



**CONSTITUTION OF
THE AMERICAN LEGION MILWAUKIE POST 180
DEPARTMENT OF OREGON
*Last Update September 2016***

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 per cent 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 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 to mutual helpfulness.

ARTICLE I – NAME

Section 1 - The name of this organization shall be The American Legion Milwaukie Post 180, Department of Oregon.

ARTICLE II – OBJECTS

Section 1 - The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Department Constitutions of the American Legion.

ARTICLE III – NATURE

Section 1 - Milwaukie Post 180 is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2 - This organization shall be 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 preferment.

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

ARTICLE IV – MEMBERSHIP

Section 1 - Eligibility to membership in the Post shall be 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 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 by a majority vote.

Section 4 - Any member of this Post may be suspended or expelled from the American Legion only upon a proper showing of cause, and upon proceedings as provided for in the Officers Guide, "Practice and Procedure in the Expulsion or Suspension of a Member of The American Legion." Any appeal shall be taken to the Department Executive Committee, and any case shall be tried anew. The decision of the Department Executive Committee in such cases shall be final.

Section 5 - A member who has been expelled or suspended from this Post for any cause may be reinstated by a majority vote of the membership present in a Post meeting and the payment of current dues by the applicant for the year in which the reinstatement occurs.

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, he/she 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.

ARTICLE V – OFFICERS

Section 1 - The administrative affairs of the Milwaukie Post 180 shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee, which shall consist of three (3) members in addition to the Officers of the Post. The term of office of elected members of the Executive Committee shall be for three (3) years, one to be voted upon each year for a three-year term. This Post, by its By-Laws, may provide for such other standing Committees as the business of the organization may require.

Section 2 - The Officers of this Post shall be a Commander, First Vice Commander, Second Vice Commander, Adjutant, Finance Officer, Historian, Chaplain, Service Officer, and 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. The Junior Past Post Commander shall be classified as elected Officer to serve on the Executive Committee.

Section 3 - All Officers and Executive Committee persons shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided. Any Officer or Executive Committee person may be removed from office for inefficiency by the Executive Committee, a two-thirds vote of said Committee being necessary to effect removal.

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

Section 5 - The duties of Officers and Executive Committee persons shall be those usually pertaining to such Officers or Committee persons and as further provided in the By-Laws.

Section 6 - Any Officer or Executive Committee member related to or otherwise involved with an Employee of the Post must excuse themselves from any meeting involving such Employee.

ARTICLE VI - ELECTIONS

Section 1 - All Officers and Executive Committee persons of the Post shall be nominated from the floor at the regular business meeting in March and nominations will remain open through the next regular business meeting in April when nominations will be closed. All nominations will be made from the floor and the nominee must be present to accept the nomination or a letter of intent presented to the Commander at the time of nomination. No write-in ballots will be accepted nor spaces allowed on the ballot.

Section 2 - The election of Officers, Executive Committee persons and Delegates and Alternates to the Department convention will be held at the May meeting. A ballot listing all members nominated shall be issued to each member upon presentation of a paid-up membership card. Polling will take place from 12 noon until no later than the start of the general meeting in the Milwaukie Legion hall. A counting committee, appointed by the Commander will immediately tally the votes and at the call of the Commander announce the final results.

Section 3 - The newly elected Officers will assume their responsibilities immediately following installation at a special meeting to be held in June following their election in May.

Section 4 - The Post Commander is an ex-officio member of all Committees and has the same rights as the other Committee members, but is not counted in determining if a quorum is present and is without power to vote.

ARTICLE VII – 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 the installation of the new Officers. Thereafter, the Post Executive Committee shall meet at the call of the Commander at least every month and as often as said Commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee upon the joint written request of three (3) or more members of said Post Executive committee. Seven (7) members of the Committee shall constitute a quorum.

Section 2 - The Post Executive Committee shall approve the hiring of all employees; shall authorize and approve expenditures; shall require adequate bonds from all persons having the custody of the Post funds; shall hear reports of the Post Committee Chairpersons and generally shall have charge of and be responsible for the management of the affairs of this Post.

Section 3 - All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than expiration of the term, shall be filled. The Post Commander can appoint the replacement with confirmation by the Executive Committee. A person so appointed shall hold office for the remainder of the term of the member of the Committee or Officer whom he/she succeeds. A vacancy shall exist when a member or Officer is absent from his/her Post for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

Section 4 - All matters relating to the business of this organization not specified in the By-Laws shall be referred to the Executive Committee.

ARTICLE VIII – DUTIES OF OFFICERS

Section 1 - *Duties of 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. He/She shall review 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 years. The report shall be read at the annual meeting and a copy thereof retained at Post Headquarters. He/She shall perform such other duties as directed by the Post.

Section 2 - *Duties of Post First Vice Commander*: The First Vice Commander shall assume and discharge the duties of the office of Commander in his/her

absence or disability, or when called upon by the Post Commander. He/She shall have charge of and carry out an effective membership program.

Section 3 - *Duties of Post Second Vice Commander:* The Second Vice Commander shall assume the duties of the First Vice Commander in his/her absence. He/She shall be responsible for fund-raising activities within the Post and work closely on all entertainment matters.

Section 4 - *Duties of Post Adjutant:* The Adjutant shall have charge of and keep 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, and under direction of the Commander, handle all correspondence of the Post, including membership renewals.

Section 5 - *Duties of Post Finance Officer:* The Finance Officer of the Post shall have charge of all finances and see that they are safely deposited in some local bank or banks. He/she shall report once a month to the Executive Committee the condition of the finances of the Post, with recommendations as he/she may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He/She signs all checks disbursing the money of the Post. Checks for payment shall carry the names of two officers, i.e., Finance Officer, Adjutant, or Post Commander. He/She shall furnish such surety bonds in such sum as shall be fixed by the Post Executive Committee. All checks in excess of \$500 will require review by the Post Commander.

Section 6 - *Duties of Post Historian:* The Historian shall be charged with recording the accomplishments and significant incidents of the Post and its members. He/She shall perform such other duties as may properly pertain to the Office as may be determined by the Post or the Executive Committee.

Section 7 – *Duties of Post Chaplain:* The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc. He/She, from time to time, shall adhere to such rituals as are recommended by the National or Department Headquarters as needed.

Section 8 - *Duties of Post Sergeant-At-Arms:* The Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may, from time to time, be assigned to him/her by the Post Commander. He/She is responsible for the security of the building, including issuing and maintaining records of all keys.

Section 9 - *Duties of Service Officer:* The Service Officer is charged with performing all duties that involve Veterans and their families in time of need.

ARTICLE IX – MANAGEMENT

Section 1 - The government and management of this Post are entrusted to the elected Post Officers and an Executive Committee of three (3) members, to be known as the Executive Board.

Section 2 - All officers and Executive Committee members shall be nominated and elected as prescribed in Article III.

ARTICLE X – APPOINTMENTS

Section 1 - The Post Commander, immediately upon taking office each year, may appoint the following standing Committees: Americanism, Baseball, Boys State, Ceremonials, Children and Youth, Convention, Finance, House and Entertainment, Legal, Membership, Oratorical, Public Relations, Veterans Affairs and Rehabilitation, and Sons of the American Legion. Such Committees shall consist of members and the Chairperson designated by the Post Commander. Exceptions shall be as outlined in Article XIV.

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 civil phases of instruction in schools, Americanization of Aliens, combating anti-American propaganda by education of the general public in American ideals through public forums and activities for community and civic betterment.

Section 3 - *Baseball Committee*: The Baseball Committee is charged with working closely with the coach of the school whose team is being sponsored by the Post, encouraging attendance at baseball games and seeking additional sponsors to help defray the on-going expenses of the team.

Section 4 - *Boys State Committee*: The Boys State Chairperson and Committee members shall be charged with the inspiration of good citizenship and patriotism for the juniors in High School who become eligible to participate in the Boys State Program. They shall also arrange for sponsors to defray the prescribed tuition.

Section 5 - *Ceremonials Committee*: The principal duty of the Ceremonials Committee is to insure that all new members are properly initiated. The Committee must also concern itself with the proper presentation of other rituals outlines in the Manual of Ceremonies, i.e., burial detail and wearing of Legion Regalia.

Section 6 - *Children and Youth Committee*: The Children and Youth Committee, when and if established, shall strive to ensure that any child of a veteran in need of care and protection shall receive proper and timely service and aid; strengthen the family unit; extend support to sound organizations and facilities that provide

services for children and youth; and maintain a well-rounded program that meets the needs of the young people in their respective community.

Section 7 - *Convention Committee*: The Convention Committee is charged with acquiring proper housing and meeting facilities, administering to all related activities of hosting a convention and coordinating it with the Department Convention Commission.

Section 8 - *Finance Committee*: The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervising of receipt, disbursing and accounting of all Post funds.

Section 9 - *The Executive Board*: The Executive Board shall have charge of all matters pertaining to the care and maintenance of the Post facility, promotion of Post activities, and supervision of all paid employees of the Post. Hiring and firing of employees shall be the responsibility of the Executive Board. The designated Executive member is charged with the daily operation of the club lounge and game room in accordance with local and OLCC rules.

Section 10 - *Legal Committee*: The Judge Advocate shall be the Legal Committee Chairperson and the committee shall be charged with the legal supervision of the Post affairs and arrange for the audit of all Post books and accounts in conjunction with the Post Finance Officer.

Section 11 - *Membership Committee*: The First Vice-Commander shall be the Membership Committee Chairperson and the committee shall have charge of all matters pertaining to the membership of the Post, including procuring new members and facilitating reinstatement of former members.

Section 12 - *Oratorical Committee*: The Oratorical Committee shall work closely with the school speech teacher to inform the students of The American Legion Oratorical contest, to obtain prizes, if awarded, and to follow through the program to the District Oratorical Contest.

Section 13 - *Public Relations Committee*: The Public Relations Committee shall be charged with the promotion of public support of Legion programs. The Committee will keep The American Legion magazine, Department and National Legion news service and local media aware of Post programs and activities.

Section 14 - *Veterans Affairs and Rehabilitation Committee*: The Service Officer is Chairperson of this Committee. He/She shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States government, employment, relief, etc. He/She is responsible for bringing to the attention of all Veterans and their dependents the rights and benefits granted them by law.

Section 15 - Sons of the American Legion: This Committee shall have supervision over the operations of the Post Squadron of the Sons of the American Legion. The S.A.L. members shall adhere to the same rules of conduct that apply to Legion members while in the Post Home.

Section 16 – American Legion Riders: This Committee shall have supervision over the operations of the Post Squadron of American Legion Riders. The A.L.R. members shall adhere to the same rules of conduct that apply to Legion members while in the Post Home.

ARTICLE XI – RESOLUTIONS

Section 1 - All resolutions of State or National scope presented to the Post by a Post member or reported to this Post by a Post Committee shall merely be or represent the opinion of this Post on the subject. 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. Any resolution passed by the Post that has State or National implications must be submitted to the American Legion Department of Oregon for review and approval before publication.

ARTICLE XII – MEETINGS

Section 1 - The regular meeting of the Post shall be held at the Post Hall on the first Thursday 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 this Post.

Section 2 - The Post Commander, or a majority of the Executive Board, shall have power to call a special meeting of the Post at any time.

Section 3 - Upon written request of ten (10) members, a special meeting of the Post may be called.

Section 4 – A special or general meeting of the Executive Board will have a quorum if consisting of 50% of the elected officers, plus one.

ARTICLE XIII – NOTICES

Section 1 - Each member shall furnish the Post Adjutant with their mailing address, telephone number and zip code for mailing purposes.

Section 2 - The Adjutant shall cause a notice of the annual election to be given at least two (2) weeks prior thereto in the official publication.

ARTICLE XIV – RULES OF ORDER

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

ARTICLE XV – INCORPORATION

Section 1 - This Post shall be incorporated as a non-profit corporation with the Corporation Division, State of Oregon. The Officers of this corporation shall be elected Officers of this Post.

ARTICLE XVI – LIMITATIONS OF LIABILITIES

Section 1 - This Post shall not incur, or cause to be incurred, any liability or obligation of any other Post, sub-division, member of the American Legion, or other individual or group, corporation or organization.

ARTICLE XVII – ADMINISTRATION OF POST LOUNGE

Section 1 - The administration, managerial, care and upkeep of the Post Legion Lounge shall, except as may be herein otherwise provided, be under the supervision of the Executive Board.

Section 2 – The Post Commander in conjunction with the 2nd Vice Commander shall oversee the day-to-day operation of the Post Legion Lounge.

ARTICLE XVIII – DELEGATES AND ALTERNATES

Section 1 - The elected Delegates and first two Alternates registration fee to a Department Convention shall be paid by the Post. Other funds raised and designated for Delegates and two Alternates shall be divided equally by the outgoing Post Commander who shall be Delegation Chairperson.

Section 2 - All Delegates and Alternates shall be in attendance on convention floor to receive special funds.

ARTICLE XIX – FUNDS

Section 1 - Funds advanced to special Committees shall be accounted for by receipts and any funds derived in excess of budgeted amounts shall immediately be returned to the Post Finance Officer for deposit in the Post general fund.

Section 2 - Special account funds shall be deposited by the Post Finance Officer in designated accounts; checks drawn against said accounts in excess of \$500 shall be reviewed by the Post Commander and/or designee.

ARTICLE XV – FINANCE

Section 1 - The revenue of this Post shall be derived from annual membership dues, and from other sources as may be approved by the Post Executive Board.

Section 2 - The amount of such annual membership dues shall be fixed and determined by this Post.

Section 3 - The Post shall pay to Department headquarters the National and Department annual dues for every member of the Post.

Section 4 - All contracts obligating the expenditure of funds of Milwaukie Post 180 shall be authorized by the Post Executive Board. Contracts must be approved by the Post Judge Advocate and signed by the Post Commander and/or Post Commander's designee.

ARTICLE XVI – CHARTER MEMBERS

Section 1 - The first twenty-four (24) members who joined this Post prior to the issuance of charter shall be known as Founders.

Section 2 - The first one hundred eighty (180) members who jointed this Post shall be known as charter members.

ARTICLE XVII – AMERICAN LEGION AUXILIARY

Section 1 - This Post recognizes an Auxiliary organization to be known as Milwaukie Unit 180, The American Legion Auxiliary.

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

Section 3 - All Unit members shall be governed by the Post rules of conduct while in the Post.

ARTICLE XVIII – AMENDMENTS

Section 1 - This Constitution is adopted subject to the provisions of the National Constitution of the American Legion and of the Department Constitution of the Department of Oregon, The American Legion. Any amendment to said National Constitution or Department Constitution, which is in conflict with any provisions 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 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 thirty (30) days in advance of the date when such amendment is to be voted upon, notifying said members that such a meeting for a proposal to amend the Constitution is to be voted upon.

Sub-section A – Executive Board rules shall be changed as per Section 2 above.

Sub-section B - The Constitution and By-Laws and Post Rules shall be reviewed every three years by Executive Board or an appointed Committee and all changes shall be made as outlined in Section 2 above.

Section 3 - Notifying members of a proposed change in the Constitution can be accomplished by a statement in the official publication, "American Legion Newsletter", of Milwaukie Post 180.

ARTICLE XIX – ADMINISTRATIVE

Section 1 - Lounge Committee Rules - Emblem Lounge

1. The Post Commander and 2nd Vice Commander shall manage the day-to-day operation of the Legion Lounge, Activities, and regulations thereof, with the Executive Board overseeing and governing.
2. Only authorized members and their guests are permitted to use the facilities, except on special occasions.
3. All members must present membership card on request by authorized personnel (this includes manager, bartender, or door person on duty).
4. A guest must be accompanied by a member at all times.
5. All Guests will be signed in by a member.
 - a. Guests of members may be admitted only with a member who shall be responsible for the guest and the guest must leave when the member leaves.
6. NO SOLICITING is allowed on the premises, except for Lounge, Legion, Auxiliary or sponsored youth activities.
7. Members who sell tickets for functions or raffles must be in designated area (see bartender for area).

8. NO animals are permitted in the building without special permission (OLCC rule), unless a designated "Service Dog" by current Local and National Laws.
9. NO loud, profane, or boisterous language shall be permitted. Any conduct unbecoming of a member will not be permitted on the premises. This includes talking down the Post, Auxiliary, or Lounge.
10. NO credit is to be allowed. Check cashing will be limited to a total of **\$20.00** per day for members of Post 180. Members of other Legion Posts to be restricted to \$20.00 per day.
11. Any member with an outstanding check will be denied Lounge privileges, subject to review by the Executive Board.
12. Any member with an outstanding check must be put on a NO CHECK CASH LIST behind bar until said check is picked up. This must be done within 14 days of notification or member will be automatically suspended until all checks and fees are paid in full, with cash.
13. Any member suspended for an outstanding check will be notified by certified letter.
14. There is a **\$30.00** service charge for each NSF check.
15. Club employees will not drink alcoholic beverages while on duty (OLCC rule).
16. NO bulk or packaged beverages are to be sold, loaned or removed from the building (OLCC rule).
17. National and Department officers on official business receive one (1) drink on the house.
18. All shift volunteers may receive one (1) drink on the house at the completion of their shift.
19. NO property of the Legion Post or contents within the building will be removed without authorization from the Post Commander or his/her designee. The property will be signed out with the on-shift bartender. When returned, the borrowed equipment must also be inspected and signed in by the on-shift bartender.
20. The Post Commander can make the determination on whether or not the lounge and game room will be closed during Legion meetings. If

the lounge and game room are closed, the lounge and game room can be opened at the end of the Post or Auxiliary meeting, whichever ends first.

21. During Post and Auxiliary functions, appropriate, clean attire must be worn in the Lounge.
22. Minors will not be allowed in the building during open hours UNLESS accompanied by a member who is RESPONSIBLE for the minor at all times. After 9:00 P.M., minors will not be allowed in the building EXCEPT in the CHILDREN'S ROOM. During all hours minors will not be allowed to loiter in the lounge area. Parents must SUPERVISE their children at all times or the bartender will ask the parent to leave. Exceptions are:
 - (a) Special functions or other supervised activities as designated by the Executive Board.
 - (b) OLCC regulation 10-175 will be adhered to in detail regarding the legal identity of a minor spouse.
 - (c) Person entering for the transaction of business pursuant to the course of their employment.
 - (d) Minors, who are Post members, must identify themselves to the bartender on duty, or the manager, door person, or cocktail person. Violators of this rule will be asked to leave and could lead to suspension.
23. **All complaints and grievances shall be submitted in writing**, signed by two (2) members or the bartender on duty and given to the 2nd Vice Commander or designated Executive Board member for resolution.
24. Any member who turns in or tears up their membership card is automatically suspended for a period of 30 days. At the end of the 30 days, the member must appear before the Executive Board to retrieve their card and pay amount determined by the Executive Board.
25. Any member who is "CUT OFF" by the bartender and asked to leave will receive an automatic 30-day suspension if they do not comply. This applies to enforcement by OLCC or Law Enforcement Officials "cutting off" members or guests.
26. Any member who has been charged with a violation of a house rule shall automatically be suspended pending notifications by the Executive Board (notifications shall be within 15 days).

27. Any member who is suspended shall have the right to be heard after notification is received. An appeal may be filed with the Executive Board Chairman or the Post Commander within 5 days of the date of notification of suspension.
28. After a member has appealed to the Executive Board, a special Executive Board meeting will be called within 7 days of appeal date.
29. Disciplinary action of the Executive Board may be a 30-day or longer suspension of Lounge privileges.
30. Any House Rule may be superseded by an OLCC rule.
31. A door person, assigned or volunteer, will wear proper attire.
32. There will be no parking in any planted areas. Any member parking in planted areas or running into building will receive one warning; the second violation will constitute an automatic suspension for 30 days and payment for damages will be required before reinstatement.
33. NO Card playing or authorized games are allowed in the lounge area, unless authorized by the Executive Board Member and/or the on-shift bartender. Card room overflow may only be moved in the pool table area and the curtain pulled with the bartender's approval.

Voted on and approved by the general membership of American Legion
Milwaukie Post 180 at a regularly scheduled meeting held on:

6 October 2016
Date

Michael J. W. [Signature]
Post Commander

[Signature]
Post Adjutant

Barbara [Signature]
Post Judge Advocate