

As Approved July 27, 2005, Including  
Amendments Approved through September 12, 2009

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**STATEMENT OF PURPOSE**

**The AMERICAN CIVIL WAR ASSOCIATION** is a public non-profit corporation established for the purpose of promoting awareness and understanding of the American Civil War through the avocation of reenacting. We believe this hobby has at least three primary objectives:

To enable the participant to share, on a personal basis, the experience of the Civil War;

To enlighten both re-enactor and guest at ACWA events about the Civil War by creating an atmosphere where mutual dialogue is encouraged; and,

To participate in an activity merely for enjoyment.

**The AMERICAN CIVIL WAR ASSOCIATION** is open to everyone and celebrates the diversity of all people.

The ACWA stands firmly opposed to discrimination.

We believe that reasons for reenacting are personal to each re-enactor. No individual style of reenacting is more valid than any other style and no reason holds more importance than any other. We believe that to enhance everyone's objectives in our hobby, we must respect both their reasons for reenacting and their reenacting style.

Therefore, in order to promote goals set forth herein and to provide our members with a rewarding, enjoyable avocation, we establish the following bylaws.

*(Revised 9-20-97 – at Casa de Fruta)*

## **1. OFFICERS**

1.1 The officers of the **AMERICAN CIVIL WAR ASSOCIATION** shall be the President, Vice President, Secretary and Treasurer.

1.2 President:

(a) The President shall perform the following functions:

- (1) President over the affairs and events of the ACWA;
- (2) Enter into agreements and sign contracts as authorized by the Executive Committee (EC) or Board of Directors (BD);
- (3) Act on an emergency basis when unable to confer with the majority of the Board of Directors on matters of safety and/or protection of property; and
- (4) Perform any other function set forth in these bylaws or directed by the EC or BD.

1.3 Vice President:

(a) The Vice President shall perform the following functions:

- (1) Assume the duties of the President in his absence;
- (2) Assist the President in presiding over ACWA meetings and events;
- (3) To preside over all meetings of the standing committees; and,
- (4) Perform any other function set forth in these bylaws or directed by the EC or BD.

1.4 Secretary

(a) The Secretary shall perform the following functions:

- (1) Prepare and maintain the minutes of the EC and the BD;
- (2) Prepare and disseminate correspondence and information as directed by the EC and BD;
- (3) Maintain and update records containing current bylaws, incoming and outgoing correspondence and minutes of all standing and ad hoc committees; and,
- (4) Maintain files on the members of the ACWA to include membership form, liability releases and payment of dues, address, telephone number and unit and other information requested by the EC and/or BD;
- (5) Perform any other function set forth in these bylaws or directed by the EC and BD.

#### 1.5 Treasurer

(a) The Treasurer shall perform the following functions:

- (1) Prepare, maintain and disseminate all accounting records as required by the **AMERICAN CIVIL WAR ASSOCIATION** and all applicable governmental and taxing agencies;
- (2) Prepare an annual budget for approval;
- (3) Inventory and audit corporate property as requested by the EC and/or the BD;
- (4) Receive, deposit, and disburse money on behalf of the ACWA; and,
- (5) Perform any other functions set forth in these bylaws or directed by the EC and/or BD.

1.6 The officers shall have a maximum term limited to two successive elected years, except for the Treasurer and Secretary whose maximum terms shall be limited to four successive elected years. At the expiration of the term of the President, the office shall be held by a member of another Brigade or Corps. (Revised 3-13-99 -- at Knight's Ferry, and 9-18-01 at Casa de Fruta)

## **2. EXECUTIVE COMMITTEE (EC) / BOARD OF DIRECTORS (BD)**

2.1 The Executive Committee (EC) shall consist of the officers of the corporation, the Safety Officer (SO)

and the Artillery Coordinator (AC). The Safety Officer and the Artillery Coordinator shall have no vote by virtue of their membership on the EC. (Revised 9-16-95)

2.2 The Board of Directors shall consist of the Executive Committee and the Commander of the Federal Brigade and the Commander of the Confederate Brigade and the Coordinator of the Civilian Corps.

(Revised 9-20-97 -- at Casa de Fruta) (Revised again, 9-13-99 -- at Knight's Ferry)

2.3 Any member in good standing of the ACWA, being eighteen years of age on or before November 15th

in the year of the election is eligible to run for a position on the Board of Directors.

(Revised 9-20-97 -- at Casa de Fruta)

2.4 The Board of Directors (BD) shall draft and implement rules and regulations regarding the handling of unit finances and shall provide the unit commanders with copies.

## **3. VOTING**

3.1 In all matters where the vote of the Board is required the President, Vice-President, Secretary, Treasurer, Union Brigade Commander, Confederate Brigade Commander, and Civilian Corps Coordinator shall each have a single vote.

3.2 A quorum of the Board must be present before any vote may be taken. A quorum is four of the seven members of the Board

3.3 A vote shall be determined by the majority of the committee members present and voting. The vote of the President shall determine the committee's vote on any ties.

3.4 The Board shall vote on all matters that it sees necessary unless set forth in Section 3.6

3.5 The Board shall vote on any issue that the bylaws reference as the EC or BD.

3.6 A vote of the membership is required in the following matters:

(a) Revisions, deletions, or additions of the bylaws of the AMERICAN CIVIL WAR ASSOCIATION;

(b) Acceptance of any newly proposed unit of the Confederate Brigade, Federal Brigade, or

Civilian Corps.

3.7 Notice of a membership vote shall be given by one or more of the following methods:

- (a) Publication in the Courier at least thirty (30) days before the vote is taken;
- (b) First class mail sent to each member of the brigade at least thirty (30) days before the vote is taken;

3.8 Cumulative voting: There shall be no cumulative voting.

### **Proposed ACWA Bylaw Change**

Currently the bylaws read:

3.9 Proxy voting: A proxy vote is allowed only upon presentation of written notification of the proxy which includes:

- (a) A specification of the issue to which the proxy vote applies;
- (b) The vote upon the issue; and,
- (c) The absent voters signature.

**The proposed change would read as follows:**

**3.9 Proxy voting: A proxy vote is allowed only upon presentation of written notification of the proxy which includes:**

**(a) deleted**

**(b) deleted**

**(c) The absent voters signature or e-mail equivalent**

*( change voted in at Las Mariposas April 16th,2011)*

3.10 In the event of a vacancy on the Executive Committee, the remaining officers shall be empowered to immediately appoint an eligible member of the **AMERICAN CIVIL WAR ASSOCIATION** to fill the un-expired term as a non-voting, interim, member of the EC. All Brigade and Unit Commanders will be notified immediately, and asked to notify their members of the vacancy on the board, so that the members may notify the EC of their possible interest in running for the position.

An election to fill the vacancy will be held at the next regular event. All members present at the event will be eligible to vote and the votes will be cast by secret ballot.

(Added 3-15-97 -- at Knights Ferry)

## AMERICAN CIVIL WAR ASSOCIATION

to fill the un-expired term as a non-voting, interim, member of the EC. All Brigade and Unit Commanders will be notified immediately, and asked to notify their members of the vacancy on the board, so that the members may notify the EC of their possible interest in running for the position. An election to fill the vacancy will be held at the next regular event. All members present at the event will be eligible to vote and the votes will be cast by secret ballot.

### **4. PARTICIPATION AND MEMBERSHIP**

4.1 It is the policy of the AMERICAN CIVIL WAR ASSOCIATION to encourage participation and attendance at its events by all reenactors, their families and the general public. The general public is therefore, to be encouraged to participate as fully as possible by wearing period clothing and shall not be excluded from the events of the AMERICAN CIVIL WAR ASSOCIATION on the basis of the appropriateness of such dress. Members and their families shall be expected to observe the standards of authenticity appropriate to reenactors.

4.2 Unless set forth below, participants at all events shall be members of the AMERICAN CIVIL WAR ASSOCIATION:

- (a) Members in good standing of any reenactment organization may participate.
- (b) Any person not a member of the AMERICAN CIVIL WAR ASSOCIATION or any other reenactment organization may participate in an AMERICAN CIVIL WAR ASSOCIATION event only after having been certified by the Safety Officer that he or she has been instructed in the manual of arms and safety rules and has shown to the satisfaction of the Safety Officer that he/she is proficient in those matters.
- (c) Members of any other Civil War reenactment organization which has entered into a reciprocal agreement with the ACWA may participate with the ACWA at any ACWA event, under the terms of the agreement. The board of directors reserves the right to determine if a guest fee will be charged for an event and its amount.
- (d) Guest fees for individuals who are not members of another reenactment organization will be determined by the board of directors.

(e) No person who is required under California Penal Code section 290 to register as a sex offender will be eligible for membership in the ACWA.

*(Added 9-11-04 -- at Nevada City)*

4.3 Non-Political Affiliation: The AMERICAN CIVIL WAR ASSOCIATION is an organization made up of American Civil War reenactors who voluntarily participate for the purpose of educating the public about the history, culture, and the people who lived during the period of the American Civil War. The ACWA does not endorse modern political candidates nor does it take any political position on any modern political issues of the modern period. The ACWA and its membership may attend and participate at events sponsored by political groups and candidates for political office. Such attendance may not be represented as a political endorsement of the sponsoring political organization or political candidate, nor may the fliers advertising the event indicate that the ACWA is endorsing the political organization and/or the political candidate(s) involved. *(Added 9-20-97 -- at Casa de Fruta)*

4.4 Lawful Government: The AMERICAN CIVIL WAR ASSOCIATION firmly supports the lawfully elected government of the United States of America and does not agree with nor support any organization(s) or individual(s) that advocate the use of violence as a means of achieving political or social goals.

*(Added 9-20-97 -- at Casa de Fruta)*

4.5 Participation Rights: All members of the ACWA have the right to participate in the management of their chosen Brigade. This right includes active and open disagreement with the actions of the governing body of that Brigade. The members' right to dissent does not extend to demonstrations, rallies, speech or conduct during public hours at an event, nor to speech or communication that advocates or incites disorder, is personally libelous, or which calls for members to leave the ACWA.

*(Added 7-25-98 -- at Roaring Camp)*

4.6 Willful Misrepresentation: No member shall willfully represent to any person or organization that he or she is acting on behalf, has authority or capacity to act on behalf of the ACWA, nor that he or she has any position within the ACWA or its units, unless he or she actually has such authority, capacity or position. *(Approved 05-28-05 -- at Roaring Camp)*

4.7 To be considered a member of the ACWA you must meet the following requirements:

(a) Each individual must turn in on a yearly basis a completed membership application.

(b) Pay the annual membership fees.

(c) Have no felony convictions.

(d) Follow the Rules and Regulations of the ACWA.

*(Revised Sept. 12, 2009 at Nevada City)*

4.7e) Annually take and pass, the PACWR Safety Test. The purpose of the test is to determine if members have working knowledge of the PACWR Safety Rules, with the aim of preventing accidents. Members and guest participants must take the General Safety Test and appropriate battlefield test prior to participating in an ACWA controlled event. Tests are battlefield function appropriate (i.e., an artilleryman needs to pass the Artillery Safety Test before participating as a member of an artillery gun crew). All minors 14 years and older are required to take the appropriate safety test(s). Tests cover specific safety areas, and include: General safety, including provost line duty; Weapon safety, specific to weapons type, for those members using weapons; and Equine safety, for those riding, driving vehicles, or using mounts for other purposes. (A safety test is re-administered if: Requested by either the Branch or Unit Commander, for cause; or the member is found in violation of a PACWR Safety Rule). The ACWA secretary keeps the signed safety test(s), the member's ACWA Membership Card will be fixed with a stamp designating a passed Safety Test."

5.2 Voting shall be by secret ballot, and the winner shall be determined by a simple majority.

*(Revised 1-11-97 -- at Annual Meeting)*

## **5. ELECTIONS**

5.1 A general election of the members of the EC shall take place on or before the 15th day of November each calendar year. *(Revised 11-2-02 at Nevada City)*

5.2 Voting shall be by secret ballot, and the winner shall be determined by a simple majority.

*(Revised 1-11-97 -- at Annual Meeting)*



5.3 The Vice President shall be in charge of the general election. One member of each brigade who is not a member of the EC, the BD or Brigade Commander shall be designated to serve on the election

committee. The election committee shall propose, and the EC shall adopt, rules for the conduct of the general election. The general election shall be in accordance with the rules so adopted.

5.4 The election committee shall cause to be published in the Courier, prior to the 15th of August of each year, a notice that written statements of candidacy are being accepted and will be published in the October issue of the Courier. The notice shall provide the address to which the statements must be mailed. *(Revised 11-2-02 at Nevada City)*

5.5 No later than October 15 the Election Committee shall send ballots to all members eligible to vote. The Secretary shall provide the Election Committee a list of the names and addresses of all paid members.

*(Revised 11-2-02 at Nevada City)*

5.6 All paid members of the AMERICAN CIVIL WAR ASSOCIATION as of October 15th, who have by

that date reached the minimum age qualifying them to carry a musket on the field (14 years of age)

shall be entitled to vote in the election for the ACWA Executive Committee.

*(Revised 10-26-96 --at Gibson Ranch,4-23-02 at Knight's Ferry; and 11-2-02 at Nevada City)*

5.7 The election of the Brigade Officers shall take place at such time and place and manner as deemed appropriate by that Brigade, provided, however, that each Brigade shall furnish to the Secretary a complete set of rules under which the Brigade's elections take place.

(a) The EC is authorized to investigate and enforce the rules of the Brigade if at least one third of the members of that Brigade object, in writing, that the election did not conform to the rules established for elections by that Brigade. If the election did not conform to the Brigade's own rules, the election may be nullified by a unanimous vote of the EC, otherwise, the EC shall not participate or interfere in the Brigade or Company elections.

5.8 In elections for positions on the Board of Directors, where an incumbent is running for re-election, the ballot shall offer a selection of "None of the Above". If over 60% of the votes

are for "None of the Above", then a special election shall be held to fill the vacant position. The incumbent shall not be eligible to run in that special election. The actual vote count for "None of the Above" will not be announced. *(Revised 3-13- 99 -- at Knight's Ferry)*

5.9 Vacancies for Brigade Commander caused by this Section shall be filled on an interim basis by the senior line officer in the Brigade. A vacancy for Civilian Coordinator caused by this Section shall be filled on an interim basis by the Civilian Secretary. The Brigade or Corps will then hold an election to fill the position. Vacancies on the Executive Committee caused by this Section shall be filled according to Section 3.10.

*(Added 9-20-97 -- at Casa de Fruta) (Revised 3-13-99-- at Knight's Ferry)*

## **6.MEETINGS OF THE EXECUTIVE COMMITTEE/BOARD of DIRECTORS**

6.1 Regular meetings of the EC and the BD shall take place at the same time and place and at intervals not to exceed two months.

6.2 Additional meetings may be held when requested by at least three members of the BD provided, however that notice has been given to all members of the AMERICAN CIVIL WAR ASSOCIATION.

6.3 All meetings of the EC and BD shall be open to the members of the AMERICAN CIVIL WAR ASSOCIATION and all votes taken in such meetings shall be open.

6.4 All members of the AMERICAN CIVIL WAR ASSOCIATION may participate in the business conducted at the meetings.

6.5 Special meetings of the EC or BD may be called at any time, provided, however, that no meeting will be called without at least 24 hour notice to all committee / board members. It shall be the responsibility

of the Brigade Commanders to notify the Unit Commanders of their respective Brigades and the notice of the meeting has been given and there are at least three members present.

6.7 Meetings of the Executive Committee / Board of Directors shall be conducted according to the terms of

these bylaws. Where there is no applicable bylaw, the procedures defined in Robert's Rules of Order shall be used. *(Added 9-20-97 -- at Casa de Fruta)*

## **7. BUDGET**

### 7.1 Continuing Allocations:

(a) Courier: All expenses for printing, typesetting, mailing, and photographic reproductions;

(b) Safety Officer: All expenses incurred in maintaining first aid and other safety equipment; and

(c) Powder: Reimbursement to artillery units for powder purchased.

7.2 Those requesting reimbursement for a continuing allocation must submit a voucher to the ACWA

Treasurer for approval. It is suggested that a request be made prior to the expenditure to expedite the allocation.

7.3 The Treasurer is authorized to reimburse the continuing allocations without additional approval from the EC.

7.4 Special Allocations: All monetary allocations except continuing allocations shall be made only upon the vote of the EC.

### **8. SAFETY OFFICER ( SO )** *(Revised 10-25-1997 at Gibson Ranch)*

8.1 The Safety Officer shall be appointed by the Executive Committee. The appointment is effective for one year subject to reappointment. The Safety Officer shall be, if possible, a law enforcement officer.

He will function independently of the Brigade structure. The assigned duty companies of each Brigade shall be under the direct command of the Safety Officer with regard to security, safety and the orderly conduct of both Brigades and Civilian Corp.

8.2 A Safety Officer (SO) shall be appointed annually by the EC prior to the first event of the year.

8.3 The SO shall serve at the pleasure of the EC and may be removed at any time by a majority vote thereof.

8.4 The Safety officer's duties shall include, but not be limited to the administration of the club's rules with regard to safety on the battlefield, in camp and for spectators. He also oversees and assists the

First Aid Trauma Team in all pertinent situations and maintains order, and performs

related tasks. The

SO shall have the following specific duties:

- (a) The Safety Officer shall be in charge of the safety of the camps and on the battlefield;
- (b) Establish and implement procedures for the safety of the members, guests of the ACWA and of their property;
- (c) Monitor the event site to ensure the safety and security of the members, guests of the ACWA and of their property;
- (d) Set security lines prior to battles or firing demonstrations at any event;
- (e) Maintain first aid and safety equipment necessary to render emergency assistance at event;
- (f) Establish and train an emergency response team for the purpose of rendering emergency assistance at events;
- (g) Certify compliance with Section 5 of the "Rules and Regulations of the ACWA" and maintain records to verify compliance;
- (h) The Safety Officer shall immediately report any hazardous condition observed to the appropriate unit commander for remedial action;
- (i) In the absence of the unit commander, the Safety Officer shall report the deficiency to the senior officer/NCO in the camp and instruct the OIC/NCOIC to take remedial actions;
- (j) In the event that the unit commander disagrees with the action requested by the Safety Officer, it shall be reported to the Brigade Commander whose decision regarding corrective action shall be final;
- (k) Submit an event report to the Courier after each event noting any safety or security incidents and the recommended remedial action;
- (l) Prepare a report of any safety or security problem at any event and submit a copy of the report to the Board of Directors; and,
- (m) No member or guest shall be allowed to participate on the battlefields without established and demonstrating to the satisfaction of the Safety Officer that he is proficient in the handling, safety and manual of arms appropriate to the weapon. The Safety Officer shall establish procedures to certify the proficiency of new recruits. If the Safety Officer finds the member of guest is not proficient, he shall be directed back to the Unit Commander for additional training in the deficient area

## **9. ARTILLERY COORDINATOR (AC)** *(Added 9-16-1995)*

9.1 An Artillery Coordinator (AC) shall be appointed annually by the BD.

9.2 The AC shall serve at the pleasure of the BD and may be removed at any time by a majority vote thereof.

9.3 The AC shall report directly to the Board of Directors and shall have no military rank as a result of the appointment but shall have whatever rank to which he is otherwise entitled.

9.4 The AC shall have the following duties;

(a) Establish and implement procedures to inspect all artillery pieces used at ACWA events to ensure that they are safe for use and are being used safely;

(b) Promptly report any hazardous pieces or operation to the appropriate Brigade Commander and the BD;

(c) Propose procedures for powder reimbursement to the Executive Committee. Implement approved procedures; *(Revised 10-25-19997@ Gibson Ranch)*

(d) Act as liaison for guest artillerymen, greet guest artillerymen at events on behalf of the ACWA, assign the guns to the appropriate position, and render whatever assistance is required by the guest artillerymen;

(e) Act as chief firefighter. The AC shall establish and implement procedures to ensure that each Brigade had adequate fire equipment present on the battlefield during the battles or firing demonstrations and that all gunners are trained to locate, spot and fight any fire.

## **10. MINORS**

10.1 All persons under the age of 18 must have on file with the ACWA a Minor's Waiver of Liability signed by a parent or guardian.

10.2 Except as noted herein, to participate as a combatant member of the ACWA a minor must meet the following requirements:

(a) Be at least 14 years of age;

(b) Be certified proficient in accordance with Section 5 of the Rules and Regulations of the ACWA;

(c) Have on file with the ACWA a Minor's Waiver of Liability signed by a parent or guardian; and,

(d) Veteran partner: Be assigned a "veteran partner" by the unit commander. The veteran partner shall monitor the conduct of the minor on the battlefield and give aid and advise as necessary for the safety of the minor, other participants, and spectators.

10.3 A minor under 14 may serve in the number 3, 4, 5, or 6 position of an artillery piece provided that he has the written permission of a parent or guardian and the permission of the Chief of Artillery.

10.4 No minor under the age of 12 shall be allowed on the battlefield while the battle is in progress.

10.5 Parents are responsible for the supervision of their minor children at all times. In the event that a parent is not present at an event, the Unit Commander is responsible for the supervision.

## **11. ORGANIZATION OF THE BRIGADES**

11.1 The military members of the ACWA shall be organized into two brigades, one representing the Union and the other the Confederacy. All military units shall be under the authority of a Brigade.

*(Revised 9-20-97 -- at Casa de Fruta)*

11.2 The chief of each Brigade is the Brigade Commander who shall be elected by the members of the Brigade and shall serve a term of one year, subject to reelection.

11.3 The Brigade Commander shall perform the functions designated by the individual Brigade and shall carry the rank designated by the rules of the Brigade. However, notwithstanding the individual rank of the respective Brigade Commanders, the Union and Confederate Commanders shall have equal authority at all times.

11.4 The individual Brigade, provided, however, that the rank shall be consistent with that of the Civil War period shall designate staff positions, duties and rank. A Brigade may designate rank appropriate to the duty performed.

11.5 The Brigade Commander shall serve on the BD and shall be responsible for the conduct of the members of his Brigade.

*11.6 (Deleted 4-23-02 at Knight's Ferry)*

11.7 The official Brigade bylaws shall be considered those on file with the AMERICAN CIVIL WAR ASSOCIATION Executive Committee. Any changes to Brigade bylaws

shall be submitted to the EC Secretary within two weeks of that change.

*(Added 3-15-97 -- at Knight's Ferry)*

## **12. ORGANIZATION OF THE CIVILIAN CORPS**

*(Added 3-13-99 -- at Knight's Ferry)*

12.1 Nonmilitary members of the ACWA shall be organized into the Civilian Corps. Each member will

designate a Northern, Southern or Border designation.

12.2 The Civilian Corps Board of Officers includes a Coordinator, Treasurer, and Secretary; each shall be elected by the members of the Corps and shall serve a term of one year subject to reelection.

12.3 The Civilian Coordinator shall serve on the BD and shall be responsible for the conduct of the members of the Corps.

12.4 The official Civilian Corps bylaws shall be considered those on file with the AMERICAN CIVIL WAR ASSOCIATION Executive Committee. Any changes to Civilian Corps bylaws shall be

submitted to the EC Secretary within two weeks of the change.

12.5 Excluding Sections 3.5(b) and 11, any reference to Brigade shall also refer to Corps, and any reference herein to the Brigade Commander shall also refer to Civilian Coordinator.

## **13. NEW UNITS**

13.1 New units are strongly encouraged.

13.2 *(deleted March 2002 at Knight's Ferry)*

13.3 A proposed unit must have been in either the Army of the Potomac or the Army of Northern Virginia at any time during the Civil War.

13.4 A proposal which states the unit's history and uniform requirements must be presented to the BD prior to the meeting at which a vote on the acceptance of the unit is to be done. The proposal will be maintained in the permanent records of the ACWA. 13.5 Any unit approved by the ACWA, with at least six members of that unit present for battle, and where each of those members are members in good standing in the ACWA, may take the field in that battle as a unit. Any unit with less than six members must be approved by the

BD. Any unit approved by the

ACWA may recruit at events and perform living history as the unit, regardless of the number of members actually present.*(Added 10-26-96 -- Gibson Ranch)*

13.6 Diverse styles and geographical depictions are strongly encouraged. No unit shall fail to be accepted on the basis of appropriateness of their representation.

#### **14. COMMITTEE ON THE CONDUCT OF THE WAR (CCW)**

14.1 The EC shall annually appoint three members to serve on the CCW.

14.2 At least one appointee shall be from each Brigade

14.3 The purpose of the CCW is to provide informal mediation to resolve disputes among members.

14.4 The CCW may hold such meetings and keep such records as it deems suitable but it is not required to

hold regular meetings nor report its activities to the EC.

14.5 Any member may request the names of the members of the CCW by either an oral or written request.

14.6 The CCW shall record the results of any agreement. The records shall be maintained by the CCW and

shall not be released unless the substance of the agreement becomes an issue in any later proceeding.

#### **15. ENFORCEMENT OF THE RULES**

*(Added 3-13-99 --at Knight's Ferry)*

15.1 The rules of the ACWA may only be enforced as set forth herein.

15.2 Membership in the ACWA may be revoked for any of the following:

(a) For any conviction for a felony;

(b) Conduct which impairs the safety of the members of the ACWA or its guests;

(c) Conduct which impairs the security of the members or guests of the ACWA or their property;

(d) Conduct determined to be disruptive to the operation of the ACWA;

*(Revised Sept. 12, 2009 @ Nevada City)*

15.3 Initiating Disciplinary Action:



(a) A member may request disciplinary action as follows:

(1) A written request must be submitted to the EC and contain the names of the person bringing the charge, the name against whom the charge is made and a statement of the specific nature of the charge.

(2) A copy of the request must be served on the person to be charged. If no service of the request has been made, the request will be dismissed with prejudice unless the request specifies violations in 15.2.

(b) The EC shall notify the chargee of the request at least 15 days prior to its consideration.

(c) The EC shall examine the request and, if in its judgment, find that the request is neither vexatious nor frivolous shall convene a CI.

(d) If a CI regarding the alleged offense has been conducted by the chargee's brigade, the EC will ratify the findings of the brigade unless by unanimous vote it finds that action improper.

#### 15.4 Court of Inquiry (CI):

(a) A panel consisting of three disinterested members selected at random by the EC shall constitute the CI. At least one member of the panel shall be selected from each Brigade.

(b) Each party may peremptorily challenge one member appointee. (c) The CI will hold a hearing within 30 days of its selection. Each party shall be given written notification of the time and place of the hearing.

(d) The chargee may be represented at the hearing. A chargee who is a minor must be represented at the hearing.

#### 15.5 Court of Inquiry - Conduct:

(a) The CI shall select one member to act as President.

(b) The CI shall accept only such evidence as it deems valid and relevant to the issues before it as determined by the President.

(c) Any finding of the court must be made solely on the basis of the evidence presented to it at the time of the hearing.

(d) The hearing will be open unless requested to be closed by the chargee in which case the hearing will be closed.

(e) The CI will maintain a record of the proceedings and submit the record to the Secretary upon the conclusion of the hearing. The record will be confidential and will be disclosed only upon the written authority of the chargee.

#### 15.6 Court of Inquiry - Findings:

(a) The burden of proving the charges is on the chargor.

(b) Following closed deliberations, the CI shall make one, and only one, of the following findings:

(1) If, by majority vote, the charges are found to be true, the finding shall be **"TRUE"**;

(2) If, by majority vote, the charges are found to be untrue, the finding shall be **"UNTRUE"**;

(3) If there is not a unanimous vote by the CI, the finding shall be **"NOT PROVEN"**.

(c) The findings of the CI will be published in the Courier without editorial comment, except that a finding of untrue may be withheld upon the request of the chargee.

#### 15.7 Court of Inquiry - Remedial Action

(a) Following a finding of TRUE, the CI shall determine remedial action to be taken by the chargee. The only authorized remedial actions which may be imposed by the CI are as follows:

(1) Private or public reproof;

(2) Restitution in the event that the charges found to be true have directly resulted in the financial detriment to the charger or the ACWA;

(3) Probation on such terms as area deemed appropriate; and/or,

(4) Suspension.

(b) The terms of probation must be specified and accepted in writing by the chargee. Violation of probation shall be dealt with as a separate charge.

(c) In the event that a TRUE finding is made on a charge specified in Section 15.2, the CI will report this to the EC for further action specified in Section 15.8

#### 15.8 Special Board of Inquiry (SBI)

(a) Upon receipt of finding that the chargee has been found in violation of Section 15.2, the

EC shall

sit in special session as a Special Board of Inquiry. A member at large who is not then serving on

the EC shall be appointed at random.

(b) The President of the ACWA shall be the President of the SBI.

(c) Within 45 days of notification from the CI that there has been a TRUE finding, the President shall convene a hearing to determine if the best interest of the ACWA precludes the further participation by the offending member. The chargee shall be given written notice of the time and place of the hearing. The chargee is entitled to appear at the hearing and may be represented. A minor must be represented.

(d) The hearing shall be open unless closure is requested by the chargee in which case the hearing must be closed.

(e) The chargee may peremptorily challenge one member of the SBI who will be replaced.

(f) At the hearing, the SBI shall accept evidence from the chargee on the following issues:

(1) Whether or not the violation is of sufficient severity that the best interest of the ACWA requires the exclusion of the chargee.

(2) Whether the violation is likely to continue.

(3) Prior conduct of the chargee which mitigates against expulsion.

(4) The charges have been inconsistently enforced in the past.

(g) The SBI may accept new evidence that the charges are not true and may reverse the findings of the BI if it finds by clear and convincing evidence that the original findings were incorrect.

(h) Following the hearing, the SBI will make one of the following findings:

(1) The findings of the CI are affirmed and the violation requires the dismissal of (the chargee);

(2) The findings of the CI are affirmed but the violation does not require the dismissal of (the chargee);

(3) The findings of the CI are affirmed but the SBI finds circumstances that mitigate against the dismissal of (the chargee); or,

(4) The findings of the CI are reversed and the charges are dismissed.

(i) A finding of Section 15.8(h)(1) requires a unanimous vote by the SBI. Other findings

require a majority vote.

(j) In the event that the SBI finds that the dismissal of the chargee is necessary for the good of the club, it shall request the resignation of the chargee. If no resignation is made by the chargee within 15 days, the chargee shall be expelled.

(k) The findings shall be published in the Courier without editorial comment, except that the chargee may request that findings specified in Section 15.8(h)(2), (3) or (4) not be published.

(l) The SBI may accept, reject or alter the recommended remedial action imposed by the CI.

### **General Updates to Bylaws**

Remove safety rules, which are repeated in the "ACWA Rules and Regulations"; remove expired chapters and sections; update and correct chapter and section numbering and cross-references; and correct typos. Distribute a current copy of complete by-laws annually with the Courier.

*(Approved 10-25-97 at Gibson Ranch)*