

Emergency Bylaws

Whereas, the State of California recognizes and authorizes non-profit corporations, provided that they comply with laws and operate according to bylaws; and

Whereas, the State of California has passed AB 491ⁱ(2013) to allow the non-profit board to adopt emergency bylaws, to allow the non-profit to continue to conduct its business during a declared state of emergency,ⁱⁱ when the emergency prevents the organization from conducting its normal business and it is necessary to adopt different rules in order to conduct its business,ⁱⁱⁱ and

Whereas, it is necessary for the District to conduct a District Council business meeting for the purpose of conducting elections and receiving reports; and

Whereas, the current state of emergency disallows public gatherings, preventing our members from physically gathering to conduct our District Council business meeting; and

Whereas, current District Bylaws require that registered members be “present;” and

Whereas, General Council Bylaws have been amended to strike this requirement, allowing districts to conduct their business remotely; and

Whereas, the current District Council business: elections and receiving reports, could easily be accomplished remotely through the use of video and internet voting, but preclude the possibility of debate and discussion; therefore

Be it Resolved, that the Executive Presbytery adopt, as Emergency Bylaw, the following bylaw, amended by strike-out and insertion.

Constitution:

ARTICLE TEN – MEMBERSHIP AND VOTING CONSTITUENCY

Section One: Corporate Membership

The Membership of this District Council shall be:

- A. All General Council credentialed ministers (Ordained, Licensed and Certified) in good standing who are registered with this District Council.
- B. Churches within the geographical territory of this District Council that have been issued a letter of affiliation from The General Council of the Assemblies of God, having current status as a sovereign Assemblies of God church, or have been issued a letter of affiliation from this District Council as a District affiliated church.

Section Two: Voting Constituency

The voting constituency for all meetings of the District Council in session shall consist of all members and other voters as defined in the Bylaws Article Two, ~~present and~~ registered, and participating in the business being conducted.

Section Three: Annual Meetings of Membership

There shall be an Annual Business Meeting of the membership of this District Council, identified as the District Council Convention, to be convened at a date fixed by the Executive Presbytery, at which time reports shall be given, and elections and other business shall be entertained as in the Bylaws following. For the duration of the COVID-19 emergency, Special Business Meetings may be conducted remotely: by video and internet voting, using procedures approved by the Executive Presbytery where physical attendance is not required to participate. (This special provision shall expire when the state of emergency is lifted).

Section Four: Special Business Meetings of Membership

There may be Special Business Meetings of the membership of this District Council, as provided for hereinafter and in the Bylaws, duly called and noticed as there set forth. Special Business Meetings of the membership may be called only upon vote of two-thirds of the Executive Presbytery or the District Presbytery. For the duration of the COVID-19 emergency, Special Business Meetings may be conducted remotely: by video and internet voting, using procedures approved by the Executive Presbytery where physical attendance is not required to participate. (This special provision shall expire when the state of emergency is lifted).

Section Six: Quorum for Business Meetings

A quorum for conduct of business at any District Council Convention or Special Business Meeting of the membership of this District Council is established by the participation of registered members. ~~presence of the accredited members present and registered.~~

Section Seven: Proxy Voting and Absentee Balloting

Except as specifically allowed by provisions of this Constitution and Bylaws, particularly as it shall relate to affiliated member church representation by delegate, proxy voting and absentee balloting shall not be allowed in conduct of business at any meeting of the membership, nor any sort of representation of absentees for purpose of establishing a quorum. Delegates may only act personally at a meeting or by written ballot and not act by proxy. This restriction on proxy balloting and absentee balloting shall not be construed to restrict the rights of members or delegates to participate in the business meeting by internet ballot.

Bylaws

ARTICLE TWO – THE VOTING CONSTITUENCY

B. All persons comprising the voting constituency shall have the right to ~~be recognized by the chair, to bring motions and offer resolutions, to engage in debate and discussion, and to~~ vote on elections and legislation and all other matters properly before the body in all business sessions of the membership of this District Council.

ARTICLE THIRTEEN - ORDER OF BUSINESS

Section One: Commencement of Business

In keeping with our purpose and mission, honoring the source, foundation and cornerstone of all our reason and authority for conduct of the Business of this District Council, at any District Council Convention or special meeting of the membership of this District Council, all meetings of boards or subordinate committees, the chair shall determine a quorum and call the meeting to order, and the first order of business shall be prayer to call upon our Lord, seeking His divine attendance, blessing and influence upon all such business, deliberations and resulting elections or legislation.

ARTICLE FOURTEEN – RESOLUTIONS

Section One: Presentation of Resolution

- A. Any member of this District Council shall have the privilege of presenting a proposed resolution to the Resolutions Committee for consideration by the voting constituency at District Council Convention.
- B. Proposed resolutions shall be in written form, filed with the District Secretary with sufficient time allowed so that such shall be in the hands of the Resolutions Committee at least ninety days prior to the District Council Convention. The Resolutions Committee shall provide the District Secretary with copies of the approved proposed resolutions at least twenty days before the meeting, and the District Secretary shall be responsible for distribution of copies thereof to the membership of District Council at least fifteen days prior to the District Council Convention. All proposed resolutions that are to be entertained by the membership at any special meeting shall be set forth in writing as part of the notice of time and place of such meeting.
- C. Criteria to be used by the Resolutions Committee in determining the propriety of proposed resolutions shall include determinations of whether or not the proposed resolution is in conflict with the statutes and other laws of the State of California or the State of Nevada, whether the proposed resolution is compatible with the Constitution and Bylaws or other directives of the General Council, whether the proposed resolution is incompatible with the Constitution and Bylaws and policies of this District Council, and whether such proposals are for other reasons unacceptable.
- D. Notwithstanding the foregoing rules, Emergency Resolutions may be presented in writing to be considered by the Resolutions Committee for presentation to and at the pleasure of the voting constituency by its simple majority vote.
- E. Notwithstanding the foregoing rules, for the duration of the COVID-19 emergency, the Executive Presbytery shall be empowered to exclude any proposed resolution from being presented at a business session of the District Council.

ⁱⁱ http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB491; date accessed: 03/24/2020

ⁱⁱⁱ Proclaimed by the Governor of California and/or Nevada, or the President of the United States.

ⁱⁱⁱ These emergency bylaws are subject to restrictions:

1. Emergency bylaws cannot contradict law or the organization's Articles of Incorporation.
2. Emergency bylaws cannot authorize any action that normally requires a vote of the members (except the power to adopt the emergency bylaw itself.)
3. Emergency bylaws cannot authorize any action that is not consistent with the organization's normal course of business.
4. Emergency bylaws expire at the conclusion of the emergency and the organization reverts to former bylaws.