



Madera Post 131 CONSTITUTION **Green Valley, Arizona**

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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 All 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, Department of Arizona**” (the Post) This organization is incorporated under section 501(c)(19) of the Internal Revenue Code.

ARTICLE II - PURPOSE

SECTION 1. The purpose and objectives of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble and the National and Department of Arizona 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; membership therein does not affect nor increase liability for military or police service. Rank does not exist in this Post; no Member shall be addressed by his/her military title in any convention or meeting of the Post.

SECTION 2. 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 3. The governance and management of the Post shall be controlled exclusively by an “Executive Committee.”

SECTION 4. This Post adheres to the Smoke-Free Arizona Act as defined by A.R.S. § 36-601.01, which prohibits smoking in most enclosed public places and places of employment. This Act also prohibits smoking within 20 feet of entrances, open windows, or ventilation systems. Additionally, use of electronic smoking devices (ESD), often called e-cigarettes or vape pens are prohibited. ***(While Veteran and fraternal clubs as defined in A.R.S. 4-101(7)(a)(b) or (c) are exempted from A.R.S. § 36-601.01, The Post chooses to waive the exemption for the safety and enjoyment of our patrons.)***

SECTION 5. No lethal 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, unless approved by the Executive Board. Ceremonial weapons such as those used by an honor guard or on display are exempt from this provision.

SECTION 6. Except for service animals as defined in A.R.S. § 11-1024 and/or the Appendix Section 1, no pets or animals are allowed in the Post.

SECTION 7. All Meetings shall be conducted under and pursuant to ***Robert's Rules of***

ARTICLE IV - DEFINITIONS

SECTION 1. "The Post" herein and in the Bylaws refers to American Legion Madera Post 131 and its owned, leased or rented property.

SECTION 2. Definitions herein apply to this Constitution and the Post's Bylaws.

SECTION 3. "Member" herein refers to a bona fide Member of American Legion Madera Post 131 who is "in good standing." Good standing is defined as being current in membership dues; current in any other payments owed to the Post; and not currently under any term of suspension or expulsion duly voted by the Executive Committee.

SECTION 4. "Conditional Member" herein refers to a Member who is not current in membership dues or is currently under a term of suspension or expulsion duly voted by the Executive Committee.

SECTION 5. "Charter Member" herein refers to Members who joined the Post prior to the issuance of the Post Charter in the year January 30, 2009.

SECTION 6. "non-member" is defined as any legionnaire who is not a Member of Madera 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." Auxiliary Post 131 Members and Sons of American Legion Post 131 Squadron Members are considered non-members.

SECTION 7. Only Members of this Post as defined herein, can vote, run for office, hold office, or participate as a Member in membership meetings.

SECTION 8. Only Members of this Post as defined herein, are afforded due process for suspension, expulsion, reinstatement, or other disciplinary action received from an officer of this Post, Duty Officer, or the Executive Committee.

SECTION 9. "ARS" herein and in the Bylaws denotes Arizona Revised Statutes.

ARTICLE V - MEMBERSHIP

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

SECTION 2. A Conditional Member who has been suspended from this Post for any cause is automatically reinstated to membership after the term of suspension has been served.

SECTION 3. A Conditional Member of the Post who has been expelled may be reinstated to membership after successful petition to the Executive Committee and the payment of

current dues for the year in which the reinstatement occurs.

SECTION 4. A Member who has been expelled by any other American Legion Post shall not be admitted to membership in the Post without the consent of the expelling Post. If this consent is denied, the Member may appeal to the Department Executive Committee of the expelling Post for permission to apply for membership in this Post. The Member shall be ineligible for membership until such permission is granted.

ARTICLE VI – EXECUTIVE COMMITTEE

SECTION 1. The administrative affairs and control of the Post shall, except as may be otherwise provided in the Bylaws, be under the supervision of an Executive Committee which shall consist of up to seven (7) Members and up to three Members at large. The term of office of the Executive Committee shall be for one year. The Post's Bylaws may provide for such other standing committees as the business of the organization may require.

SECTION 2. The Officers of the Post shall consist of: Post Commander, 1st Vice Commander, 2nd Vice Commander, Finance Officer, Sergeant-at-Arms, and Judge Advocate.

SECTION 3. The Executive Committee shall include the elected Post Executive Committee officers, the immediate past Commander, and Members at large.

ARTICLE VII – FINANCIAL REGULATIONS

SECTION 1. The revenue of the 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. The 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.

ARTICLE VIII - AMERICAN LEGION AUXILIARY

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

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 American Legion, Department of Arizona by such rules and regulations as may be prescribed by the National Executive Committee and approved thereafter by the American Legion, Department of Arizona.

SECTION 4. The Auxiliary maintains its own Department records, has its own bank account(s), Federal Tax Identification Number, and its own income tax responsibility.

ARTICLE IX - SONS OF THE AMERICAN LEGION

SECTION 1. The Post recognizes an organization known as the "Sons of The American Legion Squadron of Post 131" or "SAL" based on the National Constitution and Bylaws of the Sons of the American Legion. A Madera Post 131 Executive Committee subcommittee may be appointed to oversee 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 American Legion, Department of Arizona shall govern the Sons of The American Legion by such rule and regulations prescribed by their National Convention and approved by the American Legion, Department of Arizona.

SECTION 4. SAL's are a direct program of The American Legion.

ARTICLE X - AMENDMENTS

SECTION 1. This Constitution and the accompanying Bylaws are adopted subject to the provisions of Arizona Law where applicable, the American Legion's National Constitution, and the Department of Arizona's Constitution. Any amendment to Arizona Law or the National or Department Constitutions which may conflict with any provisions of this Post's Constitution and/or Bylaws, will cause those provisions to be deemed as repealed or modified to remove the extent of such conflict.



Madera Post 131 BYLAWS

Green Valley, Arizona

Amended:

10/12/2023

ARTICLE I - NAME

SECTION 1. These Bylaws apply to American Legion Madera Post 131 ("the Post") as defined in the Post 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 – DEFINITIONS

SECTION 1. The term "Member" is defined in the Post Constitution.

SECTION 2. The term "Conditional Member" is defined in the Post Constitution.

SECTION 3. The term "non-member" is defined in the Post Constitution.

SECTION 4. The term "guest" herein defines any person other than a Member or Nonmember on the Post property.

SECTION 5. The term "Club/Lounge" denotes the premises defined by the Club License issued by the Arizona Department of Liquor Licenses and Control.

SECTION 6. The term "Club/Lounge Member" is defined solely for the purpose of Arizona Liquor Law, as an individual who may purchase and consume alcohol at Post 131.

SECTION 7. The Terms "Special Vote", "Election Vote", and "Membership Vote" define the various voting procedures of the Post.

ARTICLE IV - MEMBERSHIP

SECTION 1. Membership renewal 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 considered suspended.

SECTION 2. Except in the case where a dues change is adopted by the National or Department of the American Legion, the amount of annual membership dues or installation fees shall be set by the Post Executive Committee.

SECTION 3. Any Member of this Post, non-Member, or guest may be reprimanded, 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 investigated by the Internal Affairs Committee and heard before the Executive Committee. Before proceeding under this section, the Judge Advocate shall investigate if the Department Constitution and Bylaws provide a different procedure which would prevail.

ARTICLE V – MEMBERSHIP MEETINGS

SECTION 1. Regular membership meetings shall occur monthly except for the months of June, July, and August.

SECTION 2. Special meetings of the membership may be called upon the written request of fifteen (15) Members submitted to the Post Adjutant or by the Post Commander. Five (5) days advance notice shall be given for any special meeting of the Membership.

SECTION 3. The Club/Lounge may be closed during membership meetings subject to the discretion of the Executive Committee.

ARTICLE VI - MEMBERSHIP VOTING

SECTION 1. An Election Vote shall be conducted annually for the purpose of selecting the Executive Committee members:

- a) The Nominating Committee may be comprised of three (3) Past Post Commanders or as appointed by the Commander.
- b) Nominations for the succeeding year shall be announced at the March membership meeting and the election shall be conducted at the April membership meeting. ~~Additional nominations may be made from the floor prior to the election.~~
- c) The Nominating Committee will make ballots available for voting after the nominations are closed.
- d) The Nominating Committee will ensure a secure process is established for the collection of all ballots.
- e) All voting must take place at the Post. Hours will be established for voting and for the day of the membership meeting
- f) The Nominating Committee will announce the successful candidates by a tally of the votes collected.
- g) All ballots will be retained for thirty days after the election.
- h) The installation of elected officers shall be held before the annual Department convention. New Officers shall assume their offices effective on July 1, following the installation.
- i) Within a ten (10) 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 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 2. A Membership Vote may be conducted at a general or special membership meeting. Fifteen (15) Members shall constitute a quorum for voting. All votes shall be taken by voice or a show of hands. Issues shall be passed by a majority vote of a quorum of the membership present. No proxy voting or absentee ballots shall be allowed.

SECTION 3. Emergency expenditures for Post operations must be approved by the E Board and the general membership will be advised of the expenditure at the next occurring General meeting.

SECTION 4. The Post Commander shall vote only to break a tie.

SECTION 5. Except for salaried employees and contractors, any Member shall be eligible to hold office in this Post. Nominations for Commander shall be eligible to every Member of this Post providing the nominee has 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 6. 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. The contractor is not allowed to vote on any issue related to his contract.

ARTICLE VII – EXECUTIVE COMMITTEE

SECTION 1. The governance and management of the Post shall be performed exclusively by an Executive Committee of up to seven (7) Members and up to three Members at large.

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

SECTION 3. The Executive Committee shall meet at least once each month or as often as the Commander deems necessary. 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.

SECTION 4. A non-scheduled meeting of the Executive Committee may be requested by the Post Commander, acting Post Commander, or upon the request of three or more Members of the Post Executive Committee. Only those issues expressed in the request shall be discussed.

SECTION 5. Executive Committee issues shall be passed by a majority vote of Committee Members present at a Committee meeting. The Post Commander may also request an electronic vote via telephone or e-mail. An e-mail vote is valid only if a majority vote is received from a quorum of Executive Committee Members and the vote is ratified at the next Committee meeting.

SECTION 6. The Post Commander shall vote only to break a tie.

SECTION 7. 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 8. 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, the Commander shall report the amount and purpose of the expenditure at the next regularly scheduled meeting of the Post Executive Committee.

SECTION 9. All recurring expenditures shall be initially approved by the Executive Committee, thereafter these expenditures may be disbursed by staff so authorized by the Post Commander or Executive Committee.

SECTION 10. All nonrecurring expenditures greater than \$1500.00, or obligations to the Post greater than \$1500.00, must be approved by the Post Executive Committee prior to notification to the membership.

SECTION 11. Under an emergency, items under time constraints or items needing immediate attention before a scheduled meeting, may be voted by telephone; e-mail; or a combination of both. The vote so taken reflect the majority in favor and shall be ratified by the Executive Committee at the next regularly scheduled Executive Committee meeting.

SECTION 12. The 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 13. The 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 14. With a majority vote, the Executive Committee has the power to exercise

authority in Post matters not covered by this Constitution or Bylaws.

SECTION 15. 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 Executive Committee Officer 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 16. 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 is defined as 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 by mail using the United States Postal Service.

SECTION 17. All fixtures and equipment acquired by the Executive Committee remain the property of the Post.

ARTICLE VIII - DUTIES OF OFFICERS

SECTION 1. 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.

SECTION 2. 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.

SECTION 3. The Commander, or the Commander's representative, has the sole authority to call for an Executive Committee vote to make non-recurring expenditures for Post Operations or other matters affecting the Post.

SECTION 4. The Commander shall approve all orders directing the disbursement of funds. The Commander shall perform such other duties as directed by the Post Executive Committee.

SECTION 5. The Commander, immediately upon taking office each year, may appoint the following standing committees: Americanism, Children and Youth, Finance, House, Internal Affairs, Legislative, Membership, Veterans Affairs and Rehabilitation, and Visiting or Veterans Affairs Volunteer Services. Such standing committees shall consist of Members, and the chair thereof, as designated by the Post Commander.

SECTION 6. The Adjutant, Post Service Officer, Historian, Chaplain, Color Guard Commander, and Internal Affairs Committee shall be appointed by the Commander with the approval of a majority vote of the Executive Committee.

SECTION 7. 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.

SECTION 8. 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 9. 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.

SECTION 10. The Adjutant is appointed by the Commander to serve on the Executive Committee as an Ex-Officio, non-voting member, with voice:

- a) 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.
- b) Render reports of membership annually or when called upon at a meeting
- c) Under direction of the Commander handle all correspondence of the Post.
- d) 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. Any concern raised by the Adjutant regarding the character or background of the applicant shall be referred to the Executive Committee for final determination of membership eligibility.

SECTION 11. 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.

- a) 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.
- b) 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.
- c) The Finance Officer is responsible for 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.
- d) The Finance Officer 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.

SECTION 12. The Post Historian shall be charged with the individual records and incidents of the Post and 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 13. 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 14. 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 15. 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.

ARTICLE IX - DUTIES OF COMMITTEES

SECTION 1. 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 2. The Children and Youth 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.

SECTION 3. 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 4. The House Committee oversees the operation of the Club/Lounge and restaurant operations.

SECTION 5. The Internal Affairs Committee investigates any serious incident of disruptive or unreasonable conduct occurring in the Post/Lounge and reports its findings to the Executive Committee for further action, if deemed necessary.

SECTION 6. 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 organizations.

SECTION 7. The Membership Committee shall have charge of procuring of new Members all matters pertaining to the membership of the Post.

SECTION 8. 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 9. The Visiting or Veterans Affairs Volunteer Services 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 10. 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 X - POST REGULATIONS

SECTION 1. Members, non-members, or guests while in the Post, may be disciplined for violations of rules set forth in the Post Constitution, Post Bylaws, or other established/posted Post policies.

SECTION 2. If the non-member is an Auxiliary Member or SAL Member, the Post Commander will advise the Auxiliary President or Squadron Commander, as applicable, so they can take any additional disciplinary action they deem appropriate under their respective controlling documents.

SECTION 3. After a disruptive incident, the Internal Affairs Committee shall review and/or investigate written incident reports and witness statements, and file them 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.

- a) If deemed necessary by the Post Commander, the Executive Committee shall review the Internal Affairs investigation and take appropriate action in a reasonable time frame, as determined by the Commander.
- b) Following a hearing of evidence from the Internal Affairs Committee and/or involved parties and witnesses, the decision of the Executive Committee shall be delivered to the appropriate parties in writing through the United States Postal Service with such options available for delivery confirmation.
- c) A Member may request a hearing for appeal of the Executive Committee's decision in writing to the Post Commander within ten days of the incident or notice, whichever occurs later.
- d) The Post Commander, if deemed appropriate, shall schedule an appeal hearing before the Executive Committee Officers, after which a final decision by the full Executive Committee will be rendered.

SECTION 4. 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 Judge Advocate shall make inquiry as to whether the Department of Arizona Constitution and Bylaws have provided a different procedure, which takes precedence.

SECTION 5. The maximum suspension passed by the Executive Committee for a Member is up to the remaining term of the current Executive Committee.

ARTICLE XI - CLUB/LOUNGE REGULATIONS

SECTION 1. The Post House Committee shall have total operational control and management of the Post Club/Lounge to include setting rules and regulations and enforcing those rules and regulations for compliance with Arizona liquor laws (A.R.S. Title 4).

SECTION 2. An "incident" is defined as disorderly conduct in **A.R.S. § 13-2904**, and/or in the Appendix Section 2, or a violation of policies, rules, and standing orders of the Club/Lounge or Post.

SECTION 3. Club/Lounge patrons must be at least 21 years of age to purchase and consume alcohol.

SECTION 4. A guest may purchase alcoholic beverages themselves but must be with the Host Member when in the Lounge or Post and is to be signed in while in the lounge or Post when consuming alcohol. ("Guest" is defined in the Post Constitution.)

SECTION 5. The following Club/Lounge patrons may purchase and consume alcohol:

- a) Members of American Legion Post 131 as defined in the Post Constitution.
- 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.
- e) Any Member of a recognized veterans' organization of the United States or 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 or veteran or like organizations in Asian-Pacific Security Treaty Countries.
- f) Non-members of Madera Post 131, but current members of other American Legion Posts, including other Legion Auxiliary Units and other Sons of American Legion Squadrons. These individuals may host guests if they are personally familiar with the guest and whose presence as a guest is in response to their specific and personal invitation. As a host they are responsible for their guest(s) and must remain with their guest(s) while in the Club/Lounge. The guest(s) must be signed in by their host Member.

- g) Spouses, family Members or significant others when accompanied by individuals listed in (a) through (e) above. However, these individuals may not host additional guests.

SECTION 6. The authority to enforce established Club/Lounge Rules is given to the bartender(s), or a Madera Post 131 Executive Board Member.

SECTION 7. Bartender(s) on duty, or an Executive Board Member of the Post have the right to refuse service to anyone and/or to eject disruptive persons from the Club/Lounge or Post property.

SECTION 8. If a disruptive incident occurs, the bartender(s) on duty or Executive Board Member of the Post may verbally require any patron and/or his/her guest to leave the Club/Lounge and Post for the remainder of the day without any further notice or due process. After a review of the incident, the Executive Committee may assess additional penalties.

SECTION 9. If the patron is an Auxiliary Member or SAL Member of the Post, the Post Commander will advise the Auxiliary President or Squadron Commander so they can take any additional disciplinary action they deem appropriate under their respective controlling documents.

ARTICLE XII - FINANCIAL REGULATIONS

SECTION 1. There shall be a minimum of two authorized signatories 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 2. 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 3. 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.

- a) Items donated to the Post for fund raising purposes need not be included.
- b) The actual care and safekeeping of all properties shall be entrusted to the Adjutant, Sergeant-at-Arms and the Historian.
- c) A written inventory shall be conducted prior to the installation of officers each year and presented to the incoming Finance Officer.
- d) A copy of this inventory shall be made available to all Post Members. This may be a Post newsletter or bulletin board Posting.

SECTION 4. 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.

SECTION 5. All records contained in Post files or storage that pertain to the American Legion or Madera 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.

SECTION 6. Income tax returns and supporting documents should be maintained for three years after the current tax year, subject to statute of limitations.

SECTION 7. Certain business records, other than permanent records, should be maintained for seven years. Permanent records include 501(c)(19) documents, Articles of Incorporation, Licenses and permits, and other significant correspondence to include legal documents.

APPENDIX

Section 1. Service Animals

A.R.S. § 11-1024 (excerpt) defines a service animal as a dog, however the Americans with Disabilities Act (ADA) includes a provision for miniature horses.

Service animals are specifically trained to work or perform tasks for an individual with a disability. 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. Consequently, **a dog or other animal that provides emotional support, well being, comfort or companionship is not a service animal.**

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.

When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

- 1) Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- 2) A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- 3) Establishments that sell or prepare food must generally allow service animals in public areas even if state or local health codes prohibit animals on the premises.

- 4) People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- 5) Staff are not required to provide care for or supervision of a service animal.

Section 2. Disorderly Conduct:

A.R.S. § 13-2904 (excerpt) defines Disorderly Conduct as:

A person commits disorderly conduct if, with intent to disturb the peace or quiet of a neighborhood, family or person, or with knowledge of doing so, such person:

1. Engages in fighting, violent or seriously disruptive behavior; or
2. Makes unreasonable noise; or
3. Uses abusive or offensive language or gestures to any person present in a manner likely to provoke immediate physical retaliation by such person; or
4. Makes any protracted commotion, utterance or display with the intent to prevent the transaction of the business of a lawful meeting, gathering or procession.

Section 3. Roberts Rules of Order (excerpt)

Main Motion

- You want to propose a new idea or action for the group.
- After recognition, make a main motion.
- Member: "Commander, I move that _____."

Amending a Motion

- You want to change some of the wording that is being discussed.
- After recognition, "Commander, I move that the motion be amended by adding the following words _____."
- After recognition, "Commander, I move that the motion be amended by striking out the following words _____."
- After recognition, "Commander, I move that the motion be amended by striking out the following words, _____, and adding in their place the following words _____."

Refer to a Committee

- You feel that an idea or proposal being discussed needs more study and investigation.
- After recognition, "Commander, I move that the question be referred to a committee made up of members Smith, Jones and Brown."

Postpone Definitely

- You want the membership to have more time to consider the question under discussion and you want to postpone it to a definite time or day, and have it come up for further consideration.
- After recognition, "Commander, I move to postpone the question until _____."

Postpone Indefinitely

- You want to kill a motion that is being discussed.
- After recognition, "Commander, I move to postpone the question indefinitely."

Previous Question

- You think discussion has gone on for too long and you want to stop discussion and vote.
- After recognition, "Commander, I move the previous question."

Limit Debate

- You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question.
- After recognition, "Commander, I move to limit discussion to two minutes per speaker."

Recess

- You want to take a break for a while.
- After recognition, "Commander, I move to recess for ten minutes."

Adjournment

- You want the meeting to end.
- After recognition, "Commander, I move to adjourn."

Withdraw a Motion

- You have made a motion and after discussion, are sorry you made it.
- After recognition, "Commander, I ask permission to withdraw my motion."

Call for Orders of the Day

- At the beginning of the meeting, the agenda was adopted. The Commander is not following the order of the approved agenda.
- Without recognition, "Call for orders of the day."

Suspending the Rules

- The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.
- After recognition, " Commander, I move to suspend the rules and move item 5 to position 2."

Point of Personal Privilege

- The noise outside the meeting has become so great that you are having trouble hearing. Without recognition, "Point of personal privilege."
- Commander: "State your point."
- Member: "There is too much noise, I can't hear."

Executive Session

- You are going to propose a question that is likely to be controversial and you feel that some of the members will try to kill it by various maneuvers. Also, you want to keep out visitors and the press.
- After recognition, "Commander, I move that we go into an executive session."
- Requires a majority vote.

Point of Order

- It is obvious that the meeting is not following proper rules.
- Without recognition, "I rise to a point of order," or "Point of order."

Point of Information

- You are wondering about some of the facts under discussion, such as the balance in the treasury when expenditures are being discussed.
- Without recognition, "Point of information."

Point of Parliamentary inquiry

- You are confused about some of the parliamentary rules.
- Without recognition, "Point of parliamentary inquiry."

Appeal the decision of the Chair

- Without recognition, "I appeal the decision of the Commander."

CONSTITUTION AND BYLAWS
OF MADERA POST 131, DEPARTMENT OF ARIZONA

AMENDED, RESTATED AND RATIFIED BY THE EXECUTIVE COMMITTEE
PRESENT
ON October 12, 2023

Approvals and Signatures

Joe Melhorn
Commander, Madera Post 131

Dated _____

Sam Barnard
Chair, Constitution and Bylaws Committee

Dated _____

Reviewed by

Department Judge Advocate
The American Legion, Department of Arizona

Dated _____

BYLAWS COMMITTEE FOR THE 2023 YEAR:

Joe Melhorn Post Commander
Sam Barnard, Post Judge Advocate
Dan Cady, Past Post Commander