



**Madera Post 131
Green Valley, Arizona**

Constitution & Bylaws

Amended:

01/21/2010

01/17/2011

03/21/2011

09/19/2012

04/16/2014

Table of Contents – CONSTITUTION

PREAMBLE	1
ARTICLE II - OBJECTS	2
ARTICLE III - NATURE	2
ARTICLE IV - MEMBERSHIP	2
ARTICLE V - OFFICERS.....	3
ARTICLE VI - FINANCE.....	4
ARTICLE VII - AMERICAN LEGION AUXILIARY	4
ARTICLE VIII - SONS OF THE AMERICAN LEGION.....	4
ARTICLE IX - CHARTER MEMBERS.....	5
ARTICLE X - AMENDMENTS	5

Table of Contents - BYLAWS

ARTICLE I - NAME AND OBJECTS	1
ARTICLE II - MANAGEMENT.....	1
ARTICLE III - POST EXECUTIVE COMMITTEE.....	2
ARTICLE IV - OFFICERS.....	3
ARTICLE V - DUTIES OF OFFICERS	4
ARTICLE VI - FINANCE.....	5
ARTICLE VII - APPOINTMENTS	6
ARTICLE VIII - MEETINGS	7
ARTICLE IX - VOTING	8
ARTICLE X - MEMBERSHIP DUES.....	8
ARTICLE XI - INTENT AND AMENDMENTS.....	9
Approvals and Signatures.....	10

Madera Post 131 Constitution

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 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 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.

Madera Post 131 Constitution

ARTICLE I - NAME

SECTION 1. The name of this organization shall be "Green Valley Madera American Legion Post 131 Incorporated, Department of Arizona."

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 Departmental Constitutions of The American Legion.

ARTICLE III - NATURE

SECTION 1. This Post is a civilian organization in which liability for military or police service is not affected as a result of membership.

SECTION 2. Military rank does not exist in this Post; neither shall any member be addressed by his/her military title in any function of this Post.

SECTION 3. This Post shall be absolutely non-political and shall not be used for the dissemination of partisan principles, nor for the promotion of the candidacy of any person seeking public office.

ARTICLE IV - MEMBERSHIP

SECTION 1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion. The membership year will be from January 1st to December 31st.

SECTION 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

SECTION 3. Any member of this Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial had upon

Madera Post 131 Constitution

the same. Before proceeding under this section, Posts should make inquiry as to whether or not the Department Constitution and Bylaws have provided a different procedure, which should be followed.

SECTION 4. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present at a Post membership meeting, and the payment of current dues for the year in which the reinstatement occurs.

SECTION 5. 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, 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 this Post of The American Legion shall, except as may be otherwise provided in the Bylaws, be under the supervision of an Executive Committee which shall consist of ten (10) members. The term of office of the Executive Committee shall be for one year. This Post, by its Bylaws, may provide for such other standing committees as the business of the organization may require.

SECTION 2. The elected Officers of this Post shall consist of: Post Commander, 1st Vice Commander, 2nd Vice Commander, Finance Officer, Sergeant-at-Arms, and Judge Advocate. Assistant Officers are subject to Post Executive Committee approval.

SECTION 3. The Executive Committee shall include three elected Post Executive Committee members and the immediate past Commander.

SECTION 4. The Adjutant, Chaplain, Historian, Post Newsletter Editor, Post Service Officer, House Committee Chair, and Color Guard Commander shall be appointed by the Post Commander, subject to approval by the Post Executive Committee.

SECTION 5. All vacancies existing in the Executive Committee, or in any office of this Post, shall be filled by a majority vote of the remaining members of the Executive Committee. A person so appointed shall hold the office for the unexpired term of the Executive Committee member succeeded.

Madera Post 131 Constitution

SECTION 6. A vacancy shall exist on the Executive Committee when a member or Officer is absent from their post for three (3) consecutive meetings. Before any action is taken the party involved shall be so notified in writing delivered through the United States Postal Service.

SECTION 7. All Meetings shall be conducted under and pursuant to Roberts Rules of Order, except as herein provided.

ARTICLE VI - FINANCE

SECTION 1. The revenue of this Post shall be derived from annual membership dues or initiation fees and from such other sources as may be approved by the Executive Committee.

SECTION 2. This Post shall pay annually, that portion of each member's dues that is due to the District, Department of Arizona and the National Headquarters of The American Legion.

SECTION 3. The Post tax year and the Post fiscal year will start July 1 and end June 30.

ARTICLE VII - AMERICAN LEGION AUXILIARY

SECTION 1. This Post recognizes an auxiliary organization known as the "Madera American Legion Auxiliary Unit 131", Department of Arizona.

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

SECTION 3. The Auxiliary shall be governed by the Department of Arizona American Legion by such rules and regulations as may be prescribed by the National Executive Committee and approved thereafter by such Department of Arizona, American Legion.

ARTICLE VIII - SONS OF THE AMERICAN LEGION

SECTION 1. This Post authorizes the formation of a Sons of The American Legion Squadron

Madera Post 131 Constitution

based on the National Constitution and Bylaws and Bylaws of the Sons of the American Legion. A Post appointed committee shall oversee and supervise all activities of the Squadron.-

SECTION 2. Membership in the Sons of The American Legion shall be as prescribed by its National Convention.

SECTION 3. The Department of Arizona American Legion shall govern the Sons of The American Legion by such rule and regulations prescribed by the National Convention and approved thereafter by such Department of Arizona, The American Legion.

ARTICLE IX - CHARTER MEMBERS

SECTION 1. Members who joined this Post prior to the issuance of the Post Charter in the year 2008 shall be known as "Charter Members".

ARTICLE X - AMENDMENTS

SECTION 1. This "Constitution" and the accompanying "Bylaws" are adopted subject to the provisions of the National Constitution of The American Legion and the Constitution of the Department of Arizona, The American Legion. Any amendment to said National or Department Constitutions which may be in conflict with any provisions of this Post's Constitution and /or Bylaws to the Constitution will be regarded as automatically repealing or modifying those provisions to the extent of such conflict."

SECTION 2. This constitution may be amended at any regular Post meeting by 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 regular meeting of said Post, and providing, further, that written notice shall have been given to all members at least twenty-eight (28) days in advance of the date when the amendments to be voted upon notifying such members that at such meeting a proposal to amend the Constitution and Bylaws is to be voted upon. This written notice shall be provided to members in the Post newsletter, "The Madera Monitor", the Post website and the bulletin board.

Madera Post 131 Bylaws

ARTICLE I - NAME AND OBJECTS

SECTION 1. The name of this Post is as given in ARTICLE I, SECTION 1, of the Constitution.

SECTION 2. The objects and purposes of this Post are as set forth in ARTICLE II, SECTION 1, of the Constitution.

ARTICLE II - MANAGEMENT

SECTION 1. The government and management of this Post are entrusted to the Executive Committee consisting of: The Commander, 1st Vice Commander, 2nd Vice Commander, Finance Officer, Judge Advocate, Sergeant-at-Arms, the Immediate Past Commander, and three elected members, who shall serve one year terms.

SECTION 2. The Adjutant shall serve on the Executive Committee as an Ex-Officio, non-voting member, with voice.

SECTION 3. All vacancies existing in the Executive Committee, or in any office of this Post, shall be filled by a majority vote of the remaining members of the Executive Committee. A person so appointed shall hold the office for the unexpired term of the Executive Committee member whom he/she succeeds. A vacancy shall exist on the Executive Committee when a member or Officer is absent from his/her position for a period of three (3) consecutive meetings. Before such action is taken the party involved shall be so notified in writing and delivered by the United States Postal Service.

SECTION 4. The Adjutant, Post Service Officer, Historian, Chaplain and Color Guard Commander shall be appointed by the Commander with the approval of a majority vote of the Executive Committee.

SECTION 5. The current Post Commander shall vote only to break a tie.

SECTION 6. The current Post Commander shall be the Chairperson of the Post Delegates and Alternates to the Department's Annual Convention.

SECTION 7. The Post Executive Committee shall have the responsibility to maintain an atmosphere of proper decorum on the Post property. To this end, procedures and policies for conduct have been established and are posted in plain view on the property. In the lounge the

Madera Post 131 Bylaws

bartender has the authority to enforce the established Lounge Rules. When an incident or behavior by a member or guest violates these policies, the Executive Committee shall review the circumstances and take appropriate action in a timely manner. Appropriate action by the Executive Committee may include a verbal reprimand; a reprimand in writing; or a suspension of the member in writing following a hearing of evidence from the involved parties and witnesses. The Executive Committee's decision may be appealed in writing to the Post Commander within ten days. The Post Commander shall schedule an appeal hearing, after which a final decision of the Executive Committee will be rendered. Any action in writing shall be delivered through the United States Postal Service with delivery confirmation. The maximum suspension allowed is up to the remaining term of the current Executive Committee.

ARTICLE III - POST EXECUTIVE COMMITTEE

SECTION 1. The Post Executive Committee shall consist of the Officers named in ARTICLE II, SECTION 1 of the Post 131 Bylaws.

SECTION 2. Within a ten day period following the installation of new officers, the Post Executive Committee shall meet for organization and any other pertinent business. During this meeting the Post Executive Committee shall determine the time and dates of the Post general membership and Executive Committee meetings for the following year. This information shall be announced at the first membership meeting, posted in "The Madera Monitor", on the Post website and on the lounge bulletin board.

SECTION 3. The Post Executive Committee shall meet at least once each month and as often as the Commander deems necessary. Six (6) members of the Post Executive Committee must be present in order to constitute a quorum to conduct business. Upon the express written request of three or more members of the Post Executive Committee, the Commander shall call a special meeting. Only those issues expressed in that request shall be discussed.

SECTION 4. The Post Executive Committee, as duly elected by the general membership under the provisions of this Constitution and Bylaws, has the overall responsibility for operations of the Post.

SECTION 5. All expenditures for the Post must be approved by the Post Executive Committee prior to their presentation to the membership, except the Commander shall have the right to spend an amount not to exceed \$500.00 for an urgent need. In these cases, the Commander shall report the amount and purpose of such expenditures at the next meeting of The Post Executive Committee. The Post Executive Committee can approve expenditures not to exceed

Madera Post 131 Bylaws

\$1,000.00 without concurrence from the regular membership. All fixtures and equipment acquired by the Executive Committee remain the property of the Post. All recurring Post operating expenses shall be exempt from this provision.

SECTION 6. Written minutes of all regularly scheduled Post Executive Committee, membership or special meetings shall be read at the next membership meeting. The original of all minutes shall be filed for reference. This file shall be entrusted to the Adjutant for safe keeping. Copies of the minutes for the current month shall be posted on the bulletin board and made available at each meeting. These minutes shall be posted a minimum of three (3) days prior to the general membership meeting.

SECTION 7. The Post Executive Committee shall have the responsibility of helping to secure the Chairpersons, committee members and workers for all Post activities and programs. They shall also promote these activities or programs to successful conclusions.

ARTICLE IV - OFFICERS

SECTION 1. The administrative affairs of this Post shall be, except as may be otherwise provided in these Bylaws, under the supervision of the Executive Committee as noted in ARTICLE III of these Bylaws.

SECTION 2. The elected officers of this Post shall be as noted in ARTICLE V of the Constitution.

SECTION 3. All Officers shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided. Any person holding an Executive Committee Office shall be removed by Executive Committee action for missing three (3) consecutive meetings. A two-thirds vote shall be required to effect removal.

SECTION 4. The nominating committee shall be comprised of the past three (3) Post Commanders.

SECTION 5. Nominations for Officers for the succeeding year shall be announced at the March membership meeting and the election of such officers shall be conducted at the April membership meeting. Additional nominations may be made from the floor prior to the election. The installation of officers shall be held before the annual Department convention. New Officers shall assume their offices immediately after installation.

SECTION 6. Every member in good standing, with the exception of salaried employees, shall be eligible to hold office in this Post.

Madera Post 131 Bylaws

ARTICLE V - 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. The Commander shall approve 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 year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. The Commander shall perform such other duties as directed by the Post.

SECTION 2. Duties of 1st Vice Commander. The 1st Vice Commander 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 3. Duties of 2nd Vice Commander. The 2nd Vice Commander shall assume and discharge the duties of the office of Post Commander during the absence or disability of both the Post Commander and the 1st Vice Commander and shall be the Chairman of the Entertainment Committee.

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.

SECTION 5. Duties of the 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 and shall report once a month to the Executive Committee the condition of the finances of the Post, with such recommendations as deemed expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer shall sign all checks disbursing the monies of the Post, and shall furnish such surety bonds in such sum as shall be fixed by the Post Executive Committee.

SECTION 6. 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 7. Duties of Post Chaplain. The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but nonsectarian service in the event of

Madera Post 131 Bylaws

dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the national or Department headquarters from time to time.

SECTION 8. Duties of Sergeant-at-Arms. The Sergeant-at-Arms shall preserve order at meetings and shall perform such other duties as may be from time to time assigned by the Post Executive Committee.

SECTION 9. Duties of Judge Advocate. The Judge Advocate shall serve as the interpreter of the Constitution and Bylaws of the Post and shall render opinions as to the legality of actions and decisions of the Post.

SECTION 10. No elected Officer shall be an Employee of the Post.

ARTICLE VI - FINANCE

SECTION 1. The financial administration of this Post shall be as stated in ARTICLE VI of the Constitution.

SECTION 2. The amount of annual membership dues or installation fees shall be determined and set by the Post membership. Changes shall use the same procedure as a change in these Bylaws.

SECTION 3. There may be a minimum of four authorized signers which shall include the Post Commander, Finance Officer, a Vice Commander and other designated Post members.

SECTION 4. The Finance Officer and Adjutant are bonded by the Department of Arizona. All other Post members who are authorized to handle Post funds shall be bonded by the Post's insurance policy.

SECTION 5. The Finance Officer shall be responsible for all properties belonging to the Post. These shall include Post files, office equipment, ceremonial equipment, memorabilia, historical documents and files, donated objects of value and other items as may be included by the Post Executive Committee. Items donated to the Post for fund raising purposes need not be included. The actual care and safe keeping shall be entrusted to the Adjutant, Sergeant-at-Arms and the Historian. A written inventory shall be conducted prior to the installations of officers each year and presented to the incoming Finance Officer. A copy of this inventory shall be made available to all Post Members. This may be a Post newsletter or bulletin board posting.

Madera Post 131 Bylaws

SECTION 6. No Post records, equipment, books, video media, memorabilia or any other Post properties shall be removed or destroyed by any person unless directed in writing by the Post Executive Committee. All records contained in Post files or storage that pertains to the American Legion or Post 131 shall not be removed or destroyed unless recommended by the Post Adjutant and approved by the Post Executive Committee.

ARTICLE VII - APPOINTMENTS

SECTION 1. The Post Commander, upon taking office each year, may appoint the following standing committees subject to approval of the Executive Committee: Americanism, Children and Youth, Economic, Finance, Foreign Relations, House, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, National Security, Visiting or Veterans Affairs Volunteer Services and Building.

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 civic 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. Children and Youth Committee. This committee shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community; laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that no child of a war veteran shall be in need of the necessities of life and a square deal for every child.

SECTION 4. Economic Committee. The Post Economic Committee is primarily concerned with local employment programs, veteran's preference, government employment and re-employment rights.

SECTION 5. Finance Committee. The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all Post funds.

SECTION 6. Foreign Relations. This committee has become active as America has recognized its responsibility as a world leader. Maintaining and securing world peace and friendship abroad

Madera Post 131 Bylaws

through community endeavors have become as essential as any aspect of treaty law.

SECTION 7. House Committee. The House Committee oversees the operation of the clubrooms.

SECTION 8. Legislative Committee. The Legislative Committee needs to have knowledge of what is going on in Congress - what we favor or oppose, and should be ready to initiate action in support of our position when requested by the national or Department organization.

SECTION 9. Membership Committee. The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatements and eligibility of members.

SECTION 10. Veterans Affairs and Rehabilitation Committee. The Veterans Affairs and Rehabilitation committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state government, employment, relief, etc.

SECTION 11. National Security Committee. The Security Committee shall work with and coordinate Legion efforts with the Local Civil Defense Council on matters pertaining to national, civilian and home defenses. It shall assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.

SECTION 12. Visiting or Veterans Affairs Volunteer Services Committee. This committee is charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals and is chaired by the Post Chaplain.

SECTION 13. Each Committee Chairperson shall present a final written report of his/her activity utilizing a form provided by the Post. This report shall be submitted to the Executive Committee as soon as possible following the conclusion of that activity. A copy of this report shall be included in Post records.

ARTICLE VIII - MEETINGS

SECTION 1. 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 2. Upon the written request of fifteen (15) Post members, the Executive Committee

Madera Post 131 Bylaws

shall call a special meeting of the Post.

SECTION 3. Fifteen (15) members shall constitute a quorum.

SECTION 4. Except as provided herein, all meetings shall be conducted according to “Roberts Rules of Order”.

ARTICLE IX - VOTING

SECTION 1. Executive Committee issues shall be passed by a majority vote of members present at a Committee meeting. The Post Commander may also request an electronic vote via telephone or electronic message. An electronic vote is valid only if a majority vote is received from a quorum of Committee members and the vote is ratified at the next Committee meeting.

SECTION 2. Post meeting issues shall be passed by a majority of the membership present, except for the annual election of officers.

SECTION 3. Officers shall be elected by a tally of votes of the membership present at the membership meeting and absentee ballots collected by the Nominating Committee. The Nominating Committee will make the ballots available for voting after nominations are closed. The Nominating Committee will ensure a secure process is established for the collection of absentee ballots. All absentee voting must take place at the Post. Hours will be established for absentee voting and for the day of the membership meeting. All ballots will be retained for thirty days after the election.

ARTICLE X - MEMBERSHIP DUES

SECTION 1. Membership expires on December 31st of each year. Membership privileges are suspended until membership has been renewed. If such dues are paid prior to April 1st of that year, the member shall be reinstated. After that date the member shall be suspended.

Madera Post 131 Bylaws

ARTICLE XI - INTENT AND AMENDMENTS

SECTION 1. No portion of this document containing the Post "Constitution" or "Bylaws" shall be in conflict with any Department of Arizona Constitution and By-Law provisions of the laws of the State of Arizona. Any such wordings or intent shall be disregarded as binding upon any Post 131 members until rewritten and approved by this Post and Department.

SECTION 2. This document may be amended at any regular Post meeting by 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 regular meeting of said Post, and providing, further, that written notice shall have been given to all members at least twenty-eight (28) days in advance of the date when the amendments to be voted upon notifying such members that at such meeting a proposal to amend the constitution and Bylaws is to be voted upon. This written notice shall be provided to members in the Post newsletter, "The Madera Monitor" the Post website and lounge bulletin board.

SECTION 3. This document shall be reviewed periodically for completeness and conformity to the National and Departmental constitutions and Bylaws. A Committee, known as the "Constitution and Bylaws Committee" shall be formed and shall meet for this purpose at least every two (2) years, commencing on the date of the last amendment(s) shown.

SECTION 4. After ratification by the Post the document shall be provided to the Department of Arizona, Judge Advocate for review and approval if still proscribed in the Department of Arizona, Constitution and Bylaws.

SECTION 5. The original signed copy of this document shall be placed into a permanent file entrusted to the Adjutant for safe keeping. An additional copy shall be made a part of the record and shall be entrusted to the Historian.

SECTION 6. Copies of approved and ratified amendments of this document shall be made available to members upon request, at Post meetings or by contacting the Adjutant.

SECTION 7. An electronic copy of this Constitution and Bylaws shall be maintained in the office of the Post.

Madera Post 131 Bylaws

CONSTITUTION AND BYLAWS
OF MADERA POST 131, DEPARTMENT OF ARIZONA

AMENDED AND RATIFIED BY THE MEMBERSHIP PRESENT ON

APRIL 16, 2014

Approvals and Signatures

_____ Dated _____
Sam Barnard
Commander

_____ Dated _____
Gary Kissinger
Judge Advocate
Chair, Constitution and Bylaws Committee

_____ Dated _____
Department Judge Advocate
Department of Arizona
The American Legion

BYLAWS COMMITTEE FOR THE 2013-2014 YEAR:

Sam Barnard
Gary Nelson
Gary Kissinger