

Constitution

&

By- Laws

The American Legion

Post 104

Pinellas Park, Florida

CONSTITUTION

PREAMBLE TO THE CONSTITUTION OF THE AMERICAN LEGION

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 100 percent 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 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 comradeship by our devotion to mutual helpfulness.

ARTICLE I - POST NAME

The name of the Post shall be Pinellas Park Post 104, Inc. of the American Legion, Department of Florida, located in Pinellas Park, Florida.

ARTICLE II – OBJECTS

The objects and purposes of the 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

This Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2

Rank does not exist in the American Legion. No member shall be addressed by his military title in any meeting of this Post.

Section 3

This organization shall be absolutely nonpolitical 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.

ARTICLE IV – MEMBERSHIP

Section 1

Eligibility for membership in the Post shall be as prescribed by the National Constitution of the American Legion. Such eligibility shall be a prerequisite to an application, but shall not be

construed to be binding upon the Post as to acceptance of application for membership in this organization

Section 2

Applications along with a copy of the applicant's DD214 or other acceptable proof of eligibility will be turned over to the Adjutant, who will present them to the Post at the next regular meeting for approval. The Adjutant, thereafter, will notify the prospective member(s) of the decision of the Post.

Section 3

The provisions of the National Constitution and By-Laws of the American Legion shall govern delinquency, suspension, and forfeiture of membership for nonpayment of dues and reinstatement.

Section 4

Former members of other posts, upon showing proper credentials, may be elected to membership in this Post in the same manner as other candidates. Any member in good standing in this Post moving from this town shall be entitled to a certificate from this Post stating his/her membership.

Section 5

Any member of this Post may be expelled or suspended for cause by a two-thirds vote of the Executive Committee after charges are preferred under an oath in writing, and a fair trial had upon the same, in accordance with the procedure as outlined in the National and Department Constitutions. The Executive Committee will decide the length of suspension by a majority vote

Section 6

Any member who has been expelled or suspended for cause may be reinstated to membership after six (6) months by a two-thirds vote of the membership present in a Post meeting; provided however, that he/she shall make payment of any arrears in his dues or any other indebtedness at the time of expulsion or suspension, also any other dues which have been payable in the interval between his/her expulsion and his/her reinstatement

Section 7

No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post, except where such consent has been asked for and denied by such post.

He/She may then appeal to the Executive Committee of the Department of the expelling Post for permission to apply for membership in another Post, and shall be ineligible for membership until they grant such permission.

ARTICLE V – DUES

Section 1

The membership shall set the dues of the Post.

Section 2

Dues shall be for the Legion Year. The Legion year is from 1 January to 31 December.

Section 3

The dues set forth in Section 1 of this article shall be the sole charge against members. Assessments and other charges are hereby prohibited.

ARTICLE VI – ADMINISTRATION

Section 1

The legislative body of the Post shall be paid-up membership of the Post. Regular meetings of the Post shall be held the second Thursday of the month and the third Thursday shall be held in reserve for Post Functions.

Section 2

A quorum shall exist at any regular Post meeting when there is a minimum of twelve (12) paid-up members of the Post present.

ARTICLE VII - POST OFFICERS

Section 1

The Post shall annually elect a Commander, First Vice Commander, Second Vice Commander, Finance Officer, Sergeant-At-Arms, Historian, Chaplain, Asst. Sergeant-At- Arms and Executive Committee. The Commander, with the approval of the Post membership, shall appoint the Adjutant, Service Officer, and Judge Advocate. At no time shall the Commander appoint as the Adjutant, the duly elected Finance Officer.

In the event of disapproval, the Commander shall make a new appointment within ten (10) days.

Section 2

Post Officers shall be elected annually and certified to the Department Adjutant not more than fifty (50) days, nor less than ten (10) days, prior to the annual Department Convention. Certification is to be made on forms furnished or prescribed by the Department Adjutant. Post Officers shall be installed, take office, and enter upon their duties at a date to be fixed by the Post, which shall be subsequent to, but not later than, sixty (60) days after the adjournment of the annual Department Convention.

Section 3

The commander shall be the chairperson of the Executive Committee and will call a regular meeting at least once a month.

Section 4

The Commander shall be an ex-officio member of all committees of the Post.

ARTICLE VIII

16TH DISTRICT, DEPARTMENT, AND NATIONAL MEETINGS

Section 1

All Post members will be welcome, and are encouraged to attend the 16th District meetings.

Section 2

The number of delegates and alternates to attend the Department and National Conventions shall be set by Department and elected by either show of hands or written ballot by the Post membership at a regular meeting of the Post held at least two (2) weeks prior to the date of such convention. Nominations shall be made from the floor. For the 16th District Constitutional Conference it will be requested that as many members attend as are able.

The number of delegates shall be assigned by the Department of Florida.

ARTICLE IX - POST EXECUTIVE COMMITTEE

Section 1

Between meetings of the Post, the administrative powers shall be vested in an Executive Committee of sixteen (16) members of the Post, consisting of:

The most recent Past Post Commander (without a vote); Post Commander; First Vice Commander; Second Vice Commander, Finance Officer; Chaplain; Historian; Sgt. At Arms; and Asst. Sgt. At Arms.

Also, six (6) members elected from the floor, comprising of: two (2) elected for three (3) years, two (2) elected for two (2) years, and two (2) elected for one (1) year.

Section 2

The Executive Committee shall meet on the first Thursday of each month. Post members wishing to address the Executive Committee shall submit, in writing, a request detailing the subject matter to be discussed five (5) days prior to the meeting, to the Commander and the Adjutant.

ARTICLE X - POST ELECTIONS

Section 1

Nominations shall be made from the floor for the following Officers: Commander, First Vice Commander, Second Vice Commander, Finance Officer, Chaplain, Historian, Sergeant At Arms, and Asst. Sergeant At Arms. Elections shall be held the day of the first regular meeting in June between the hours of 1:00 p.m. and 6:30 p.m. A current membership card must be presented to receive a ballot.

Section 2

The Post Adjutant shall cause notice of the annual election to be given to the entire membership of this Post in accordance with the provisions of the Constitution and By-Laws of the American Legion, Department of Florida, and such notice to state when nominations are to be made. Such notice shall be posted on the Post bulletin board and in the Post: newsletter

Section 3

First nominations for officers shall be made three (3) meetings prior to the election.

Section 4

Only members of this Post who are in good standing in the American Legion shall be entitled to vote and hold office. No member shall hold more than one (1) elective office.

Section 5

All elections shall be by printed ballot. A majority of the votes cast shall be necessary for election to any office.

In the event there are more than two (2) candidates for an office on the first balloting, then only the two (2) candidates receiving the highest vote count on the first ballot shall remain as candidates on the second ballot. Runoff election shall be held at the Post home on the third Thursday in June between the hours of 1:00 p.m. and 6:30 p.m., as long as this date conforms with the requirements outlined in Article VII – Post Officers, Section 2. If a conflict arises, the Executive Committee shall establish the date of the runoff election. Ballots shall be available from the Post Adjutant.

The Executive Committee shall be elected by a plurality of votes, that is, the two (2) candidates polling the highest number of votes shall be elected to the Executive Committee.

Section 6

The Commander shall appoint three (3) tellers to count the ballots. The ballots shall be available from the Post Adjutant from 4:00 p.m. to 7:00 p.m. at the Post home the first Thursday in June.

Section 7

In the event of any vacancy occurring in any office or in the Executive Committee, announcement of that fact shall be made at that meeting of the Post. Nominations shall be made at that meeting. A final nomination shall be made and election will be held at the following general meeting. The Commander may appoint any paid-up member to fill the vacancy during the interim. However, this person shall not have a vote until elected. At least six (6) members of the Post Executive Committee must approve this appointment.

Section 8

All ballots shall be retained in a sealed packet for thirty (30) days after elections.

Section 9

Questions arising from any election shall be referred to the Executive Committee. Should the Executive Committee fail a solution by two-thirds affirmative votes, the matter may then be referred to the Department Commander.

Section 10

The Post Adjutant shall immediately report the names and addresses of successful candidates to the Department Adjutant.

Section 11

The duties of the Officers and the Executive Committee shall be those prescribed in the Constitution and By-Laws of the Department of Florida and as outlined in the Post By-Laws.

ARTICLE XI - POST FINANCE COMMITTEE

There shall be a Post Finance Committee, which shall budget all expenditures and reimbursements of the Pinellas Park Post 104, Inc. The Post Finance Committee shall consist of the Post Executive Committee.

ARTICLE XII - POST HOME

The care of the home is defined to be the upkeep and maintenance of the buildings, furnishings, grounds, as well as additions to the buildings and grounds. Operation and management shall include the operation of a canteen, the renting and leasing of parts of the building, the carrying on of such other business as the Post Executive Committee may decide to be profitable to the Post, and the purchasing of suitable furniture or fixtures for carrying out said operations. No part of the building shall be rented or leased at any time or for any purpose that will interfere with the programs of the Post.

ARTICLE XIII – RULES OF PROCEDURE

The rules of procedure at meetings of the Post shall be those set forth in Robert's Rules of Order, Revised except as modified by this Constitution and By-Laws of the National and State organizations of the American Legion.

ARTICLE XIV – AMENDMENTS

Section 1

All amendments shall be submitted to the Executive Committee for review before being submitted to the floor.

Section 2

This Constitution may be amended at any regular meeting of the Post by a vote of two thirds of the members at said meeting, provided that the proposed amendment shall be submitted at the second regular meeting preceding the meeting at which a vote is to be taken upon said amendment, and provided further, that a copy of said amendment shall have been posted for thirty (30) days on the official bulletin board of the Post of the Post Home. Said change to the Constitution must be submitted to Department for approval prior to enactment.

Section 3

The Adjutant shall give written notice in the bulletin and on the bulletin board when said vote is to be taken on the amendments.

BY-LAWS

ARTICLE I - PURPOSE

These By-Laws are subject at all times to the provisions of the Constitution of the Pinellas Park Post 104, Inc of the American Legion, Department of Florida, and to conform to the State and National Constitutions as are adopted for the regulation and carrying on of business activities and purposes of the Post.

ARTICLE II - POST OFFICERS

Section 1

Post Commander - The Post Commander shall be the Chief Executive Officer of the Post and shall preside at all meetings of the Post and have general supervision over the business and affairs of the Post. He/She shall make an annual report covering the business of the Post, with recommendations for the coming years, which shall be read at the annual meeting of the Post, and a copy thereof sent to the Historian. He/She shall perform such other duties as may be directed by the Post.

Section 2

First Vice Commander - The First Vice Commander shall assume and discharge the duties of the Commander in the absence or disability of the Commander. The First Vice Commander shall perform other duties as are prescribed by the American Legion Post Ritual. The First Vice Commander shall also chair the Membership Committee.

Section 3

Second Vice Commander - The Second Vice Commander shall assume and discharge the duties of the Commander in the absence or disability of the Commander and the First Vice Commander. He/She shall perform such other duties as are prescribed by the American Legion Post Ritual. The Second Vice Commander shall also chair the Ways and Means Committee.

Section 4

Post Adjutant - The Post Adjutant shall have charge of and keep full and correct records of all proceedings of all meetings, keep such records as the Department and National may require, render reports of membership annually or when called upon at a meeting, and under the direction of the Commander, handle all correspondence of the Post.

Section 5

Finance Officer - The Post Finance Officer shall have charge of all Post finances (see Article XI of the Constitution) and see that they are safely deposited in a local bank or banks approved by the Executive Committee, and shall report once a month to the Executive Committee the condition of the finances of the Post, with such recommendations as he/she may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He/She shall furnish such surety bonds in such sums as shall be fixed by the Post Executive Committee.

Whereas the Finance Officer is responsible for issuing Post funds by means of check, checks

are only required to be signed by any two of the following officers: Commander, First Vice, or Adjutant.

Section 6

Post Historian - The Post Historian shall have charge of and keep the historical records of the Post and its members, and shall perform such other duties as may be incident to the office or may be assigned to him/her by the Post or Executive Committee.

Section 7

Post Chaplain - The Post Chaplain shall be charged with the spiritual welfare of the Post membership and shall offer nonsectarian services as dedications, funerals, public and the like, and shall perform such other duties as are prescribed by the American Legion Post Ritual or may from time to time be assigned to him/her by the Post, the Commander, or the Executive Committee.

Section 8

Post Service Officer - The Post Service Officer shall be charged with the duty of taking care of all matters pertaining to rehabilitation of veterans and make reports to the Post from time to time.

Section 9

Post Judge Advocate - The Post Judge Advocate shall be the Parliamentarian and shall be the legal advisor of this Post when legal advice is necessary.

Section 10

Absence on the part of any elected officer from three (3) consecutive regular or Executive Committee meetings without a satisfactory reason provided to the Executive Board and the general membership, shall constitute basis for reprimand, suspension, or removal from the office, subject to the limitations imposed by Section 15, Article X, Constitution of the American Legion of the Department of Florida.

ARTICLE III - POST EXECUTIVE COMMITTEE

Section 1

The Post Executive Committee shall, within ten (10) days after the regular installation of the new Post Officers, and at the call of the Commander, meet for the organization and transaction of such business as may come before it. The Executive Committee shall meet on the first Thursday of each month. In addition thereto, the Executive Committee shall meet upon the written notice of ten (10) or more members of the Post in good standing. The presence of six (6) members or more of the Executive Committee at any meeting as provided above shall constitute a quorum. The Post Commander may be included as one of the six members required to constitute a quorum.

Section 2

The Executive Committee shall fix the amount of, and require adequate bonds from all persons having custody of the Post funds. The Executive Committee shall, between meetings have charge of and be responsible for the management of the affairs of the Post.

Section 3

The Commander may expend up to \$1,000 for emergencies after notification and verbal approval by either the First Vice or Adjutant. Major equipment failure or damage is sometimes covered in the

Post insurance policy, and failure or damage should be brought to the attention of the Post Finance Officer.

Section 4

The Commander or a majority of the Executive Committee shall have the authority to call a special meeting of the Executive Committee at any time within five (5) days notice to each member of the Executive Committee. Notification may be made in person or via telephone. All special meetings shall be for ONE AND ONLY ONE TOPIC.

ARTICLE IV – DELEGATES

Section 1

Delegates and alternates to the 16th District Constitutional Conference shall be from the general membership and as many members as are able will be requested to attend. Delegates and alternates to the Department Convention shall be as determined by Department. Post Officers will have first right of refusal, and then remaining positions will be filled by election from the general membership.

Section 2

A member of this Post elected as a delegate or alternate to any American Legion Conventions, Conferences, 16th District, Department or National, shall not be at the same time a delegate or alternate to any meeting, conference or convention of any other organization.

Section 3

This Post shall pay for all registration fees for delegates of this Post to District Conferences or Department Conventions. Should delegates require housing at any district Conference or Department Convention, a necessary amount to cover expenses for lodging while attending such meetings shall be allocated for each delegate attending said Conference or Convention. This allowance shall be paid to each delegate for housing to District or Department Conventions providing the funds of this Post will allow such expense for lodging.

ARTICLE V - APPOINTMENT AND DUTIES OF COMMITTEES

The Post Commander, immediately after taking office of each year shall appoint the following committees:

Americanism; Boy Scouts; Boys State; Child Welfare; Community Service; Constitution & By-Laws; House Membership; Post Activities; School Awards; Bar Committee; and any other committees as he/she may deem advisable, or may be ordered by the Post or Executive Committee.

The Bar Committee Chairman shall be an unpaid position and no employee, full or part time, may hold this appointive position.

Unless otherwise provided, the Commander shall designate the Chairman and members of each committee. All committee Chairmen shall make reports in writing to the Adjutant and Finance Officer, including expenditures and receipts from their activities.

ARTICLE VI – RESOLUTIONS

Section 1

Regular meetings of the Post shall be held in the assembly hall at the Post Home on the second Thursday of each month and the third Thursday of the month will be held in reserve for post functions, except that no meetings shall be held during the period of the State or National Conventions. Such business may be properly brought up for action as may be deemed advisable by the Officers of the Post.

Section 2

Upon written request of ten (10) members of the Post in good standing shall call a special meeting of the Post at any time upon ten (10) days by written notice by First Class Mail to each member. At such meeting there shall be only one subject discussed.

ARTICLE VII - NOTICES

Section 1

Each member shall furnish the Adjutant with his or her mailing address to which notices shall be mailed.

Section 2

The Adjutant shall give written notices provided for by the Constitution and these By-Laws to each member in good standing by First Class Mail to the address furnished by said member.

ARTICLE VIII - LIABILITIES

Section 1

No member of this Post, individually, as an Officer or as a Committeeman, shall at any time create, incur, or attempt to authorize, any indebtedness or liability against this Post without the prior consent or authorization of the Executive Committee and the Post membership.

Section 2

All proposed new expenditures must be submitted in writing to the Executive Committee.

ARTICLE IX - AUXILIARY

This Post recognizes an Auxiliary organization, to be known as the American Legion Auxiliary Unit 104, Pinellas Park, Department of Florida.

ARTICLE X - SAL

A unit of the American Legion, Pinellas Park Post 104, will be known as Sons of the American Legion, Squadron 104, Detachment of Florida.

Article XI – Legion Riders

A unit of the American Legion, Pinellas Park Post 104, will be known as the American Legion Riders Post 104, Pinellas Park, Department of Florida.

ARTICLE XII - HONORARY LIFE MEMBERSHIP

Section 1

Honorary Life Membership in this Post may be granted to a member of this Post only upon the following conditions of eligibility:

1. Active, continuous membership in this Post of no less than five (5) years and ten (10) years in the American Legion.
2. Clear demonstrated qualities of leadership.
3. Initiative in proposing and carrying out Post and Legion programs and work.
4. Satisfactory completion of all duties and assignments.
5. Constant activity in securing new and renewing memberships.
6. Constant activity in general and American Legion affairs, Local, State, and Nation.
7. Attendance to at least sixty percent (60%) of the regular meetings of the Post.
8. Cooperation with other Post and Auxiliary Units.
9. Participation in civic affairs approved by this Post.
10. A record of activity in behalf of veterans and their families.
11. The belief by the Post that, based on the record of the proposed recipient, he/she shall continue to merit the honor of an Honorary Life Membership Award.
12. He/She is considered as an outstanding member in service to this Post, Community, State and Nation

Section 2

Prior to submitting to the assembly for a Post vote the name of any member being considered for an Honorary Life Membership Award, his/her name and qualifications shall be submitted to the Post Executive Committee, which shall carefully study the matter and without personal fear of favor, make favorable or unfavorable recommendations to the Post in a regular meeting assembled, furnishing in the Executive Committee minutes to the Post it's reasons for the recommendation made. A majority vote of the Post members present and voting shall be required to pass upon such recommendations, provided however, that no action shall be valid and binding, whether favorable or unfavorable, when there are fewer than a Post quorum for regular business qualified and voting, and provided further, that this Post shall take no action until the second regular meeting following the reading of the Executive Committees recommendation.

ARTICLE XIII - AMENDMENTS

Section 1

This Constitution and By-Laws is adopted subject to the provisions of the National Constitution and By-Laws of the American Legion and of the Constitution and By-Laws of the Department of Florida, the American Legion. Any amendment to said National Constitution and By-Laws or Department Constitution and By-Laws, which are in conflict with any provision hereof, shall be regarded as automatically repealing or modifying the provisions of the Constitution and By-Laws to the extent of such conflict.

Section 2

The Constitution and By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting, providing the proposed amendment(s) shall have been submitted in writing and read at the next two (2) regular meetings of said Post and, providing further, that written notice shall have been given to all members at least seven (7) 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 Constitution and By-Laws is to be voted upon and stating the nature of said amendment.

Section 3

Constitution and By-Laws should be reviewed and revised or amended by the By-Laws Committee and approved by the membership at an interval of no more than three (3) years.

Post Commander 2008 - 2009

Post Adjutant 2008 - 2009