

CONSTITUTION OF THE OAKLAND MAGIC CIRCLE

Revised _____

ARTICLE I

Section 1 - Name

This organization shall be known as the Oakland Magic Circle, Inc., hereinafter sometimes referred to as the "Oakland Magic Circle" or the "OMC".

Section 2 - Headquarters

The headquarters of the Oakland Magic Circle shall be located in the County of Alameda, State of California.

Section 3 - Meetings

The Oakland Magic Circle shall meet once a month, except as otherwise specified in the Standing Rules of Order, in a place, on a date, and at a time directed by the President. The President may, at his or her own discretion, convoke special meetings of the membership. Every member shall be timely notified in writing of every membership meeting convoked by the President.

The Order of Business for the monthly meetings of the Oakland Magic Circle shall be as specified by the Standing Rules of Order to be adopted from time to time by the Board of Directors and approved by a majority vote of the membership at any regular meeting.

ARTICLE II

Section 1 - Objectives

The objectives of the Oakland Magic Circle are to serve as a social organization for the purpose of bringing together those interested in the art of magic, to increase public appreciation and interest in magic,

to aid members in the improvement of their presentational and technical skills and to work collaboratively in the furtherance of our craft.

A further objective of the Oakland Magic Circle is the encouragement of junior magicians.

Section 2 - Emblem

A clear goblet containing a pack of cards with the five of diamonds showing. Three cards bearing large block letters "O", "M" and "C" are arranged about the goblet. The "O" card at the left is tilted slightly to the left. The "M" card appears as though it is rising straight upward from the pack in the goblet. The bottom of the card and the bottom of the "M" are concealed. The "C" card is at the right of the goblet and is tilted slightly to the right. The uppermost corners of the "O" card and the "C" card are in line with the top pips of the five of diamonds in the goblet. A magician's wand is suspended in back of the cards and the goblet, lying in a horizontal position in line with the bottom of the goblet bowl and projecting an equal amount at either side thereof.

ARTICLE III

Section 1 - Membership, Initiation, Fees and Dues

There are four classes of membership available in the Oakland Magic Circle. They are Active, Associate, Junior and Honorary.

Any person of the age of fifteen years or over who is interested in Magic and/or the kindred arts is eligible for either Active or Associate membership in the OMC.

Initiation fees and dues for all categories of membership shall be as specified by the Board of Directors in the Standing Rules of Order then in place.

Section 2 - Active Members

Subject to the requirement of good standing as described in Section 8 of this article, Active Members are those who are entitled to all of the privileges of membership in the OMC, including that of holding office, voting in elections and on matters brought before the general membership for their consideration.

Section 3 - Junior Members

It is an objective of the Oakland Magic Circle to encourage junior magicians. In furtherance of this objective, individuals under the age of fifteen years may apply for Junior Membership in the OMC, provided they supply a statement of parental consent and responsibility with their application.

Junior Members are entitled to all the privileges of the Oakland Magic Circle with the exception of voting and holding office. They may attend all open or regular meetings of the OMC but must be accompanied either by a parent who has joined as an Associate Member or the Oakland Magic Circle member who sponsored the Junior.

At age fifteen a Junior Member may be elevated to full Active membership without payment of an additional initiation fee. S/he shall thereupon have all privileges of Active membership, with the exception of being nominated for or holding office until s/he has reached the age of eighteen years. Upon reaching the age of eighteen years, s/he shall thereupon become eligible to be nominated for and hold office in the Oakland Magic Circle.

Section 4 - Honorary Members

Honorary membership may be conferred for a particular service rendered to the Oakland Magic Circle after a favorable recommendation by the Board of Directors and upon approval of the membership present and voting when the matter is presented at a regular meeting. Honorary Members are not entitled to hold office in

the OMC, to vote in its elections or on matters brought before the general membership.

Section 5 - Associate Members

Member's spouses, children over the age of fifteen years, and significant others may join the Oakland Magic Circle as Associate Members. They are entitled to all the privileges of OMC membership with the exception of voting and holding office. Associate Members who otherwise meet membership qualifications may become full Active members without payment of an additional initiation fee.

Section 6 - Application for Membership

Application for membership must be in writing on the form furnished by the Oakland Magic Circle, containing an endorsement by a member in good standing, and shall be accompanied by payment of one year's dues, pro-rated from the quarter in which the application is submitted through the end of that fiscal year.

The application will be presented to the membership by the presiding officer at a regular meeting at which the applicant is in attendance. The application shall be read again and voted upon at the next regular meeting at which the applicant is present.

Section 7 - Election to Membership

Election to membership shall be by a two-thirds vote of members present and voting when the matter is presented.

If elected to membership, the applicant shall be so notified and s/he shall become a member in good standing. The initiating oath may be administered at the same meeting at which the applicant is elected to membership.

In the event that the vote is not favorable, all amounts paid by the applicant shall be promptly refunded.

Section 8 - Good Standing

A member is in good standing whose account shows that any money owed to The Oakland Magic Circle is not over three months past due.

Section 9 - Suspension

A member may be suspended from the Oakland Magic Circle upon a finding by the Board of Directors that such member has engaged in conduct that seriously conflicts with the objectives of the OMC as stated in Article II, Section 1 of this Constitution, or seriously harms the reputation of the OMC with the general public. A member accused of such conduct shall receive written notice from the Board of the conduct in question and have a reasonable opportunity to discuss the accusation with the Board prior to any decision. A decision by the Board to suspend such member shall require a vote of two-thirds (2/3) of the entire Board. A suspended member may re-apply for membership at any time after one year following the suspension.

ARTICLE IV

Section 1 - Officers

The officers of the Oakland Magic Circle shall be President, Vice-President, Secretary, Treasurer, Sergeant-at-Arms, Technical Officer, Historian and Librarian. Such Officers must be Active Members of the OMC in good standing who have reached the age of eighteen years. They shall be elected at the annual meeting in December, assume their offices at the regular meeting in February of the following year and serve in office for a period of twelve months thereafter or until their successors are elected and installed.

Section 2 - Board of Directors

The governing body of the Oakland Magic Circle, herein referred to as the "Board of Directors" or the "Board", shall be composed of the President, the Vice President, the Secretary, the Treasurer, the

Technical Officer, the Sergeant-at-Arms, the Historian and the Librarian, all of whom are to be elected by the membership and, optionally, up to three Members at Large who are Active Members of the OMC in good standing who have reached the age of eighteen years, who have been nominated to fill those positions by the President and approved by the Board of Directors.

A. The duties of the Board of Directors shall be:

1. To handle any affairs of the organization that may arise, and to report its actions to the membership at the following regular meeting.
2. To promulgate Standing Rules of Order for the governance of the organization, as and when the need arises.
3. Through the Treasurer, to take all necessary actions to comply with the requirements for filing tax returns, reports and such other documents as may be required by governmental agencies, including but not limited to,
 - a) The California Franchise Tax Board.
 - b) The United States Internal Revenue Service.
4. To act as a Committee on Admissions, investigate each application and report its findings to the membership.

B. The Board of Directors has the power to remit the dues of any member when its investigation shows such action to be desirable.

Section 3 - Duties of Officers

President: The President shall be the chief administrative officer of the organization. The President shall preside at all meetings, appoint all committees, and preside at all meetings of the Board of Directors.

The President may at any time appoint a chairman pro-tempore to handle specific items of club business.

Vice President: The duties of the Vice President shall be to preside over meetings in the absence of the President and to assume the President's duties when necessary.

Secretary: It shall be the duty of the Secretary to keep a record of all meetings, to keep a list of the members and incidental data concerning them. The Secretary shall turn over all archives of the organization to the Historian.

Treasurer: It shall be the duty of the Treasurer to be custodian of all money and securities of the Oakland Magic Circle.

The Treasurer shall, at each meeting of the Board of Directors, submit a report in full of the financial condition of the Oakland Magic Circle. A copy of such report shall be provided to any member upon written or oral request.

All checks, withdrawal slips and/or fund transfer requests shall be approved by two of the following officers: President, Secretary, Treasurer. All expenditures in excess of five hundred dollars and all investments of funds shall be approved by the Board of Directors prior to their being made.

Technical Officer: The duties of the Technical Officer shall be to oversee the technical aspects of the website, newsletter, lighting and sound systems of the Oakland Magic Circle.

Sergeant at Arms: The Sergeant at Arms shall maintain order at meetings, attend to the door and admit only eligible persons. The Sergeant at Arms shall perform other duties when instructed to do so by the President.

Historian: The duty of the Historian shall be to maintain, help create and be the custodian of the archives of the organization which shall be housed in the club library.

Librarian: It shall be the duty of the Librarian to maintain and be the custodian of all books, periodicals, papers and pamphlets relating to the subjects of magic and magic equipment belonging to the Oakland Magic Circle.

Section 4 - Election of Officers

- A. Candidates for office in the OMC shall be Active Members in good standing who have reached the age of eighteen years. They may be nominated by any Active Member in good standing during the regular meeting in November, and the names of such candidates shall be published in the newsletter of the Oakland Magic Circle sent to the membership prior to the regular meeting in December. Subject to paragraph (B) of this Section, the election of Officers shall be by a majority of Active Members in good standing, present and voting at the regular meeting in December. A member cannot be elected to more than one office.
- B. In the event two or more members are nominated for the same office, the election for the office in question shall be by secret ballot. The Secretary shall send each Active Member in good standing a ballot at least two weeks preceding the regular meeting in December. This ballot shall be marked and returned to the Secretary either by mail or personally at the regular meeting in December, at which time . the ballots received will be tallied. A majority, and not a simple plurality, of the votes cast will be necessary for election to each office.
- C. If a majority vote is not achieved by a candidate for an office pursuant to paragraph (B) of this section, then the two candidates having the largest number of votes for that office will immediately be entered in a run-off election to be determined by a majority vote of the Active Members in good standing present and voting at the meeting.
- D. Pursuant to paragraph (B) of this section, votes will be counted first for the President, then for Vice President, then for Secretary, then for Treasurer, then for Technical Officer then for Sergeant-at-

Arms, then for Historian, and then for Librarian. Members may be nominated for more than one office, but if elected to any office the name of that member will be removed from all subsequent ballot counts.

Section 5 - Vacancies

A vacancy in elected office shall be filled by an appointment by the President. Should the office of the President become vacant, the Vice-President shall automatically become President.

Section 6 - Removal of Officers

An officer may be removed from his or her office upon a finding by the Board of Directors of incapacity or malfeasance by such officer that conflicts in a significant manner with said officer's duties as stated in Article IV, Section 2, or harms the reputation of the OMC with the general public to a significant degree. An officer accused of such incapacity or malfeasance shall receive written notice of the conduct in question from the Board and have a reasonable opportunity to discuss the accusation with the Board prior to any decision. A decision by the Board to remove such officer from his or her office shall require a vote of two-thirds (2/3) of the Board present at the time of the decision, not including the officer in question.

ARTICLE V

Section 1 - Initiation

The following ritual for the oath of induction to membership in the Oakland Magic Circle may be used at the option of the President.

The administering officer shall first read the following preamble.

The Oakland Magic Circle is a social organization formed for the purpose of bringing together those whose common bond is a love of the art of magic.

We are pledged to increase public appreciation and interest in magic
We are organized for fellowship and mutual aid in the improvement
of our craft.

A further objective of the Oakland Magic Circle is the encouragement of junior magicians.

The inductee will then be asked to repeat the oath of membership, inserting his/her own name, as follows:

I _____, hereby promise that I will uphold the principles and ideals of the Oakland Magic Circle as they have been described to me. I realize that as a member of this club or any other magic club I am to be, at all times an ambassador of the art, observing the common courtesies, ethics and protocol of the world wide magic community.

The inductee will then be asked, "Do you so swear?" and after an affirmative answer the inductee will be welcomed as a new member.

Section 2 - Amendments

This Constitution shall not be amended unless:

- A. The proposed change or changes be submitted in writing at a regular meeting.
- B. A written notice explaining each such proposed change is sent to each member stating the proposed changes.
- C. A two-thirds favorable vote approving the change or changes is obtained from the Active Members in good standing present and voting at the regular meeting following.

Section 3 - Effective Date

The Revised Constitution and any subsequent amendments hereto shall take effect immediately upon being adopted in accordance with Section 2 of this Article.

Section 4 - Fiscal Year

The fiscal year shall be from January first through December thirty-first.

Section 5 - Rules of Order

The rules contained in the most current edition of Robert's Rules of Order (Newly Revised) shall govern the Oakland Magic Circle in all cases to which they are applicable and in which they are not inconsistent with this constitution or any special rules of order the Oakland Magic Circle may adopt.