

**BY-LAWS**  
**Of**  
**Ely-Fagan-Stevens-Connor Post 1151, Incorporated**  
**THE AMERICAN LEGION**  
**Department of New York**

**ARTICLE I – NAME AND OBJECTS**

Section 1. The Post existing under these By-laws is to be known as Ely-Fagan-Stevens-Connor Post 1151, The American Legion, Department of New York, Monroe County.

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

**ARTICLE II – ADMINISTRATION**

Section 1. The administration of the Post's affairs, between meetings of the Post, and except as may be otherwise provided in these By-laws, shall be under the supervision of the Executive Committee.

Section 2. The elective members of the Executive Committee together with the elective officers of this Post shall be elected and installed in the month of May, annually. All elections of officers and Executive Committeemen shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates, and they shall hold office until their successors are duly installed or as otherwise provided. Any elective officer or Executive Committeeman may be removed from their position by the Executive Committee for absence from their post for a continuous period deemed detrimental to the best interests of the Post, for inefficiency as defined by the Executive Committee, or for other matters so deemed by the Executive Committee. A two-thirds vote of the Executive Committee is required to effect such removal. Members so judged must be notified by the First Vice Commander (or in his/her absence another Vice Commander) ten days prior to the Executive Committee hearing/reviewing the action with the subject for removal.

Section 3. The Nominating Committee, appointed by the commander, shall present a slate of candidates to the Post at the March meeting. Nominations will be accepted from the floor.

Section 4. Election to any office shall not carry the right of succession to higher office.

Section 5. All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of term of office shall be filled by a majority vote of the remaining members of the committee, and a person so chosen shall hold office for the unexpired term of the member of the committee or officer when he succeeds. A vacancy shall exist when a member or officer is absent from his Post for three consecutive meetings if considered by the Executive Committee to be detrimental to the best interests of the Post.

**ARTICLE III – POST EXECUTIVE COMMITTEE**

Section 1. The Post Executive Committee shall consist of the eight elected Post officers as follows: Post Commander, three Vice Commanders, Treasurer, Adjutant, Chaplain, and Sergeant at Arms.

Section 2. 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 days after the installation of the new officers. Thereafter the Post Executive committee shall meet at the call of the Commander at least once a 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 or more members of said Post Executive Committee; five members of the committee shall constitute a quorum thereof.

Section 3. The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall hear the reports of Post Committee Chairmen, and generally, shall have charge of, and be responsible for, the management of the affairs of this Post between meetings; shall require that all Post Officers and members handling American Legion money be properly bonded with a good and solvent bonding and surety company, as surety to cover double the average amount of money handled in a single year; bonds to be approved by the Executive Committee.

Section 4. The Post Commander may appoint and direct subcommittees as necessary to ensure the good order and discipline of the Post.

Section 5. The Post Executive Committee may recommend to the Post the removal of any member of any committee.

Section 6. All Post members may attend any Executive Committee meeting, but only members of the Executive Committee have the right to vote.

Section 7. Any member of the Executive Committee absent from three consecutive meetings shall automatically cease to be a member of the Executive Committee and surrender their office for the balance of the year, except for good cause as determined by the Executive Committee.

Section 8. No Post property shall be removed from the Post Home without the written permission of the Executive Committee or their appointed representative.

Section 9. Once each year, after new officers are installed the Executive Committee shall appoint a committee to make a full inventory of all Post property and submit a written report at the next regular scheduled meeting.

#### **ARTICLE IV – 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 shall approve all orders directing the disbursements of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the coming year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the County Adjutant. He shall perform such other duties as directed by the Post.

Section 2. Duties of Vice Commanders: The Vice Commanders shall, in the order of their seniority, assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Post Commander, and other duties and responsibilities as assigned by the Post Commander.

Section 3: Duties of the Post Adjutant: The Adjutant shall have charge of and keep a file 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 direction of the commander process all correspondence of the Post. Any and all correspondence pertaining to Post business to be on approved Post letterhead form and duly signed and dated by originator. The Adjutant is to assure such correspondence has a copy filed with Post records and that all Post matters of record are on file as directed by the Post Constitution and By-Laws.

All records pertinent to the Post affairs shall be stored in a designated area of the Post with possession of the keys to be assigned by the Executive Committee, with such assignment duty entered into the Post minutes of the meeting following the election of newly elected officers.

Security of records such as deeds and others to be determined by the Executive Committee shall be stored in a secure/safe bank lockbox as designated by the Executive Committee.

The Adjutant may also chair committees relevant to his/her position as directed by Executive Committee or Post Commander.

Section 4: Duties of the Treasurer: The Treasurer of the Post shall be bonded by a good and solvent security company. The Treasurer shall have charge of processing all finances including receiving of Post income and distribution of funds as outlined in annexes of the Constitution and By-Laws and see that they are duly recorded on forms approved by the Post Executive Committee and safely deposited in the Post account at a local bank or banks authorized by the Executive Committee. He/She will sign all checks disbursing the monies of the Post treasury. In the absence of the treasurer the First Vice Commander or another member appointed by the Post Commander shall sign such checks. The treasurer will have ready, on call of the Post Commander, monthly and annual state of the treasury summaries for recording by the Adjutant in the minutes of the respective monthly and annual Post meetings. His/her accounts shall be audited annually, and as necessary, by a committee appointed by the Commander.

Section 5. Duties of Post Historian: The Post Historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as may properly pertain to the office as may be determined by the Post or the Executive Committee.

Section 6. 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., adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

Section 7. Duties of Sergeant-at-Arms: The Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may be, from time to time, assigned to him by the Post Executive Committee.

#### **ARTICLE V – FINANCES AND DUES**

Section 1: The amount of the annual Post dues shall be fixed by the Post Executive Committee, payable in advance on the 20th day of October of each year.

Section 2. A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If his dues are paid on or before February first, he shall be automatically reinstated. If he is still delinquent after February first, he shall be suspended from all privileges. If he is still under such suspension on June thirtieth of such year, his membership in THE AMERICAN LEGION shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs; provided, however, that the Post, Department, and National organizations may waive the provisions thereof, upon payment of dues for the year in which the reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

Section 3. All Post monies shall be deposited in a duly authorized banking institution as designed by the Post Executive Committee, and none of such monies shall be withdrawn except upon draft or check signed by the Post Treasurer or one other person designated in these By-laws.

Section 4. The general expenses of the Post shall be paid by checks drawn against the general fund signed by the Post Treasurer.

#### **ARTICLE VI – DELEGATES**

Section 1. The Post shall elect annually such delegates and alternates to represent the Post at all County meetings or County Annual conventions and nominate delegates for district meetings and annual district conventions as may be required, pursuant to such proportional representation covering such delegates or alternates as may be provided for by the Constitution and By-laws of the department and Monroe County Organizations.

Section 2. All Delegates and Alternates to the County Convention shall be uninstructed except as recommended by the Post.

Section 3. Such Delegates and Alternates shall vote as individuals and not as a unit.

## **ARTICLE VII – APPOINTMENTS**

Section 1. The Post Commander, immediately upon taking office each year, shall appoint ad hoc committees as he/she deems necessary for the conduct of Post affairs. Such standing committees shall consist of such members, and the chairman thereof, as shall be designated by the Post Commander.

## **ARTICLE VIII – RESOLUTIONS**

Section 1. All matters of State, National, or International scope that appeal to Legionnaires and the Post may be treated, discussed, and acted upon provided, however, that such action shall be submitted for approval through the prescribed American Legion channels to the body having jurisdiction thereof.

## **ARTICLE IX – MEETINGS**

Section 1. The regular meetings of the Post shall be held at the Post Headquarters or a place to be decided upon by the Post, on the second Wednesday of each month at 7:30 pm, 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 Post commander.

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

Section 3. Upon the written request of ten Post members, the Commander or the executive committee shall call a special meeting of the Post.

Section 4. Seven members shall constitute a quorum.

Section 5. An annual meeting of the Post shall be held at which the annual reports of the officers shall be submitted and such other business transacted as shall be found desirable. The date of such meeting shall be determined by the Post or the Executive Committee.

## **ARTICLE X – NOTICES**

Section 1. Each member shall furnish the Post Adjutant with an address for mailing purposes and inform the Adjutant of any change in such address.

Section 2. Members, if they so choose, may furnish the Post Adjutant an E-mail address for communication purposes with the Post business.

Section 3. The Adjutant shall cause to be mailed to each member, at the address furnished by such member, notice of meetings and each special meeting of the Post at least three days prior to such meeting, except as otherwise provided in the Constitution and By-laws, and all notices as required by the Constitution and By-laws.

Section 4. Notices of meetings at which nominations or elections of officers are to be held shall specify that such nominations or elections are to be held at such meeting, and shall be mailed at least two weeks prior to each such meeting.

## **ARTICLE XI – RULES**

Section 1. The order of procedure at meetings of this Post shall be governed by Robert's Rules of Order, Revised, except as otherwise provided herein.

## **ARTICLE XII – LIMITATION OF LIABILITY**

Section 1. This Post shall not incur, nor cause to be incurred, any liability or obligation whatever which will subject to liability any other Post, Sub-division, group of men, members of The American Legion, or other individuals, corporations, or organizations.

## **ARTICLE XIII – AMENDMENTS**

Section 1. These By-laws are adopted subject to the provisions of the National, Department, and Monroe County Constitution and By-laws. Any amendments to said National, Department or County Constitution and By-laws, which are in conflict with the provisions hereof shall be regarded as automatically repealing or modifying the provisions of these By-laws to the extent of such conflict.

Section 2. These By-laws may be amended at any regular Post meeting by a vote of two-thirds of the members attending such regular meeting, provided that the proposed amendment shall have been submitted in writing, and read at a preceding regular meeting of said Post, and provided further, that written notice shall have been given to all members at least ten days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-laws is to be voted upon.