The American Legion

Department of Florida

6 May 2019

MEMORANDUM FOR COMMANDER

FROM: JUDGE ADVOCATE

SUBJECT: Constitution and By-Laws of American Legion Palm Valley Post 233

1. I have reviewed the subject Constitution and By-Laws. They are approved as written.

2. I have prepared and attached the appropriate Approval Form and have electronically signed same.

3. If you have any questions, please call me at (850) 596-9353 or e-mail me at JudgeAdvocate@Legionmail.org.

Sincerely,

//Signed – R. Curtis McNeil//

R. CURTIS McNEIL
Judge Advocate
The American Legion, Department of Florida

APPROVED

Pursuant to the applicable provisions of the Department Constitution, the Attached Constitution and By-Laws of American Legion Palm Valley Post 233 have been reviewed and approved this 6th day of May, 2019.

//Signed – R. Curtis McNeil//

R. CURTIS McNEIL
Judge Advocate
The American Legion, Department of Florida

Approval Confirmed:

Dianne M. Boland

DIANNE M. BOLAND
Department Commander

PALM VALLEY POST 233
a.k.a. PALM VALLEY POST No. 233, THE AMERICAN LEGION INC.

CONSTITUTION

(Revised 2018)

PREAMBLE

For God and Country we associate ourselves for the following purposes:

- To uphold and defend the Constitution of the United States of America;
- To maintain law and order;
- To foster and perpetuate a one hundred percent Americanism;
- To preserve the memories and incidents of our association in the great wars;
- To inculcate a sense of individual obligation to the community, state and nation;
- To combat the autocracy of both the classes and the masses;
- To make right the master of might;
- To promote peace and good will on earth;
- To safeguard and transmit to posterity the principles of justice, freedom and democracy;
- To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I - NAME

Section 1. The name of the organization shall be Palm Valley Post No. 233, The American Legion, Inc. and is associated with The American Legion Department of Florida, and hereinafter referred to as The Post.

Section 2. The Post is and shall always be an affiliate member of the National and State Department of The American Legion. It is further incorporated as a nonprofit corporation in the State of Florida.

Section 3. The Post shall have perpetual existence as is enumerated in its incorporation charter.

ARTICLE II - OBJECTIVES

Section 1. The objectives and purposes of The Post shall be to promote the principles and policies set forth in the foregoing preamble, and the National and Department Constitution of The American Legion.

ARTICLE III - NATURE

Section 1. The Post is a civilian organization and membership therein does not affect the liability for military service.

Section 2. This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles, nor for the promotion of the candidacy of any person seeking public office or preferment.

ARTICLE IV - MEMBERSHIP

Section 1. Eligibility for membership in The Post shall be as prescribed by the National Constitution of The American Legion.

Section 2. Application for membership shall be made in writing under such regulations as prescribed by the National Constitution of The American Legion, and shall include a copy of the applicants service record attesting to his/her dates of active duty service.

Section 3. Any member that runs for an elected office in The Post, must have on file a copy of his/her DD214 or other official document attesting to his/her eligibility.

Section 4. There shall be no form or class of membership except an active membership, and dues shall be paid annually.

ARTICLE V - OFFICERS

Section 1. The administrative affairs of The Post shall be under the supervision of an Executive Board, which shall consist of the elected officers of The Post, plus five (5) elected members-at-large, the option of a past commander selected by the Past Commanders Club, and the following appointed officers; Adjutant, Judge Advocate, and a Service Officer; all whom shall serve at the pleasure of the Commander of The Post without a vote.

Section 2. The elected officers of The Post shall be a Commander, a 1st Vice Commander, a 2nd Vice Commander, a 3rd Vice Commander, a 4th Vice Commander, a Finance Officer, a Historian, a Chaplain, a Sergeant at Arms, and five (5) members-at-large to serve on the Executive Board. A member may only hold one (1) elected position

Section 3. The Commander elect shall appoint the following, an Adjutant, a Judge Advocate, and a Service Officer who shall also serve on the Executive Board, without a vote. These appointments shall be ratified by a majority of the Executive Board members present at the first meeting following appointment. An elected officer can only hold one (1) appointed position.

Section 4. All officers of The Post, except those appointed, shall be elected annually and will be certified to the Department Adjutant as provided by the Department By-Laws. Newly elected officers and appointed officers shall enter upon their duties on a mutually agreed date between both the outgoing and incoming commanders, but in no event shall be later than June 30 of the current year. The ceremonial Installation of Officers will be by the District Commander or his/her representative, and shall take place within 60 days after the adjournment of the annual Department Convention.

Section 5. Any Officer or Executive Board member may be removed by the Executive Board, after trial, as provided in the Constitution of The Department of Florida, The American Legion.

Section 6. Any member of The Post, in good standing, shall be eligible to hold office in The Post.

Section 7. The duties of the officers and committeemen shall be described in The Post By-Laws.

Section 8. The Commander shall appoint standing committees, subject to approval of the Executive Board, at the first meeting following his/her appointment. Special committees shall be appointed by the Commander and are not subject to Executive Board confirmation.

ARTICLE VI - ELECTIONS

Section 1. Elections for officers shall be in accordance with Article X Section 13 of the Constitution of The Department of Florida which reads:
All officers of Posts, except those appointed, shall be elected and certified to the Department Adjutant not more than ninety (90) days, nor less than ten (10) days prior to the Annual Department Convention. Certification is to be made on forms furnished or prescribed by the Department Adjutant. Post officers shall be installed by the District Commander or his/her designated representative, take office and enter upon their duties at a date to be fixed by the Post. This date shall be no later than sixty (60) days after adjournment of the Annual Department Convention unless waived in writing by the incoming District Commander. In the event of a vacancy caused by death, resignation, or removal from office, the name and address of the successor shall be reported to the Department Adjutant within one (1) week after such vacancy has been filled.

Section 2.

- **a.** Each Commander nominee shall name a 'Teller' to preside at the election. The present Commander shall delegate an 'Election Judge' who shall preside over the administration and counting of the ballots.
- **b.** The delegated Election Judge and Tellers shall not be candidates for any elected office. When the present Commander is a candidate for any position on the ballot, the Executive Board shall delegate the 'Election Judge'.
- **c.** When the present Commander is a candidate for re-election the Executive Board shall name a "Teller' to assist in the vote tabulations.
- **d.** The immediate Commander may hold that office for only three (3) complete successive terms, unless there are no other members running for that position.

ARTICLE VII - FINANCE

Section 1. The Post shall pay to Department Headquarters, in a timely manner, the National and Department annual membership dues for each member of The Post who has renewed their membership, transferred into The Post and paid the membership dues, or is a new member in The Post for the coming year.

Section 2. All funds or deposit accounts will be established and maintained as the by-laws may provide. Investment of such funds shall be as directed by the Executive Board as provided in by-laws. No withdrawals from or reinvestment of such funds shall be made except by the authority of the Executive Board with approval by the general membership.

ARTICLE VIII - AMERICAN LEGION AUXILIARY

Section 1. The Post recognizes an Auxiliary Unit as an organization to be known as 'The American Legion Auxiliary Unit No. 233 of Palm Valley Post No.233'.

ARTICLE IX - SONS OF THE AMERICAN LEGION

Section 1. The Post recognizes a program under its jurisdiction known as 'Sons of The American Legion Squadron No. 233 of Palm Valley Post No. 233'. Said squadron shall be organized under the jurisdiction and sponsorship of The Post.

ARTICLE X - AMERICAN LEGION RIDERS

Section 1. The Post recognizes a program under its jurisdiction known as 'American Legion Riders Chapter No. 233 of Palm Valley Post No. 233'. Said chapter shall be organized under the jurisdiction and sponsorship of The Post.

ARTICLE XI - PAST COMMANDERS

Section 1. The Post recognizes a group of members under its jurisdiction known as the 'Past Commanders Club'. Said group shall only consist of past full term Commanders of The Post, who are current members in good standing in The Post.

ARTICLE XII - AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion, and the Department Constitution of Florida. Any amendment to said National or Department Constitution which is in conflict with any provision hereof shall be regarded as automatically repealing or modifying the provision the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any regular Post meeting by a two-thirds (2/3) vote of the members of The Post attending such meeting providing that the proposed amendment is submitted in writing and read at the next regular meeting of The Post and providing further that that written notice has been given to all members in good standing at least ten (10) days in advance of the date the amendment is to be voted upon.

Section 3. Adequate and acceptable means of written notice shall be publication on The Post bulletin board as well as electronic communications via The Post website and Facebook media.

Section 4. Once approved by the membership a copy of the amendment(s) shall be forwarded to the Department Adjutant for final approval, prior to implementation.

ARTICLE XIII - OMISSIONS

Section 1. The National and Department of Florida Constitutions shall be used to answer any questions not covered in this document.

ARTICLE XIV - DOCUMENT UPDATING

Section 1.

a. This Constitution shall be reviewed, rewritten, or revised every three (3) years, or as may be required. This will include any amendments submitted and approved as detailed in Article XI – Amendments.
b. The Constitution Review Committee can initiate necessary updates. When an update is initiated it will be announced at a regular meeting. The update will then be noticed to the members as detailed in Article XI – Amendments along with the date the amendment(s) are to be voted upon.
c. After approval of the amendment(s) by The Post members, three (3) copies will be provided to the Department Adjutant for final review and approval by The Department of Florida.
d. The Department will return a letter of approval or a letter specifying changes that may need to be made to the submitted document(s).

ARTICLE XV - ADOPTION

Section 1. The Constitution, and any subsequent amendments, shall become immediately effective upon approval by the Department Judge Advocate, confirmed by the Department Commander, and a copy filed with the Department Adjutants' Office, with a certification of approval issued to The Post.

ARTICLE XVI - SUPERCEDURE

Section 1. This Constitution shall supercede, replace and take the place of all provisions of any previously adopted Constitutions of Post 233.

Attest: **Roy Havekost (PC)**
Judge Advocate

Caroline Merillat
Commander 2018-2019

Torsak Vimoktayon
Adjutant 2018-2019

Noticed/Publicized: September 18, 2018 Bulletin Board, Internet & Social Media
Introduced: October 10, 2018 Regular Meeting
Voted upon: November 14, 2018 Regular Meeting

PALM VALLEY POST 233
a.k.a. PALM VALLEY POST No. 233, THE AMERICAN LEGION INC.

BY-LAWS

(Revised 2018)

ARTICLE I - NAME AND PURPOSE

Section 1. The Post existing is to be known as Palm Valley Post 233 a.k.a. Palm Valley Post No. 233, The American Legion Inc., as a nonprofit veterans organization as described in I.R.C. 501c(19), and is associated with The American Legion Department of Florida. Hereinafter referred to as The Post.

Section 2. The purpose and objectives of The Post shall be to promote the principles and policies set forth in the preamble of our Constitution, and the National and Department Constitution of The American Legion.

ARTICLE II - MEMBERSHIP

Section 1.

- **a.** All applications for membership shall be referred to the membership Committee for qualification and certification of eligibility. If the applicant(s) meet the eligibility requirements, their name(s) shall be presented at the next regular meeting for membership approval, and in all cases, no later than 45 days from application certification.
- **b.** If an applicant, after review of the documents presented, is found to be ineligible, the application will be rejected and the applicant given the reason for rejection.
- **c.** Should a majority of the members present, at the regular meeting, cast their vote against acceptance of an applicant, the application will be rejected and the applicant given the reason for rejection.
- **d.** All pertinent documentation presented with an application will be returned to the applicant if requested. Otherwise, the documentation will be retained in a secure file under the care of the 1st Vice Commander and the Adjutant. This documentation may later be transferred to an encrypted electronic file and secured under the care of the 1st Vice Commander and Adjutant. Once this is done, the paper documentation may be destroyed.

Section 2. Any member of The Post may be expelled or suspended for cause. Charges shall be based on disloyalty, neglect of duty, dishonesty or conduct unbecoming a Legionnaire. Any, and all discipline must be in accordance with Article X Section 14 of the Department of Florida Constitution.

Section 3. Reinstatement of suspended or expelled members shall be in the manner as prescribed and required by The Department and National Constitution and By-Laws.

Section 4. No person who has been expelled by another Post shall be admitted to membership in this Post without the consent of the expelling Post. When consent has been asked for and denied by that Post, the person may appeal to that Posts' Executive Committee for permission to apply for membership in this Post. That person shall be ineligible until permission is granted.

ARTICLE III - MANAGEMENT

Section 1. The administrative affairs, government and management of The Post is entrusted to the Executive Board under the direction of The Post Commander, who shall be the Chief Executive Officer.

Section 2.

a. The Commander, House Committee Chairman and Club Manager shall have the authority to hire employees. Any newly hired employees' personnel file must be presented at the next Executive Board for discussion and approval.

b. Employees hired to work at The Post shall complete the required documentation for said employment prior to their start date. All employees will serve a required ninety (90) day probationary period of employment. This probation may only be extended by thirty (30) days with Executive Board approval.

c. All employees shall receive electronic access to the Palm Valley Post 233 Employee Manual, Job Description Documents, the House Rules Manual, and the Constitution and By-Laws of The Post. All employees' will familiarize themselves with these documents and adhere to the guidelines established by The Post.

d. An employees' supervisory personnel have the authority to dismiss an employee without cause during the probationary period or with just cause at any time of employment. Any regular employee so dismissed, may appeal the dismissal to the Executive Board within 30 days. Dismissal of a probationary employee for any cause is final.

ARTICLE IV - EXECUTIVE BOARD

Section 1.

a. The Executive Board shall consist of the current nine (9) elected officers of The Post, five (5) members-at-large elected as committeemen, one past Commander elected by the Past Commanders Club and three (3) non-voting appointees.

b. The Adjutant, Judge Advocate and Service Officer shall be appointed by the Commander elect and their names shall be presented to the Executive Board at the first meeting following appointment for confirmation by a majority of the members present.

c. The officers named in Section 1b shall be members of the Executive Board without vote, unless one had been elected as one of the Executive Committeemen.

d. Other elected officers cannot hold one of the appointed offices.

Section 2.

a. In performance of their duties, officers and committeemen are expected to attend all Executive Board and Regular Membership meetings of The Post. The Executive Board may interpret unexcused absences from meetings as 'Neglect of Duty' as detailed in Article X Section 14 of the Constitution of the Department of Florida.
b. Approved (excused) absences will be considered for sickness, death in the family, vacation and call to active military duty. Executive Board members who fail to attend three (3) consecutive meetings (unexcused), shall by default be considered as having resigned their office.
c. The Commander shall nominate replacements for vacancies on the Executive Board. The Commander should first consider a Legionnaire who had run for an office and was not elected.
d. All vacancies existing on the Executive Board, from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the Board. The person so appointed and approved shall hold office for the remainder of the term of the member they succeed.

Section 3.

a. The Executive Board shall meet, for organization and such business as may come before it, at the call of The Post Commander within ten (10) days after the election of officers. Thereafter, the Board shall meet once monthly prior to the regular membership meeting. The Commander or Board chair may call a special Board meeting with a three (3) day advanced notice to members. Emergency Board meetings may be called whenever an immediate emergent need exists. In certain cases determined by the Commander, email communication with the Board may be necessary to correct the emergent need. In this case, all electronic communications will be made part of the official record at the next Executive Board meeting.
b. A quorum of seven (7) members present is necessary to conduct an Executive Board meeting.

Section 4. The Executive Board shall:

a. Authorize and approve, by signature of at least two (2) Officers, all vouchers and expenditures during the recess between meetings.
b. Never allow for a non-Legionnaire to be authorized as a signatory on any Legion banking accounts.
c. Request an audit of all persons or committees handling funds.
d. Hear reports from Committee chairpersons.
e. Require adequate bonding of all members and employees, having custody of funds.
f. Have charge of and be responsible for the management of the affairs of The Post.

Section 5.

a. The Executive Board, by majority vote, shall have the authority to hire and fire employees.
b. The Executive Board, by majority vote, shall have the authority to review all new hires personnel file for final approval or denial. This process must take place before the mandatory ninety (90) day probationary period expires.
c. The Executive Board is responsible to oversee that each elected officer and appointed officer is conducting their duties as described in Article V of these By-Laws.
d. In addition, the Executive Board is charged with seeing through that all financial forms and registrations for local, county, state and federal governments are completed in a timely manner. Mandated forms in this section may include but are not limited to: Federal IRS forms 990, 941 and 8822B; State forms DR-5, DR-11, DR-14, DR-15, UTC-6 and forms required by A.B.T to maintain our alcoholic beverages license, as well as our corporation filings; Local and County Health Certificates and Licenses; and any other mandated forms required to maintain our Post operations.

ARTICLE V - DUTIES OF OFFICERS

Section 1. The Commander shall:

a. Be an authorized signatory on The Post financial accounts.
b. Perform the duties as outlined in the Articles of Incorporation filed with the State of Florida.
c. Preside over all meetings of The Post and have supervision over the business and affairs of The Post and as such be the Chief Executive Officer.
d. Make an annual report covering the business of The Post for the year and report same at the annual meeting of The Post in June.
e. Be ex-officio member of all committees of The Post, except the nominating committee.
f. Ask for written reports of Committee Chairpersons.
g. The Commander shall not serve more than three (3) consecutive terms, unless running unopposed at the next election.
h. If a duly elected Commander resigns during his/her term of office, the 1st Vice Commander shall assume the position in an Acting capacity for the balance of the term. Proper notifications shall be made to the Department Adjutant within one (1) week.
i. The Commander will be authorized to spend up to $250.00 per month for items necessary for the operations of The Post. If a larger amount is required, the Commander shall consult with the Executive Board. All expenditures of this nature will be reported at the monthly Executive Board meeting.
j. From time to time may appoint secondary committees or sub-committees when deemed necessary for the operation of The Post or a particular assignment . Such committees will always be chaired by a Legionnaire.

Section 2. The First (1st) Vice Commander shall:

a. Be an authorized signatory on The Post financial accounts.
b. Assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Commander.
c. Be chairman of the Membership Committee and the membership campaign.
d. Make, with the assistance of the Adjutant, periodic checks of membership cards of all persons entering The Post.
e. With the Adjutant, periodically purge the membership files of the members who are deceased, transferred or resigned from The Post.
f. Resolve any discrepancies that may arise during a membership application process.
g. Initiate recruiting objectives to obtain new members.
h. Name two (2) Legionnaire members to the Document Review Committee.
i. Conduct at least one (1) Post 400/208 and DMS solicitation a year and have periodic contact with these members-at-large for transfer into The Post.
j. Work to ensure that The Post meets or exceeds the monthly membership goals set by the Department and National. Organizations.
k. Undertake additional duties as may be assigned from time to time by the Commander.

Section 3. The Second (2nd) Vice Commander shall:

a. Be an authorized signatory on The Post financial accounts.
b. Assume and discharge the duties of the First Vice Commander in the absence or disability of, or when called upon by the First Vice Commander.
c. Be chairman of the House Committee and report to the Executive Board monthly.
d. Be in charge of the galley (kitchen) functions and related entertainment activity.
e. Coordinate use of the galley with the other Post entities. Develop rules for the proper and safe use of the galley, including rules pertaining to proper storage and discarding of food and other galley supplies.
f. Assist the First Vice Commander with membership drives whenever possible.
g. Undertake additional duties as may be assigned from time to time by the Commander.

Section 4. The Third (3rd) Vice Commander shall:

a. Be responsible for the maintenance of The Post building and surrounding grounds.
b. Schedule work parties, as may be needed, to enhance the appearance of The Post.
c. Ensure that the cleaning company hired to clean The Post interior performs that duty satisfactorily.
d. Ensure that the landscaping company hired to maintain The Post exterior grounds performs that duty satisfactorily.

e. Establish a preventive maintenance schedule to insure that the A/C units, ice maker, refrigeration units, well pump, exterior grease trap, etc. remain in good working order per manufacturers specification.
f. Assist the First Vice Commander with membership drives whenever possible.
g. Undertake additional duties as may be assigned from time to time by the Commander.

Section 5. The Fourth (4th) Vice Commander shall:

a. Assist the Second Vice Commander in the discharge of his/her duties.
b. Be a member of the House Committee and chair the committee in the absence of the chairman.
c. Ensure that the galley (kitchen) cleanliness is maintained whenever used by any entity and that it is always left in a ready condition.
d. Assist the First Vice Commander with membership drives whenever possible.
e. Undertake additional duties as may be assigned from time to time by the Commander.

Section 6. The Adjutant shall:

a. Be an authorized signatory on The Post financial accounts.
b. Issue membership cards for the current year to all members renewing their membership and to new members joining The Post, including transfers. When dues is paid prior to November 11th the membership card will be notated as 'Early Bird'. Any member who is paid up for life (PUFL) is automatically an 'Early Bird' .
c. Process all membership paperwork with the Department of Florida in a timely manner.
d. Return documents and money to rejected applicants, if requested.
e. Take minutes at each Executive Board and Regular Membership meetings and present at the next meetings for omissions, corrections and final approval. These minutes shall be retained at The Post once approved. These minutes may also be electronically preserved.
f. Take minutes at each House Committee meeting and present at the next meeting for omissions, corrections and final approval. These minutes shall be retained at The Post once approved. These minutes may also be electronically preserved.
g. Keep such records as the Department and/or National organizations may require.
h. Render reports of membership annually or when called upon at meetings.
i. Handle all incoming and outgoing correspondence of The Post.
j. Work with the First Vice Commander on membership activities and plans.
k. Ensure that the records of The Post are permanently retained as required by law or at the least for a minimum of seven (7) years. The destruction of any permanent records of The Post, must first be approved by the Executive Board.
l. Undertake additional clerical duties as may be assigned by the Commander.

Section 6. The Finance Officer shall:

a. Be an authorized signatory on The Post financial accounts.
b. Be charged with the custody of The Post funds subject to the direction of the Executive Board.
c. Ensure that all funds are properly and safely deposited in the accounts authorized by the Executive Board by setting the proper controls in place.
d. Maintain an itemized account of monies received and dispersed through the accounts of The Post. Electronic recordkeeping will be acceptable as approved by the Executive Board.
e. Ensure proper retention of all receipts and invoices by setting the proper controls in place.
f. Prepare a budget, within sixty (60) days of assuming office and having met with the appropriate offices, committees and/or chairs needed in order to develop such budget.
g. Report the financial position of The Post each month at the Executive Board meetings. Display the report on The Post bulletin board for transparency.
h. Be required as a signatory on all financial accounts of the 'Sons of The American Legion Squadron No. 233' as per National directive.
i. Be required as a signatory on all financial accounts of 'The American Legion Riders Chapter No. 233' as per National directive.
j. Require monthly financial reports and/or statements from the subsidiary programs of The Post, namely, The Sons of The American Legion Squadron No. 233 and The American Legion Riders Chapter No. 233. These reports will be included each month in the monthly report to the Executive Board.
k. Ensure that all Federal, State, County and Local required financial forms are properly and timely filed.
l. Ensure that all employees and members that handle funds of The Post are properly bonded and/or insured.
m. Exercise such other duties as may be required by this position.

Section 7. The Judge Advocate shall:

a. Provide unfettered advice to the Commander, Officers and Executive Board on all legal matters including construction and interpretation of the Post Constitution and By-Laws. Additionally, the Judge Advocate may when necessary seek appropriate legal advice from the National and Department organizations Judge Advocates. The Judge Advocate may also seek local legal advice if and when necessary.
b. Preside at all meetings called to hear charges against any member of The Post.
c. Preside as chairman of The Post Disciplinary Sub-Committee. This committee hears charges against members for violations of the House Rules and Regulations.
d. Preside as otherwise described in the Department of Florida Judge Advocate Manual (2017) or later.
e. Chair the Constitution and By-Laws review committee.
f. At the conclusion of his/her term, recommend to the Commander or new Commander elect, a successor for appointment as Judge Advocate. This recommendation should consider the experience and training of the potential successor.

Section 8. The Sergeant at Arms shall:

a. Preserve order at all meetings.
b. Be the custodian of the colors and all ceremonial equipment of The Post.
c. Prepare the meeting room for all Executive Board and Regular Membership meetings and other special functions or meetings.
d. Validate the currency of membership cards at each meeting. No valid card, no admittance.
e. Assist the First Vice Commander and Adjutant when they make periodic checks of members entering The Post or Club area to ensure they are members in good standing.
f. Inform the Commander the names of all guests that are attending a meeting, along with their title and Post, District, Department or National affiliations.

Section 9. The Service Officer shall:

a. Be required to attend the proper certified training and annual recertification classes in order to hold this position.
b. Administer service to qualified veterans seeking help from The Post.
c. Briefly report monthly at the Executive Board meeting as to any help that was provided.
d. Can disperse a sum up to $100.00 to any qualified veteran whom he determines is indigent and in need at the time. If the indigent/needy veteran is in further need of a larger amount he will be referred to the County Veteran Service Officer (CVSO). Reimbursement of the outlaid sum, up to $100.00, will be made when proper documentation is presented to the Executive Board.
e. Maintain a secure file at The Post of all records and activities in progress or completed. These files shall be kept for a period of two (2) years before a request for destruction.
f. Provide liaison between The Post and The Veterans Administration.

Section 10. The Post Historian shall:

a. Record all activities and events of The Post for historical reference.
b. Maintain items of interest on programs, activities, meetings, and events, to include photographs and news media accounts, etc.
c. Archive an annual overview history.
d. Ensure that electronic media, ie internet website, social media such as Facebook, and other such media is used to continue to promote the goals and objectives of The Post.

Section 11. The Chaplain shall:

a. Be in charge of the spiritual welfare of The Post.
b. Offer divine nonsectarian service for meetings, dedications, funerals, and at other functions of The Post.
c. Adhere to such ceremonial rituals as are recommended by the National and Department organizations.
d. Visit the sick and distressed members and their families to offer assistance if needed.
e. When appropriate mail 'Get Well' or 'Sympathy' cards to members and their families.
f. Chair the Visiting Committee.

Section 12. Past Commanders:

a. The basis with which this club was created and maintains its purpose is Honor, Fellowship, Pride, Mentoring and Support.
b. The club is open to all full term past Commanders of The Post that are currently members in good standing of The Post.
c. The members shall always show Honor and respect to all veterans, take Pride in the accomplishments of The Post, Mentor new Commanders, and show Support for all sanctioned programs of the Legion that are undertaken by The Post.
d. The club shall be a Fellowship of elite members, charged with the selection of a representative past commander to serve on the Executive Board each term.
e. The club can be called upon at any time by the current Commander to act as an advisory committee, if needed.

ARTICLE VI - ELECTIONS

Section 1. Vacancies:

a. All vacancies existing in the Executive Committee, or in any office of The Post from any cause other than expiration of the term, shall be filled by a majority vote of the remaining members of the Executive Board, and a person so appointed shall hold office for the unexpired term of the member or officer who is succeeded.
b. The Executive Board shall have the authority to declare the existence of a vacancy of office when such vacancy occurs do to resignation, death, or unexcused absence. An unexcused absence of this Post shall be understood to be a total of three (3) consecutive absences from any Executive Board and/or Regular Membership meetings. The Commander shall fill the vacancy by appointment subject to approval by the Executive Board.
c. The name and address of the successor shall be reported to the Department Adjutant within one (1) week after such vacancy has been filled.

Section 2. Nominations:

a. The Executive Board shall appoint a nominating chairman and committee who shall canvass, review qualifications and present one (1) nominee with their permission for each office (not Executive Committeemen). The nominating chair or committee cannot be candidates for any office on the nomination slate. The list will be presented to The Post membership not less than three (3) regular meetings preceding the election. Additional nominations for Post Officers and Executive Committeemen may be made from the floor during the two (2) regular meetings preceding the election. All members nominated must be on the floor to accept or decline the nomination.
b. A nominator may nominate only one nominee then release the floor for other nominators. The nominators will rotate until there are no more nominations. No person shall be nominated for more than one (1) elected office.

c. The office of each officer shall be placed on the ballot in the sequence of rank of office (ie Commander, First Vice Commander, etc.) Nominees for Post Officers and Executive Committeemen will be placed on the ballot in the sequence as nominated.

Section 3. Each Commander nominee shall name a 'Teller' to verify voters current membership card and count the balloted votes of the election. The Commander shall designate an 'Election Judge' to preside over the administration of the voting, and counting of ballots. The Election Judge shall have the authority to eject any person loitering in the voting area. If the Commander is a candidate for any office, then the Executive Board shall designate the 'Election Judge'. The Tellers and Election Judge shall not be candidates for any office on the ballot.

Section 4. The Adjutant shall be available to verify each member's current status (ie paid for current year) The Sergeant at Arms will assist in card verification of members voting. Presentation of a current card is a prerequisite to vote. The Adjutant and Sergeant at Arms will not be involved in the vote counting process.

Section 5. Voting will take place on the Saturday following the last regular membership meeting where nominations were last accepted and closed. Voting will take place from 11:30am to 5:30pm at The Post home. There will be NO provisions for absentee ballots. Announcement of those elected shall take place on this date at or about 6:00pm.

Section 6. The Election Judge and Tellers shall count the votes cast. Candidates will be elected by a simple majority. Five (5) committeemen nominees will be elected by the highest number of votes received. In the event of a tie for any office, a coin flip will be used to determine the winner.

Section 7. Any candidate for a specific office, may request a recount of votes for that office only. Any discrepancy in the count will be referred to The Post Judge Advocate whose decision will be final.

Section 8. All marked election ballots that are received will be secured and retained for thirty (30) days after which the Executive Board may order their destruction.

Section 9. The Post shall not endorse any Post Legionnaire for a position in our District or Department organization, who has not served at least two (2) complete terms as an elected or appointed officer of this Post, in the previous five (5) years.

ARTICLE VII - DELEGATES

Section 1. The delegates and alternates to a Department Convention shall be selected at a regular monthly membership meeting of The Post, not more than fifty (50) days nor less than ten (10) days prior to the date of such convention.

ARTICLE VIII - APPOINTMENTS

Section 1. The Commander, immediately upon taking office, shall make the following appointments: the Post Adjutant, the Post Judge Advocate and the Post Service Officer. In addition, the Commander shall appoint the following standing committees: Membership, House, Finance, Legal, Audit, Boys State, Public Relations, Visiting and Americanism. Each committee shall be prepared to report their status at monthly meetings. In addition, the Commander shall appoint three (3) Legionnaire liaisons, one to the Sons Squadron No. 233 and one to the Riders Chapter No. 233, and a third liaison will be assigned to the Auxiliary Unit No.233.

Section 2. The Commander has the authority to remove any of the above appointees with or without cause for the betterment of the operation of The Post.

ARTICLE IX - COMMITTEES

Section 1. Membership Committee:

- **a.** The First Vice Commander shall chair this committee. The committee may consist of up to three (3) Post members.
- **b.** The committee shall have charge of the investigation of applications and determining the eligibility for new members and transfers. Completed applications shall be forwarded to the Post Adjutant for presentation to the membership for approval.
- **c.** Assist with all membership drive initiatives planned by The Post.

Section 2. House Committee:

- **a.** The Second Vice Commander shall chair this committee.
- **b.** This committee will adhere to the House Rules and Regulations developed and approved by The Post membership.
- **c.** This committee shall meet monthly on a day prior to the monthly Executive Board meeting.
- **d.** This committee will be responsible for the oversight and care of the Post social quarters and the coordination of Post social activities, events, entertainment, and other special occasions.
- **e.** This committee shall arrange for club entertainment and maintain a social calendar of events

Section 3. Finance Committee:

a. The Finance Officer shall chair this committee. The committee may consist of up to three (3) Post members.
b. Committeemen will assist with the administration of all Post finances.
c. Committeemen will assist in the preparation of the annual budget.
d. Set controls for the proper receiving, disbursing and accounting of both ordinary Post and Club funds.
n. Assist in the assurance that all Federal, State, County and Local required financial forms are properly and timely filed.
e. Assist the Finance Officer in his/her duties if needed.

Section 4. Legal Committee:

a. The Judge Advocate shall chair this committee and be charged with the resolution of legal questions that may arise concerning The Post affairs. This committee may consist of up to three (3) more Post members.
b. The committee shall prepare or recommend appropriate resolutions and amendments to the membership, then after approval, to the Department of Florida Adjutant.

Section 5. Audit Committee:

a. A Post officer shall chair this committee. This committee may consist of up to three (3) more Post members, excluding the current and immediate past Finance Officer(s).
b. At least one person shall have some knowledge concerning the conduction of an audit.
c. Quarterly reports should be given at regular monthly meetings.

Section 6. Boys' State Committee: The chairperson of this committee shall coordinate the interviewing and selection of these candidates. This committee may consist of up to two (2) more Post members.

Section 7. Public Relations Committee: The Legionnaire chairperson of this committee shall be charged with the promotion of public support of the American Legion programs. This committee may consist of up to three (3) more Legion family members. Establishment of media contacts at the local level is of prime importance so that a proper and favorable dissemination of official programs being sponsored at the Post level is received. Establishment of contacts at both the Department and National levels is of importance for the consistency of information being disseminated.

Section 8. Visiting Committee: The Chaplain shall chair this committee and is charged with the visiting and comforting of members and their families when sick or bereaved, and with visiting veterans in nearby hospitals. This committee may enlist the assistance of our entity Chaplain's from The Post, ie Auxiliary, Sons and Riders.

Section 9. Americanism Committee: The chairperson of this committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic

occasions, encouragement of patriotic and civic phases of instruction in schools, Americanism of aliens, combating of anti-American propaganda by education of the public in American ideals through public forums etc., and activities for community and civic betterment.

Section 10. Program Liaisons: The Legionnaire liaison members shall act as advisors to the Sons Squadron and Riders Chapter programs, and to monitor the activities for operational compliance.

Section 11. Auxiliary Liaison: This Legionnaire liaison member (preferably a dual member) shall maintain full cooperation between the Auxiliary and The Post.

ARTICLE X - FINANCE

Section 1. The revenues of The Post shall be derived from annual membership dues, approved functions or events, and such other sources as may be approved by The Post Executive Board or general membership.

Section 2. The amount of annual membership dues shall be fixed and determined by the Executive Board and approved by the general membership.

Section 3. All officers or employees responsible for the handling of Post funds shall be required to furnish adequate bonds conditioned for the faithful performance of their duties. The cost of all bonding and/or insurance shall be assumed by The Post.

Section 4. The fiscal year of The Post will be from July 1 to June 30 of the succeeding year. Each date being inclusive.

Section 5. Incoming Term Audit

- **a.** There shall be a complete internal audit of all finances, accounts, property, and business affairs of The Post made during the month of July. Areas of interest should include the Club bar, Legion Sons and Riders accounts and dues, galley (kitchen) income and expenses and pavilion rental income and expenses.
- **b.** The Commander elect shall appoint three (3) Post members to the audit committee, reference Article IX Section 5.
- **c.** The Commander, Executive Board, Audit Chairman or any member in good standing may call for an audit at any time that it is felt necessary.
- **d.** An inventory of all tangible property owned by The Post should be recorded annually.

Section 6. Contracts:

- **a.** No member, officer, committee or employee of The Post shall have the authority to bind The Post by contract or incur an obligation upon The Post, without the express authority of the Executive Board.
- **b.** All contracts entered upon on behalf of The Post in the amount of one thousand dollars ($1,000.00) or more should have at least three (3) estimates in writing and must be approved

by the Executive Board. All contracts under one thousand dollars ($1,000.00) must first be approved by the Executive Board.

ARTICLE XI - RESOLUTIONS

Section 1. All resolutions, of Department or National Organizations, generated by this Post shall merely embody the opinion of the Post on the subject and a copy of same shall be forwarded to the District, then to Department for its approval.

ARTICLE XII - MEETINGS

Section 1. House Committee: This committee shall meet monthly on a date before the Executive Board meets. The day and time will be announced in July for the term year and posted on the Meeting Board in the main hall.

Section 2. Executive Board: This committee shall meet monthly on a date before the Regular Membership meets. The day and time will be announced in July for the term year and posted on the Meeting Board in the main hall.

Section 3. Regular Membership: The Regular General Membership shall meet monthly on a date set after the Executive Board meets. The day and time will be announced in July for the term year and posted on the Meeting Board in the main hall. The June meeting that ends the term shall be known as the Annual Meeting.

Section 4. Special Meetings: The Commander, House or Executive Chairs may call for a special meeting if deemed necessary or urgent for that committee. Special meetings will require a minimum of a twenty-four (24) hour notice. When a special meeting is called, only the specific subject that necessitated the need for a meeting will be discussed. The need to call for a special meeting rests with the chairperson of that committee. Absence from a special meeting will not be used against a member.

Section 5. Meeting quorums:

- **a.** House committee, a quorum of six (6) members, as described in the House Rules.
- **b.** Executive Board, a quorum of seven (7) members is necessary to conduct business.
- **c.** Regular Membership, a quorum of nine (9) members is necessary to conduct business.

Section 6. Proceedings: All meetings, initiation of members, and other ceremonies of this Post shall be conducted in accordance with The American Legion Post Officers Guide.

ARTICLE XIII - BOYS' STATE

Section 1. The Boys' State Chairman shall:

- **a.** Meet in September or October with selected school counselors to review the selection criteria.

b. Ensure that the counselors know the deadline for candidate selection.
c. Have members of the Boys' State committee canvass various businesses/organizations for donations to this program.
d. Ensure that the required Post funds are sent to Department of Florida for each of the candidates attending, in adequate time for admission.
e. Ensure that the required funds for transportation of the candidates to Tallahassee are sent to the District, in adequate time.
f. Set time, date(s) and place for interviewing the candidates with the committee.
g. Collect and distribute necessary materials to be given to selected attendees.
h. Select a date for attendees to give feedback to The Post on their experience.

ARTICLE XIV - LEGIONNAIRE OF THE YEAR

Section 1.

a. This award is to be given at the Annual Meeting in June. To the Post Legionnaire who has overly demonstrated and performed his/her duties in accordance with the Preamble of The American Legion.
b. The award review committee will be the Commander and both the First and Second Vice Commanders.
c. Members of The Post may submit written recommendations for this award.
d. A special plaque with the 'Legionnaire of the Year' name will be presented to this outstanding Legionnaire at the Annual meeting in June.

ARTICLE XV - VOLUNTEER OF THE YEAR

Section 1.

a. This award should not be given to an elected or appointed officer of The Post for doing the duties of his/her office. If an officer is considered, it would have to be of significant value over and above that position to be considered.
b. This award will have a committee of one (1), the Commander. The Commander will present the name of his/her pick to the Executive Board for approval.
c. A special plaque with the 'Volunteer of the Year' name will be presented to this outstanding Legionnaire at the Annual meeting in June.

ARTICLE XVI - DUES

Section 1. The Post Executive Board will establish the annual dues amount subject to membership approval. Dues for the succeeding year can be paid can be paid starting in July after the annual Department Convention when the new membership cards are received. Membership cards expire on

December 31 each year. Membership cards will be notated 'Early Bird' when dues is paid for the new term by November 11th .

ARTICLE XVII - NOTICES

Section 1. All members will provide the Adjutant with a current mailing address, telephone number and email address (if applicable) for The Post files. This includes members of the Sons and Riders of The Post.

Section 2. The Post recognizes the need for electronic notices and communications and has established an internet website, emailing service and social media on-line presence for that purpose. Access information to this media is posted on The Post bulletin board in the main hall.

ARTICLE XVIII - LIMITATIONS AND LIABILITIES

Section 1. The Post shall not incur, or cause to be incurred, any liability or obligation whatsoever, that would be subject to the liability of any other Post, subdivision, group of men or women, members of The AmericanLegion, or other individual(s), corporations or organizations.

ARTICLE XIX - AMENDMENTS

Section 1. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of The Post in attendance, provided that the proposed amendment shall have been submitted in writing and read at the next regular meeting of The Post and providing further the notice had been given to all members in good standing at least ten (10) days in advance of the date the amendment is to be voted upon.

Section 2. A copy of The Post approved amendment shall be forwarded to the Department Adjutant to be reviewed and approved or denied by the Department Judge Advocate before being implemented.

Section 3. Notice on The Post bulletin board as well as electronically, as described in Article VII Section 2, are deemed adequate notification of such amendments being voted upon.

Section 4. These By-Laws shall be reviewed, revised, or rewritten in an identical manner as detailed in Article XIII of The Post Constitution.

ARTICLE XX - ADOPTION

Section 1. These By-Laws shall become effective upon the adoption by The Post membership and the final approval from The American Legion Department of Florida.

ARTICLE XXI - SUPERCEDURE

Section 1. These By-Laws shall supercede, replace and take the place of all provisions of any previously adopted By-Laws of this Post.

Attest: **Roy Havekost (PC)**
Judge Advocate

Caroline Merillat
Commander 2018-2019

Torsak Vimoktayon
Adjutant 2018-2019

Noticed/Publicized: September 18, 2018 Bulletin Board, Internet & Social Media
Introduced: October 10, 2018, Regular Meeting
Adopted: November 14, 2018, Regular Meeting