

LAKEWOOD AMERICAN LEGION

POST 178

BY LAWS



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BY-LAWS
ARTICLE IX
THE EXECUTIVE COMMITTEE

Section 1. The Executive Committee of the Post shall consist of the Commander, 1st Vice-Commander, 2nd Vice-Commander, Finance Officer, plus three (3) members elected at large from the general membership. The other officers of the Post shall be members of the Executive Committee with no vote for a period of one (1) year from date of election, and should a vacancy or vacancies occur, they shall be filled automatically by operation of the provisions of the By-Laws. The Post Commander shall serve as chairman of the Executive Committee and in his absence a temporary shall be the next highest ranking officer of the Post present at the particular meeting.

Section 2. The Executive Committee shall hold regular meetings on Tuesday immediately prior to the regular membership meeting, or the following day should the meeting fall on a holiday and they shall hold other such special meetings as may be deemed necessary by the Post Commander which shall be called with twenty four hours prior notice. The Post Adjutant shall act as Secretary to the committee.

Section 3. The Executive Committee shall function as the Board of Directors for the Post # 178, the American Legion Corporation as filed with the Secretary of State, and such shall act in accordance with the Articles of Incorporation.

Section 4. The Executive Committee shall act on all matters of policy concerning the operation of the Post and the operation of the Club. They shall submit any and all recommendations of actions to the General Membership for final approval, except those actions that require immediate attention, such as covered by Article XII, Section 8.

Section 5. The Executive Committee shall act as the nominating committee of the Post, and shall make such recommendations to the Membership-at-Large from nominating candidates for office from the floor or from electing same as may be desired by the membership.

Section 6. The Executive Committee shall establish a format for Post Operation policies and ensure that other functional entities establish and maintain their policies as required elsewhere in these by-laws. The Executive committee shall have approval authority of all Post operation policies. When approved, the Executive Committee shall provide four (4) copies of each policy to the Post Adjutant for inclusion in the Post Operation Manual.

Section 7. The Executive Committee should bring other extraneous expenditures to the meeting for approval. It shall have the authority to recommend the expulsion or the suspension of any member of the Post by a two thirds (2/3) vote of the board for any violation of the Constitution, By Laws, Policy Operation Manual, or for any conduct improper or prejudicial to the welfare of the Post, the American Legion, or the United States Government. Such recommendations shall be in writing and shall specify the nature of the charge in clear and concise language in conformance with Article XII, Section 8, of these By Laws.

Section 8. A special meeting of the Executive Committee shall be called when a joint request of seven or more members is received.

Section 9. The Executive Committee shall establish requirements to fulfill due diligence and to assure member and public safety, security and protect the Post from liability. Background checks shall be required for all officers nominated to hold any Post position. Nominees for office shall be informed of this requirement and may withdraw from selection without question. Background checks will be conducted prior to election and officer candidates will be informed of any unfavorable findings that may disqualify them in accordance with these By Laws before election. All findings shall be kept strictly confidential.

Section 10. Election and Term of Office of the Executive Committee: One member shall be elected to a three-year term, one member to a two-year term and one member to a one-year term. The term limits of these members shall be determined by the number of votes that each receive during the election. Members of the Executive Committee shall hold office until their successors have been duly elected and qualified. All past Post Commanders and Finance Officers are members of the Executive Committee without vote. The Post Commander is the chairperson of this committee. The Adjutant is the secretary of this committee.

Section 10.2 Elected members of the Executive Committee shall take office as described in the Post Constitution , Article V, Section 1.

Section 11. Vacancies arising in the Executive Committee shall be filled consistent with Article V Section 5 of the Post Constitution. Nominee recommendations by the majority vote of the remaining members of the Executive Committee shall be presented at the next general membership meeting for motion to nominate. The meeting shall be open to other motions for nominations from the floor. Following motions and discussion, majority vote approval will select the replacement officer. Nominee officer or officers so elected, shall hold office until the next regular election.

Section 12. Quorum: A quorum shall consist of one (1) officer and two voting members.

Section 13. The Executive Committee shall perform other duties as provided for elsewhere in these By-Laws.

ARTICLE X

THE CORPORATION BOARD

Section 1. There shall be established a Corporation Board consisting of **seven** members, two of which are the Post Commander and 2nd Vice Commander. Three non-officer members will be elected: the term of office will be determined by the number of votes that each member receives. i.e.: the member with the most votes fills a three year term, etc. Two members shall be appointed by the Commander after Installation of Officers: one representative from SAL and one representative from AUX for a period of one (1) year. The appointments shall take effect at the next Corporation Board meeting. The chairperson shall be elected by the Corporation Board members at a regular meeting of the Corporation Board. The Corporation Board shall answer to the Post Membership. The duties of the Corporation Board shall be consistent with this Article X, of the American Legion Post 178 By Laws.

Section 2. The Corporation Board Records shall be audited not less than once annually.

Section 3. The Corporation Board shall report income and expenditure at each general membership meeting.

Section 4. Upon their election to office, the Corporation Board shall hold a meeting for the purpose of selecting a chairman, a vice-chairman, and a secretary, and shall do so annually thereafter following the annual elections. At such meeting they shall organize for the carrying on of the affairs and management and business of the Post Club, and other matters related thereto.

Section 5. The Corporation Board shall have the right and authority to employ such employees as may be deemed necessary and advisable in the proper organization, management and operation of the Post Club, Post Club facilities, and other related functions. They shall make regular reports to the Membership-at Large concerning the operation and conduct of these functions, and shall be responsible for their proper conduct in accordance with good business principles.

Section 6. The Corporation Board shall hold one regular meeting each month on Tuesday one week immediately after the regular membership meeting, the designated time to be decided by the newly elected Corporation Board, or the following day should the meeting day fall on a holiday, and shall hold such special meetings as the chairman may elect,

or as a majority-of the Corporation Board shall see fit to call, upon giving twenty-four (24) hours advance notice to the other members of the Corporation Board. Such notice shall be given by the secretary. The secretary shall keep a complete roster of the members of the Corporation Board, showing when elected and the dates when terms expire, attendance of members, and a complete set of minutes of the meetings, which shall be open to the inspection of other members.

Section 7. The minutes of any and all regular business meetings and special meetings of the Corporation Board shall be kept in a regular minute book with numbered pages to be kept for that purpose and the same shall be read to and approved by the Corporation Board at their next regular meeting and signed by the chairman and/or the secretary.

Section 8. Any member can be removed from the Corporation Board for any just cause at the discretion of the Corporation Board by a three-fourths (3/4) majority of the members. Failure to attend three successive regular meetings without a previous acceptable excuse shall be deemed "just cause".

Section 9. A majority of the members of the Corporation Board shall constitute a quorum for the transaction of business which shall be regularly brought before a meeting.

Section 10. The Corporation Board shall initiate and maintain operating policies, including pricing, salaries, vacations, absenteeism, maintenance, and responsibilities and duties of the club employees when approved by the membership. These policies will be included in the Post Operation Manual.

Section 11. The Corporation Board shall strictly adhere to local, State and Federal regulations concerning beverages, sales taxes, FICA and withholding taxes. "Contract and casual labor will be permitted at the discretion of the Corporation Board".

Section 12. Nominations for the Corporation Board shall occur at the Post regular general membership meeting during the months of April, and election shall occur at the May meeting. Members elected shall assume their respective duties immediately following the election.

Section 13. The Post Commander and the 2nd Vice Commander shall be members of the Corporation Board during the year of their term of office. Members elected to the Corporation Board from the membership-at-large shall serve for a period of one, two or three years as set forth in the provisions of these By Laws.

Section 14. Any member of the Post in good standing for a period of one (1) calendar year or more prior to election shall be eligible to serve on the Corporation Board as provided in Article V. The elected chairman of the Corporation Board shall be a member of the Corporation Board in good standing for a period of one (1) year.

Section 15. Vacancies arising on the Corporation Board for any cause other than expiration of term of office shall be replaced by the general membership of the Post consistent with Article V, Section 5 of the Post Constitution and such board member so elected shall hold office until the vacancy to which elected expires.

ARTICLE XI

DISBURSEMENT OF POST FUNDS

Section 1. The funds of this Post shall be disbursed only after prior approval of the general membership and based upon the recommendations of the budget and finance committee. No funds shall be disbursed unless there remains in the budget account for that specific purpose a balance from which such disbursement may be made. Any payment in excess of the amount budgeted for that item, or for any item not previously budgeted, must be brought before the budget and finance committee for consideration, and submitted to the general membership for approval before any disbursement may be made.

Section 2. The Commander, Adjutant, and Finance Officer are authorized to disburse funds after approval, and any two of the three officers must sign any checks or drafts drawn to make such payments.

Section 3. The Commander may veto the disbursement of Post funds that are budgeted under the programs expense portion of the budget, and must do so within 3 days after approval by the membership; This veto must be in writing, with reason given for the veto, dated and signed, and given to the Finance Officer and the Adjutant. The Finance Officer and Adjutant may take no action to disburse these funds until the Commander has had the opportunity to exercise veto power.

Section 4. In the event that the Post Commander shall veto the disbursement of any Post programs expense funds previously approved, then the general membership shall have the option of overriding the veto by a two-thirds (2/3) majority vote of those present at the next regular or special membership meeting after the Commander's veto. The budget and finance committee shall meet prior to such meeting and consider the veto and shall make their recommendations to the membership on the veto. Should the membership override the veto, then the Commander shall have no further veto power on this subject.

Section 5. The Post Commander may disburse emergency funds from the budgeted emergency line items. Disbursement shall be limited to a maximum of \$100.00 per occurrence and \$500.00 total disbursement in this manner per fiscal year.

Section 6. The net income from the use of any and all property, both real and personal which may be owned by the Corporation shall be exclusively and irrevocably dedicated to any of the purposes specified in Colorado Revised Statutes 39-3-101, le thru lg, and the purposes of this corporation.

ARTICLE XII

MEMBERSHIP REGULATIONS

Section 1. All persons shall be eligible for membership in this Post who are eligible for membership in the American Legion, as provided in the National Constitution of the American Legion.

Section 2. Each candidate for membership shall fill out and sign the required application showing his/her eligibility for membership in the American Legion.

Section 3. All applications for membership shall be made in writing. Applications shall be turned over to the Adjutant for review of the DD Form 214, other discharge documentation and/or current military ID After review, it shall be turned over to the Executive Committee for approval, with final approval by the general membership.

Section 4. Any person eligible for membership as foresaid, may become a member of this Post upon his/her election by a vote of two-thirds (2/3) of the members of the Post present at any regular meeting of the Post, and upon the payment of dues for the current year and upon taking the oath and subscribing to the bylaws of the Post.

Section 5. All new members are strongly encouraged to attend the General Membership meeting where their application is voted on to be initiated and receive their membership/key cards. For those who cannot attend, membership/key cards will be mailed on the next business day.

Section 6. Each and every member of this Post shall be eligible to hold office, providing he/she is a member in good standing and has been a member of the Post for at least one year. This section shall not be deleted for the purpose of election of Post officers.

Section 7. Each member of this Post has the right to one vote, in-person, and not by proxy, after 90 days of membership in this Post.

Section 8. Any member(s) may be expelled from this Post for cause. Charges must be submitted in writing. A Post Committee shall be convened to review the charge(s), consisting of five (5) members of this Post, who shall be selected and findings approved by the Executive Committee, then approved by a majority vote of the membership held at the next general membership meeting, or at a meeting prescribed for in the Post By-Laws. Further, the member(s) shall be served with a copy of the charge(s) at least ten days prior to the review date fixed by the Post Committee, allowing adequate time for the member(s) to prepare a defense.

Section 9. A written charge of disloyalty, neglect of duty, dishonesty or conduct unbecoming an officer or Legionnaire shall be considered sufficient cause for removal from office or expulsion or suspension of members of the Post. Refer to the National By-Laws.

Section 10. All recommendations of the Executive Committee for expulsion or suspension of members of the Post, as provided in Article XII, Section 8., hereof, shall be read at a regular meeting of the Post, and a true copy thereof, duly mailed by registered mail to the last known address of the person against whom the charge is made at least ten (10) days before the next regular meeting of the Post. At said meeting, or at any subsequent meeting to which the matter continued, the said recommendation shall again be read and shall be balloted upon by the members present. Provided, however, that the member charged shall have the recommendations or may be represented by counsel, and expulsion or suspension shall only be upon two-thirds (2/3) vote of the members of the Post present at such meeting.

Section 11. Any Post officer or member of the Executive Committee may be removed from office for cause by a majority vote of the Executive Committee, after filing of written charges with the Adjutant. Upon notification of the vote to the general membership and upon a majority vote by the general membership, the officer or member shall be removed from office forthwith. This vacancy shall be replaced in accordance with Article V., Section 5.

Section 12. Any officer of this Post may be removed from office when he/she has failed to attend three consecutive general membership meetings without good cause. Any member of the Executive Committee who fails to attend three consecutive regular meetings of the Executive Committee or three consecutive general membership meetings without good cause shall be removed from office. This vacancy shall be replaced in accordance with Article V., Section 5.

Section 13. Right of Appeal: Any member has the right to appeal the decision of the Executive Committee or Post Committee to the Department Executive Committee.

Section 14. A member whose dues for the current year have not been paid by January first shall be classified as delinquent. If his dues are paid on or before February first, he shall be automatically reinstated. If he is still delinquent after February first, he shall be suspended from all privileges.

ARTICLE XIII

MEETINGS OF THE POST

Section 1. General Membership Meetings: General membership meetings of this Post shall be held at The American Legion home on the first Tuesday of each month (except for holidays – a new date and time will be set by the Post Commander), at which time business deemed proper for action will be discussed. The Post meeting will be conducted per Section Regular Meeting Opening and POW/MIA Empty Chair, American Legion Officers Guide and Roberts Rules of Order.

Section 2. Special General Membership Meeting: A special general membership meeting may be called by the Post Commander or the Executive Committee, at any time, providing the membership has been notified at least ten days in advance.

Section 3. Upon the written request of ten or more members, either the Post Commander or the Executive Committee shall call a special general membership meeting of the Post, with written notice of the time, place and purpose. A notice of the special general membership meeting must be given to each member at least ten days prior to the date of the special meeting. No business other than that which was approved in the written notice shall be transacted.

Section 4. All board, corporation and committee meetings shall be open to the general membership. Each entity will report at the next general membership meeting.

Section 5. Quorum: A quorum shall consist of three elected officers plus the total count of paid membership present.

Section 6. The order of business of the meetings of the Post shall be in accordance with the Post Officers guide.

Section 7. Alcohol consumption is forbidden during any regular or special membership meeting.

ARTICLE XIV

NOTICES

Section 1. Every member shall furnish to the Post Adjutant an address to which all notices and documents are to be sent, and the same shall be held to have been duly sent to or served upon a member when posted or otherwise mailed to him at the address so furnished.

Section 2. Due notice shall be given of all meetings of the Post.

Section 3. The monthly newsletter shall be published on the Post web site, sent to members e-mail and posted at the Post.

ARTICLE XV

RULES OF ORDER

Section 1. Roberts Rules of Order shall be followed in conducting all meetings of the Post, the Corporation Board, and the Executive Committee, except as otherwise expressly provided herein.

ARTICLE XVI

AMENDMENT OF BY-LAWS

Section 1. By-Laws: Any altering, amending or repealing of By-Laws can be submitted directly to the Judge Advocate or recommended from the floor during New Business of the Post meeting. All altering, amending or repealing of By-Laws are required to be referred to the Judge Advocate for review and clarification. The Judge Advocate is required to bring any By-Law alterations; amendments that need to be made in no later than the next Post meeting following receipt and will be brought to the floor in the form of a motion, second, and debated. The Post Membership will be notified no later than 10 days prior to the voting of the changes. This notification will be posted at the Post, in the Post Newsletter and sent by e-mail. The changes need to be passed by 2/3s vote of the Post membership present at the meeting before it can be implemented. In the absence of the Judge Advocate, the Executive Committee shall assume this responsibility.

ARTICLE XVII

DELEGATES TO CONVENTIONS

Section 1. Delegates and alternates to the District and Department conventions shall be elected at a regular meeting of the Post to be held at least thirty (30) days prior to the date of such convention.

Section 2. The Post Commander shall be the chairman of the delegation from the Post to the District and Department conventions. In the event of his failure, refusal or inability to head such delegation, the next highest ranking officer shall serve as chairman.

ARTICLE XVIII

DISTRIBUTION OF BY-LAWS

Section 1. It shall be the duty of the Post Adjutant to make distribution of copies of these by-laws to all newly elected officers upon their taking office, and to post a copy thereof in a conspicuous place for the membership.

ARTICLE XIX

STANDING COMMITTEES

Section 1. Each committee shall consist of as many members as may be designated by the committee chairman. All members of the Post shall be given every opportunity to serve on such committees as they prefer, and shall select their committee preferences in order of preference which shall be regarded insofar as possible.

Section 1.1. Such additional committees as may be necessary may be appointed by the Post Commander. Chairmen of these additional committees shall likewise be appointed from the general membership.

Section 1.2. Activities of each of these committees shall be listed in Post "Post Operation Manual". These manuals will be kept available to all chairpersons at all times.

Section 2. **VETERANS AFFAIRS AND REHABILITATION COMMITTEE:** This committee shall supervise all matters pertaining to service to comrades in the prosecution of just claims against the United States or other political subdivisions, and be familiar with veteran's rights or obligations. Additionally, this committee is charged with the responsibility of giving comfort and assistance to members of this Post, whether in need of technical guidance or to support the veterans and their families when sick or bereaved with visits from caring friends from Post 178. The Post Service Officer shall appoint the chairman of the VARC sub-committee.

Section 2.1. NATIONAL SECURITY COMMITTEE: This committee shall be charged with the Post 178 commitment to preservation of national and local security of its members and the public citizens in the event of any threat to the principles of justice, freedom and democracy to which we are committed to uphold.

Section 2.2. AMERICANISM COMMITTEE: This committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observances of patriotic occasions, and the encouragement thereof among schools, aliens, and the general public, and other activities for community and civic betterment. The chairman of this committee shall appoint the chairman of the athletic, boy scouts, boys state and oratorical sub-committees.

Section 2.3. CHILDREN AND YOUTH COMMITTEE: This committee shall be charged with the aid and service of children of veterans in cooperation with other establishments and agencies within the community laboring for the betterment of children's conditions. This committee will coordinate the available services of agencies in the community for the above purposes, and will act as an intermediary for needy children of veterans, fulfilling the pledge of The American Legion that the child of every veteran have the core necessities of life.

Section 2.3.1. ATHLETIC SUB-COMMITTEE: The Athletic Committee shall be charged with the promotion of physical development through clean sports. The committee will be in charge of organizing athletic and recreational teams with the cooperation and support of these types of programs within the community.

Section 2.3.2. BOY SCOUT SUB-COMMITTEE: This committee shall be charged with liaison with all troops we are associated with and recommend and develop and further activity.

Section 2.3.3. BOYS STATE SUB-COMMITTEE: This committee shall be charged with the coordination with local schools and the selection of candidates to Boys State.

Section 2.3.4. ORATORICAL SUB-COMMITTEE: This committee shall be charged with the coordination with the local school and the selection of candidates to the oratorical competition.

Section 2.4 AUDITING COMMITTEE: The auditing committee shall be charged with the auditing of all Post accounts and funds at the direction of the Executive Committee. The chairman of the auditing committee shall be appointed yearly by the Executive Committee.

Section 2.5. BINGO COMMITTEE: This committee shall be charged with functioning of the bingo program subject to approval by the Executive Committee. This committee is charged with the distribution of all funds from pickle and bingo games. This distribution includes, but is not limited to:

- Parties
- Christmas
- Easter
- Halloween

- Dinners
- American Legion Birthday
- Membership
- Installation
- Boys/Girls State

- Picnics
- Memorial Day
- 4th of July
- Labor Day

- Donations
- Veterans Needs
- Veterans Homes/Hospitals
- Thanksgiving
- Christmas
- Boys/Girls State

- Hired Help
- Bookkeeper (paid accountant)
- Adjutant
- Newsletter Editor
- Club Secretary

- Excess Monies
- CDs

Section 2.5.1. This committee shall conform to the laws of the State of Colorado.

Section 2.6. BUDGET AND FINANCE COMMITTEE: The budget and finance committee shall be under the chairpersonship of the 2nd Vice Commander, with two Post members (other than elected officers) to be appointed by the Post Commander. This committee will be charged with the ways and means of raising funds and distributing those funds for Post projects. This committee may also be charged with the expenditure of Post funds. All monies procured by this

committee will be transferred to the Post Finance Officer, who will receipt the amount, credit the project for which the funds were derived and disburse the funds.

Section 2.7. ELECTION COMMITTEE: This committee shall be charged with the responsibility of conducting the balloting of election of officers, Executive Committee and Corporation Board.

Section 2.8. ENTERTAINMENT COMMITTEE: The entertainment committee shall have charge of all matters pertaining to the promotion of Post activities and functions, and for conducting social activities and entertainment for the members. The chairman of this committee shall be the 2nd Vice-Commander, coordinating with the bar manager.

Section 2.9. MEMBERSHIP COMMITTEE: The Membership Committee shall be under the chairpersonship of the 1st Vice Commander, with one or more members appointed by the Post Commander. This committee is charged with securing membership to meet or surpass the quota set by The American Legion Department of Colorado. The 1st Vice Commander will coordinate with Department recruitment of new member from DMS, Post 211 and Lowery Post 123.

Section 2.10. NOMINATING COMMITTEE: The Nominating Committee shall be appointed by the Executive Committee. All members of this committee are eligible for selection as nominees to any elected office.

Section 2.11. PUBLIC RELATIONS COMMITTEE: The public relations committee shall be under the chairpersonship of the 1st Vice Commander and be charged with dissemination of news of Post activities to the local community through media sources, The American Legion Department of Colorado newspaper and all other sources. All publications and materials will be given to the Post Historian.

Section 2.12. INSURANCE COMMITTEE: The insurance committee shall be charged with obtaining reliable insurance and bonding for applicable facilities, functions, and personnel in the amounts determined by the Executive Committee. The chairman of the insurance committee shall be appointed by the Executive Committee.

Section 2.13. ACHIEVEMENT AND AWARDS COMMITTEE: The Achievement Awards Committee shall be under the chairpersonship of the 1st Vice Commander, with two Post members (other than elected officers) to be appointed by the Post Commander. This committee shall convene at the discretion of the chairperson, and will be governed by the following:

Section 2.13.1. To recognize and present awards for outstanding feats, praiseworthy efforts and achievements.

Section 2.13.2. Awards may be presented to any Post member, as well as the members of associated Post units and individuals with civic and community programs as prescribed in the Americanism Manual of The American Legion.

Section 2.13.3. Presentation of awards in writing: Requests will be complete with all facts and pertinent data to substantiate the recommendation. The committee will be guided in all its actions with the thought of promoting The American Legion within the organization and associated Post units, as well as the community. This committee will state its findings and recommendations as an endorsement on the original request and forward same to the general membership for final action.

Section 2.13.4. This committee, with the approval of the general membership, will devise and design the type of award(s) to be presented.

ARTICLE XX

RECOGNIZED ORGANIZATIONS

Section 1. Sons of The American Legion: This Post recognizes the organization known as the Sons of The American Legion, Squadron 178, as an American Legion program.

Section 1.2 The Post Commander shall appoint a representative to monitor all meetings of the Sons of The American Legion, Squadron 178.

Section 1.3 The representative shall advise, counsel, and instruct Legion activities to the attendees of the meeting.

Section 2. American Legion Auxiliary: This Post recognizes the organization known as American Legion Auxiliary, Unit 178.

Section 3. This Post recognizes the organization known as American Legion Junior Auxiliary.

Section 4. This Post recognizes the organization known as American Legion Riders as an American Legion program.

Section 5. Post Home: The Post Home is operated and managed for the purpose of the recreation and pleasure of the members and guests of Lakewood American Legion Post 178. The Post Home is managed by a building corporation known as the Lakewood American Legion Post 178 Building Corporation.

ENDORSEMENTS

Ratified and Endorsed by Post 178 Legion Members of the Constitution Revision Committee
this 6th day of September , 2016

Brian Conway

Dave Clinger

Ron Peddycoart

Bill Radunz

Mark Ward