

American Legion Gary Streeter Post 108

**Department of Arizona
Constitution and Bylaws**



CONSTITUTION AND BYLAWS

(REVISED 1 May 2020)

American Legion Gary Streeter Post 108

Constitution and Bylaws Index

PAGE 1	ARTICLE I	POST TITLE
	ARTICLE II	PREAMBLE
	ARTICLE III	NATURE
PAGE 2	ARTICLE IV	MANAGEMENT
	ARTICLE V	POST EXECUTIVE BOARD (E-BOARD)
PAGE 3	ARTICLE VI	DISCIPLINARY ACTION
	ARTICLE VII	ELECTION AND APPOINTMENT OF POST OFFICERS
PAGE 4	ARTICLE VIII	DUTIES OF OFFICERS
	ARTICLE IX	FINANCES
PAGE 6	ARTICLE X	MEETING QUORUM
	ARTICLE XI	SPECIAL MEETINGS
	ARTICLE XII	AMERICAN LEGION AUXILIARY
	ARTICLE XIII	AMERICAN LEGION RIDERS
	ARTICLE XIV	SONS OF THE AMERICAN LEGION
	ARTICLE XV	AMENDMENTS
PAGE 7	ARTICLE XVI	BYLAWS
	ARTICLE XVII	RULES OF ORDER
	ARTICLE XVIII	ADOPTION OF REVISED CONSTITUTION AND BYLAWS
PAGE 8	APPENDIX I	MEETING LOCATION, DATE, AND TIME
	APPENDIX II	POST DUES
	APPENDIX III	POST REPORTS DUE DATES
	APPENDIX IV	FINANCIAL ADVISOR SERVICE
	APPENDIX V	ESTABLISHED FLAG DAYS

American Legion Gary Streeter Post 108

Constitution and Bylaws

ARTICLE I – POST TITLE

The name of this organization is: Gary Streeter Post 108, Department of Arizona. The Post is located in Prescott Valley, Yavapai County, Arizona. The Post was first chartered in 1982 and re-chartered in 1993 in honor of SFC Gary Streeter, a U.S. Army veteran from Prescott Valley resident who was killed in 1991 during service to his country in Kuwait, during Desert Storm.

Gary Streeter and his brother Steve joined the Army at the same time in December 1970. Steve served four years while Gary made it his career. Their father, Wellington served in the Navy between 1945 and 1948.

During Desert Storm, SFC Gary Eugene Streeter died in a helicopter crash. He volunteered for a mission to recover the remains of other soldiers who had been killed. He knew the mission was dangerous, but he also knew somebody had to go, so he volunteered. The helicopter went back into Kuwait and when the crew became disoriented, it was shot down. SFC Streeter was laid to rest at the Fort Riley Post Cemetery, Fort Riley, Kansas. He is survived by two daughters.

SFC Streeter was awarded the Purple Heart, Army Achievement Medal, Good Conduct Medal, National Defense Service Ribbon, Viet Nam Service Medal, Non-Commissioned Officer Professional Development Ribbon, Army Service Ribbon, Overseas Service Ribbon, Republic of Viet Nam Campaign Ribbon, Republic of Viet Nam Gallantry Cross, and the Master Aircraft Crewman Badge are the awards that span the course of a 21 year career.

Post 108 is honored to have our post named after him.

ARTICLE II - 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 ASSOCIATION IN ALL WARS;

TO INCULCATE A SENSE OF INDIVIDUAL OBLIGATION TO THE COUNTRY, 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 GOODWILL ON EARTH;

TO SAFEGUARD AND TRANSMIT TO POSTERITY THE PRINCIPLES OF JUSTICE, FREEDOM AND DEMOCRACY;

TO CONSECRATE AND SANCTIFY OUR COMRADESHIP BY OUR DEVOTION OF MUTUAL HELPFULNESS.

ARTICLE III - NATURE

SECTION 1. This Post is a civilian organization and membership therein does not affect nor increase liability for military or police service. This Post is a 501(c)(19) Veterans Organization, as defined by the United States Internal Revenue Service (IRS).

SECTION 2. Regular meetings of this Post shall be held at the discretion of the membership for the time and day of the month.

American Legion Gary Streeter Post 108

SECTION 3. Gary Streeter Post 108 Meeting Location, Dates and Times are defined in Appendix I.

SECTION 4. This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principle nor for the promotion of the candidacy of any person seeking public office or preferment.

SECTION 5. Rank does not exist in the American Legion; no member shall be addressed by his/her military or naval title in any meeting of this Post.

ARTICLE IV - MANAGEMENT

SECTION 1. The management and government of this Post is entrusted to the Executive Board consisting of twelve (12) members and known as the Executive Board or E-Board.

SECTION 2. The E-Board under the direction of the Post Commander shall consist of the Post Commander, the 1st Vice Commander, the 2nd Vice Commander, Adjutant, Finance Officer, Chaplain, SGT-at-Arms, Service Officer, and Judge Advocate and three additional persons. These additional persons shall be the Immediate Past Post Commander, and two (2) elected Members at Large. In the event the immediate Past Post Commander is unable to act or holds another office on the E-Board, the Commander can appoint any Past Post 108 Commander to this position. Per Robert's Rules of Order, the Post Commander has no vote except, in the case of a tie vote.

SECTION 3. All vacancies on the E-Board or in any office 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 E-Board and a person so appointed shall hold office for the unexpired term of the member of the E-Board or Office whom he/she succeeds.

ARTICLE V - POST EXECUTIVE BOARD (E-BOARD)

SECTION 1. The Post Executive Board (aka E-Board) shall meet for organization and such other business that may come before it within a seven (7) day period after the regular installation of Officers or at the call of the Post Commander with a minimum of five (5) days written (or e-mail) notice.

SECTION 2. The Commander shall call a meeting of the E-Board upon a joint written request of at least 4 members of the E-Board.

SECTION 3. Four (4) members of the E-Board shall constitute a quorum thereof.

SECTION 4. The Post E-Board shall hire such employees as necessary, shall authorize and approve all expenditures, shall require adequate bonds from all persons having custody of Post funds and shall have charge of and be responsible for the management of the affairs of this Post.

SECTION 5. A majority vote of those present and/or voting will prevail in all E-Board meetings and a record of all motions, votes and business transactions must be recorded and entered into the minutes of such meetings. Votes via e-mail shall be allowed and shall be considered an E-Board meeting.

SECTION 6. The E-Board shall approve or disapprove any temporary appointments made by the Commander to any elected office of the Post and no appointment to any of those positions shall be valid until so approved by the E-board.

SECTION 7. The Post Commander shall report all decision of the E-Board to the membership not later than the next succeeding regular Post Meeting unless otherwise provided for in these bylaws. The Post meeting minutes shall record recommendations of the E-Board and final disposition by the membership.

SECTION 8. All decisions of the E-Board must be approved by the general membership at a regular scheduled meeting, unless otherwise provided for in these bylaws.

American Legion Gary Streeter Post 108

ARTICLE VI - DISCIPLINARY ACTION

SECTION 1. Removal from elected office - The E-Board shall have the power to remove from office any elected officer who is convicted, after a fair trial by the E-Board, of malfeasance, misfeasance or nonfeasance of office, and/or conduct unbecoming a member of The American Legion.

SECTION 2. Removal from appointive office – The Post Commander shall have the power to remove from any office any appointed officer, who serve at the pleasure of the Commander.

SECTION 3. Suspension or Expulsion of Post Members - The E-Board may suspend or expel a Post member from The American Legion after providing the member due process and a proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and/or conduct unbecoming a member of The American Legion. All charges must be made under oath in writing by the accusers, and no member in good standing shall lose their membership until given a fair trial by the Post E-Board.

SECTION 4. Censure By the E-Board - In lieu of suspension or expulsion, censure by the E-Board may be selected as appropriate action.

ARTICLE VII - ELECTION AND APPOINTMENT OF POST OFFICERS

SECTION 1. All elective officers of this Post must be elected annually by secret ballot at the membership meeting in the month of May. Elected Officers shall be Post Commander, 1st Vice Commander, 2nd Vice Commander, Finance Officer and two (2) members at large. The Chaplain, Adjutant, SGT-at-Arms, Service Officer and Judge Advocate are appointed by the newly elected Commander. All appointments shall be approved by the E-Board. All appointed positions serve at the pleasure of the Commander.

SECTION 2. All persons nominated for any office must be a member in good standing of this Post at the time of nomination.

SECTION 3. The Post Commander shall start the nomination process beginning with the March meeting and ending with the May Meeting. Members may nominate any member in good standing including themselves. Prior to submitting anyone's name in nomination for any of the Post's elected offices, the person being nominated must acknowledge they are willing to serve in that position, if elected, for the coming year. All nominations to be made for the Good of the Order.

SECTION 4. The Post Commander may appoint a Nominating Committee consisting of three (3) eligible members at the March general meeting. If appointed, the Nominating Committee shall assemble a list of eligible members who are willing to serve in one of the Post's elected Officer's positions for the ensuing year. The Nominating Committee shall make its report at the regularly "scheduled" May meeting. The Commander shall invite any further nominations for those elected offices from the floor. Prior to submitting anyone's name in nomination for any of the Post's elected offices, that person must know that the nominee will serve in that position, if elected, for the coming year. All nominations to be made for the Good of the Order.

SECTION 5. A member cannot be nominated for more than one office.

SECTION 6. The election of officers shall be in the following order: Commander, First Vice Commander, Second Vice Commander, Finance Officer, and the two (2) members at large.

SECTION 7. The nominee who receives the most votes for a particular office shall be declared elected to that office or position.

SECTION 8. All elected officers will take the oath of office, be installed, and assume office immediately following the election.

American Legion Gary Streeter Post 108

ARTICLE VIII - DUTIES OF OFFICERS

SECTION 1. The presiding Officers of this Post are the Post Commander, 1st Vice Commander, 2nd Vice Commander, in that order named except when the presiding Officer requests some other member to officiate temporarily during the meeting.

SECTION 2 The Commander shall preside over all meetings of the Post and the meetings of the E-Board and have general supervision over the business and affairs of the Post. Such officer shall be the Executive Officer of the Post. He/she shall approve all orders directing the distribution of funds and he/she shall perform such other duties as directed by the E-Board.

SECTION 3. The 1st Vice Commander, in conjunction with the Post Adjutant, shall be co-chairman of the Membership Committee. He/she shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Post Commander.

SECTION 4. The 2nd Vice Commander in the absence of both the Commander and 1st Vice Commander shall preside at all meetings and/or when called upon. He/she shall direct fund-raisers, flag retirements, flag ceremonies and assist the Post Commander at all public ceremonies and presentations. His/her primary responsibility shall be as directed by the Commander.

SECTION 5. The Post Adjutant shall have charge of and keeping a full and correct record of all proceedings of all meetings, keep such records as the Department and National organizations may require, render reports of membership annually or when called upon at a meeting. The Post Adjutant, in conjunction with the 1st Vice Commander, shall be Co-Chair of the Membership Committee. Under direction of the Commander, the Post Adjutant will handle all correspondence of the Post. The Post Adjutant shall be responsible to prepare and submit the document(s) listed below by the due date as defined in Appendix III.

- o The Comprehensive Post Report (CPR)
- o The Arizona Corporation Commission Entity Form
- o The Arizona Secretary of State Veterans Service Organization Registration Statement

SECTION 6. The Finance Officer shall be subject to the control of the E-Board, be charged with the collection and custody of Post funds. This includes all funds of the Post and shall keep its accounts and report thereon at any meeting of the E-Board and to all regularly scheduled membership meetings. An audit shall be performed by two (2) members of the E-Board and a member at large when the office changes personnel or before the incoming Finance Officer takes control of the Post funds, records and annually thereafter.

SECTION 7. The Finance Officer shall also maintain a cash on hand fund in the amount not to exceed \$150.00 to cover immediate expenditures that arise, the need to make change during meetings, etc.

Section 8. The Finance Officer shall be responsible to prepare and submit the document(s) listed below by the due date as defined in Appendix III.

- o IRS: 990 N (e-Postcard) Exempt Organizations Select Check

SECTION 9. The Judge Advocate, whose primary duties shall be, the interpretation of the Constitution and Bylaws of Gary Streeter Post 108, provide advice on Robert's Rules of Order, and advise obtaining local counsel, when applicable.

ARTICLE IX - FINANCES

SECTION 1 The finances of Gary Streeter Post 108 of The American Legion shall be derived as follows:

- A. By payment of dues and donations from membership.
- B. By public and private entertainment, amusements, shows, contests, bingo games, club

American Legion Gary Streeter Post 108

rooms, flag services, hall rentals, or any other activity whatsoever from which revenue may be obtained, in accordance with the provisions and restrictions imposed by the American Legion National Headquarters and/or the Department of Arizona Headquarters.

C. By bequest, gift, will or donation and from other sources.

All monies accruing to the Post as defined in subsections A and B shall be recorded in separate funds, deposited in a local bank or banks and may be expended in any manner by authority of the Post Commander and Post E-Board and the consent of the membership for the support of the Post activities and for the maintenance of Post property and records.

SECTION 2. All monies accruing to the Post, as defined in subsection C shall be accounted for in a separate line item and deposited in a local bank or trust institution for future use.

SECTION 3. The revenue of and for this Post must be given in keeping to the officially elected Post Commander, Post Finance Officer, or 1st Vice Commander who shall issue signed receipts for all money or chattel received from any source whatsoever. These officers shall be bonded.

SECTION 4. Dues and fees for membership in the American Legion by and through the Gary Streeter Post 108, Department of Arizona, will be such an amount as may be fixed by the E-Board and approved by the general membership for any current year from which must be taken the Per Capita assessment as prescribed by the National, the Department of Arizona and District 8.

SECTION 5. In the instance of membership fees or dues, the Post Adjutant shall issue authorized official membership cards to applying members, with the support of the Membership Co-Chair.

SECTION 6. The Post shall incur no indebtedness without the authority of the Post Commander and not in excess of five hundred dollars (\$500.00) without obtaining consent of the E-Board for recommendation and back to the floor for consent of its members.

SECTION 7. Expenditures of revenue, finances and money in control of the Finance Officer over \$500.00 shall also require the signature of the Post Commander or 1st Vice Commander if the Commander is not immediately available.

SECTION 8. No disbursement of Post funds shall be made to any person, individual, firm, business or corporation without an itemized invoice for the amount claimed.

SECTION 9. Finances invested through an Investment Advisor Service (if utilized), shall be under the control of a Board consisting of the Post Commander, 1st Vice Commander and the Post Finance Officer to make immediate decisions, based sound recommendations of the Financial Advisor.

SECTION 10. The report of funds received and expended, current indebtedness, if any, and funds on hand, including all revenues as defined in SECTION I must be made available to the membership by the Finance Officer at a regular monthly meeting of the Post. This report shall be recorded in the minutes of that meeting.

SECTION 11. Reimbursement for Department Convention and Conference Expenses.

- A. It shall be the duty of the Post Commander and the Post Finance Officer to reserve from the Post finances each year the sum of up to \$500.00 each to reimburse both the current Commander and Adjutant, or, in case of their inability to attend, their alternates, to defray their authorized out-of-pocket expenses while attending the annual Department Convention, wherever convened.
- B. The same amount shall be made available to reimburse the outgoing Past Commander, when applicable, so they may mentor the current Commander at the Department Convention.
- C. The same \$500.00 amount shall be reimbursable to only the current Commander and Adjutant for the purpose of attending the Fall Conference, wherever convened.

American Legion Gary Streeter Post 108

- D. Reimbursable expenses include lodging including applicable taxes for the actual dates of the convention/conference at the advertised rate, meals actually consumed, and actual fuel costs. Receipts must be submitted to justify all expenses.
- E. The above stated reimbursements shall be provided only if adequate funds are available in the Post treasury.

ARTICLE X – MEETING QUORUM

SECTION 1. Ten (10) members in good standing shall constitute a quorum at any regular or special meeting.

ARTICLE XI - SPECIAL MEETINGS

SECTION 1. Upon written request of at least ten percent (10%) of the eligible Post members, a majority of the E-Board, or the Commander may call for a special meeting of the Post for any specific purpose, provided that no business shall be transacted at any special meeting, except the business for which such meeting was called.

ARTICLE XII - AMERICAN LEGION AUXILIARY

SECTION 1. This Post recognizes the American Legion Auxiliary organization, known as the Gary Streeter Auxiliary Unit 108 of The American Legion, Department of Arizona.

SECTION 2. Membership in the American Legion Auxiliary shall be as prescribed by the current National Constitution and Bylaws of the American Legion Auxiliary.

ARTICLE XII - AMERICAN LEGION RIDERS

SECTION 1 This Post recognizes the American Legion Riders organization, known as the Gary Streeter ALR, Chapter 108 of the American Legion, Department of Arizona.

SECTION 2. Membership in the American Legion Riders shall be as prescribed by the current Constitution and Bylaws of ALR Chapter 108.

ARTICLE XII – SONS OF THE LEGION

SECTION 1. In the event a Sons of the Legion Squadron is established, it shall be known as the Gary Streeter Sons of the American Legion, Squadron 108.

SECTION 2. Membership in the Sons of the Legion shall be as prescribed by the current National Constitution and Bylaws of the American Legion Sons of the Legion.

ARTICLE XV - AMENDMENTS

SECTION 1. Any article or provision of these By-Laws may be amended, repealed or revised by written or (e-mail) notice of such intention, which must include any changes precisely and definitively. To be presented in a regular meeting and to be included in the minutes of that meeting. A copy of the proposed changes to be given to any member upon request and voted on at the next regular meeting, said vote requiring 2/3 of members present to amend, repeal or reverse any ARTICLE or provisions stated. Any authorized changes in these Bylaws are to be submitted immediately to both the District 8 and Department of Arizona Adjutants.

SECTION 2. Any/all appendices included in these bylaws may be amended, repealed or revised by an affirmative majority vote of those members in good standing present and voting at a regular or special meeting of the Post.

SECTION 3. The Constitution and Bylaws of this Post as hereby revised and adopted are subject to the provisions of the American Legion National and Department of Arizona Constitution and Bylaws. An amendment to said National or Department Constitution and Bylaws which is in conflict with any provision here of, shall be regarded as automatically repealing or modifying the provisions of this instrument to the extent of such conflict. Any and all further revisions or adoptions included by National and/or Department of Arizona Headquarters to their Constitution or Bylaws shall automatically be adopted by Gary Streeter Post 108.

American Legion Gary Streeter Post 108

ARTICLE XVI - BYLAWS

SECTION 1. These Bylaws shall become a part of the minutes of the regular meeting at which they are approved and shall become effective immediately.

SECTION 2. A copy of these Bylaws shall be available at all regular meetings of Gary Streeter Post 108.

SECTION 3. A copy of the latest Bylaws shall be posted on the Gary Streeter Post 108 web site as shown in Appendix I

ARTICLE XVII - RULES OF ORDER

SECTION 1. All proceeding of this Post shall be conducted under and pursuant to the latest revision of Robert's Rule of Order.

ARTICLE XVIII -

ADOPTION OF REVISED CONSTITUTION AND BYLAWS

This revision of the Constitution and Bylaws of Gary Streeter Post 108 was approved by electronic voting of the general membership completed on 01 May 2020.

Commander:  Date: 05/01/2020

Karen Litt

Adjutant:  Date: 05/01/2020

Gary Taylor, Acting

American Legion Gary Streeter Post 108

APPENDICES TO POST 108 CONSTITUTION AND BYLAWS

APPENDIX I: Gary Streeter Post 108 Meeting Location, Dates and Times

Post 108 meets at the United Methodist Church located at 8944 Sommer Drive in Prescott Valley at 1900 Hours, the second Tuesday of each month

- Mailing Address: PO Box 26239, Prescott Valley, AZ 86312
- The Post's current e-mail address is: pvpost108@gmail.com
- The Post's web site is: pvpost108.com

APPENDIX II: Post Dues

In accordance with the Department of Arizona Per Capita increases and as approved at the general membership meeting on 12 November 2019, the annual membership dues will be:

- Effective 1 January 2020, Post 108 dues shall be \$41.00
- Effective 1 July 2020, Post 108 Dues shall be \$42.00
- Effective 1 July 2021, Post 108 Dues shall be \$43.00
- Effective 1 July 2022, Post 108 Dues shall be \$44.00
- Effective 1 July 2023, Post 108 Dues shall be \$45.00

APPENDIX III: Post Report Due Dates

IRS: 990 N (e-Postcard) Exempt Organizations Select Check due by 15 May each year. <https://apps.irs.gov/app/eos/displayEPostcard.do?dispatchMethod=displ...>

Arizona Corporation Commission Entity form due annually by 29 October on the ACC web site – <http://ecorp.azcc.gov/>

Arizona Secretary of State Veterans Service Organization Registration Statement due when there is a change in officers - <https://azsos.gov/business/charities> - Must be mailed

Comprehensive Post Report (CPR) due annually by 1 June to both National and the Department of Arizona.

APPENDIX IV: Financial Advisor Service

The Post's Financial Advisor Service is:

- Russell Investments located at 1687 Willow Creek Road Prescott, AZ 86301
- The Financial Advisor is: David Paez.

APPENDIX V: Flag Schedule

- Presidents Day – 3rd Monday in February
- Vietnam Veterans Day – 29 March
- Loyalty Day – 1 May
- PV Days – 2nd Saturday in May (subject to be changed by event sponsors)
- Armed Forces Day – 3rd Saturday in May
- Memorial Day – Last Monday in May
- Flag Day – 14 June
- Independence Day – 4 July
- Labor Day – 1st Monday in September
- Patriot Day – 11 September
- POW/MIA Recognition Day – 3rd Friday in September
- Veterans Day – 11 November
- Pearl Harbor Remembrance Day – 7 December