BY-LAWS

FOURTH EDITION

REVISED: 17 NOVEMBER 2015

DUANE ELLSWORTH POST 129

THE AMERICAN LEGION, DEPARTMENT OF ARIZONA

ARTICLE I: MANAGEMENT

Section 1. The management of this Post shall be entrusted to the Officers of this Post hereinafter named the Executive Board. (E-board)

Section 2. The Post Executive Board shall consist of the following;

Commander

Vice Commander

Finance Officer

Adjutant

Chaplain

Sergeant at Arms

Service Officer

Immediate Past Commander

(If the Past Commander elects not to be on the E-Board the position shall continue onto the next Past Commander)

One Member at Large, for each 50 Post members. The Commander shall appoint this member.

Section 3. All Officers of this Post will be elected by the Post as prescribed herein, with the following exceptions; Post Adjutant, Chaplain, Judge Advocate, and Post Service Officer, who shall be appointed by the Post Commander-elect and their names submitted to the Executive Board for discussion following their appointment and prior to installation into office. An elected officer may also hold an appointed office, but may not concurrently hold more than one elected office. If an officer holds two [2] offices, they are limited to one [1] vote.

ARTICLE II: DUTIES OF EXECUTIVE BOARD

(E-BOARD)

Section 1. The Executive Board [E-board] shall exercise general supervision over the management and financial affairs of the Post. Their duties shall consist of, but not limited to, the following; present to the Post a projected annual budget at the beginning of each fiscal year. Require that all persons having custody of Post funds secure an adequate bond when deemed necessary. The Post shall pay the premium for such bonds. Approve each place of deposit of Post funds. Examine the reports of Post officers and committees and programs and recommend any appropriate action. Ensure that at the beginning of each new term of Post officers, a complete independent audit and report on all Post finances/assets are performed. Keep full minutes of all meetings and report its findings at the next general meeting. Investigate and make recommendations to the Commander on all matters requested by him/her. Submit written charges against any Post officer, when it appears to be in the best interest of the Post. To investigate any and all impasses and rectify them thru an E-Board meeting.

E-Board meetings shall be closed meetings when conducting Financial, Post Management and/or Disciplinary hearings.

If a member wishes to attend an E-Board meeting and wants to present an event or subject to the board the following procedures shall take place;

1. A request to attend an E-Board session at least 72 hours before the E-Board meeting.
2. You must attend the E-Board meeting.
3. You shall present your suggestion, subject or event.
4. After your presentation you will be asked to leave the E-Board meeting so that the e-board can continue with their business, and make considerations to your request.
5. You will be notified via e-mail, text, or general mail of the E-Boards findings and decisions.

ARTICLE III: MEMBERSHIP

Section 1. There shall be no form or class of membership except an Active Membership, whose dues, except for PUFL [Paid Up for Life] members, shall be paid annually. A "Member in Good Standing" is defined as a member whose dues are paid for the current year. No person may be a member of more than one post at a time.

Section 2. A candidate for new membership in Post 129 must submit an application for membership together with his/her DD 214 and annual dues to the Post Adjutant, who will verify eligibility requirements. The Post Adjutant will submit the application for vote at the next regular Post membership meeting. A majority vote of the membership present is required for a candidate to be elected to membership. A rejected candidate

may appeal to the Post Executive [E-Board], which will investigate and render its decision at the next regular Post meeting.

Section 3. Members in good standing of other Posts may transfer their membership to Post 129, subject to the same membership requirements as those stated above, for a new member. There shall be no additional cost for this transfer during the current year. Any member in good standing in this Post is entitled to a Certificate of Transfer.

Section 4. New members and transfer members shall immediately have the same duties, privileges, and responsibilities of current Post members.

Section 5. Members may be suspended or expelled from the Post only upon a proper showing of cause. Charges shall be based upon; Disloyalty to the American Legion or the National Government; neglect of duty, dishonesty, or conduct unbecoming a member of Post 129. All charges must be made under oath in writing by the accuser[s] and no member in good standing shall lose his/her membership until given a fair hearing by the Post in such a manner and form as the Department By-Laws and Constitution prescribe. Any member who has been suspended or expelled has the right to appeal to his/her Department Executive Committee, or to the Department Convention, according to the provisions in the by-laws of the Department of Arizona. The decision of the Department shall be final.

Section 6. Members of the Post E-Board will either jointly or individually, inform members of the PUFL [Paid Up for Life] membership plan offered by National and make available the proper application forms.

ARTICLE IV: DUES

Section 1. The dues for this Post shall be $35.00 annually. Dues can be raised once per year by the Executive Board [E-Board] and by two thirds [2/3] vote of the general membership.

Section 2. Post membership is annual. January 1st to December 31st. Dues for next year are payable on or before October 20th, of the current year. If dues are not paid prior to January 1st, the member is classified as delinquent. If dues are still not paid for by February 1st, the member is suspended. A member has until June 30th, to pay his/her back dues or he/she may be dropped from the roll by National Constitution mandate and his/her membership terminated.

ARTICLE V: MEETINGS

Section 1. All regular and special meetings will be open to all members in good standing of Post 129 with the exception of article II. Section 1.

1A. Executive Board meetings shall be attended by present Post officers, immediate Past Commander and one member at large, as appointed by the Commander.

Section 2. The regular monthly meeting time and location will be established by the Executive Board. [E-Board]

Section 2A. A.L.R., and Sons meetings shall be held at the same location as the Post. Must be held prior to Post monthly meeting.

Section 3. Special meetings may be called for events, at any time, by the Commander, or by a majority vote of the Executive Board [E-Board], provided that notice of such meeting is prominently displayed throughout the Post, on-line, and e-mailed at least seven [7] days before the meeting.

Section 4. A quorum for Regular Business Meetings shall consist of no less that a majority of the officers. A quorum for Executive Board session, will consist of no less than a majority on the Board, attended by only the officers of the Post, immediate Past Commander, and one member at large, appointed by the Commander. These sessions shall be open sessions, with the exception of discipline meetings, at which time the commander shall deem the meeting open or closed.

ARTICLE VI: RECORDS

Section 1. All records of the Post will be kept in the office of the Adjutant in the Post Headquarters. They are subject to inspection at any reasonable time by any Post member in good standing. No permanent record[s] of this Post will be removed from the Post Headquarters without approval of the Commander or Executive Board. [Until Post Headquarters are acquired, Adjutant will secure all said records.]

Section 2. The names and phone numbers of the Executive Board will be prominently displayed on the Post website.

ARTICLE VII: ELECTIONS

Section 1. The Vice Commander will notify the membership of the month for nominations for Post elections. That month shall be April.

Section 2. Names of the nominees will be presented to the floor at the April Business Meeting. Nominations will be accepted from the floor at this meeting. At this point all nominations will be closed. The elections will then be held at the May Regular Business Meeting. In no case will the election of officers occur less than ten [10] days, nor more than thirty [30] days before the Annual Department Convention.

Section 3. Notice of election meetings and results will be prominently displayed on the Post website.

Section 4. Members, eligible under the provisions of the Department Constitution, may vote or hold an elected office or appointive office. Officers may be re-nominated.

Section 5. Officers shall be elected one office at a time, in the order listed in Department By-Laws.

Section 6. In order to vote, a member must show their current membership card and sign the official roster, at which time they will receive an official ballot.

Section 7. In case no member wishes to be nominated, the present officers may serve another term, if desired.

ARTICLE VIII: INSTALLATIONS

Section 1. All Post officers will be installed by the District Commander, or the reining Commander. The installation will be on a date fixed by the Commander-Elect and agreeable to the outgoing Commander. This date will be subsequent to, but not later than sixty [60] days after, adjournment of the Annual Department Convention.

Section 2. All elected and/or appointed Officers unable to attend the Official Installation will be sworn in by the Past Commander, or his/her designated representative, before entering upon their duties of office.

ARTICLE IX: DUTIES OF OFFICERS

Section 1. The Commander presides at all meetings of the Post. He/she is the Chief Executive Officer of the Post responsible for all operations of the Post. Will make annual report covering the affairs of the Post during his/her term in office, together with any recommendations he/she may have for the ensuing year. A copy of his/her repor will be inserted into the Post minutes and a copy forwarded to Department Adjutan

Section 2. The Vice Commander will assume the duties of the Commander in his/ne absence and make membership his/her primary concern. May countersign checks in the absence of the Commander or Finance Officer.

Section 3. The Adjutant will keep full and accurate records of the proceedings of all Post meetings. He/she is also responsible for correspondence and secretarial work of the Post under the direction of the Commander and will keep such records as the Post Commander and National and Department Headquarters requires.

Section 4. The Finance Officer is in charge of all Post finances and will see that funds are deposited in an approved banking institution and will prepare a statement of financial disbursements and balances at each regular Post meeting. He/she will sign all checks disbursing Post funds, except as previously noted in section two [2]. He/she will assist in preparing a summary of Post expenditures for the preceding year.

Section 5. The fiscal year of the Post is July 1st to June 30th.

Section 6. The Chaplain is responsible for the spiritual welfare of the Post membership. He/she will perform non-sectarian services for funerals, dedication's, or public functions and will adhere to guidelines prescribed by National and Department headquarters.

Section 7. The Historian will maintain a record of Post activities and prepare a book, which at the end of the year will be given to the Post Adjutant for filing as a permanent Post record. He/she will submit a report each year to the Department Historian and perform other duties as requested by the Post Commander.

Section 8. The Judge Advocate is the Post's legal authority. When necessary he/she will secure competent advice in the conduct of Post business. He/she is the guardian of the constitutional form for Post meetings and government. He/she is responsible for auditing the Post's financial accounts.

Section 9. The Sergeant-at-Arms shall preserve order at all Post meetings. Set up the meeting room, Take charge of the Colors. And perform duties as assigned by the Commander.

Section 10. The Service Officer will render aid and assistance to veterans and their dependents. He/she will maintain contact with the State Service Officer and the National and Department Rehabilitation Commission so that he/she is kept informed of laws regarding aid to veterans and their dependents. He may request disbursement from the welfare fund, under the supervision of the Commander and will report all expenditures from said fund to the Post membership at the next regular Post meeting. He She will submit a year-end report to the Department Rehabilitation Commission Chairperson.

Section 11. The Executive Board [E-Board] shall assist in the supervision and management of the Post and its affairs. No charged with specific duties, they represent the membership at large and may from time to time be asked by the Commander to perform other assigned duties. The Executive Board [e-board] consists of all present Post Officers, Immediate Past Commander, and one member-at-large, appointed by the Commander. Executive Board sessions are open sessions . All results from Executive Board sessions shall be given at the next general meeting.

ARTICLE X: CONDUCT OF OFFICERS

Section 1. Officers of Post 129 will conduct themselves in such a manner to set a good example to the rest of the Post members and to promote a good name for the American Legion.

Post Officers shall not do anything to disgrace or bring a bad name to Duane Ellsworth Post 129

Any infraction of conduct of officers shall constitute immediate removal if officer under Article II section I Conduct unbecoming.

ARTICLE XI: REMOVAL FROM OFFICE

Section 1. A Post officer can only be removed from office for disloyalty, neglect of duty dishonesty, or conduct unbecoming a member of the American Legion. A trial must be conducted in accordance with the Rules Governing Trials as outlined in the Constitution of the Department of Arizona.

ARTICLE XII: VACANCIES

Section 1. When a vacancy occurs, the Commander may appoint a member in good standing to fill the vacancy and the name will be submitted to the Executive Board for discussion. The Adjutant will, within seven [7] days of appointment report the name and address of the new officer to the Department Adjutant.

ARTICLE XIII: COMMITTEES

Section 1. The Post Commander, immediately after taking office, shall appoint any committees he/she deems necessary to successfully carry out the programs of the Post for the ensuing year. [Refer to appropriate section National Officers Guide]

Section 2. The duties of the appointed committees will be defined by the Commander and will conform as nearly as possible to the duties defined by National, Department,

Area, and District committees of the same nature. The Chairperson of each committee shall be prepared to make a verbal report at any regular Post meeting. At years end he/she will submit a written report to the Commander, which will be filed with the post minutes.

Section 2A. No program may be discontinued without the Post Commanders approval; all funds will remain in accounts until the Executive Board [E-Board] reallocates the funds.

Section 3. The Commander, upon taking office, will appoint a House Chairperson acceptable to and approved by the Post membership. His/her main duties are maintenance of Post property. He/she will keep a schedule on the bulletin board of Post activity dates and will be in charge of the use of the kitchen and hall by other organizations. If an unpaid volunteer, he/she will serve at the pleasure of the Commander. If paid, he/she will serve under the jurisdiction of the Executive Board.

(Until a Post home is established he/she will look for an appropriate Post home site, keep a schedule on the website for Post activities.)

Section 4. **(will be stricken until a Post Home is acquired)** The Commander upon taking office will appoint a Lounge Manager, acceptable to, and approved by the Executive Board. This is an unpaid position. No employee, full or part time, may hold this appointive position. The Lounge Manager reports to the Commander, and is responsible for the care of the Post Lounge and its equipment; stock, and employees. He/she will maintain complete records of receipts, expenditures and inventories. He/she shall be vested with the authority to, and the responsibility of compliance with the Control Laws spelled out by the Arizona Liquor Control Board, that issues licenses for legal and continuous lounge operation. He/she may recommend disciplinary action of any member, employee, or independent contractor. He/she will not be allowed to consume alcohol while appointed manager.

Section 5. The removal of any program, committee, committee chairperson when deemed in the best interest of the Post will be recommended to the Commander, approved by the Post membership, and finalized at the next Post membership meeting.

ARTICLE XIV: ASSETS & LIABILITIES

Section 1. No member of this Post, individually, as an officer or otherwise, will at any time create, incur, or authorize, and indebtedness or liability against this Post without the prior consent or authorization of the Post membership or the Commander.

Section 2. No property of the Post shall be sold, transferred, conveyed, or otherwise disposed of without written consent and approval of the Executive Board. The Commander, at his/her sole discretion dispose of non-functioning Post equipment whose value does not exceed $200.00 per item.

ARTICLE XV: 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, merely express the opinion of this Post on the subject. A copy of same will be forwarded to the Department Headquarters for its approval before any publicity is given or action taken other than passage on the Post floor.

ARTICLE XVI: RULES OF ORDER

Section 1. All proceedings of this Post will be conducted under the latest edition of Roberts Rules of Order. In case of conflict the by-laws of this Post will prevail.

ARTICLE XVII: AMENDMENTS

Section 1. These by-laws may be amended in any regular meeting of the Post by a two-thirds [2/3] majority vote by the membership present and voting, a quorum being present. Proposed amendments will be read at a regular meeting at which time, hard copies will be available. By-Laws will be posted on the Post website and postcards notifying every member will be sent out thirty [30] days prior to reading of the changes. The next meeting, after the reading the amendments will be voted on. No motion will be accepted to delay, postpone, table or otherwise kill any proposed amendment properly presented.

ARTICLE XVIII: PROGRAMS

Section 1. All programs shall be regulated by the Executive Board.

Section 2. Before a program may be started or shut down, a proposal in writing must be submitted to the Commander with just reason. The Commander will then submit the proposal to the Executive Board with his/her recommendations. The Executive Board shall meet to discuss all of the options, then the Executive Board shall vote on the matter. A two-thirds [2/3] vote needed to resolve or settle the problem. Does not have to be voted on by the general membership.

In Witness Thereof;

Commander RICK WOLTKUN

Vice Commander
KEN TOWNER

Finance Officer
RUSSELL DESTEFANO

Sergeant at Arms AZINA G. COOPER

Chaplain
GARY POWER

3rd reading of Post Bylaws February 20th, 2016

Submitted on this 20th day of February 2016