

Constitution of Morgan County, Post No. 15

Department of Alabama

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 good will on earth; to safeguard and transmit to posterity the principles of justice, freedom, and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Article I - NAME

Section 1. The name of this organization shall be Morgan County Post No. 15, The American Legion, Department of Alabama.

Article II - OBJECTS

Section 1. The objects and purposes of this Post shall be to promote the principles and policies set forth in the foregoing preamble, and the National Department Constitutions of The American Legion.

Article III - NATURE

Section 1. This Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2. This organization shall be absolutely non-political and shall not be used for the dissemination of partisan principles, or for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Rank does not exist in the American Legion. No member shall be addressed by his military or naval title in any meetings of this Post.

Article IV - MEMBERSHIP

Section 1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion.

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

Section 3. All applications shall be acted upon at the next Post meeting following the making of such application, and shall, at such meeting be accepted, rejected or deferred for further investigation and consideration *If the majority of members present votes against the acceptance of said application*, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six (6) months from the date of such rejection. Annual dues payment received prior to January 1 of the year for which payment is intended, shall constitute automatic renewal of membership.

Section 4. By a majority vote of the members of the Executive Committee present, a member may be suspended from the use of the club room or activities on the property of this Post for failure to observe Posted Rules for Operation as set up by the Executive Committee. Members suspended from this Post for violation of the posted rules shall be reinstated by a two-thirds (2/3) vote of the membership present at a regular Post meeting and the payment of current dues for the year in which reinstatement occurs. Any member suspended for violation of the posted rules retains the right to attend any regular or district meeting held at the Post home. The length of suspension shall be at the discretion of the Executive Committee with a maximum of twelve (12) months.

Section 5. Suspension or expulsion of members for cause shall be conducted in accordance with procedures set forth in the Officer's Guide and Manual of Ceremonies.

Section 6. No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, he may then appeal to the Department Executive Committee of the Department of the expelling Post for permission to apply for membership in another Post, and shall be ineligible for membership until such permission is granted.

Article V - Officers

Section 1. The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee, chaired by the Commander, consisting of the Chairmen of the following committees: Legal, Americanism, Disaster, Security in addition to the elected officers of the Post and the immediate Past Commander. The term of office of members of the Executive Committee shall be for one year. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The elected officers of the Post shall be a Commander, 1st Vice Commander, 2nd Vice Commander, Finance Officer, Post Chaplain, Adjutant, and two (2) Sergeant at Arms, and / or *Post Executive Committeeman* and such other officers as

may be deemed necessary by this organization, who shall be nominated and elected as set forth in the Post By-Laws.

Section 3. The Commander shall appoint such committees as deemed necessary to the operation of the Post. The following committees shall be standing committees and the Chairman as appointed by the Commander shall serve on the Executive Committee: Legal Committee, Americanism Committee, Disaster Committee, and the Security Committee. The chairman of the Legal Committee shall serve as Post Judge Advocate and Parliamentarian.

Section 4. All elected officers and appointed Executive Committeemen shall be elected or appointed annually and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committeeman may be removed for inefficiency by the Executive Committee, a two-thirds (2/3) vote, of the Executive Committee present, being necessary to effect such removal.

Section 5. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 6. The duties of officers and the executive committeemen shall be those usually pertaining to such officers or committeemen and as further provided in the By-Laws.

Article VI - Finance

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

Section 2. The amount of such membership or initiation fees and the amount of such annual Post dues shall be fixed and determined by this Post, except that such amount fixed shall provide that said amount shall include the Department and National dues as required.

Section 3. The Post shall pay to Department Headquarters the National and Department annual membership dues for every member of the Post in the amount set by National and Department Headquarters.

Article VII – CORPORATION AUTHORITIES

Section 1. This Post shall be incorporated under the Alabama Non-Profit Corporation Act, to avail itself of all rights, powers and privileges of said Act, and become subject to all duties, obligations and responsibilities conferred and imposed by said Act. This Post is not organized for financial gain. The name of this corporation shall be, "Morgan County Post No. 15, The American Legion, a Corporation".

Section 2. Said Corporation shall have the powers and authorities as set forth and enumerated for "Alabama Non-Profit Corporations" under Act No. 578 of the 1955 Legislature of the State of Alabama. Said corporation shall have the power to purchase, improve, develop, lease, exchange, sell, dispose of, and otherwise deal in and turn to account, real estate; to purchase, lease, build, construct, erect, occupy and manage buildings of every kind and character wherever situated' to finance the purchase, improvement, development and construction of lands and buildings belonging to or to be acquired by this corporation , or any other person, firm or corporation; to buy, sell, rent, lease and exchange real estate, improved or unimproved; to purchase, acquire, hold, own, mortgage, pledge, lease, sell, assign, and transfer the same; to enter into, make, perform contracts of every kind with any person, firm, association or corporation, municipality, body politic, county, territory, state government, or dependency thereof, and without limits as to the amount; to draw, make, accept, endorse, discount, execute, promissory notes, drafts, bills of exchange, warrants, bonds, mortgages, debentures, or other negotiable or transferable instruments and evident of indebtedness, whether secured by mortgage, or otherwise, as well as to secure the same by mortgage, or otherwise, so far as may be permitted by the laws of , the State of Alabama; to do any and all of the things herein set forth to the same extent as natural persons might or could do, in any part of the world, as principals, agents, contractors, trustee or otherwise, either alone or in company with others, all of which power and authorities shall be utilized in carrying out the purposes of this corporation. The Department Executive Committee shall be notified prior to the sale of real property.

Article VIII – CHARTER MEMBERS

Section 1. Members who joined this Post prior to November 11, 1919 shall be known as charter members.

Article IX – AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Morgan County, Post No. 15, The American Legion.

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

Article X - AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Department of Alabama, The American Legion. Any Amendments to said National Constitution or Department Constitution which is in conflict with any provisions thereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any regular Post meeting by vote of two-thirds (2/3) of the members of said Post attending such regular meeting, providing that the proposed amendment shall have been submitted and read at the preceding regular meeting of said Post, and providing, further, that written notice shall have been given to all members at least ten (10) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

BY-LAWS

Article I - NAME

Section 1. The Post existing under these By-Laws is to be known as Morgan County Post No. 15, The American Legion, Department of Alabama.

Section 2. The objects of this Post are as set forth in the Constitution.

Article II - MANAGEMENT

Section 1. The government and management of the Post is entrusted to an Executive Committee.

Section 2. The Post shall annually elect its officers at a regular Post meeting preceding the annual Department Convention, such officers to be installed and take office at the last regular meeting in June. The names and addresses of officers so elected shall be promptly transmitted to Department Headquarters. The outgoing Commander shall be Chairman of the Department Convention delegation. The Executive Committee shall consist of four (4) members in addition to the officers of the Post. These four (4) members of the Executive Committee shall be the Chairmen of the following committees: Legal, Americanism, Disaster, and Security. The immediate Past Commander shall also be a member of the Executive Committee.

Section 3. The Commander shall appoint two (2) Nominating Committees at the first meeting in May. These committees shall report their respective slate of officers at the second meeting in May, at which time nominations shall be received from the floor. No member shall be nominated for more than one elective office. No further nominations will be accepted after the nominations are closed unless an emergency exists as determined by the Parliamentarian.

Section 4. All vacancies existing in any office of an elected position from any cause other than expiration of the term will be filled as follows: First Vice Commander will ascend to Commander; Second Vice Commander will ascend to First Vice

Commander. The position of Second Vice Commander and all other elected positions shall be filled by a majority vote of the remaining members of the Executive Committee, and a person(s) so appointed shall hold office for the unexpired term of the officer whom he succeeds.

Section 5. All vacancies existing in the appointive positions shall be filled by the Commander, and a person so appointed shall hold office for the unexpired term of the member of the committee whom they succeed.

Section 6. A vacancy shall exist when a member of the Executive Committee or Officer is absent from his post for three (3) consecutive regular meetings. A member can be removed from office after a majority of members present vote on said officer. When a member of the Executive Committee or Officer is considered detrimental to the interest of the Post by two-thirds (2/3) of the Executive Committee present, he shall be removed.

Article III – POST EXECUTIVE COMMITTEE

Section 1. The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten (10) days after the installation of new officers. Thereafter the Post Executive Committee shall meet at the call of the commander at least every forty-five (45) days and as often as said Commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of said Executive Committee. *A majority of the Executive committee, that is, more than half of all members of the Committee shall constitute a quorum.*

Section 2. The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having custody of Post funds; shall hear reports of Post Committee Chairmen; and generally, shall have charge of and be responsible for the management of the affairs of the Post; and shall have charge of all matters pertaining to the Post quarters and promotion of club advantages.

Section 3. The Post Executive Committee shall have the authority to approve recommendations for repair, maintenance, or improvement of property where the cost estimate for the same does not exceed one thousand dollars (\$1000.00). If the cost estimate for any repairs, maintenance, or improvements on the property shall exceed one thousand dollars (\$1000.00), the Executive Committee after considering the same shall submit it with their recommendations *and* cost to the members of the Post at a regular meeting, and the members present at such meeting shall approve or disapprove the same.

Article IV – 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. He / She shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. He / She shall perform such other duties as directed by the Post membership.

Section 2. Duties of First Vice Commander: The First 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. He / She shall be Chairman of the Membership Committee and member of such other committees as appointed.

Section 3. Duties of Second Vice Commander: The Second Vice Commander shall assume the duties of the First Vice Commander in their absence and perform other duties as required and also be in charge of all entertainment and social activities.

Section 4. Duties of Post Adjutant: The Post Adjutant shall have complete charge of and keep full and correct records of all proceedings of all meetings, keep such records as the Department and National Organization may require, render reports of membership annually or when called upon at a meeting and under the direction of the Commander shall handle all correspondence of the Post.

Section 5. Post Chaplain: The Post Chaplain shall be charged with the spiritual welfare of the Post Comrades and will offer divine but non-sectarian 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 6. Duties of Sergeant-at-Arms: The Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to them by the Post Commander.

Section 7. Duties of the Finance Officer: The Finance Officer of the Post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Executive Committee the conditions of the finances of the Post, with such recommendations as they may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He / She and/or the Commander/Adjutant shall sign all checks disbursing the monies of the Post; after proper authority for disbursing has been given by either the Commander, Executive Committee, as budgeted or on direction from a motion as passed by the members.

He / She shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee.

Article V - DELEGATES

Section 1. Delegates and Alternates to a Department Convention and other conferences and meetings shall be elected by ballot by the Post at a regular meeting of the Post to be held at least twenty (20) days prior to the date of such convention or meeting. The amount of reimbursement for expenses shall be recommended by the Executive Committee to the general membership for approval.

Section 2. The Post Commander and Post Adjutant shall be the official representatives to the National Convention. The amount of reimbursement for expenses shall be recommended by the Executive Committee to the general membership for approval.

Article VI - APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Disaster Relief, Security, Americanism, *Bingo*, Legal, Publicity, Service, and Athletic. Such standing committees shall consist of such members and the Chairman thereof, as shall be designated by the Post Commander.

Section 2. The First Vice Commander shall appoint his/her own Membership Committee. The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members and eligibility of membership.

Section 3. Duties of the Bingo Chairman: The Bingo chairman shall have responsibility for the operation of the Bingo activities of the Post, reporting directly to the Commander. The duties will include, but not limited to; having sufficient funds available on hand for the paying of Bingo prizes, and making change when selling Bingo sheets, accounting for all sheets at all times. A detailed report of each Bingo night's activity will be prepared as well as summary reports required by government ordinance or law. The chairman will also insure that all permits and licenses are properly acquired in a timely manner. Additional duties include maintaining a separate bank account for Bingo as required by City ordinance. The Chairman along with the Commander, finance Officer and Adjutant, any two, are authorized to sign all checks disbursing Bingo funds. The Bingo chairman shall furnish such surely bond as fixed by Post Executive committee.

Section 4. Legal Committee: The Legal Committee shall be charged with the legal supervision of Post affairs and audit of Post financial records.

Section 5. Publicity Committee: The Publicity Committee shall be charged with the promotion of public support of the Legions programs by the establishment of proper contact with the American Legion Magazine, Department and National Legion News Service and by local publicity of Post programs and activities.

Section 6. Rehabilitation and Service Committee: The Rehabilitation and Service Committee shall supervise all matters pertaining to service to Comrades in the prosecution of all just claims against the United States or State Governments, employment, relief, etc.

Section 7. 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, etc., and activities for community and civic betterment.

Section 8. Athletic Committee: The Athletic Committee shall be charged with the promotion of physical development and clean sports by the organization of Post athletic teams, recreation etc., and by cooperation and support in general recreational and athletic programs in the community.

Section 9. Disaster Relief Committee: With the consent and advice of the constituted authorities, a permanent Post Committee of Home Defense and Disaster Relief should be organized.

Section 10. Sons of The American Legion Committee: Shall have oversight of the operations of the Post's Squadron of The Sons of The American Legion.

Section 11. Child Welfare 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 World War Veteran shall be in need of the necessities of life" and "a square deal for every child".

Section 12. Defense Committee: Shall work with and coordinate Legion efforts with the Local Defense Council on matters pertaining to national, civilian, and home defenses. To 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 13. Security Committee: The Security Committee wherever possible shall assist in the procurement of personnel for the Regular and Reserve Services and

maintain contact with local Armed Forces units and assist them in explaining their role to local citizens.

Article VII – TENURE OF OFFICE

Section 1. The tenure of office of the appointed Post Officers shall be at the pleasure of the appointive power, providing that no term of office shall exceed that of the appointive power, and subject to the other applicable sections of these By-Laws.

Article VIII – BOARD OF TRUSTEES

Section 1. There shall be an elected board of trustees consisting of five (5) members of this Post in good standing. The elected members shall serve a term of three (3) years from the date they assume office unless otherwise removed from office as provided in these By-Laws. Beginning with the elections in June 1982, there shall be three (3) trustees elected for the vacancies existing at that time. The two receiving the highest number of votes shall serve for three (3) years and the one receiving the third highest number of votes shall serve for two (2) years. Thereafter, all trustees shall service for three (3) year terms.

Section 2. An election shall be held annually as provided in Article II of the By-Laws. Any member being removed for cause or any other reason, or who resigns prior to expiration of his term of office shall be replaced by the Executive Committee. Appointees of the Executive Committee shall serve only until the next regular elections.

Section 3. The board of trustees shall administer the Corporation of this Post. Further, they shall be custodian of all property belonging to the Post for the purpose of acting as agents of the Post in conveying property under the Corporation only as outlined in Section 2, Article VII of the Constitution. They shall have no authority to convey any of said property or interest therein until authority to do so is granted by the Post in the proper manner, which shall be the same method as to amend *the* Constitution as outlined in Section 2, Article X of the **C**onstitution.

Article IX - RESOLUTIONS

Section 1. All resolutions of State or National scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and copy of same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

Article X - MEETINGS

Section 1. The regular meetings of the Post shall be held at the Post Home on the fourth Monday, except the fourth Monday in December, at 7:00 P.M. at which time

may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the Post. Any change in the location of the regular meeting place shall be announced by the Post Commander at the regular meeting preceding the date on which the meeting place change will occur.

Section 2. The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

Section 3. Upon the written request of ten (10) members, the Executive Committee shall call a special meeting of the Post.

Section 4. *Twenty-five (25)* members shall constitute a quorum.

Article XI - NOTICES

Section 1. Every member shall furnish the Post Adjutant with his or her address for mailing purposes.

Section 2. The Post Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

Article XII – RULES OF ORDER

Section 1. All proceedings of this Post shall be conducted under and pursuant to Roberts' Rules of Order, except as herein otherwise provided.

Article XIII – LIMITATIONS OF LIABILITIES

Section 1. This Post shall incur, or cause to be incurred, no liability or obligations whatsoever which shall subject to liability any other Post, subdivision, group, members of The American Legion, or other individuals, corporations or organizations.

Article XIV - AMENDMENTS

Section 1. The By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing and read at the preceding regular meeting of said Post and provided, further, that written notice is placed conspicuously in the Post at least ten (10) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

Section 2. Upon approval of these By-Laws, a copy of the Post Constitution and By-Laws for each member will be available at the Post Home.

Prepared by Constitution and By-Laws Committee:

Ralph Terry, Chairman
Earnestine Doubek
Chuck McClendon
Roger Groves

Harald W. Belletete, Commander

Approved February 26th 2018

Jay Snow
Department Judge Advocate

**Revisions read and Posted January 22 2018 Meeting
Voted & Approved by Membership February 26th 2018 Meeting**

Reviewed and Revised by Constitution & By-Laws Committee:

Ralph Terry, Chairman
Chuck McClendon
Earnestine Doubek
Roger Groves