



**Madera Post 131  
Green Valley, Arizona**

# **Constitution & Bylaws**

**Amended:  
01/17/2011  
03/21/2012  
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**Amended and Restated as Approved by Vote of the Membership in Excess of 2/3  
Members Present on April 18, 2017 after 28 Days of Review by the Membership**

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# 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.

**ARTICLE I**  
**NAME**

SECTION 1. The name of this organization shall be “Green Valley Madera American Legion Post 131, Incorporated, and 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. To promote social welfare in the community and youth programs, to assist disabled and needy veterans, and their widows and family, to sponsor and participate in patriotic activities and provide social and recreational activities for Legion Members and their guests. [(IRC170(c)(3)]

**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.

SECTION 4. This Post is a non-smoking Post. See Bylaws Article III.

**ARTICLE IV**  
**DEFINITIONS**

SECTION 1. Definitions herein apply to this Constitution and Bylaws.

SECTION 2. Member. Member or “member” herein refers only to a bona fide member of American Legion Madera Post 131 who is a current card carrying enrolled member of American Legion Madera Post 131 in good standing.

SECTION 3. Nonmember. Anyone who is not a Bona fide Member of Post 131. Under Article IV, Section 3 of The National Constitution, “no person may be a member at any one time of more than one Post.” Accordingly, any visiting legionnaire from a post other than Post 131 is a nonmember visitor. Auxiliary Post 131 members and Sons of American Legion Post 131 Squadron members are nonmembers. They are provided Club/Lounge member privileges under Bylaws, Article VIII, Section 2.

SECTION 4. Club means the premises defined by the Club License issued by the Arizona Liquor Department

SECTION 5. Club/Lounge Member. A Club Member is defined, solely for the purpose of Arizona Liquor Law, as an individual who may purchase and consume alcohol at the Post 131. See Bylaws Article VIII.

SECTION 6. ARS. ARS means Arizona Revised Statutes.

SECTION 7. Post or “post” herein and in the Bylaws refers to American Legion Madera Post 131.

## **ARTICLE V** **MEMBERSHIP**

SECTION 1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion. No person may be a member at any one time of more than one post. The membership year will be from January 1<sup>st</sup> to December 31<sup>st</sup>.

SECTION 2. Application for membership in the Post or transfer to this Post shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee. The Post Adjutant is responsible for reviewing and approving all membership and transfer applications for consistency with national membership requirements and other criteria that may be determined by the Executive Committee of the Post. Concerns regarding character, background of the applicant and other matters raised by the Adjutant are referred to the Executive Committee for final disposition.

SECTION 3. Any Member of this Post may be suspended or expelled from the Post for cause by a majority vote of the Executive Committee after statements from the parties are received and or heard before the Executive Committee. See also Bylaws Article VII, Member Discipline. Before proceeding under this section, the Post should make inquiry as to whether or not the Department Constitution and Bylaws has provided a different procedure, which should be followed.

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

SECTION 5. Any person who has been expelled by any other American Legion Post shall not be admitted to membership in this Post, without the consent of the expelling Post. Where such consent has been asked for and denied by such Post, the person 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.

SECTION 6. Nonmembers, including guests and visiting legionnaires, have no rights of due process or appeal afforded Members of this Post.

ARTICLE VI  
EXECUTIVE COMMITTEE AND 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 up to 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 Officers of this Post shall consist of: Post Commander, 1<sup>st</sup> Vice Commander, 2<sup>nd</sup> Vice Commander, Finance Officer, Sergeant-at-Arms, and Judge Advocate.

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

SECTION 4. All Meetings shall be conducted under and pursuant to Roberts Rules of Order, except as herein provided.

ARTICLE VII  
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 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 or as determined by the Executive Committee for the tax year.

ARTICLE VIII  
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 reviewed ~~approved~~ thereafter by such Department of Arizona, American Legion.

SECTION 4. The Auxiliary maintain their own books and records, have their own bank account(s), Federal Tax Identification Number and file their own income tax returns.

ARTICLE IX  
SONS OF THE AMERICAN LEGION

SECTION 1. This Post recognizes The Sons of The American Legion Squadron of Post 131 based on the National Constitution and Bylaws of the Sons of the American Legion. An Executive Committee subcommittee may be appointed to 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 their National Convention and reviewed ~~approved~~ thereafter by such Department of Arizona, The American Legion.

. SECTION 4. The Sons of the American Legion maintain their own books and records, have their own bank account(s), Federal Tax Identification Number and file their own income tax returns.

ARTICLE X  
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 XI-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,” subject to Arizona Law where applicable.

SECTION 2. This Constitution or Bylaws may be amended at any regular post meeting by vote of two thirds of the members of this Post attending such regular meeting, provided that the proposed amendment(s) shall have been submitted in writing to the Executive Committee for approval. If approved by the Executive Committee, such proposed amendment(s) shall be 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 or 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 or other media available at the time.

SECTION 3. This Constitution prevails in a conflict between this Constitution and the Post Bylaws except where Arizona Law prevails.





# **Madera Post 131 Bylaws**

# **Madera Post 131 Bylaws**

## **ARTICLE I NAME**

SECTION 1. The name of this Post is American Legion Madera Post 131 as given in ARTICLE I, SECTION 1, of the Constitution.

## **ARTICLE II PURPOSE**

SECTION 1. The purpose of this Post shall be to promote the principles and policies as set forth in the Preamble of the National Constitution of the American Legion and such purposes as set forth in Article II, Section 1 of the Constitution.

## **ARTICLE III PROHIBITIONS**

SECTION 1. Non-Smoking Post. This post is a non-smoking post. Non-smoking applies to e-cigarettes and any other similar smoking or non-tobacco or smoking device or apparatus.

SECTION 2. No Weapons. No guns, pistols, revolvers, rifles, knives with blades longer than 3.5 inches or any other form of weapon is allowed in the Post. Ceremonial weapons such as those used by an honor guard or on display are exempt from this provision.

SECTION 3. No Pets or Animals. With the exception of Service Animals as described below, no pets or animals are allowed in the Post.

Service Animals. ARS 11-1024 defines a service animal as a dog or miniature horse. Service animals are specifically trained to work or perform tasks for an individual with a disability. An individual with a disability means an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of the individual. A dog or other animal that provides emotional support, well being, comfort or companionship is not a service animal. Work or tasks include assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities and helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks.

## **ARTICLE IV MEMBERSHIP**

SECTION 1. Membership is defined as a current card carrying enrolled member of the Madera Post 131 in good standing. See also Constitution, Article IV, Definitions.

SECTION 2. A member of Madera Post 131 who is not current in annual dues is a Member Not in Good Standing.

SECTION 3. Establishing Membership. Any individual who meets the American Legion membership criteria as set forth in the National Constitution of the American Legion is eligible for membership in this post provided they are not a current member of a different American Legion Post. The membership year will be from January 1st to December 31st.

SECTION 4. Application for membership in the Post or transfer to this Post shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee. The Executive Committee delegates authority to the Post Adjutant for reviewing and approving all membership and transfer applications for consistency with national membership requirements and other criteria that may be determined by the Executive Committee of the Post. Concerns regarding character, background of the applicant and other matters raised by the Adjutant are referred to the Executive Committee for final disposition.

SECTION 5. A nonmember of this Post is any person who is not a Bona Fide Member of Madera Post 131. Visiting Legionnaires from other Posts are nonmembers.

SECTION 6. Membership expires on December 31st of each year. Renewal of membership requires the payment of annual dues. 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.

SECTION 7. Member Dues. The amount of annual membership dues or installation fees shall be recommended by the Executive Committee and approved by the Post Membership. Changes in dues shall require a two thirds majority vote unless such change. Voting on Dues changes shall use the same procedure as a change in these Bylaws except in the case where a dues change is a pass through of a change adopted by the District or National.

SECTION 8. 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.

SECTION 7. Nonmembers of this Post have no standing in that they cannot vote, hold office or participate as a member at membership meetings. They are not afforded the due process for suspension, expulsion or other disciplinary action handed down by an officer of this Post, Duty Officer of this Post, Board Member of this Post or the Executive Committee.

## **ARTICLE V**

### **MEETINGS OF THE MEMBERSHIP**

SECTION 1. Regular membership meetings shall occur monthly on the third Wednesday of each month except for the months of June, July and August.

SECTION 2. Special meetings of the membership may be called upon the written request of 15 members in good standing submitted to the Post Adjutant or by the Post Commander. Five (5) days advanced notice shall be given for any special meeting of the membership.

SECTION 3. Except as provided herein, all meetings shall be conducted according to “Roberts Rules of Order”.

SECTION 4. The bar/lounge will be closed during membership meetings subject to the discretion of the Executive Committee.

## **ARTICLE VI** **MEMBERSHIP VOTING**

SECTION 1. Fifteen (15) Members in good standing shall constitute a quorum at a general membership meeting or special meeting for voting. Except for the election of Executive Committee Members, all votes by members shall be taken at a membership meeting by voice or show of hands. No proxy voting or absentee ballots shall be allowed.

SECTION 2. Only Bona Fide members of Madera Post 131 shall have the right to vote for Executive Committee members and other matters as set forth in these bylaws.

SECTION 3. Post meeting issues shall be passed by a majority vote of the membership present, except for the annual election of officers and Members at Large.

SECTION 4. By majority vote of the members attending for the vote, members shall approve all non-recurring individual expenditures in excess of \$1,500 including amounts creating an obligation or liability greater than \$1500.

## **ARTICLE VII** **MEMBER DISCIPLINE**

SECTION 1. Members of Madera Post 131 may be disciplined for violations of Post Rules as set forth in other documents and these Bylaws.

SECTION 2.

a. Any Member of this Post may be suspended or expelled from the Post for cause by a majority vote of the Executive Committee after statements from all parties are received and or heard before the Executive Committee. Before proceeding under this section, the Post should make inquiry as to whether or not the Department Constitution and Bylaws has provided a different procedure, which should be followed.

b. See also Article VIII, Section 7 pertaining to Post lounge authority and Article X, Section 10 with reference to right to refuse service and for removal for the remainder of the day.

SECTION 3. Witness statements and incident reports shall be in writing and filed with the Post Adjutant listing the alleged violation, the date and time of the alleged violation and the names of any persons involved and witnesses. If deemed necessary by the Post Commander, the Executive Committee shall review the circumstances and take appropriate action in a reasonable time frame, as determined by the Commander. Appropriate action by the Executive Committee for the

Member of this Post may include a verbal reprimand, a reprimand in writing, a suspension or expulsion of the member following a hearing of evidence from the involved parties and witnesses, the decision of the Executive Committee shall be delivered to the appropriate parties in writing. The Member may request a hearing for reconsideration of the Executive Committee's decision in writing to the Post Commander within ten days of the incident or notice, whichever occurs later. The Post Commander, if deemed appropriate, shall schedule a reconsideration hearing before a minimum of four members of the Executive Committee, plus the Commander, after which a final decision by the full Executive Committee will be rendered. The reconsideration hearing is afforded a member who may wish to apologize for his actions and promise to change his or her ways.

SECTION 4. Any action in writing to the Member shall be delivered through the United States Postal Service with delivery confirmation or other such options available through the Postal Service for delivery confirmation.

SECTION 5. The maximum suspension passed by the Executive Committee for a Member is up to the remaining term of the then current Executive Committee. This maximum term condition only applies to a Member. Expulsion from this Post is final unless there is a successful reconsideration hearing before the Executive Committee or to District/ Department or the Executive Committee places a term condition on the expulsion that would allow a Member to further request a reconsideration hearing to the Executive Committee after a year. The guest of a Member or any visitor has no standing in this Post and is not afforded the above due process provisions of a Member of this Post. The Member's guest or any visitor may, if the circumstances merit the action as determined by the Post Commander, be suspended indefinitely from the lounge or Post without the due process afforded the Member.

SECTION 6. A Member who has been expelled or suspended indefinitely 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. The reinstatement must be an agenda item for a regular membership meeting and a proper motion for reinstatement made from the floor by a Member.

## **ARTICLE VIII**

### **POST 131 CLUB/ LOUNGE PRIVILEGES**

SECTION 1. Post or Club Lounge. The Post Executive Committee shall have total operational control and management of the Post Lounge (Club) to include setting rules and regulations for the Post Lounge (Club) and enforcing those rules and regulations.

SECTION 2. The following individuals are Club/Lounge Members whom may have lounge privileges as defined herein (they can purchase and consume alcohol):

- a. Members in good standing of American Legion Post 131,
- b. Auxiliary Members in good standing of America Legion Post 131,
- c. SAL Members in good standing of American Legion Squadron 131,
- d. A current member of the armed services of the United States who presents proper military identification and any member in good standing of a recognized veterans' organization of the United States and of any country allied with the United States during current or past wars or

through treaty arrangements to include veteran or like organizations in NATO (North Atlantic Treaty Organization) countries and veteran or like organizations in Asian-Pacific Security Treaty Countries,

e. The spouse, family member or significant other of those individuals listed in a. through d. above when accompanying the individual listed in a. through d. above. Individuals in (e) may not sponsor guests,

f. Individuals listed in a. through c. above and members of other American Legion Posts (to include other Legion Auxiliary Units and other Sons of American Legion Squadrons) may sponsor guests if they are personally familiar with the guest and whose presence as a guest is in response to their specific and personal invitation. Host will be responsible for their guest and must remain with their guest while in the club. The guest is to be ~~identifiable~~ signed in by the member.

SECTION 3. Only Post 131 Members, Bona Fide Guests (see Section 6) and those with lounge privileges as defined herein, are permitted to purchase liquor at this Post. Guests may not have guests.

SECTION 4. Honorary, associate or other like memberships ~~in section 2. d. above~~ are excluded from having Lounge Privileges.

SECTION 5. An individual, who has previously been denied membership in Post 131, shall not be recognized in Section 2. d. above unless approved by the Executive Committee.

SECTION 6. Bona Fide Guest (Guest) means an individual who is personally familiar to the Member, who is personally sponsored by the Member and whose presence as a guest is in response to a specific and personal invitation. A Bona Fide Guest may purchase alcoholic beverages themselves but must be with the Member when in the Lounge or Post and is to be signed in while in the lounge or Post when consuming alcohol.

SECTION 7.

a. Post Lounge Authority-Members. In the Post Lounge, the persons of authority are the bartender, a Post 131 Officer or Executive Committee member whom, under these Bylaws, have the authority to enforce established Lounge Rules. When an incident, to include but not limited to destruction of property, assault, altercation, misconduct or inappropriate behavior to include, abusive and or profane language, or threat of physical harm to a Member of this Post or a Member's guest, violates lounge or Post policies and rules, the above persons of authority may verbally require the Member or Member and the guest, if applicable, to leave the Lounge and Post for the remainder of the day without any further notice or due process.

b. Post Lounge Authority-Non-Members. A Post 131 Officer or Executive Committee member may require any Nonmember, to include a visiting legionnaire, who violates Lounge or Post policies or rules, to leave the Post Lounge or Post for any period. Bartenders are limited to the remainder of the day provision as in paragraph a above.

## ARTICLE IX

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## **POST EXECUTIVE COMMITTEE AND MANAGEMENT**

SECTION 1. Number of Executive Committee Members. There shall be up to three members-at-large on the Post Executive Committee and up to ten members of the Executive Committee.

SECTION 2. Composition of the Executive Committee. The Post Executive Committee shall consist of: Post Commander, 1st Vice Commander, 2nd Vice Commander, Finance Officer, Sergeant-at-Arms, Judge Advocate and up to three (3) members at large, all who shall serve one year terms, and the immediate Past Commander. The Executive Committee may bring in advisors from time to time on legal, income tax, personnel matters or other issues as they deem appropriate.

SECTION 3. Election of Executive Committee. The Executive Committee shall be elected annually 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.

SECTION 4. The nominating committee may be comprised of the past three (3) Post Commanders or as appointed by the Commander.

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. Within a ten day period following the installation of new Executive Committee members, 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 Blast", or similar electronic media, on the post website and on the lounge bulletin board.

SECTION 7. Vacancies existing in the Executive Committee. Vacancies on the Executive Committee 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, without being excused, 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 8. The Officers and members-at-large 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 may be removed from office by Executive Committee action for cause. A two-thirds vote of the Executive Committee shall be required to effect removal.

SECTION 9. Every member in good standing, with the exception of salaried employees and contractors, shall be eligible to hold office in this Post. Nominations for Commander shall be eligible to every member of this Post in good standing providing the nominee for Commander previously served a minimum of one term as an officer or as a member at Large of this Post or have other qualifying credentials as approved in advance of nominations by the Executive Committee.

SECTION 10. No elected Officer shall be an Employee of the Post. This provision does not apply to an elected officer being contracted to perform a technical position or project. Any such contractual arrangement must be approved by the Executive Committee.

SECTION 11. The Post Service Officer, Historian, Chaplain and Color Guard Commander shall be appointed by the Commander with the majority approval of the Executive Committee in attendance.

SECTION 12. Emergency Meeting Voting. Voting by the Executive Committee under an emergency, items under time constraints or items needing immediate attention or unscheduled meeting, may be by telephone vote or e mail vote or combination. The vote taken by telephone and or e mail shall reflect the majority in favor and shall be ratified by the Executive Committee at the next regularly scheduled Executive Committee Meeting.

## **ARTICLE X**

### **POWERS AND DUTIES OF THE POST EXECUTIVE COMMITTEE**

SECTION 1. The government and management of this Post is entrusted exclusively to the Executive Committee.

SECTION 2. The Post Executive Committee shall have the responsibility to maintain an atmosphere of proper decorum, dress and control on the Post Property. To this end, procedures and policies for conduct are established and posted in plain view on the property for the Post Lounge and Post.

SECTION 4. All nonrecurring expenditures for the Post in excess of \$1500 or obligations greater than \$1500 must be approved by the Post Executive Committee prior to their presentation to the membership, except the Post Commander shall have the right to spend an amount not to exceed \$750.00, per event, if the need arises for an urgent or emergency item for special circumstances. When the Post Commander makes such expenditure, up to \$750, the Commander shall report the amount and purpose of the expenditure at the next regularly scheduled meeting of the Post Executive Committee.

The Post Executive Committee can approve any expenditure by majority vote not to exceed \$1,500.00 without concurrence from the membership. All fixtures and equipment acquired by the Executive Committee remain the property of the Post. All recurring or normal post operating expenses shall be exempt from this Provision. See also Article VI, Section 1 for obligations beyond the term of the Executive Committee. See Article IX, Section 13, for Executive Committee e mail and telephone voting.



SECTION 5. Capital Replacement Expenditures. The Post will maintain a Reserve Fund to be used for emergency and planned expenditures for replacement of existing capital equipment and fixtures. The Post Commander or his designated representative has the authority to access the Reserve Fund for the stated purpose and advise the membership of the expenditure at the next regularly scheduled general membership meeting.

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

SECTION 8. Subject to majority vote of the Executive Committee, the Executive Committee has the power to exercise authority in matters not covered by these Bylaws.

SECTION 9. Post Lounge Rules and Enforcement. The Post Executive Committee shall have total operational control and management of the Post to include setting rules and regulations for the Post Lounge and enforcing those rules and regulations.

SECTION 10. Right to Refuse Service. The bartender(s) on duty, an officer of the Post, or Executive Committee Member of the Post (persons of authority) have the right to verbally dictate refusal of service to anyone and/or to eject the offending person(s) from the lounge or Post. Persons involved in violation of Post Policies or Lounge Rules in an incident, disturbance, committing any act not in the best interest of the Post or unreasonable conduct as determined by the person of authority, are subject to action described below:

a. Members (Defined in Article IV as a card carrying Legion Member of Post 131 in good standing). The bartender(s) on duty, an officer of the Post or Executive Committee Member of the Post may verbally dictate to an offending Member and guest, if applicable, to leave the Post and Lounge for the remainder of the day. Further offenses and/or violation of Post Policies and Lounge rules may subject the offending person(s) to Member Discipline in Article VII.

b. Non-Members. (Defined as all others that are not Post 131 Legion Members).

(1) An Officer of the Post or Executive Committee Member of the Post may verbally dictate to an offending Non-Member, to include a visiting Legionnaire or guest, to leave the Post Lounge or Post for any period of time. Bartenders are limited to removal for the remainder of the day for Non-Members.

(2) If the nonmember is an Auxiliary member or SAL member of this Post, the Post Commander will advise the Auxiliary President or Squadron Commander, as applicable, so they can take any disciplinary action they deem appropriate under their

respective controlling documents. If the respective Auxiliary President or Squadron Leader request the Post to take disciplinary action, the Post Commander may recommend to the Post Executive Committee, at his sole discretion, a process, if any, to deal with the offending nonmember. Otherwise, the offending nonmember is subject to an unlimited time period of suspension as in b (1) above.

## **ARTICLE XI** **POST ADJUTANT**

SECTION 1. Duties of Post Adjutant. The Adjutant is appointed by the Commander to serve on the Executive Committee as an Ex-Officio, non-voting member, with voice.

SECTION 2. 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. The Executive Committee delegates authority to the Post Adjutant for reviewing and approving all membership and transfer applications for consistency with national membership requirements and other criteria that may be determined by the Executive Committee of the Post. Concerns regarding character, background or other matters raised by the Adjutant regarding an application are referred to the Executive Committee for final disposition.

## **ARTICLE XII** **MEETINGS OF THE EXECUTIVE COMMITTEE**

SECTION 1. The Post Executive Committee shall meet at least once each month and as often as the Commander deems necessary except during the summer months of June through August. Six (6) members of the Post Executive Committee, to include the Commander or Acting Commander, 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 2. The current Post Commander shall vote only to break a tie.

SECTION 3. 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 4. Except as provided herein, all meetings shall be conducted according to “Roberts Rules of Order”.

SECTION 5. 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 6. Special Meetings. The Post Commander or the Acting Post Commander may call a special meeting of the Executive Committee or Committee at any time as deemed necessary.

### **ARTICLE XIII** **DUTIES OF OFFICERS AND COMMITTEE MEMBERS**

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

SECTION 2. 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, or the Commander's representative, has the sole authority to call for a vote to make non-recurring expenditures for Post Operations or other matters affecting the Post and shall approve all orders directing the disbursement of funds. See also Article X, Section 4 for Commander's authority to make non recurring expenditures up to \$750 for urgent or emergency expenditures for special circumstances. See Article IX, Section 13 for Executive Committee voting by telephone or e mail for emergency or urgent matters where time is of the essence to include expenditure of funds for nonrecurring items that are not for Post operational needs. The Commander shall perform such other duties as directed by the Post Executive Committee.

The Commander may obligate the Post by legal contract for items affecting the operation of the Post without membership approval for necessary operations, and maintenance, to include professional engagement letters for accounting, tax and legal services.

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

The Post Commander, immediately upon taking office each year, may appoint the standing committees as provided in Article VIII or any other committee deemed appropriate.

The current Post Commander, or the Commander's representative, shall be the Chairperson of the Post Delegates and Alternates to the Department's Annual Convention.

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

SECTION 3. 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 4. 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 5. Duties of Post Adjutant. The Adjutant duties are as set forth in Article X in these bylaws.

SECTION 6. Duties of the Finance Officer. The Finance Officer of the Post shall have charge of all books and records, accounting and finances and see that all funds 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 or recommendations with which to carry on the activities of the Post.

The Finance Officer, or an officer of the post in the absence of the Finance Officer, shall approve all disbursements of the Post, and may furnish such surety bonds in such sum as shall be fixed by the Post Executive Committee. The Finance Officer is responsible for all tax and or income tax matters to include filing the requisite income tax returns with the State of Arizona and Federal Income Tax Returns. Duties also include the requisite Pima County property tax filings and maintaining exemptions as permitted by the State of Arizona, Pima County and any City or local tax exemptions.

SECTION 7. 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 8. 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 dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the national or Department headquarters from time to time.

SECTION 9. 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 10. 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 11. No elected Officer shall be an Employee of the Post. This provision does not apply to an elected officer being contracted to perform a technical function. Any such contractual arrangement must be approved by the Executive Committee.

## **ARTICLE XIV** **FINANCE**

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

SECTION 2. There may be a minimum of two authorized signers for the any of the Post bank accounts which may include the Post Commander, a Vice Commander and other designated Post officers or Executive Committee Members, including a Past Commander.

SECTION 3. The Finance Officer and Adjutant may be bonded by the Department of Arizona. All other Post members who are authorized to handle Post funds may be covered by the Post's insurance policy.

SECTION 4. The Finance Officer shall be responsible for all properties belonging to the Post. These shall include Post files, office equipments, ceremonial equipments, 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 safekeeping of all properties 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.

SECTION 5. 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 during a designated storage period unless recommended by the Post Adjutant and approved by the Post Executive Committee. Income tax returns and supporting documents should be maintained for three years after the current tax year, subject to statute of limitations. Certain business records, other than permanent records, should be maintained for seven years. Permanent records include IRS 501 ( C ) 19 documents, Articles of Incorporation, Licenses and permits, and other significant correspondence to include certain legal documents .

## **XV** **APPOINTMENTS AND COMMITTEES**

SECTION 1. The Post Commander, immediately upon taking office each year, may appoint the following standing committees: 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. Such standing committees shall consist of such members, and the chair thereof, as shall be designated by the Post Commander.

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 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 club/lounge rooms and restaurant operations.

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 for 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 into Post records.

## ARTICLE XVI INTENT AND AMENDMENTS

SECTION 1. No portion of these documents containing the Post “Constitution” or “Bylaws shall be in conflict with any Department of Arizona Constitution and By-Law provisions or the laws of the State of Arizona unless such Department documents are not current with Arizona law. Any such wordings or intent in conflict shall be disregarded as binding upon Post 131 membership 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 first submitted in writing to the Executive Committee. After review and recommendation to go to the membership by the Executive Committee, the proposed amendment may be summarized 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 Blast, post website and lounge bulletin board and other media available at the time.

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 every two (2) years, commencing two years after the date of the last amendment(s) shown or as deemed appropriate by the Executive Committee.

SECTION 4. After ratification by the Post Membership 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 safekeeping. An electronic copy (CD or other electronic or digital media) of these Constitution and Bylaws shall be maintained in the office of the Post. An additional copy shall be made a part of the record and shall be entrusted to the Post Judge Advocate.

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. If there is a conflict between these Bylaws and the Post Constitution, The Post Constitution prevails, except Arizona law prevails.



CONSTITUTION AND BYLAWS  
OF MADERA POST 131, DEPARTMENT OF ARIZONA

AMENDED, RESTATED AND RATIFIED BY THE MEMBERSHIP PRESENT  
ON April 19, 2017

Approvals and Signatures



Dated 4/19/17

Sam Barnard  
Commander, Madera Post 131



Dated 4-19-17

John L. Wilson  
Chair, Constitution and Bylaws Committee

Review

\_\_\_\_\_  
Department Judge Advocate  
Department of Arizona  
The American Legion

Dated \_\_\_\_\_

BYLAWS COMMITTEE FOR THE 2017 YEAR:

Sam Barnard, Post Commander  
Thom Johnson, 1<sup>st</sup> Vice Commander  
John Haggerty, Judge Advocate  
Butch Wittman, Adjutant