

# **STANDING RULES**

## **DIVISION 12**

### **FIFTH COAST GUARD DISTRICT [NORTHERN REGION]**

#### **UNITED STATES COAST GUARD AUXILIARY**

##### **ARTICLE I -- NAME**

- 1.1 The name of this organizational unit is DIVISION 12, FIFTH COAST GUARD DISTRICT, [NORTHERN REGION], UNITED STATES COAST GUARD AUXILIARY, (hereinafter, the "Division").

##### **ARTICLE II -- STANDING RULES; LIMITATIONS AND AMENDMENTS**

- 2.1 These Standing Rules (sometimes referred to herein as the "Rules") shall govern the conduct of the business of the Division Board.
- 2.2 Any provision contained in the Standing Rules in conflict with the Auxiliary Manual COMDTINST M16790.1 (Series), hereinafter referred to as the "Manual", and all additions or amendments thereto, shall be null and void; or, when applicable, deemed to be amended so as to conform to the Manual. Any provision in the Standing Rules in conflict with any directive issued by the Commandant, United States Coast Guard, or the United States Coast Guard District Commander with jurisdiction of this District shall be null and void.
- 2.3 Any provision contained in the Standing Rules in conflict with the Standing Rules of the United States Coast Guard Auxiliary National Board shall be null and void, or, when applicable, deemed to be so amended as to conform thereto.
- 2.4 Approval of the Standing Rules shall be made as set forth in the Manual, as supplemented by these Rules.
- 2.5 In the event of any conflict between provisions in these Rules and a provision in an Appendix to these Rules, the provisions of these Rules shall govern.

##### **ARTICLE III -- ORGANIZATION**

- 3.1 The Division Board shall be comprised of the DCDR, DVCDR, each Division 12 FC, and the IPDCDR. The DCAPT (C), or his/her designate, is an ex officio member of the Division Board.
- 3.2 The Division Board ("BOARD") will: (a) Manage the day-to-day operations and business of this Division; (b) Meet as determined by the DCDR, DCAPT (C), DCO, or DIRAUX and (c) Review the progress of the Division Auxiliary as a whole and

constituent Flotillas, as necessary. The Board will study suggestions received from the Division members and will provide recommendations to the Flotillas where problems develop and when assistance is requested or needed.

- 3.3 Unless otherwise limited by the Manual or these Rules, the Board shall have the power and authority to exercise functions of the Division Board: (a) To the extent expressly authorized by the Division Board; and (b) On any matter which necessarily must be determined between Division Board meetings. The DCDR shall promptly give written notice to all Division Board members of any substantive action(s) taken by the DCDR in intervals between Division Board meetings. Unless modified or rescinded by the Division Board at the next regular or special meeting, Board actions shall be final.

#### **ARTICLE IV -- DIVISION OFFICERS**

- 4.1 The eligibility, terms of office, duties, and manner of election or appointment of Division Board Officers shall be as set forth in the Manual, as supplemented in these Rules.
- 4.2 The DCDR, in addition to the duties set forth in the Manual, shall have the following duties:
- 4.2.1 On or before 30 November of each year, the DCDR shall appoint all Division Staff Officers for the succeeding year, in writing, and advise all members of the Division Board and Staff (for the succeeding year) of such appointments, in writing. When a new DCDR has been elected, this duty shall become the responsibility of such DCDR-elect and shall be made for the succeeding year by the DCDR-elect no later than 15 December.
- 4.2.2 Be an ex-officio voting member of each Division Standing Committee.
- 4.3 The DVCDR, in addition to the duties set forth in the Manual, shall have such duties as may be assigned from time to time by the DCDR.
- 4.4 Any elected Division Officer may be removed from office, in the manner provided in the Manual.

#### **ARTICLE V – MEETINGS**

- 5.1 Regular meetings of the Division Board shall be held at such place as, from time to time, is selected by action of the Division Board. There shall be a minimum of two (2) Division Board regular meetings in each calendar year.
- 5.2 Special meetings of the Division Board, for any purpose or purposes, may be called by the DCDR, DIRAUX or the DCO, or at the written request of a simple majority of Division Board members, upon not less than fifteen (15) days prior written notice to all Board members. Such notice shall state the purpose(s) and the place, date, and time of the Special Meeting. The notice may be delivered personally or by regular mail and if by regular mail, shall be by certified mail, return receipt requested. The

Division Secretary shall include in the minutes of the Division Board proceedings a copy of the notice and the original of each mail receipt. If, and only if, each Division Board member has ready access to electronic mail ("email"), the notice may be sent by email. To be a valid notice by email, the recipient shall reply with an acknowledgement of receipt.

- 5.3 All regularly scheduled Division Board and Division Staff meetings shall be open to any member of the Auxiliary. Any Special Board meeting at which policies are made, voting is conducted, or funds voted to be disbursed, shall be an open meeting to all Auxiliary members. Meetings determining Division award recipients, and Special Meetings called by DIRAUX or the DCO to discuss unusually sensitive issues at which no formal vote is taken, or meetings of special purpose committees may exclude Auxiliary members who are not members of the particular committee or body holding the meeting.

## **ARTICLE VI – VOTING**

- 6.1 Provided either the DCDR or the DVCDR is present, a majority of the members of the Division Board shall constitute a quorum for the transaction of Division Board business at any meeting. The action of a simple majority (more than 50%) present and voting at a meeting, at which a quorum is present, shall be the act and decision of the Division Board unless a greater majority (or percentage) for specific action is required by the Manual or these Standing Rules. Such greater majority shall be based on the count of those members present and voting, provided a quorum is present. In all instances, all Division Board members present shall be included for the purpose of determining a quorum.
- 6.2 Voting on routine matters normally will be by voice vote or by a show of hands. At the request of any Division Board member on any pending motion or issue, a secret written vote shall be held on such motion or issue.
- 6.3 No proxy, absentee, or telephone vote shall be permitted or counted on any Division Board question. Each Division Board member shall have one vote on any motion or issue. There shall be no cumulative voting.
- 6.4 All voting, as well as all meetings, shall be conducted and held in accordance with the Manual, these Rules, and the current edition of Robert's Rules of Order Newly Revised. In the event of conflict among the Manual, these Rules, and Robert's Rules, they shall prevail in the order named.
- 6.5 No mail votes shall be submitted or counted at any regular or duly called special meeting of the Division Board. Matters requiring the vote of the Division Board, however, may be solicited and submitted in writing by mail if, from time to time, the DCDR deems it is impractical either to present a matter at a regular meeting or to call a special meeting of the Division Board.
- 6.5.1 Any such solicitation for votes by mail shall be in writing and delivered by certified mail, return receipt requested, to each Division Board member. The solicitation shall, as to each matter to be voted on by mail: (a) Clearly state the matter; (b) Be so worded that a "yes" vote will be to sustain or adopt the matter; (c)

Provide a space to be checked for an unqualified "yes" or "no" or "abstention" on the matter; and (d) State the name and address of the Division Officer to whom the vote(s) response is to be submitted. The solicitation shall provide for a period of not less than twenty (20) days from the date of mailing of the solicitation for submission of the mailed vote(s) on the matter(s).

6.5.2 So long as the member's responding vote is postmarked not later than the 20<sup>th</sup> day after the solicitation of votes has been mailed, such vote shall be counted on the matter(s).

6.5.2(a) If a member of the Division Board fails to exercise their privilege on any question or questions submitted by certified mail, return receipt requested, within the time limit fixed by the DCDR, the member's vote shall be included for purposes of determining a quorum, but shall be counted as present and not voting.

6.5.3 So long as a majority of the Division Board members respond with a vote, a simple majority of votes responding with a "yes" vote shall result in sustaining or adopting the matter. The vote tally resulting from such mail voting shall be the act and decision of the Division Board and shall be as conclusive and binding as a vote taken at a Division Board regular or special meeting. The results shall be announced immediately after the votes are tallied. At the next regular Board meeting, the DCDR shall announce the result of such mail vote. The Secretary shall include in the minutes of the Division Board proceedings a copy of the solicitation, the original of each mail receipt, and the original of each written vote received in response to the solicitation. Any Division Board member may review all such written evidence of a mail vote. Any such mail vote shall be effective as of the date of the 20<sup>th</sup> day after the solicitation mailing.

6.5.4 If, and only if, each Division Board member has ready access to email, such voting by mail may be conducted by email. After transmission of the e-mail to Division Board members, the Division Secretary shall within 24 hours notify each member of the Board by telephone that a time sensitive email concerning a Division Board vote has been sent to the board member's e-mail address. The procedure shall be the same as for solicitation of and voting by regular mail, except that the solicitation and each response shall be printed out and the Secretary shall include in the minutes of the Division Board proceedings the printed solicitation and each printed email vote. All such printed evidence shall be made available for review by any Division Board member. Any such email vote shall be effective as of the date of the 20<sup>th</sup> day after the solicitation mailing.

6.6 In the absence or inability of the DCDR to attend any meeting of the Division Board, the DVCDR may attend such meeting and vote in such DCDR's place and stead. In the absence or inability of both the DCDR and DVCDR to attend any Division Board meeting, the IPDCDR may attend such meeting and act and vote in such DCDR place and stead, unless the DCDR has specified otherwise in writing. If the DCDR, DVCDR and IPDCDR cannot attend a Division meeting, the DCDR may designate in writing to the DCO another Division member to represent the DCDR, but such representative shall have no vote on the Division Board.

## **ARTICLE VII -- DIVISION ELECTIONS**

- 7.1 The Division shall hold an annual election of officers for the ensuing year, usually at the October meeting, but prior to 20 November and after the District elections.
- 7.2 The DCDR shall appoint a Nominating Committee at the regular meeting in the month of August of each year.
- 7.2.1 Each individual seeking election to a Division elected office shall submit a letter of their intent to be a candidate to the DCDR. The DCDR shall refer the names of all such members submitting a letter of intent to the nominating committee, which shall confirm that each member who has submitted a letter of intent is eligible for the intended office.
- 7.2.2 The Nominating Committee will insure that those nominated are committed to fulfilling the duties of the office sought and meet the qualifications specified in the Manual.
- 7.2.3 The Nominating Committee shall present, in writing, the names of one or more candidates for the offices of DCDR and DVCDR at the regular meeting in September. The Nominating Committee report shall not preclude other nominations from the floor or the meeting at which elections are held. The DCDR shall encourage such additional nomination(s). It is the responsibility of the nominator, in the case of nominations from the floor, to insure those nominated will accept and are qualified per the Manual.
- 7.3 All notices of any election meeting shall be given to the DCO at least fifteen (15) days prior to the election meeting.
- 7.4 The presiding officer of all Division elections shall be a moderator appointed by the DCO before the election. The moderator must be a District member in good standing who: (a) Holds or previously has held the office of Flotilla Commander or any higher elective office; and (b) Is not eligible for the office(s) for which the election is being held. The DCO or DCAPT (C) may act as moderator, so long as condition (b) above is satisfied.
- 7.5 Prior to opening the balloting for election of each Division Officer the presiding officer shall invite nominations from the floor. The nominator, prior to making the nomination from the floor, is responsible for ascertaining the eligibility and willingness of the nominee to accept the office and fulfill its duties if ultimately elected. The presiding officer shall accept any nominations from the floor, including self-nominations, and the name of each such nominee from the floor shall be added to the balloting for such elected office. For purposes of all election provisions in these Rules, the term "floor" shall include only incumbent Division Board members.
- 7.6 The elections of officers shall be by secret written ballot; provided, however, if there is only one nominee for a particular Division office the election may be by voice vote, or show of hands.
- 7.7 If there is more than one nominee for any Division office, the presiding officer shall appoint a teller committee of three persons, naming one of them the head teller of

such committee. None of the committee persons may be members of the incumbent Division Board or be running as a candidate for the particular Division office(s) for which the election is being held. Written ballots shall be collected and counted by the teller committee after each ballot. After counting by the committee, the ballots shall be presented to the presiding officer in a sealed envelope. The head teller shall certify in writing the result of the balloting to the presiding officer, who shall announce the result of that ballot. Any question on the validity of a ballot will be referred by the chief teller to the moderator for submission to the Board membership for their decision.

- 7.8 Each member of the Division Board shall be an eligible voter for the election of the DCDR and the DVCDR, except for any Flotilla Commander whose Flotilla is not in good standing with the Division at the time of the Division elections.
- 7.9 A simple majority of votes cast is sufficient to elect a candidate to an office. If more than two candidates are nominated for any single division office, and no candidate receives a majority of votes on the first ballot:
- 7.9.1 The candidate receiving the least number of votes on the first ballot will be dropped out of the voting on the second ballot. Elimination of the "low vote" candidate will continue on the next and subsequent ballots until one candidate receives a majority of the votes cast.
- 7.9.2 If there is a tie for low votes received on any ballot, the next ballot for that office will be a "run off" between the candidates "tied for low" on the preceding ballot. The candidate receiving the highest number of votes on such next ballot run off between the "lows" will again be balloted on in the next succeeding ballot, along with all other candidates who received a higher number of votes on the ballot preceding the tied for low ballot.
- 7.9.3 In the event of three successive tie votes for any Division office, the presiding officer shall place all of the ballots cast on such third tied vote into a container and blindly select one ballot from the container. The teller committee then shall tally the remaining ballots, present the ballots to the presiding officer in a sealed envelope, and certify the result of the balloting to the presiding officer, who shall announce the result of that ballot and, if it be the last ballot between two candidates for any office, the final election result.
- 7.10 There will be no announcement of the number of votes received by any candidate on any ballot. At the conclusion of an election for an office, all of the ballots shall be resealed and shall be held by the head teller for a period of twenty-four (24) hours after the election is over. Any unsuccessful candidate for an office who wishes to examine the ballots shall so notify the presiding officer within such 24 hours and such candidate shall then be afforded an opportunity, within a reasonable period of time thereafter, to examine the ballots in a meeting with the head teller, the presiding officer of the election, and a District legal officer. If no request for examination is made within such 24-hour period, the head teller then immediately shall destroy the ballots.
- 7.11 In the event any question or controversy concerning any substantive or procedural

matter(s) is raised by a Division Board member during the course of any election, and such question or controversy is not clearly resolved under provisions of the Manual or these Rules, the presiding officer, after consultation with the DCDR, DIRAUX, and the District's legal and parliamentary officer(s), shall decide and announce a resolution to the question or controversy. Such decision, so long as it is not in conflict with the Manual or these Rules, shall be final and binding and the election(s) then shall continue to a conclusion.

- 7.12 The elected member to the office of DCDR or DVCDR must be approved and confirmed by the DCO before assuming office
- 7.13 If a vacancy occurs in any Division elective office, an interim election shall be held in accordance with the provisions of the Manual, subject to the applicable election procedures of these Rules.

## **ARTICLE VIII -- DIVISION STAFF OFFICERS AND COMMITTEES**

- 8.1 SO's may be appointed by the DCDR as authorized by the Manual.
- 8.2 At the discretion of the DCDR, the DCDR may appoint ASO's.
- 8.3 The selection and appointment of each SO or ASO shall be made by the DCDR in writing. In addition to such duties and responsibilities as are stated in the Manual, each such appointees' duties and responsibilities shall be as the DCDR may specify in writing. Each SO and ASO shall serve at the pleasure of the DCDR.
- 8.4 If, subsequent to the adoption of these Standing Rules, the Manual or the National Auxiliary Board from time to time authorizes any Division Staff Officer(s) in addition to the SO's specified in this Article, the DCDR is authorized to appoint such additional SO's, with such other ASO's as the DCDR may deem necessary, all in the manner and subject to the provisions of this Article.
- 8.5 The DCDR shall have the discretion to appoint such additional staff members, as from time to time, may be authorized by the Manual. In addition, after consultation with and concurrence of DIRAUX, the DCDR may appoint such other staff members and Division representatives as the DCDR may deem necessary or advisable for the efficient conduct of the Division's business. Each such appointment shall be in writing and shall specify the responsibilities and duties of the appointee.
- 8.6 The DCDR may appoint standing or special purpose committees consisting of any number of members, as the need arises. The DCDR shall designate the chairperson of each such appointed committee and outline the objectives to be accomplished unless otherwise prescribed. Individuals may be appointed as one-person committees, if desired.
- 8.7 The DCDR shall appoint an audit Committee at or before the regular meeting of the Division Board in the month of November of each year. This committee shall examine and audit the financial books and records of the SO-FN within one (1) month of the new year and shall report their findings at the next regular meeting of

the Board.

- 8.8 The DCDR shall appoint a Budget Committee at or before the regular meeting of the Division Board in the month of January each year. This committee shall prepare a budget with the assistance of the SO-FN and submit said budget to the Division Board within the first three (3) months of the new year.
- 8.9 The DCDR may appoint an Awards Committee to review and make recommendations to the Division Board for the recognition of individuals and groups for special recognition by the Division, District or the United States Coast Guard.
- 8.10 The DCDR may appoint a Past Commanders Committee composed of all Past Division Commanders and Division Vice Commanders who are currently active. The chairperson should be the IPDCDR. The DCDR shall appoint any Past Division Commander as the chairperson, if the IPDCDR is unable or unwilling to serve. The primary duty of this committee shall be to consider all Auxiliary matters referred to it by the DCDR and all matters that are of interest to the Division. The committee shall make written recommendations concerning such matters directly to the DCDR.

## **ARTICLE IX -- DIVISION PUBLICATION**

- 9.1 The official publication of this Division shall be known as BAY LINES (hereinafter referred to as the "Newsletter").
- 9.2 The purpose of the Newsletter will be to inform the membership of Division accomplishments and activities and to serve as an exchange of members' ideas within the Division.
- 9.3 The SO-PB shall be the Newsletter's editor. Such officer's duties shall be as set forth in the Manual, and as the DCDR may specify in writing. All material to appear in the Newsletter shall be submitted to DIRAUX for clearance prior to publication.
- 9.4 The Newsletter shall be posted on the Division's internet website, and one copy of the Newsletter shall be mailed to each household in the Division for members on the roll at the time of mailing who notify the Division that they do not have internet access. One copy shall be sent to the Chief Director, NEXCOM members, national department chiefs, and Directors of other Divisions.
- 9.5 There will be no paid advertising or commercial material in the Newsletter.

## **ARTICLE X -- DIVISION FINANCIAL MATTERS**

- 10.1 The specific details of Division financial matters and policies (including, without restriction, membership dues amounts, budget committee appointment and duties, Division expenditures for Division business and functions, and banking details) shall be as established in an Appendix to these Rules. The following sections of this Article state only some of the Division's general, substantive financial policies.



- 10.2 All Division Accounts shall be kept on a fiscal year basis that runs from 1 December to 30 November of each year. The SO-FN shall keep such officer's accounts so that financial statements can be obtained on a monthly basis. Such officer shall prepare and submit a complete monthly report at each Division Board regular meeting and an annual report at the Division Board's first meeting of the calendar year. The accounts of the SO-FN shall be audited on a yearly basis for the previous calendar year, and copies of the audit report shall be made available to all members of the Division Board at the Board meeting of the ensuing year, and DIRAUX. An audit committee appointed by the DCDR shall prepare the audit report.
- 10.3 Annual Division membership dues, as established from time to time by the Division Board, shall include dues payable to the National Auxiliary Board and shall be paid to the Division by each of the Flotillas of the Division.
- 10.4 Division membership annual dues shall be billed to the Division's Flotillas by the SO-FN as determined by the policy of the District Board.
- 10.5 Any Flotilla that fails to pay member dues more than 60 days after the date of a Division billing shall lose its Division Board voting rights until such Flotilla delinquency is corrected.
- 10.6 In accordance with the Manual, any Member who is delinquent in payment of dues and who does not request voluntary disenrollment shall be disenrolled by DIRAUX on 31 December of the year in which member dues were payable. Not less than three (3) attempts (at least one of which shall be by US Postal Service, certified mail, return receipt requested) shall be made by the appropriate Flotilla Commander to contact the delinquent Member prior to 15 December of the year in which member dues were payable.
- 10.7 The net proceeds from any Division sponsored event will become the property of the Division.
- 10.8 Except as otherwise expressly provided in these Rules, any motion concerning a financial matter shall be carried by an affirmative vote of a simple majority of the Division Board present and voting at a meeting at which a quorum is present.
- 10.9 An affirmative vote of seventy-five percent (75%) of the Division Board, present and voting at a meeting at which a quorum is present, shall be required to approve any change in the amount of the annual dues. Any such dues change shall only become effective as of 1 January of the following year; provided, however, any dues increase reflecting only an increase in the dues payable to the National Auxiliary Board, or the District Board shall become effective in the year that the Division is required to pay the increased dues to the National Auxiliary Board.

## **ARTICLE XI -- STANDARD OPERATING PROCEDURES**

- 11.1. Standard Operating Procedures may be developed and adopted by the vote of a majority of the Division Board to supplement, facilitate, or implement administrative procedures set forth in these Standing Rules. Any such procedures shall be

subordinate to these Rules.

- 11.2. If any such procedures are established, they shall be maintained by the Division Secretary from year to year in an Appendix to these Rules.
- 11.3. Changes, additions and deletions to such procedures, from time to time, may be reviewed and approved, if at all, by the vote of a majority of the Division Board.

## **ARTICLE XII -- CONTRACTS**

- 12.1. The DCDR is the only Board Member authorized to sign Division licenses, contracts, or other agreements. All such documents must first be reviewed and approved by the District Legal Officer (DSO-LP) for legal purposes, or in the case where the DSO-LP is not a Licensed Attorney, by an Attorney designated by the Department Chief Legal Affairs (DC-L).

## **ARTICLE XIII -- AMENDMENTS**

- 13.1. These Standing Rules may not be amended.
- 13.2. Any Appendix to these Standing Rules may be amended at any regular or special meeting of the Division Board, by an affirmative vote of a majority of the members present and voting, provided a quorum is present.

These Standing Rules of Division 12 of the Fifth Coast Guard District, Northern Region, U.S. Coast Guard Auxiliary, were duly approved at a Division Board meeting on 25 June 2009 by a vote of more than two-thirds of the Division Board members present and voting, a quorum being present.

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Division Commander      Date

DISTRICT REVIEW AND APPROVAL:

HTC 7 July 09  
District Legal Officer Date

John Witterings 20 July 09  
District Commodore Date

M T Tred 31 July 09  
District Director of Auxiliary Date