A meeting of the delegates from each Branch in each District or Zone may be held not less than thirty (30) days prior to the opening date of a convention, other than a Special Convention. Each Branch in the District or Zone shall be given notice in writing at least seven (7) days before the meeting is held and said meeting shall be held in the District or Zone area.
- 406**
- A** Each Branch in a District and Zone, with the exception of Cape Breton District A and Nunavut District G shall be entitled to two (2) voting delegates at a District/Zone meeting or election. Each such delegate must be a member in good standing of the Branch he represents.

**B** Each Branch in Cape Breton District A and Nunavut District G shall be entitled to voting delegates at a district meeting based on the following formula:

**I** Three (3) delegates for one hundred (100) members or less;

**II** Four (4) delegates from one hundred and one (101) to one hundred and fifty (150) members;

**III** Five (5) delegates from one hundred and fifty one (151) to two hundred (200) members; and

**IV** Six (6) delegates for two hundred and one (201) or more members with a maximum to be six delegates.

**C** Each such delegate must be a member in good standing of the Branch he represents.

**407** A District Commander shall be elected to each District and a Zone Commander shall be elected in each Zone. District Commanders shall be a member of the Executive Council and his term of office shall be concurrent with that of the elected officers of the Command.

**A** To be elected as a District Commander, a member in good standing of a Branch must have served as a District or Zone Commander, a Deputy District or Deputy Zone Commander or a Branch President for at least one full term.

**B** To be elected as a Zone Commander, a member in good standing of a Branch must have served on the District/Zone or Branch Executive or as District/Zone Commander or Deputy District/Zone Commander for one full term and his term of office shall be concurrent with that of the elected Officers of the Command.

**C** Election of a District/Zone Commander shall be in accordance with By-Law 406.

**408** When other than expiration of office, the office of the District/Zone Commander becomes vacant, the Branches in the District/Zone shall be requested to call a District/Zone meeting and elect a Commander to fill the vacancy. The newly elected District/Zone Commander shall be installed within thirty (30) days of his election, by an officer of the Command.

## 409

- A** A Zone meeting other than for the election of a Zone Commander may be held at the discretion of the Zone Commander provided that, if three (3) Branches in the Zone forward a written request to the Zone Commander asking that a Zone meeting be held and stating the purpose for which the meeting is requested, the Zone Commander shall within twenty-one (21) days from the date of receipt of such requisition call a Special Zone Meeting to deal with the business stated in the requisition.
- B** A quorum for any Zone meeting shall be the majority of branches within the Zone being represented by at least one delegate from that branch.

## 410

- A** A District meeting other than for the election of District officers shall be as laid down in the Terms of Reference of the District, provided that if a majority of the Branches in the District forward a written request to the District Commander asking that a District meeting be held and stating the purpose for which the meeting is requested, the District Commander shall within twenty-one (21) days from the date of receipt of the requisition call a Special District Meeting to deal with the business stated in the requisition.
- B** A quorum for any District meeting shall be the majority of branches within the District being represented by at least one delegate from that branch.
- C** Districts shall hold individual District meetings a minimum of 3 times per year.

## 411

- A** The Zone Commander shall visit each Branch in his Zone at least twice a year and may organize an active Zone Board comprising of representatives of each Branch for the purposes of consultation upon mutual problems, united effort and interest.
- B** He shall check with the Branch Presidents and Secretaries to see that all correspondence and circular letters issued by Command and Dominion Command receive attention and that

their purport is conveyed to the general membership of the Branch.

- C** He shall check with the Branch Presidents and Secretaries to see that all reports, statements, and questionnaires due to Command and Dominion Command are dealt with promptly. In this regard, he shall himself set an example by replying promptly to all correspondence directed to him.
- D** He shall impress upon Branch Secretaries or Secretary-Treasurers the need and importance of prompt payment of Branch accounts, particularly in payment of per capita tax which keeps a Branch in good standing and ensures the receipt of the LEGION MAGAZINE by members.
- E** He shall give particular attention to any Branch whose membership or activities appear to be on the decline and should assist Branches to organize membership drives and special activities, paying concentrated attention to the annual Poppy Campaign.
- F** He shall ensure that the Branches in his Zone comply fully with the General By-Laws and with these By-Laws. He shall exercise general supervision over the Branches in his Zone, except in Nunavut District where the District Commander will do so.

**412** The Zone Commander shall be the Chairman of the Zone Board and the District Commander shall be the Chairman of the District Board. The Branches may appoint/elect such representatives to the Board as deemed necessary and advisable. Such members shall have no vote unless they are one of the Branch's voting representatives.

**413** Neither the District Board nor the Zone Board shall have the power to enact By-Laws or to set up any rules or regulations binding upon the Branches or the members without permission from Command.



**414** The structure of Command will be as follows:

- District A – Zones 1, 2 and 3
- District B – Zones 5 and 6
- District C – Zones 7 and 10
- District D – Zones 8, 9 and 11
- District E – Zones 12 and 13
- District F – Zones 14 and 15
- District G – Nunavut

**415** The Command President shall not remove or by-pass any District/Zone Commander without due process or upon request of the said District/Zone Commander.

**416**

- A** A District or Zone shall elect or appoint a Deputy District or Zone Commander whose term of office will be the same as the District/Zone Commanders.
- B** The District or Zone Commander shall assign duties to the Deputy within their respective district or zone.
- C** The Deputy District or Zone Commander will be installed in accordance with the Ritual and Insignia Manual, R.C.L.
- D** Before a Deputy Commander can temporarily assume the duties of the Commander, the District or Zone Commander must notify Command in writing, stating the reason and length of time, if known, that the Deputy will be serving in this capacity.
- E** If the Deputy Commander can temporarily assume the duties of the Commander, which may include attendance at Executive Council meetings, he may claim allowances as per 814 A that the Commander would be entitled to receive for Command duties.
- F** If the District/Zone Commander is a "member" of a Command Committee, it will be at the discretion of the Command President if the Deputy will assume these duties.
- G** If the District/Zone Commander is a "Chairman" of a Command committee, the Deputy will not assume these duties; the Command President will appoint an interim Chairman if required.

**H** If the District/Zone Commander cannot resume his duties for any reason, then Article 408 shall come into effect.

## **ARTICLE V – OFFICERS**

**501** From time to time a Patron may be appointed by the Executive Council.

**502** The Officers of the Command shall be the President, First Vice President, Second Vice President, Treasurer, Chairman and Immediate Past President.

**503**

**A** The Command President shall be a representative of the Dominion Executive Council.

**B** In the event the President cannot attend the DEC meeting, he shall, upon notification to the Dominion Executive Director, name a substitute for that particular meeting.

**504** The Executive Council shall appoint a Command Chaplain and News Correspondent. The Command Chaplain shall be a voting delegate to the Command Convention and shall receive two (2) days allowances as per 814 A.

**505** The Executive Council may appoint a Grand President and Honorary President. They shall be voting delegates to the Command Convention, and shall receive two (2) days allowances as per 814 A.

**506** With the exception of the Immediate Past President, officers shall be elected by ballot at each Command Convention other than a Special Convention by a majority vote of those present entitled to vote in person or by proxy and shall hold office until the next such convention.

**507**

**A** When other than by expiration of term of office, the office of the Command President becomes vacant, the Command 1<sup>st</sup> Vice President shall succeed to this office.

**B** When other than by expiration of term of office, or succession to the Command Presidency, the office of 1<sup>st</sup> Vice President becomes vacant, the Command 2<sup>nd</sup> Vice President shall succeed to this office. In the event that the 2<sup>nd</sup> Vice President

is unable to assume the position, an election by and from the Executive Council will be conducted to fill the vacant of 1<sup>st</sup> VP. If a District Commander is elected to this position, there shall be an election in the District to restore the Executive Council.

- C** When other than by expiration of term of office, the office of the 2<sup>nd</sup> Vice President becomes vacant there shall be an election by, and from, the Executive Council to fill this position. If a District Commander is elected to this position, there shall be an election in the District to restore the Executive Council.
- D** When other than by expiration of term of office, the office of Treasurer becomes vacant, the Council shall appoint one of its members to carry out the duties of the office made vacant but such appointment shall not be deemed a vacancy in the Council, and shall receive a stipend in lieu of mileage as determined by the Finance Committee and in consultation with the Executive Council.
- E** When other than by expiration of the term of office, the office of Immediate Past President becomes vacant, the Executive Council shall appoint a Past President Member from the Command to fill this vacancy for the remainder of the term.
- F** When other than by expiration of term of office, the office of the Command Chairman becomes vacant, the Executive Council shall fill the vacancy for the balance of the term by nominating a candidate for appointment by the Command President until elections are held at the next Command convention.

**508** When other than by expiration of term of office, the offices of President, 1<sup>st</sup> Vice President and 2<sup>nd</sup> Vice President become vacant at one and the same time, the provisions of Article III, #305 will come into effect.

**509** There shall be an Executive Director who shall be hired by the Executive Council and he shall also be the Command Executive Director, and be a full time employee of the Command. He shall receive such remuneration as the Council may determine.

**510** There shall be an auditor or auditors appointed by the Convention and who may receive such remuneration as the Executive Council may determine.

**511** Such other persons as are necessary to be employed for the proper administration of the Command's business shall be

appointed by the Executive Council and may receive suitable remuneration for the service rendered.

- 512** Except as specifically provided by the "Act to Incorporate", the General By-Laws and these By-Laws, the officers shall be governed by the common usages, practices and customs of their offices.
- 513** The appointive officers and all employees of the Command shall carry out the duties assigned to them as the Executive Council may require of them and shall be governed by the "Act to Incorporate", the General By-Laws and these By-Laws.
- 514** The President shall exercise general supervision of the Command office and of appointive officers and employees, in consultation with the Personnel Committee.
- 515** All official information for publication to the press or otherwise shall be issued by the President or by the Public Relations Chairperson/Command Executive Director upon the authorization of the President.

## **ARTICLE VI – EXECUTIVE COUNCIL**

- 601** The Executive Council shall comprise of the Elected Officers, District Commanders, the Immediate Past President, and in addition, one representative of each of the Special Sections charged with watching over the interests of special classes of ex-service men and women, as set out in the General By-Laws, provided there are Branches of such Special Sections within the Command.
- 602** The Executive Council shall have the power to administer the business and activities of the Command subject to the authority of the Convention in accordance with the provisions of these By-Laws and the General By-Laws and of the "Act to Incorporate".
- 603** The Executive Council (the 7 District Commanders, the 5 Elected Officers and the Immediate Past President) will meet at least 3 times per year; February via videoconferencing; May in a non-convention year via videoconferencing and September in person at Command Office.

In a convention year Executive Council will meet in person on the Saturday prior to the opening of convention and on the Tuesday

following the closing of convention at the most cost effective available location.

Special Executive Council Meetings unless considered necessary by NS/NU Command President to be convened in person, will be held via videoconferencing.

In a non-convention year, unless considered necessary by NS/NU Command President to be convened in person, the Annual General Meeting will be held via videoconferencing immediately prior to the Executive Council Meeting in May.

- 604** A majority of the Executive Council shall constitute a quorum.
- 605** The Chairman, or in his absence the Immediate Past President, will discharge the duties of the Chairman of meetings of the Executive Council.
- 606** By direction of the President, consultation of the Executive Council, may be held by email, telephone or virtually and subsequently confirmed by letter, and a ballot of the Executive may be taken by mail or virtually.
- 607** The President, the 1st and 2nd Vice Presidents, the Treasurer, the Chairman, and the Immediate Past President shall be the Sub-Executive Committee and that the Sub-Executive Committee shall meet only when it is deemed necessary by the Command President or by a minimum of 3 members of the Sub-Executive.

## **ARTICLE VII – COMMITTEES**

- 701** All Committees of a Convention shall be chosen by the President from among the delegates accredited to it, but any member of a Branch of the Command may be appointed to any Standing Committee provided that the appointment of any such shall not contravene the By-Laws.

**702** The Sessional Committees of a Convention shall be:

- Committee on Resolutions
- Committee on Ways & Means
- Committee on Procedure
- Committee on Credentials

**703** A Convention may appoint any Committee to be a Standing Committee subject to the terms of the "Act to Incorporate" and the General By-Laws and instruct it to report to the Convention next following. The tenure of the Committee may be fixed but shall not extend beyond the closing date of the Convention next following.

**704**

**A** The Standing Committees of the Command shall be:

- Appeals (consisting of Immediate Past President, 2<sup>nd</sup> Vice President and most recent Past President)
- Bursary
- Constitution & By-Laws
- Finance & Building
- Sports
- Public Relations
- Membership
- Poppy
- Complaints
- Alcohol & Gaming
- Ritual, Awards & Protocol
- Legion Leadership & Development
- Veterans Services, Seniors & Legislation
- Personnel Committee (consisting of 1<sup>st</sup> Vice President, 2<sup>nd</sup> Vice President and Treasurer)
- Veterans Outreach
- Grand Parade

**B** The Chairman of each Standing Committee shall be a member of the Executive Council or a Zone Commander either as designated by the President after consultation with the 1<sup>st</sup> and 2<sup>nd</sup> Vice Presidents.

**C** The members of each Standing Committee other than the Finance & Building Committee shall be nominated by the President after consultation with the 1<sup>st</sup> and 2<sup>nd</sup> Vice Presidents, but the appointments shall be subject to ratification

by the Executive Council and each member must be a member in good standing of a Branch within the Command.

- D** The term of office of each Chairman and of each member of a Standing Committee shall be concurrent with that of the elected officers of the Command.
- E** Other than by expiration of term of office, the appointment of a Chairman or any member of any Standing Committee may be terminated only by the Executive Council.
- F** Interim vacancies in any Standing Committee may be filled by the Executive Council.

**705** All Standing Committee meetings shall be held at the Command office; however, if more cost effective, the meetings may be held in another location chosen by the Chairman or as directed by the President and/or teleconferencing/email.

**706** The Constitution & Bylaws Committee shall examine and report upon all proposed amendments to these By-Laws and all proposed changes to the Standardized Branch By-Laws. The Committee shall promptly furnish the Executive Council with a report of its deliberations and conclusions and make a full report of its activities to the Convention.

**707** The President shall be an ex-officio member of all Standing Committees and shall receive notice of every meeting of each such committee.

## **ARTICLE VIII – FINANCE**

**801** All monies payable to the Command shall be paid to the Executive Director.

**802** All monies received by the Executive Director for the Command shall be deposited by him forthwith in the name of the Command with such Chartered Financial Institution as, from time to time, may be designated by resolution to the Executive Council.

### 803

- A The Command Capital Reserve Fund of \$100,000.00 shall not be utilized without approval of the Executive Council.
- B The \$25,000.00 Supplementary Fund building maintenance and renovations will not be used without the prior approval of the Sub-Executive.

**804** All payments by Command shall be by cheque or Electronic Funds Transfer (EFT) method as determined by the Finance Committee and the Treasurer.

### 805

- A The President shall submit the name of the Finance & Building Committee Chairman at the Post Convention Council Meeting and the President will name the other two members with the consultation of the 1<sup>st</sup> and 2<sup>nd</sup> Vice Presidents (Treasurer & one other).
- B The positions of Command Treasurer and Finance & Building Committee Chairman **shall not be combined under one chairmanship**. If the Treasurer accepts the appointment of Finance & Building Committee Chairman then the elected position of Treasurer shall be deemed forfeit and the provisions of Article 507 D will come into effect.

### 806

- A It shall be the duty of the Treasurer to examine all accounts with the exception of emergency expenditures (see 806 B), presented to the Command for payment and to approve all routine expenditures that he/she considers correct. He/she may refer any such accounts to the Finance Committee and shall refer to the Finance Committee any extraordinary expenses in excess of \$500.00.
- B Any emergency expenditures required to maintain the routine internal day to day operations of the Command office shall be at the discretion of the Command Executive Director in consultation with the Command President and the Finance Chairman.



- 807** No officer, member of the Executive Council nor official, shall contract any expenditure involved in the administration of the business of the Command, without first securing the approval of the Executive Council of the Command.
- 808** All Staff shall be bonded in a recognized Guarantee Corporation in an amount not less than \$2,000.00 – the premium to be paid by the Command.
- 809** All cheques shall be signed by the Executive Director and countersigned by the Treasurer, or in the unavailability of either the Executive Director or the Treasurer, by two signing officers of Command as designated and appointed by Executive Council. No cheque shall be signed in blank.
- 810** Upon proper authority, the President and Treasurer or in his absence the Executive Director, shall sign all undertakings, instruments and contracts (other than cheques) involving the liability of the Command.
- 811** The Executive Director shall keep proper books of accounts and a correct record of all the financial transactions of the Command. He shall surrender his books to the Auditor, or Auditors for examination when required to do so. At all times the books shall be open to inspection by the President, the Treasurer and the Finance Committee.
- 812** The auditor, or auditors, shall make an audit of all Command accounts from time to time and annually shall furnish full reports upon the financial condition of the Command for presentation to the Executive Council and the Convention.
- 813** The calendar year shall be the financial year of the Command.
- 814**
- A** Members of the Executive Council, members of standing committees and any employees of the Command may be entitled to receive allowances for lodging, meals, and mileage when attending council meetings, committee meetings or convention for transaction of business of the Command.
- I** Lodging allowance is only authorized when travelling more than 300 Kilometres (return) from their normal place of residence and have a combined travel and business totalling 9 hours or more.

- a) Lodging allowance will be reimbursed by receipt only.
- b) Executive Council will set the maximum daily allowance rate for lodging reimbursement at the first Executive Council meeting of each year.

**II** Meal allowance is **only** paid for meal period(s) missed during the course of those duties. Employees must be away from the Command Office and members of the Executive Council or standing committees must be away from place of residence for more than 4 hours.

**III** Meal allowance shall be adjusted quarterly at a rate within the tables as set by The National Joint Council Appendix C.

**IV** Kilometric rate for mileage allowance shall be adjusted quarterly at a minimum of 10 cents lower than the rate within the tables as set by The National Joint Council Appendix B.

**B** Authority for members of all standing committees attending a convention at Command expense must be obtained prior to attending said Convention.

**C** A sum of money agreed to by the Convention from time to time may be paid to Zone and District Commanders to reimburse them in part for expenses incurred in the performance of their duties.

**D** All allowance claims for Convention shall be reimbursed as per 814 A.

**815** With the objective and intention of continued support to Members and Stakeholders over the long term, Nova Scotia/Nunavut Command, as a Not For Profit Organization, will practice prudent financial management in a manner consistent with guidance issued by Canada Revenue Agency.

## **ARTICLE IX – TRUSTEES**

### **901**

**A** The Executive Council shall appoint three Members to be a Board of Trustees to administer any monies or other assets given or bequeathed to the Command and held in Trust, upon the terms and conditions and for the purposes specified by the

Donor, Testator or Settler and the Board must submit an annual inventory report to Command on the property, building and contents by the end of the fiscal year.

**B** The Chairman of the Board of Trustees shall retire at the Biennial Convention and a new member shall be appointed, the Senior Member remaining shall automatically become Chairman of the Board for the ensuing two years. In the event of a Trustee being replaced for any reason, the Successor upon appointment shall have all the duties and powers of the Trustee whose place he takes on the Board.

**C** Any Trustee of Command shall not be a Member of the Executive Council. Any Trustee of a Branch shall not be a Member of the Branch Executive.

**902** In case any Trustee shall die or resign from the trust or become unfit or incapable of acting, or refuse to act, or be removed from office upon conviction of an indictable offence, the Branch or Command shall forthwith appoint a successor who, upon appointment, shall have all duties and powers of the trustee whose place he takes upon the board.

**903** A Branch at a General Meeting or a Command may by resolution remove any trustee. In each case notice of motion to so act shall be given at the next preceding meeting or by notice in writing addressed to each Branch or Command Executive Council concerned and mailed to each member at least two weeks before the date of the meeting at which the matter is to be brought up.

**904** The President of the Command shall be an ex-officio member of the Board.

**905** The books and records of the Board shall be maintained by the Executive Director, and shall be open to audit and inspection in the same manner as other books of the Command or Branch.

**906** The Board shall make an annual report to the Command or Branch.

## **ARTICLE X – BRANCHES**

**1001** The Branch shall strictly observe all provisions and regulations set out in the Act of Incorporation and the General By-Laws governing their relations and responsibilities to this Command and shall further observe all By-Laws of this Command

**1002** Branches shall make prompt and correct returns of all monies due to and all documents and information required by this Command for the orderly and expeditious conduct of the Command's business.

**1003** The Command and/or Branch shall not enter into a written long term agreement with a Legion Member or Affiliate or any employee that provides financial guarantees or privileges without the prior approval of the Command.

**1004**

**A** All branches within NS/NU Command shall adhere to the Standardized Branch Bylaws package, which includes Annex A. Amendments to these Bylaws will be according to Article 1501 of said bylaws.

**B** Annex A of the Standardized Branch Bylaws package shall be reviewed by the branch annually and any necessary adjustments shall be submitted to the Executive Director by the end of June.

**C** Any changes to the branch Ladies Auxiliary Bylaws will be regulated by Article XIII of the Standardized Branch Bylaws package and are not to be acted upon until ratified by the By-Laws Committee of Command.

**1005** No Branch shall carry on any business, canvass or propoganda in the name of the Command without consent of the Executive Council.

**1006** No Branch shall carry on any canvass in the territory of another Branch without the permission of such other Branch.

**1007** Command will levy a fee for filing of complaints as set out in the General By-Laws. Command will levy a fee of \$100.00 for the filing of all appeals lodged with Command. This Appeal fee will be returned to the appellant if the appellant fully succeeds on the appeal, or the appeal committee determines that the fees should be refunded.

**1008** All Branches of Command shall within 45 days of the end of the previous month, provide a financial statement to Command on a Command approved format.

- A** Any branch that falls in arrears by the 45 days in submitting a financial statement to Command shall be reminded of such by either letter or email and shall have 14 days to comply thereafter.
- B** Any branch that fails to comply with the provisions and regulations of this article within the prescribed time limits may necessitate the Command President to send an audit committee to assess the branch financial records. Any costs incurred by this audit committee will be the responsibility of the branch.

**1009** As of 2015 a ten percent (10%) assessment has been instituted on the balance of all branch Poppy Trust Fund accounts.

- A** Command will invoice all branches on the balance of the account which is indicated on the "Branch Status Report Line G" as of 30th day of each September.
- B** Branches will forward the funds made payable to the Command Poppy Trust account no later than December 15th in the year of the assessment.

## **ARTICLE XI – RITUAL, AWARDS & PROTOCOL**

**1101** It is the policy of this Command that there be a five (5) year waiting period between application/approval of Life Membership, Meritorious Service Medal, Meritorious Service Award and Palm Leafs.

## **ARTICLE XII – AFFILIATES**

**1201**

- A** Affiliate Voting: membership will be as per the General By-Laws Article 208.
- B** Affiliate Non-Voting: membership will be as per the General By-Laws Article 209.

## **ARTICLE XIII – LADIES AUXILIARIES**

**1301** A Ladies Auxiliary to a Branch may be constituted with the consent and approval of the Branch.

- 1302** By-Laws governing the membership and activities of an Auxiliary may be adopted by the Auxiliary, but shall not be inconsistent with the General By-Laws or with these By-Laws. By-Laws adopted by an Auxiliary shall not become effective until approved by the Branch and by the Command.
- 1303** A person who became a member of an Auxiliary as the spouse of a Branch member, and who is a member of the Auxiliary at the time of the death of such Branch member or at the time of divorce or separation from such Branch member, shall be eligible for continuing membership.

#### **ARTICLE XIV – COMMAND STAFF**

**1401** Command Staff shall consist of the following:

- A** Command Executive Director
- B** Command Service Officer(s)
- C** Administrative Assistant
- D** Bookkeeper/Clerk

**1402** Job descriptions for the above Command positions will be as set out in the Command Policy Manual.









#### **ARTICLE XV – AMENDMENT**

- 1501** When the Convention is not in session, the Executive Council may amend these By-Laws provided that no amendment may be made by the Executive Council which would;
- A** affect the authority of the Convention, or vary the time at which or the manner in which it may be convened, or alter its composition;
  - B** vary the composition of the Executive Council or increase its authority or prerogatives;
  - C** vary the manner in which these By-Laws may be amended; or,
  - D** vary #814 A of these by-laws.
  - E** And provided moreover that any amendment enacted by the Executive Council shall cease to be in force and effect at the close of the next regularly scheduled Command

Convention unless ratified and confirmed at such Convention.

- 1502** Notwithstanding anything herein before contained, this section shall not be subject to waiver or suspension but may be amended as itself provides.
- 1503** Command shall provide a Standardized Branch By-Laws package which, in combination with the branch policy manual, shall govern the affairs of all Branches.
- 1504** These By-Laws may be amended, repealed or re-enacted at any Command Convention or Executive Council by a majority vote; however, they will not come into effect until approved by Dominion Command.

## AMENDMENTS

#	Article/Item #	Date	Signature/Approval
1	II (205)	Sep 7/13	
2	III (302-C, 304 and 328Aii-332)	Sep 7/13	
3	VI (602)	Sep 7/13	
4	XIV (1401A)	Sep 7/13	
5	XV (1501)	Sep 7/13	
6	V (510)	Sep 7/13	
7	V (507-516)	Feb 8/14	
8	III (313A-C)	Feb 28/15	
9	VII (704A)	Feb 28/15	
10	VIII (804 & 805B)	Feb 28/15	
11	X (1004A-B, 1009, 1010)	Feb 28/15	
12	XII (1201A-B)	Feb 28/15	
13	I (103)	Sep 26/15	
14	III (302B-C,E-F, 319L 330A,I,II,a),B-C, 331)	Sep 26/15	
15	IV (406I-IV,C, 409B, 410B, 411B-C, 413, 414, 416D-E)	Sep 26/15	
16	V (504, 505, 509)	Sep 26/15	
17	VII (704A, 705)	Sep 26/15	
18	VIII (814A,I,a),b),II,III,IV,B-C, 815)	Sep 26/15	
19	X (1004D, 1010, 1011)	Sep 26/15	
20	XV (1501C-E, 1503, 1504)	Sep 26/15	
21	VIII (814 C & D)	May 14/16	
22	IV (414)	Sep 24/16	
23	VIII (814 C)	Feb 25/17	
24	III (302)	Sept 16/17	
25	III (309)	Sept 16/17	
26	III (311)	Sept 16/17	



## AMENDMENTS

#	Article/Item #	Date	Signature/Approval
27	XIV (1401)	Sept 16/17	<i>AJ Tall</i>
28	X (1010)	Sept 15/18	<i>AJ Tall</i>
29	X (1010 A)	Sept 15/18	<i>AJ Tall</i>
30	III (302)	Sept 15/18	<i>AJ Tall</i>
31	III (311)	Sept 15/18	<i>AJ Tall</i>
32	Term of Reference change all reference of Secretary to Executive Director	Feb 9/19	<i>Marion Inghy Cook</i>
33	Term of Reference change all reference of Honors & Awards to Ritual, Awards & Protocol	Feb 9/19	<i>Marion Inghy Cook</i>
34	VIII (815 A Renumbered)	July 5/19	
35	VIII (815 B New)	July 5/19	<i>Marion Inghy Cook</i>
36	X (1009)	Jan 27/20	<i>Glenn McHenry</i>
37	V11 (704 A)	Apr 21/20	<i>Glenn McHenry</i>
38	V111 (313 B)	Apr 21/20	<i>Glenn McHenry</i>
39	V11 (706)	Apr 21/20	<i>Glenn McHenry</i>
40	V111 (806 A)	Apr 21/20	<i>Glenn McHenry</i>
41	V111 (806 B New)	Apr 21/20	<i>Glenn McHenry</i>
42	V11 (704 A)	Sept 19/ 20	<i>Glenn McHenry</i>
43	Article 1006	Sept 19/20	<i>Glenn McHenry</i>
44	III (304)	Nov 5/20	
45	III (307)	Nov 5/20	
46	III (309)	Nov 5/20	<i>Glenn McHenry</i>
47	III (313)	Nov 5/20	
48	III (314)	Nov 5/20	
49	III (312)	Apr 6/21	<i>Glenn McHenry</i>
50	VI (606)	Apr 6/21	<i>Glenn McHenry</i>
51	III (313 B & C)	Jun 22/21	<i>Glenn McHenry</i>
52	III (313 D New)	Jun 22/21	<i>Glenn McHenry</i>







