

# **BY-LAWS**

## **THE AMERICAN LEGION**

### **POST 318 PORT ST. LUCIE FLORIDA**

#### **DEPARTMENT OF FLORIDA**

Revised: November 1995

Amended: March 1996

Revised: May 2000

Revised: May 2002

Revised: July 2005

Revised: June 2008

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Revised: May 2011

## ARTICLE I

*Section 1.* The Post existing under these By-Laws is to be known as AMERICAN LEGION POST 318 PORT ST. LUCIE FLORIDA, a Florida non-profit corporation.

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

## ARTICLE II 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 10 days after the installation of new officers. Thereafter, the Post Executive Committee shall meet the second (2<sup>nd</sup>) Saturday of each month or as often as the Commander may deem necessary. The Commander shall call a special meeting of the Post Executive Committee upon the joint written request of three or more members of said Post Executive Committee. Seven (7) members of the Executive Committee shall constitute a quorum thereof.

*Section 2.* The Post Executive Committee shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall hear the reports of Post Committee chairpersons; shall have three (3) or more officers prepare performance evaluations for all Post Supervisors and Post Managers which shall be due in April of each year; and generally, shall have charge of and be responsible for the management of the affairs of this Post.

*Section 3.* It shall be the duty of the immediate Past Commander to temporarily assume the duties of any Post officer who because of resignation, illness, suspension or death cannot fulfill their obligations. He/she shall assume these duties until such time as the vacant post is filled and approved by the Post Executive Committee.

## ARTICLE III DUTIES OF OFFICERS

*Section 1.* **Post Commander-** It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post and such officer shall be the chief executive officer of the Post. Shall perform such other duties as directed by the Post; shall be entitled to make motions on the floor; shall have the deciding vote on questions of equal division and shall be a member “ex-officio” of all committees.

*Section 2.* **1<sup>st</sup> Vice Commander-** The 1<sup>st</sup> Vice Commander shall serve as Membership Chairperson. It shall be the duty of the 1<sup>st</sup> Vice Commander to maintain all membership records, render reports of membership at the monthly Post meeting, collect all dues and properly transmit them to Department. He/she shall perform such other duties as directed by the Post Commander.

*Section 2A.* **2<sup>nd</sup> Vice Commander-** The 2<sup>nd</sup> Vice Commander shall serve as House Committee Chairperson. He/she shall furnish a written report on any Post functions held the previous month or those planned for the future. Reports will include costs, receipts and statement of profit or loss. He/she shall perform such other duties as directed by the Post Commander.

*Section 2B.*    **3<sup>rd</sup> Vice Commander-** The 3<sup>rd</sup> Vice Commander shall serve as Parliamentarian for the purposes of protocol and procedure. He/she shall perform such other duties as directed by the Post Commander.

*Section 3.*    **Post Adjutant-** The Adjutant shall have charges of and maintain a full and correct record, in duplicate, of all proceedings of all meetings, keep such records as the Department and national organization may require and, under the direction of the Commander, handle all Post routine correspondence, must keep, in duplicate, a detailed and accurate book of all motions duly made, seconded and carried for future referral(s). The originals of the Post records required in the Section above will be kept in a metal cabinet, preferably a 4-hour fire resistant type, equipped with a locking mechanism, such cabinet being located on the post premises. The duplicate copies will be kept, in a similar type of filing equipment, which latter will be located at an off-post-premises site.

*Section 4.*    **Assistant Adjutant-** The Assistant Adjutant shall assist the Adjutant, discharge the duties of Adjutant in his absence, and assume such other duties as may be delegated to him from time to time by the Adjutant.

*Section 5.*    **Finance Officer-** The Finance Officer of this post is responsible for all matters of a financial/accounting nature, will maintain one or more bank accounts, at the discretion of and approval by the Executive Committee, with established financial institutions which are either Federal Deposit Insurance Corporation of Federal Savings & Loan Deposit Insurance Corporation insured and will deposit all monies/funds received by the post no later than the following bank business day from date of receipt of such funds. Upon their receipt, all checks and/or other negotiable instruments payable to the post will be restrictively endorsed by hand or by rubber stamp “FOR DEPOSIT ONLY TO A/C # \_\_\_\_\_ WITH (NAME OF BANK)” Post Investment Accounts shall require dual signatures from the Post Commander and/or the 1<sup>st</sup> Vice Commander and from the Finance Officer with regard to withdrawing of funds and/or the moving or closing of said Post Investment Accounts. The Post Commander will arrange, at post expense to obtain a surety bond for the Finance Officer and others as required. There shall be a complete audit of the finances, accounts, property and business affairs of the post made annually; or upon request.

*Section 6.*    **Post Chaplain-** The Chaplain is responsible for the spiritual welfare of the Post members and will offer services, of a non-sectarian nature, on occasions such as Post dedications, funerals of Post members, public functions and dedications of local community projects. Will also give the invocation at the opening and closing of Post meetings and at all times, adhere to such ceremonial rituals as are recommended by the Nations or Department Headquarters.

*Section 7.*    **Sergeant-At-Arms-** The Sergeant-At-Arms shall preserve order at all meetings, will introduce duly invited guests attending such meetings, and post the colors and perform any other duties as may be assigned to him from time to time, by the Post Commander or alternate(s) and shall verify members by checking membership cards when requested (at meetings, functions, etc.)

## **ARTICLE IV DELEGATES**

*Section 1.*    Delegates and alternatives to a county, district, department convention, conference, meeting, etc. shall be regularly nominated and elected by voice vote by the Post at a regular meeting of the Post.

**ARTICLE V  
APPOINTMENTS OF COMMITTEES  
DUTIES OF COMMITTEES**

*Section 1.* The Post Commander, immediately upon taking office each year, shall appoint liaisons to the Legion Auxiliary, the Sons of the American Legion and the Legion Riders.

*Section 2.* **Ways and Means Committee-** This committee may be appointed by the Commander at his/her discretion and if so appointed, must be approved by the Post Executive Committee and shall consist of as many members as approved by the Post Executive Committee. This committee will be chaired by the 2<sup>nd</sup> Vice Commander of this Post. The commander will appoint, if needed, additional members to assist the 2<sup>nd</sup> Vice Commander in planning all Post functions.

*Section 3.* **Membership Committee-** This committee will be chaired by the 1<sup>st</sup> Vice Commander of this Post. The Commander will appoint, if needed, additional members to assist the 1<sup>st</sup> Vice Commander in handling all matters pertaining to post membership, procurement of new members and the screening thereof, transfers, reinstatements and eligibility of members.

*Section 4.* **House Committee-** This committee may be appointed by the Commander at his/her discretion and if so appointed, must be approved by the Post Executive Committee, and shall consist of the 3 elected members (referred to as Executive Board Officers) and as many members as approved by the Post Executive Committee. The House Committee shall schedule and supervise all social functions in conjunction with the 2<sup>nd</sup> Vice Commander and will work with and assist the Post Supervisors and Post Managers in the operation of the lounge and kitchen. All events including hall rentals, shall be approved by the Post Executive Committee.

*Section 5.* As the Post's needs arise, the Post Commander may appoint other standing committees, whose functional titles are self-descriptive of their purpose, such as: Entertainment, Finance, Legal, Publicity, Americanism, Welfare, Hospital Visitation, Bingo, Constitution/By-Laws Revision, Grievance, etc. committees.

*Section 5A.* **Disciplinary Committee-** This Committee is created for the sole purpose of administering a temporary suspension of Post Privileges of any member or guest of the Post until the next scheduled Post Executive Committee meeting; said Committee shall consist of the Post Commander; 3<sup>rd</sup> Vice Commander; Judge Advocate; and any two (2) other available Post Officers. Any recommendation of this Committee must be ratified by a minimum of three (3) Officers.

*Section 6.* All Post committee chairpersons shall furnish a written report of their expenditures including a profit and loss statement and a copy of all receipts to the Finance Officer prior to the next Executive Committee meeting following their function.

**ARTILCE VI  
NOMINATIONS-ELECTIONS  
NOMINATIONS**

*Section 1.* Nominations of any member or members to an office or offices of this Post will be held on the first regular Post meeting of April and shall be made in the following Manner:

- a) By nomination of any member present at this meeting;
- b) Nominations shall be seconded.

*Section 2.* Candidates' names shall be arranged on the ballot in alphabetical order under the headings of their respective offices.

*Section 3.* Qualifications of candidates for office in this Post shall be as follows:

- a) Any member in honorable standing and with paid up membership for the current fiscal year;
- b) Member must be present at nominating meeting or any written consent to accept nomination will qualify a member;
- c) A member of the nominating committee shall not be eligible for nomination and election unless nominated from floor after nominating report is made;
- d) A member may not run for more than one office at one time;
- e) A member of the elections committee may not run for office;
- f) All members running for office must show the present Commander or present Adjutant a DD214 form or Notice of Separation.

*Section 4.* **Nominations Committee-** A Nomination Committee of three (3) members shall be appointed by the Commander at the March Post meeting.

- a) This committee by majority vote shall select candidates for each office after giving careful consideration to qualifications of candidates and securing consent of each candidate so selected.
- b) The Nominations Committee shall report their selections to the membership at the April Post meeting.
- c) The nominations process shall be closed at the May Post meeting.

## **ELECTIONS**

*Section 1.* An election to fill all elective offices of this Post shall take place annually on the Friday before the first regular Post meeting day of June from 12 noon to 7:00 PM (at the Post Home). A "Notice" of the unofficial results of the election is to be posted on the premises immediately following the final count. The official results of the election are to be read at the next Post meeting. In the event of a tie, a runoff election will be held the following Friday during the same hours and in the same manner as the original election.

*Section 2.* **Election Committee-** At the first meeting in May the Commander shall appoint an Elections Committee and the Chairman thereof. This committee shall consist of the chairman, two (2) tellers and two (2) checkers not having a conflict of interest.

- a) This committee shall make ready the ballots for Election Day; to distribute to the membership these said ballots; to collect and count and report to the membership the final results of the election.
- b) Each member and the chairman thereof shall affix their signatures to four (4) copies of the election results certifying the correctness of their report. One copy shall be published in an official publication of this Post; one copy shall be displayed on the bulleting board of the Post hall; two copies shall be given to the Adjutant.
- c) Any candidate for office may appoint a watcher to represent him while the votes are counted.
- d) All members of the election committee shall report at 11:45 AM on Election Day
- e) Two members of the Election Committee shall be present during voting hours.

*Section 3.* All elections of officers and executive committee persons shall be by secret ballot and the candidates receiving the highest number of votes shall be elected to the respective office for which they are candidates. They shall take office after being sworn in by a District Officer. In lieu of a District Officer, any past elected officer may swear in the newly elected officers.

*Section 4.* A sample ballot shall be published and/or mailed which notification of nominations and elections to all members of this post at least five (5) days before nominations and elections.

- a) Sample ballots shall contain the names of all candidates, the candidates names shall be arranged on the ballot in alphabetical under the headings of their respective offices.
- b) Sample ballots of facsimile thereof shall be clearly marked “sample” and may not be used for voting purposes.
- c) If a ballot be defaced by the person to whom it is given, it shall be returned to the Election Committee Chairman and another shall be furnished. Tellers shall account for these ballots.
- d) The number voting shall mark and X or + in square opposite name of candidate he wished to vote for, as in the following example:

For Post Commander (Vote for one only)

Doe, John

Poe, Edgar

For 1<sup>st</sup> Vice Commander (Vote for one only)

Brown, William

Smith, Joseph

And so forth for all officers on one continuous ballot.

- e) If a member marks more crosses or X’s for any office that the instructions call for, the vote for that particular office shall not be counted.

## **INSTALLATION**

*Section 5.* The District Officers shall install the officers-elect.

- a) All newly elected officers of this Post shall subscribe, or assent to the Preamble of The American Legion Constitution.

## **ARTICLE VII RESIGNATIONS-FOREITURE OF OFFICE VACANCIES**

*Section 1.* All vacancies existing in the executive committee, or in any elected office of the Post shall be filled by a majority vote of the remaining members of the executive committee present at an executive meeting, and a person so appointed shall hold office for the unexpired term of the committeeperson or officer whom he/she succeeds; continued absences by committee members or officers may be interpreted by the Executive Committee as neglect of duty. See Sec. 4, Article VII.

*Section 2.* The Commander and the Treasurer and any other bonded office of this post may offer their resignations as officers one month previous to being acted upon provided a certified public accountant certifies that their accounts are correct and in order.

*Section 3.* The Commander and/or a majority of the Executive Committee shall have the power to appoint additional officers or assistant officers as deemed necessary to support the needs of the Post.

*Section 4.* The Commander and/or a majority of the Executive Committee shall have the power to suspend any officer of this Post from office for neglect of duty or malfeasance in office; but must lay the suspension before a special meeting called for such purpose or at the next regular meeting of the Post. In case of dishonesty or misappropriation of funds, he/she and/or the Executive Committee shall proceed legally to protect the Post through its fidelity bonds.

*Section 5.* The majority of the Executive Committee shall have the authority and power to appoint and if appropriate to terminate any Post Supervisor or Post Manager. No elected officer of the Post may be appointed nor serve as Post Supervisor or Post Manager.

#### **ARTICLE VIII**

#### **FISCAL/FINANCIAL YEAR - MONTHLY STATEMENTS OF DEPOSITORY BANK ACCOUNTS - CLERGYMEN DUES- MAXIMUM LIMIT OF ANY NON-BUDGETED – NON – CONTROLLABLE EXPENDITURE – CONTRALLABLE/BUDGETED EXPENDITURES**

*Section 1.* The fiscal/financial year for this post commences on January 1 of each year and ends on December 31 of that year.

*Section 2.* Upon opening an account with a financial institution, the depository bank will be instructed that all statements will be addressed to the post's mailing address of record. Upon receipt of each statement, the Finance Officer will perform and appropriate reconciliation of the statement against the official accounting records and affix his/her signature to both the statement and records to that effect indicating the date on which the reconciliation was completed and reporting to the post commander and discrepancies which may have been found.

*Section 3.* This post shall absorb from its own account membership dues that would ordinarily be paid by ordained clergymen/ministers.

*Section 4.* The Commander and two-thirds of the Executive Committee may approve any non-budgeted expenditure up to a maximum of \$1,000.00. Any such expenditure, which exceeds the aforementioned amount, must be approved by two-thirds of the post membership prior to disbursement.

*Section 5.* The Post Commander shall request all committees to submit budget requests by the October Executive meeting or before, if possible. The Executive Committee shall then prepare and approve a Post budget for submission to the Post membership at November meeting and approved at the December General meeting.

*Section 6.* Expenditures which have been budgeted for the fiscal/financial year may be disbursed, the underlying check, signed as provided for in the Article and Section establishing the Finance Officer's responsibilities, serving as confirmation that the amount and purpose are budget approved.

The Executive Committee must approve/reject any expenditure that exceeds \$1000.00 and this expenditure must be presented to the general membership for approval/rejection prior to disbursement.

## **ARTICLE IX RESOLUTIONS**

*Section 1.* All resolutions of state or national scope presented to this post by a member or reported to this body by a committee shall merely embody the opinion of this post in the subject and three (3) copies of same shall be forwarded through the proper channels for its approval before publicity is given or action other than mere passage by the post is taken.

## **ARTICLE X LIFE MEMBERSHIP AWARD**

*Section 1.* The following qualifications shall be the standard to judge the eligibility of a person proposed for the candidacy for the Life Membership Award:

- a) Length of tenure of membership in the Port St. Lucie Post shall be at least ten (10) consecutive years.
- b) Qualification shall be based on the extent of effort or achievement, outstanding above and beyond the normal duties that are the ordinary and expected responsibilities of elective or appointive office or of an active member and this outstanding effort or achievement and the aims and ideals of The American Legion shall have been manifestly advanced.
- c) Length of tenure of elective or appointive office shall not be the sole determining factor to qualify a candidate.
- d) Exclusive of Section 1 (a) the above qualifications are waived when a member of Port St. Lucie Post #318 has served two (2) terms as Post 318 Commander or has served as District, Area or Department Commander, and shall automatically be considered for the award.
- e) Qualification in Section 1 (a) may be waived if considering a candidate who has fifty (50) years of proven continuous membership in the American Legion.

*Section 2.* The rules of procedure to nominate and elect a member of the Port St. Lucie Post #318 for the Life Membership Award shall be as follows:

- a) Upon receipt of a written proposal stating the qualifications of a candidate, the Commander shall appoint a committee to be known as the Life Membership Award Committee to consist of five (5) members who shall have been members in good standing at least five (5) years. The committee shall serve until completion of applications under consideration. The Commander shall present to the Chairman for consideration by the Committee in judging the eligibility of the proposed candidate, the written qualifications as provided by the sponsor or the proposed candidate.
- b) The Commander shall not appoint a sponsor or a candidate to this committee, nor, shall he/she appoint a member who has been proposed, or a holder of The Life Time Membership Award.
- c) The full committee shall judge the qualifications of a candidate; four (4) affirmative votes shall indicate eligibility of a candidate
- d) Any member approved by the committee shall be presented by the committee to the membership body present at a regular post meeting as eligible for the Award.

- e) It shall be the duty of the chairman of the committee to notify the Post Adjutant to arrange for such notice of the committee's intended presentation of an eligible member for the candidacy for the Award to be written and/or published in an official publication of this post and sent to all members at least five (5) days before said regular post meeting.
- f) The sponsor or chairman shall nominate this eligible member as a candidate for the Award. Such nomination upon duly being seconded shall be voted upon by the membership body present at said regular post meeting by secret ballot.
- g) The sponsor of a member judged ineligible for the candidacy for the Award shall be so informed by the committee chairman and such notice shall be so limited.
- h) The sponsor of a member judged ineligible by the committee may nominate such member as a candidate for the Award at a regular post meeting. Such nomination upon duly being seconded shall be voted upon by the membership body present at said regular post meeting.
- i) It shall be the duty of such sponsor to notify the post Adjutant to arrange for such notice of the sponsor's intention to nominate a candidate for the Award, to be written and/or published in an official publication of this post and sent to all members at least five (5) days before said regular post meeting.
- j) A candidate's qualifications, as recognized by the committee, shall be cited to the membership body present at said regular post meeting during the period of "on the question". The committee's decision as to the eligibility or ineligibility of such candidate shall also be cited to the membership body present.
- k) Upon completion of the balloting the Commander shall direct three (3) tellers, appointed before the election, to collect all ballots cast and tally the vote and report the results to the membership body present. Upon request the sponsor may observe the counting of the ballots.
- l) At least a two-thirds affirmative voted of the total ballots cast shall be necessary to elect any candidate for the Award.
- m) Any member automatically entitled to the Award shall be presented by the Commander to the membership body present at a regular post meeting and, upon proper nomination, duly seconded, be elected by the Adjutant casting one (1) ballot in the affirmative.

## **ARTICLE XI MEETINGS**

*Section 1.* The regular meetings of this Post shall be held at the Post home or other designated meeting place on the second (2<sup>nd</sup>) Saturday of every month at which may be transacted such business as may properly be brought up for action; such meeting may be converted into entertainment meetings as may be deemed advisable by officers of the Post. Regular meeting may be changed by a two-thirds vote of the members present at any regular meeting.

*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.* Notice of a special General or Executive meeting of the Post must state what purpose the meeting is called for and no other business shall be transacted except that for which it was convened.

*Section 4.* Upon written request of ten (10) or more members in good standing the Commander shall call a special meeting of this post.

*Section 5.* Twelve (12) members of this post shall constitute a quorum for regular meeting.

*Section 6.* Executive meeting will be held the second (2<sup>nd</sup>) Saturday of every month.

*Section 7.* Seven (7) members of this Post shall be a Quorum for a Special Meeting.

## **ARTICLE XII NOTICES**

*Section 1.* Every member shall furnish the post Adjutant with his address for mailing purposes.

*Section 2.* The post Adjutant shall cause notice of the annual nominations to be written and/or published in an official publication at least five (5) day's prior thereto. The post Adjutant shall also cause notice of the annual elections to be written and/or published in an official publication at least five days prior thereto.

## **ARTICLE XIII RULE 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 XIV LIMITATIONS & LIABILITIES**

*Section 1.* This post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other post, subdivision, group of men/women, members of The American Legion, or other individuals, corporations or organizations and Post members.

## **ARTICLE XV AMENDMENTS**

*Section 1.* These By-Laws may be amended at any regular meeting by a vote of two-thirds of the members of this 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 this post, and provided, further, that written notice and/or publication in an official publication of this post shall have been given to all members at least five (5) 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 these By-Laws is to be voted upon.

*Section 2.* These By-Laws shall be reviewed every three (3) years, commencing 2002.