

GARY STREETER, POST 108  
PRESCOTT VALLEY, ARIZONA



# CONSTITUTION AND BYLAWS

CONSTITUTION AND BYLAWS INDEX  
(REVISED 14 February 2017)

# American Legion, Gary Streeter Post 108

## DEPARTMENT OF ARIZONA

### CONSTITUTION AND BYLAWS OF THE AMERICAN LEGION POST 108

*(REVISED 14 February 2017)*

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# **American Legion, Gary Streeter Post 108**

## **DEPARTMENT OF ARIZONA**

### **CONSTITUTION AND BYLAWS OF THE AMERICAN LEGION POST 108**

*(REVISED 14 February 2017)*

#### **ARTICLE I - POST TITLE**

The name of this organization shall Gary Streeter Post 108, Department of Arizona. This Post is located in Prescott Valley, Arizona.

#### **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 GOOD WILL ON EARTH;

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

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

#### **ARTICLE III - NATURE**

SECTION I. This Post is a civilian organization and membership therein does not affect nor increase liability for military or police service.

SECTION II. 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 III. 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 VI - MANAGEMENT**

SECTION I. The management and government of this Post is entrusted to the Executive Committee of eight (8) members, to be known as the Executive Committee.

SECTION II. The Executive Committee under the direction of the Post Commander shall consist of the Post Commander, the 1st Vice Commander, the 2nd Vice Commander,

Adjutant, Finance Officer and three additional persons. These persons shall be a Past Post Commander, the member elected at large and the most recent member to join the Post if he/she chooses to serve. As per Robert's Rules of Order, the Post Commander on this or any other committee has no vote except in the case of a tie vote.

SECTION III. All vacancies in the Executive Committee 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 Executive Committee and a person so appointed shall hold office for the unexpired term of the member of the Committee or Office whom he/she succeeds.

#### **ARTICLE V - POST EXECUTIVE COMMITTEE**

SECTION I. The Post Executive Committee 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 II. The Commander shall call a meeting of the Executive Committee upon a joint written request of not less than half the members of said Committee. Five (5) members of the Committee shall constitute a quorum there of.

SECTION III. The Post Executive Committee 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 IV. A majority vote will prevail in all Executive Committee meetings and a record of all motions, votes and business transactions must be recorded and entered into the minutes of such meetings.

SECTION V. The Executive Committee shall have the power to recommend the removal from office any elected - installed Officer who is convicted, after a fair trial by the Executive Committee, of malfeasance, misfeasance or nonfeasance of office.

SECTION VI. The Executive Committee 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 general membership.

SECTION VII. All decisions of the Executive Committee must be approved by the general membership at a regular scheduled meeting.

#### **ARTICLE VI - ELECTION OF OFFICERS**

SECTION I. All elective officers of this Post must be elected annually by secret ballot. Elective Officers shall be Post Commander, 1st Vice Commander, 2nd Vice Commander, Finance Officer and one (1) member at large. The Chaplain, Adjutant, SGT-at-Arms, Service Officer and Judge Advocate are appointed by the Commander. The Chaplain, SGT-at-Arms, Service Officer, and Judge Advocate are non-voting Officers and therefore not members of the Executive Committee. All appointments shall be approved by the general membership.

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

SECTION III. The Post Commander shall appoint Nominating Committee at the

February or March general meeting consisting of three (3) eligible members. The nominating committee shall assemble a list of eligible members who are willing to serve in one of the Post's elective Officer's positions for the ensuing year. The Nominating Committee shall make their report at the regularly "scheduled" meeting in April. The Post Commander shall invite any further nominations for those elective offices from the floor. Prior to submitting anyone's name in nomination for any of the Post's 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 IV. Regular meetings of this Post shall be held at the discretion of the membership for the day and month.

SECTION V. The nominee who receives the most votes for a particular office shall be declared elected.

SECTION VI. Any member can be nominated for more than one office, elected to more than one office, however the member must immediately choose the office in which he/she will serve.

SECTION VII. All newly elected officers must be installed and take the oath of office no later than the next regular meeting assemblage of the Post following the election.

#### **ARTICLE VII - DUTIES OF OFFICERS**

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

SECTION II. The Commander shall preside over all meetings of the Post and the meetings of the Executive Committee 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 Executive Committee.

SECTION III. The 1<sup>st</sup> 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 and shall be a member of the Post's Executive Committee.

SECTION IV. The 2<sup>nd</sup> Vice Commander in the absence of both the Commander and 1<sup>st</sup> 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 and shall be a member of the Post's Executive Committee.

SECTION V. 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 1<sup>st</sup> 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, and shall be a member of the Post's Executive Committee.

SECTION VI. The Finance Officer shall, subject to the control of the Executive Committee, 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 Executive Committee and to all regularly scheduled membership meetings. An audit shall be performed by two (2) members of the Executive Committee and one (1) 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 VII. The Finance Officer shall also maintain a cash on hand fund in the amount of \$100.00 to \$150.00 dollars to cover immediate expenditures that arise, the need to make change during meetings etc.

SECTION VIII. Duties of the Judge Advocate, his/her primary duties shall be the interpretation of the Constitution and By-Laws of Gary Streeter Post 108. Provide advice in Robert's Rules of Order and advise obtaining local council when applicable.

### **ARTICLE VIII - FINANCES**

SECTION I. 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 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 the Department Headquarters of Arizona.
- C. By bequest, gift, will or donation and from other sources.

All monies accruing to the Post as defined in subsection 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 Executive Committee and the consent of the membership for the support of the Post activities and for the maintenance of Post property and records.

SECTION II. All monies accruing to the Post, as defined in subsection C of SECTION I shall be set up in a separate fund and deposited in a local bank or trust institution for future use.

SECTION III. 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.

- A. All chattels of the Post shall be placed for safe keeping in a safety deposit box of a local bank or other secured and approved location. The safe deposit box (if used) shall be in the name of the American Legion, Gary Streeter Post 108. The Post Commander, 1st Vice Commander and Finance Officer shall have access to said box.

SECTION IV. 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 Executive Committee and approved by the general membership for any current year from which must be taken the Per Capita assessment as prescribed by the National and Department for their annual subscription of the American Legion Magazine.

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

SECTION VI. The Post shall incur no indebtedness without the authority of the Post Commander and not in excess of two hundred dollars (\$200.00) without obtaining consent of the Executive Committee for recommendation and back to the floor for consent of its members.

SECTION VII. No fund raising scheme, program, proposition or inducement using the name of Gary Streeter Post 108, Department of Arizona, shall be proposed or used as a sponsor or beneficiary by any individual, person, organization, or be publicly announced in any manner or form without the consent of the Executive Committee.

SECTION VIII. Expenditures of revenue, finances and money in control of the Finance Officer shall be over the signature of either the Post Commander or 1st Vice Commander.

SECTION IX. No disbursement of Post funds shall be made to any person, individual, firm/ business corporation without a signed itemized invoice for the amount due.

SECTION X. Motions made in a regular or a called meeting for the distribution of Post finances from one account to another, must be referred to the Executive Committee for a recommendation of approval or rejection and then referred to the general membership in a regularly scheduled meeting.

The Post Commander shall report the decision of the Executive Committee to the membership not later than the next succeeding regular Post Meeting. The Post meeting minutes shall record recommendations of the Executive Committee and final disposition by the membership.

SECTION XI. The report of funds received and expended, current indebtedness, if any, and funds on hand, including all revenues as defined in subsection A and B of 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 XII. 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 (\$300.00) dollars each for the Commander and the Adjutant, or in case of their inability to attend, their alternates, to defray their expenses in attending the regular annual Department Convention, wherever convened. The same amount shall be provided to the incoming Commander and Adjutant so they may be mentored by the current commander and Adjutant at the Department Convention. The same (\$300.00) amount shall only be provided to the current Commander and Adjutant for the purpose of attending the Mid-Winter Conference, wherever convened. The new incoming Commander and Adjutant shall be considered part of the delegates provided for in ARTICLE IX SECTION I and III of these Bylaws. The above stated monies shall be provided only if adequate funds are available in the Post treasury.

#### **ARTICLE IX - DELEGATES**

SECTION I. Delegates and alternates to a National or Department Convention shall be elected by ballot at a regular meeting of the Post held at least (30) days and not more than (60) days prior to the date of such a convention.

SECTION II. This Post shall be entitled to delegates and alternates to the annual Department Convention as provided for in SECTION Ib ARTICLE V of the Department Constitution, as revised February 2000.

SECTION III. The current Post Commander shall be the Chairman of the Delegation to the Department Convention. All members of Gary Streeter Post 108 present at such a convention shall be delegates with fractional votes to full voting power of this Post.

SECTION IV. In the absence of the Post Commander at the Department Convention, all members present shall hold a caucus and select a Chairperson of the Delegation. A letter stating this change must be presented to the Credentials Committee.

#### **ARTICLE X - QUORUM**

SECTION I. Ten (10) members shall constitute a quorum at any regular or special called meeting.

#### **ARTICLE XI - SPECIAL MEETINGS**

SECTION I. Upon written request of ten (10) or more members of the Post, the Commander or the Executive Committee shall call a special meeting for any specific purpose.

SECTION II. A special meeting of the Post may be called at any time by the Commander or a majority of the Executive Committee, provided, however, that no business shall be transacted at such a special called meeting except the business for which such meeting was called.

#### **ARTICLE XII - LADIES AUXILIARY**

SECTION I. This Post recognizes a ladies Auxiliary organization to be known as the Gary Streeter Post 108 Auxiliary Unit 108 of The American Legion, Department of Arizona.

SECTION II. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

#### **ARTICLE XIII - LIMITATION OF LIABILITY**

SECTION I. No solicitations or promotions shall be made in the name of Gary Streeter Post 108 without the express approval of the Executive Committee and Post members at a regular scheduled meeting.

#### **ARTICLE XIV - AMENDMENTS**

SECTION I. 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 and Department Adjutant.

SECTION II. The Constitution and Bylaws of this Post as hereby revised and adopted are subject to the provisions of the National and Department Constitution and Bylaws of the American Legion. 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



future revisions and or adoptions included by National and/or Department Headquarters to the Constitution or By-Laws shall automatically be adopted by Gary Streeter Post 108.

**ARTICLE XV - BYLAWS**

SECTION I. These By-Laws shall become a part of the minutes of the regular meeting at which they are approved.

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


**ARTICLE XVI - RULES OF ORDER**

SECTION I. All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, Revised Edition 11.

**ARTICLE XVII - ADOPTION OF REVISED CONSTITUTION AND BYLAWS**

This June 2015 Revision Accepted this 20th Day of February of 2017.

Commander, Gary Taylor

  
\_\_\_\_\_ Date 14 FEB 17

Adjutant, Timothy Roeder

  
\_\_\_\_\_ Date 14 FEB 17