

The American Legion
Post 154
Tybee Island, Georgia



Constitution and By-Laws

Revised
March 25, 2009

Constitution & By-Laws

Section I - Constitution of The American Legion, Tybee Island, Georgia, Post 154 Inc.

Preamble

For God and Country, we associate ourselves together 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 associations 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 this organization shall be: American Legion Post 154, Tybee Island, Georgia, Inc., The Department of Georgia.

Section 2 - Incorporated: 2 March, 1946. The government and management of this corporation is entrusted to the Post Commander, and the Executive Committee, and shall operate on a fiscal American Legion year beginning annually on 1 July through 30 June.

Section 3 - The address of the registered office of this corporation is: 10 Veteran's Drive, Tybee Island, Georgia 31328. The Post Commander and the current Executive Committee are the registered agent(s), with the same address.

Article II - Objects

Section 1 - The objects and purposes of this Post shall be to promote the principles of the National and Department Constitution of the American Legion.

Section 2 - Any reference in the Constitution and By-Laws to the male gender shall be deemed to include the female gender.

Article III - Nature

Section 1 - This Post is a civilian organization and membership herein does not affect or increase liability for military or police service.

Section 2 - This organization shall be absolutely non-political and shall not be used for the dissemination of partisan principles, or for the promotion of the candidacy of any person seeking public office or endorsement.

Section 3 - Rank does not exist in the American Legion; no member shall be addressed by his military or naval title in any meeting of this Post.

Article IV - Membership

Section 1 - Eligibility for membership in this 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 may from time to time be prescribed by the Post Executive Committee.

Section 3 - All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or

referred for further investigation and consideration. If a majority of members cast their vote against the acceptance of the application, then the application shall be recorded as rejected.

Section 4 – Any member of this Post may be expelled for cause by a two-thirds (2/3) vote of the Executive Committee after charges are preferred under oath and in writing, and a fair trial had upon the same in accordance with procedures prescribed by National and adopted by the Department Executive Committee.

Section 5 - A member who has been expelled or suspended from this Post for cause may be reinstated to membership by a two-thirds (2/3) vote of the membership present and voting at a regularly scheduled Post meeting, provided payment of any arrears in dues during the interval between expulsion and reinstatement, are paid.

Section 6 - No person who has been expelled by a Post shall be admitted to membership in this Post, without the consent of the expelling Post; except that where such consent has been asked for and denied by such Post, may then appeal to the state Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

Section 7 - A receipt shall be issued to any member, prospective member, or transferee, upon payment of any dues received; every member shall furnish the Post Adjutant with their address for mailing purposes.

Section 8 - A member in good standing is defined as one who has a valid membership card for the current Legion year.

Article V - Officers

Section 1 - The administrative affairs of this Post of The American Legion shall, except as otherwise provided in the By-Laws, be under the supervision of the elected Executive Committee, consisting of three (3) Post Members, not already holding an elected or appointed office, in addition to the elected officers of the Post. The term of office of members of the Executive Committee shall be for one year. This Post, by its By-Laws, may provide for such standing committees as the business of the organization may require.

Section 2 – The elected officers of this Post shall be a commander, senior vice-commander, adjutant and three members elected to the Executive Committee. Appointed officers will include junior vice-commanders, finance officer, Post historian, Post chaplain, Post service officer, and a sergeant-at-arms and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election.

Section 3 - All Officers and Executive Committee members will serve for one (1) year, or until a successor is installed or as otherwise herein provided; An Officer or Executive Committee member may be removed from office for cause, provided the affected person is afforded charges under oath, and in writing, one (1) month prior to the contemplated action; Such removal requires a two-thirds (2/3) majority vote of the Executive Committee.

Section 4 – Every member of this Post in good standing shall be eligible to hold office in the Post.

Section 5 – The duties of officers and the executive committee shall be those usually appertaining to such officers or committee and as further provided in the By-Laws.

Article VI - Nominations - Elections - Vacancies

Section 1 – Election Date: The Post Commander, Senior Vice-Commander and Adjutant shall be elected annually, not earlier than sixty (60) days, and not later than fifteen (15) days, before the ensuing Convention of the American Legion, Department of Georgia.

Section 2 – Nominating Committee: A Nominating Committee Chairperson, not seeking office, shall be appointed by the Post Commander at least sixty (60) days prior to the annual scheduled elections; the Chairperson shall further appoint a minimum of two (2) additional Committee Members, also not seeking office; The Committee may submit a slate of Officers for membership consideration, and will ensure that all candidates are qualified and in good standing. The Committee shall cause the Post Adjutant to notify the general membership, via the newsletter, the time and date of upcoming elections.

Section 3 - Nominations: The Nomination Chairperson shall also cause the Post Adjutant to post a Declaration Board, at least forty five (45) days prior to the Election, as provided by Section 6.1 of this Article, listing all Elective Offices, and shall, at the last scheduled meeting prior to the annual scheduled election, as provided by Section 6.2 of this Article, announce those nominees who have made their intention to run for an Office be known. The Chairperson will take additional nominations from the floor, provided those nominated are present to accept, or have a letter of intent to accept on file with the Adjutant, and will add those names to the Declaration Board and close nominations. The Post Adjutant will re-post the Declaration Board for informational purposes.

Section 4 - Election Committee: A Chairperson, not seeking office, shall be appointed by the Post Commander prior to the Election meeting, as provided by Section 6.1 of this Article; The Chairperson shall further appoint at least two (2) additional Committee members, also not seeking office. After the general membership meeting, as provided above, the Chairperson shall cause the Adjutant to print the necessary paper ballots, and at the next general membership meeting, as provided by Section 6.1 of this Article, conduct Post Elections in a fair and equitable manner. The Committee will tally the votes, advise the membership, and post the results on the Bulletin Board. A candidate may not run for two (2) Elective Offices.

Section 5 - Elections: Those candidates nominated for an office listed on the ballot, including any write-in candidates, who receive fifty percent (50%) plus one (1) or more majority votes on the first (1st) ballot, will be declared the winner. Write-in names will not be considered for any office without a nominated candidate printed on the ballot. If any are noted, their names will be forwarded to the Executive Committee (elect) for consideration. Election of the Executive Committee members, regardless of how many candidates are running will provide that only the top three (3) candidates receiving the most votes will be declared the winners.

Section 6 – Run-Off Elections: Providing no candidate receives a fifty percent (50%), plus one (1) or more majority of the votes cast, a run-off election will be held between the top two(2) plurality vote winners, and the one receiving the most votes cast will be declared the winner.

Section 7 - Run-Off Procedures: (Optional) In the interest of time and full voter participation, the Election Chairperson may conduct a pre run-off election for those offices with three (3) or more candidates, (Except for Executive Committee members as noted above.) After tallying the votes, the top two (2) candidates receiving the most votes will be added to the general election ballot.

Section 8 - Installation: Officers and Executive Committee members will be installed on a date chosen by the Post Commander (Elect), as determined by Section 6.1 of this Article, so as to closely coincide with the American Legion Year, 1 August through 31 July.

Section 9 - Vacancies: In the event of a vacancy of the Post Commander, the Senior Vice-Commander will automatically ascend to that position. If, after the Senior Vice-Commander ascends to Post Commander, he should die, resign, or otherwise be removed from office, the Post Executive Committee shall, by a majority vote, elect a successor. The same situation applies to a Commander (Elect); the Senior Vice-Commander (Elect) will ascend to the position of Post Commander without further elections. For other vacancies occurring on the Post Executive Committee, their successors will be elected by a majority vote of the Executive Committee.

Should other vacancies occur on the Executive Committee (Elect), that office will remain vacant until after Officer Installation, successors will then be elected by a majority vote of the newly installed Executive Committee.

Section 10 - Other Vacancies: To allow a fair and equitable opportunity for other Legionnaires to vie for vacant positions on the Executive Committee, all current office holders also vying for the vacant position must first resign from their current office.

Section 11 - Unexcused Absences: If determined by a majority vote of the Post Executive Committee, a vacancy shall occur on the Executive Committee when a member has three (3) or more unexcused absences from mandatory meetings, or American Legion functions.

Article VII - Finance

Section 1 – The revenue of this Post shall be derived from annual membership dues or initiation fees and from other sources as may be provided by the Executive Committee.

Section 2 - The amount of Annual membership dues or initiation fees shall be fixed and determined by a majority vote of the members present and voting at a General Membership meeting.

Section 3 - The Post shall pay to Department Headquarters, the National and Department annual membership dues in the amount prescribed for every Legionnaire of this Post.

Article VIII - American Legion Auxiliary

Section 1 - This Post recognizes an Auxiliary Organization known as the Auxiliary Unit of American Legion Post 154.

Section 2 - Membership in the Auxiliary Unit shall be as prescribed by the National Constitution of the American Legion Auxiliary.

Article IX - Charter Members

Section 1 - Members who joined this Post prior to March 1, 1976 (or members who joined this Post prior to the issuance of charter) shall be known as charter members.

Section 2 – The matter of charter members for the permanent charter is left to the decision of the Post members.

Article X – Amendments

Section 1 - This Constitution is adopted subject to the provisions of the National Constitution of the American Legion, and the Constitution of the Department of Georgia, The American Legion. 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 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 present and voting, provided that any such amendment(s) shall have been submitted in writing and read at the next preceding meeting regular meeting of the Post, and further providing provided that the membership be given written notice, either by the Post Newsletter or other type of mailing at least thirty (30) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

Section II - By-Laws of The American Legion, Post 154

Article I

Section 1 - The Post existing under these By-Laws is to be known as the American Legion, Post 154, Tybee Island, Georgia, with a Corporate Seal being in such form as determined by the Corporation. Incorporated 2 March, 1976, the purpose of this Corporation is as set forth in the Preamble and the Constitution.

Section 2 – The objects of this Post are as set forth in the Constitution

Article II - Management

Section 1 - The government and management of this Post is entrusted to the Executive Committee, consisting of six (6) members, to be known as the “Executive Committee”, who are responsible for the sound management of this Post and its affairs.

Section 2 - The Post Executive Committee shall consist of three (3) members in addition to the elected officers of the Post and together with the other officers of this Post shall be elected annually and take office at the meeting next following that of election. All elections of officers and executive committeemen may be by ballot or hand vote and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.

Section 3 – All vacancies existing in the Executive Committee, or in any other of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who succeeded. A vacancy shall exist when a member of officer is absent from the Post for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

Article III - Post Executive Committee

Section 1 – The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten (10) days after installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the commander at least every ninety (90) days and as often as said commander may deem necessary.

Section 2 - The commander shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of said Post Executive Committee, four (4) members of the committee shall constitute a quorum thereof.

Section 3 - The Post Executive Committee shall authorize and approve all normal expenditures; shall require adequate bonds for all persons having custody of Post funds; shall require insurance coverage from all contractors and others having custody of Post funds or property; shall hear

reports of Post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of the Post.

Section 4 - The Executive Committee shall approve and/or revoke all contracts and agreements, whether they be written or verbal, that pertains to contractors, janitorial service, repairs equipment, maintenance, administrative, accounting, casual labor, entertainment, etc.

Section 5 - The Post commander and/or Senior Vice-commander shall be authorized to spend monies for emergencies and \$500.00 for non-emergencies at the Post. The commander will explain the expenditures at the next Executive Committee meeting.

Section 6 - The incoming Executive Committee will review all items listed above during their organizational meeting, and review, cancel, modify, and/or make changes, as required or necessary.

Section 7 - The Executive Committee may consider motions made on the floor from the general membership that normally fall under its purview. Motions considered or not considered by the Executive Committee will be recorded in the official minutes.

Section 8 - The "State of the Legion" meeting shall coincide with the annual reports required by the Post Commander and the Finance Officer; this meeting and required reports shall be scheduled after the Department of Georgia Convention.

Section 9 - All meetings and proceedings shall be conducted under prescribed guidelines, rituals, proper orders of business, and "Roberts Rules of Order" revised, except as otherwise provided.

Article IV - Duties of Officers

Section 1 – Post Commander (an elected position): It shall be the duty of the Post Commander to preside at all meetings of the Post and have general supervision over the business affairs of the Post, and as such be the chief executive officer of the Post. The Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department adjutant. The Commander shall perform such other duties as directed by the Post. The Commander is authorized to co-sign checks, and may designate other Officers to do the same; he is an Ex-Officio member of all Committees.

Section 2 – Post Senior Vice-Commander (an elected position): Shall assume and discharge the duties of the Post Commander in the absence of that Officer, or when called upon by the Post Commander; shall be the Chairman responsible for membership and its related administrative functions; shall carry out additional duties as directed by the Post Commander and the Executive Committee.

Section 3 – Post Adjutant (an elected position): Shall have charge of and keep full and accurate records of all proceedings of all meetings; maintain other records as the National, Department, and Post directs; be responsible for all correspondence, filing, office equipment and records; render reports of membership annually or when called upon at a meeting and under direction of the commander handle all correspondence and activities of the Post.

Section 4 – Post Junior Vice-Commander(s) (an appointed position): Shall assume areas of responsibility as directed by the Post commander and/or the Executive Committee. i.e....the security and the smooth operation of the Hall and Canteen; ensure proper maintenance of Post equipment and building structures.

Section 5 – Post Finance Officer/Treasurer (an appointed position): Shall have charge of all finances of the Post and to ensure their safe deposit in a local bank and shall report once a month to the Executive Committee the condition of finances of the Post, with such recommendations as may deem expedient or necessary for raising funds with which to carry on activities of the Post. The finance officer/treasurer shall annually, prior to conclusion of the Legion year, make a report

to the General Membership, via the Executive Committee; provide a balance sheet in reasonable detail showing the financial condition of the Post, along with an itemized report showing profit and losses; shall co-sign checks to carry out the Post business; He/she shall maintain appropriate records, including insurance, medical, surety, workers compensation, employee personnel records, bonds, etc; and shall perform other duties as directed by the Post Commander or the Executive Committee.

Section 6 – Post Historian (an appointed position): The Post historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as may properly pertain to the office as may be determined by the Post Executive Committee.

Section 7 – Post Chaplain (an appointed position): The Post chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the national or Department headquarters from time to time.

Section 8 – Post Service Officer (an appointed position): The main function of the Post Service Officer is to advise and assist veterans or other claimants in the preparation of basic VA forms and in developing necessary supporting documentation or evidence. When fully and properly completed, the forms and related evidence should be forwarded to the appropriate VA Representative, who is an accredited representative of The American Legion, for review and submission to the VA. In carrying out the duties and responsibilities of the Post Service Officer, it is essential that no action be taken which would delay or jeopardize the timely submission of a claim and that every effort is made to ensure that the individual's rights and benefits are protected. The Post Service Officer will provide any assistance to any needy individual or family, provided the needs are within the guide lines of the Post.

Section 9 – Post Sergeant-at-Arms (an appointed position): Shall preserve order and decorum at all meetings and other official functions; when required arrange and participate in patriotic ceremonies, functions, and other designated events; ensure proper equipment is set-up or provided, i.e.: tables, chairs, podium, sound system, etc; be custodian of all flags and memorabilia, including proper display, procurement and replacement; shall keep all small arms, if any, properly stored and safely locked; maintain VIP guest logs, and introduce guests.

Article V - Committees

Section 1 - The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Americanism, Ceremonials, Finance, Membership, Public Relations, Veteran's Affairs, Sons of the American Legion, Lounge and Building (inside and outside). Such standing committees shall consist of such members, and the chair thereof, as shall be designated by the Post commander. Those appointed shall perform tasks commensurate with titles and duties listed, and Legion publications as applicable, including directives from the Post Commander and the Executive Committee. The Commander may delegate authority to chairpersons to select additional Legionnaires to their respective committees; the Post Commander shall also appoint chairpersons to other non-standing committees, as necessary for the smooth operation of the Post. All Committee Chairpersons and Committee members shall serve at the pleasure of the Post Commander, except as otherwise provided.

Section 2 – Americanism Committee: The Americanism 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; Americanization

of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

Section 3 – Ceremonials Committee: The principle duty of the Ceremonials Committee is to insure proper presentation of rituals outlines in the rituals manual of Ceremonies – burial detail and the wearing of Legion regalia.

Section 4 – Finance Committee: The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all Post funds.

Section 5 – Membership Committee: Under the direction of the Post Senior Vice-Commander, this Committee shall have charge of all matters pertaining to the membership of this Post, i.e.: new members, reinstatements, transfers, and retention of current members; ascertain all eligibility requirements.

Section 6 – Public Relations Committee: The Public Relations Committee shall be charged with the promotion of public support of the Legion's program by the establishment of proper contact with The American Legion Magazine, Department and national Legion news service and by local publicity of Post programs and activities

Section 7 – Veterans Affairs Committee: The Veterans Affairs Committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state government, employment, relief, etc.

Section 8 – Sons of The American Legion Committee: This committee shall have supervision over the operations of the Post's squadron of the Sons of The American Legion.

Section 9 – Bingo Committee: The Bingo Committee shall be charged with the smooth operation of all Bingo events; maintain equipment, obtain necessary supplies; keep patrons advised and ensure appropriate publicity to attract prospective patrons; shall adhere to all regulations and laws, and ensure that appropriate financial and administrative records are kept current.

Section 10 – House Committee: The House Committee shall direct the maintenance, repair and up keep of the Post facilities.

Section 11 – Non-Standing Committees: The Post commander at his discretion and for the good of the Post may set committees of limited duration and for specific purposes.

Article VI - Delegates

Section 1 – Delegates and alternates to a Department convention shall be elected by ballot by the Post at a regular meeting of the Post to be held at least twenty (20) days prior to the date of such convention.

Article VII- Resolutions

Section 1 - All resolutions of state or national scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and copy of same shall be forwarded to the Department headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

Section 2 - Resolutions submitted to higher authority by members of Post 154 shall be prepared in the proper format, and read to the General Membership for appropriate endorsement, prior to being forwarded.

Article VIII – Meetings

Section 1 – The regular meeting of the Post shall be held at the Post on the second Monday of each month, at which may be transacted such business as may properly be brought up for action;

such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the Post.

Section 2 – The Post commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

Section 3 – Upon the written request of five (5) members, the Commander shall call a special meeting of the Post.

Section 4 – Fifteen (15) members shall constitute a quorum.

Article IX – Notices

Section 1 – Every member shall furnish the Post adjutant with an address for mailing.

Section 2 – The Post adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

Article X – Rules of Order

Section 1 – All proceedings of this Post shall be conducted under and pursuant to Roberts' Rules of Order except as herein otherwise provided.

Article XI – Limitations of Liabilities

Section 1 – The Post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other Post, subdivision, members of The American Legion, or other individuals, corporations or organizations.

Article XII – Amendments

Section 1 – These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting: Provided, That the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post: and Provided, Further, That written notice shall have been given to all members at least twenty (20) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

Article XIII - Miscellaneous

Section 1 - Legionnaire of the Year: This award shall be the sole prerogative of the Post Commander. Advice may be solicited in the selection process, but not consent.

Section 2 - Honorary Life Member: Meritorious Lifetime Legionnaire Awards may be awarded to deserving members, If approved by a majority vote of the Executive Committee, provided however, that funding for such awards shall be paid for in it's entirety from the current Legion year budget.

Section 3 - Lifetime Membership Awards: Other lifetime awards may be granted to Post 154 Legionnaires who have completed forty (40) years of continuous years service, of which at least ten (10) years must have been as a member of Post 154, Tybee Island, Georgia.

Section 4 - Discretionary Spending: There may be situations where the Post Commander must expend Legion funds without the timely approval of the Executive Committee. If and when such situation(s) occur, the Post Commander may spend up to five hundred dollars (\$500.00) for authorized American Legion functions and events; however, an itemized detailed report will be made at the next Executive Committee meeting, where their pleasure or displeasure may be expressed.

Section 5 - Emergency Spending: When required, the Post Commander and the Senior Vice-Commander may authorize emergency type expenditures. All funds expended must be reported in

detail to the Finance Officer via the Executive Committee at the next Executive Committee meeting.