

LAKWOOD AMERICAN LEGION

POST 178

CONSTITUTION



PREAMBLE

For God and Country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and 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.

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TITLE

Lakewood American Legion Post 178
Constitution

PURPOSE

The purpose of the Constitution and By-Laws of Post 178, the American Legion, Department of Colorado is to further and promote the charter and constitutional provisions and principles of the Post, District, Department of Colorado and National Constitutions of the American Legion, and to affect a standard for the government and management of the business and the affairs of the Post. In 1919, The American Legion was founded on four pillars: Veterans Affairs & Rehabilitation, National Security, Americanism, and Children & Youth. These programs, and the men and women who take the time to perform them, are what allow The American Legion Post 178 to make a difference locally, and on the state and national levels. It's who we are and what we do.

SCOPE

The scope of the constitution and the by-laws are such that, upon their adoption by the membership-at-large of this Post, all previous articles shall, upon said date, be revoked, repealed, and of no effect thereafter.

MERGER

American Legion Post 178, shall be independent from any other service or non-service organization or its assets. This Post is a civilian organization; membership therein does not affect nor increase liability for military or police service. This organization shall be absolutely nonpolitical and nonsectarian, 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 preferential treatment. Rank does not exist in The American Legion. No member shall be addressed by his/her military title at meetings of this Post.

DISSOLVEMENT

If the Post fails to meet the obligations imposed upon it by the American Legion National Constitution and By-Laws, or Department Constitution and By-laws, or ceases to function for- six months as an American Legion Post, all records, property and assets of the Post shall be turned over to the Department Executive Committee as provided for in Article III, Section 3, National By-Laws of the American Legion.

ARTICLE I

GOVERNMENT AND MANAGEMENT OF THE POST

Section 1. The government and management of this Post shall be vested in the duly elected Officers of the Post, Executive Committee, and the Corporation Board, who shall perform their prescribed functions and duties in accordance with the rules and regulations of the American Legion. American Legion Auxiliary and Sons of the American Legion functions overrule any other organizations functions and activities, including the club. All functional entities shall conform to the Post Operation Manual.

ARTICLE II

THE OFFICERS OF THE POST

Section 1. The officers of the Post shall be the Post Commander, 1st Vice-Commander, 2nd Vice-Commander, a Judge Advocate, an Adjutant, a Finance Officer, a Post Historian, a Post Chaplain, a Sergeant-at-Arms, and elected Executive Committee persons, to effect the purposes and duties of the Post.

ARTICLE III

DUTIES OF THE OFFICERS OF THE POST

Section 1. **POST COMMANDER.** The Post Commander shall preside at all general membership and Executive Committee meetings of the Post. The Commander shall have general supervision over the business and affairs of the Post, and shall be the Chief Executive Officer of the Post. The Commander shall approve or veto all orders directing the disbursement of Post funds that are budgeted for under Post programs, and as provided for in Article XI, Section 3. The Commander shall make an annual report covering the business of the Post for the year, covering recommendations for the ensuing year, which shall be read at the annual installation meeting. The Commander shall perform such other duties as directed by the Post. Upon taking office the Commander shall appoint chairmen of the standing committees, including, but not limited to those committees as defined in Article XIX except as provided for elsewhere in these by-laws. The Adjutant, Judge Advocate, Post Service Officer and Post Historian shall be appointed by the Post Commander, with the approval of the Executive Committee, for a period of one year. The Post Commander, with the approval of the Executive Committee, may recommend the Adjutant, Judge Advocate and Post Service Officer for nomination and election by the general membership.

Section 2. 1st VICE-COMMANDER. The 1st Vice-Commander shall assume and discharge the duties of the office of Commander in the absence of or disability of the Commander or when called upon by the Post Commander; or upon the death, resignation or removal of the Commander from the jurisdiction of the Post, and shall perform the duties of the Commander until the next regular election. The 1st Vice-Commander shall be the chairman of the standing membership committee of the Post.

Section 2.1. The 1st Vice-Commander and membership committee shall initiate and maintain an operating policy governing membership requirements, renewal dates, and other content as desired. This policy is to be approved by the Executive Committee and included in the Post Operation Manual.

Section 2.2. The 1st Vice-Commander shall conduct at least one membership initiation ceremony each year for new members.

Section 3. 2nd VICE-COMMANDER. The duties of the office of 2nd Vice-Commander shall be to assist the 1st Vice-Commander as called upon. The 2nd Vice-Commander shall be particularly interested in patriotic observances of all kinds, developing Post activities, and in the entertainment features and social activities of the Post, coordinating with the Corporation Board.

Section 4. FINANCE OFFICER. The Post Finance Officer shall be the Chief Financial Officer of the Post and shall have charge of monies and accounts and shall report once a month to the Executive Committee and the membership-at-large, the condition of the finances of the Post, and shall make such recommendation as deemed necessary or expedient for raising funds with which to assure the proper financial stability of the Post and shall make recommendations to the Executive Committee as to available investment opportunities for any excess Post funds not budgeted for in the current budget. The Finance Officer shall have the authority to sign all checks disbursing the monies of the Post as provided for in Article XI, Section 1., and shall be bonded in such sums as shall be determined by the Executive Committee.

Section 4.1. The Post Finance Officer shall be the chairman of the budget and finance committee. This committee must consist of a minimum of 5 members, one of which must be the Post Commander, with the remaining members to be appointed by the Post Commander, with the approval of the Executive Committee. The budget and finance committee will hold a monthly meeting and prepare the yearly budget which will be submitted to the membership-at-large in two expense categories, one category for operating expenses, and one category for programs expenses. The budget will be

submitted to the general membership for approval at the meeting immediately preceding the beginning of the Post's fiscal year. Financial records must be first approved by the Executive Committee.

Section 4.2. The Post Finance Officer shall initiate and maintain an operating policy for the duties of this office including receiving of Post funds, disbursement of Post funds, accounting and bookkeeping in conformance with generally accepted accounting principles, budget recommendations investment policy, safe keeping of financial documents, and any other policies deemed necessary for the proper operation of this office. These policies are to be approved by the Executive Committee and included in the Post Operation Manual.

Section 5. POST CHAPLAIN. The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and shall offer divine but non-sectarian services in the event of dedications, funerals, public functions and related matters, and shall adhere to such ceremonial rituals as are recommended by District, Department and National headquarters.

Section 5.1. The Post Chaplain shall initiate and maintain an operating policy for the duties of this office. This policy is to be approved by the Executive Committee and included in the Post Operation Manual.

Section 6. SERGEANT-AT-ARMS. The Sergeant-At-Arms shall preserve order at all meetings and shall perform such other duties assigned by the Post Commander or the Executive Board of Directors. The Sergeant-At-Arms shall be the custodian of the colors and in charge of same during the presentation and retirement ceremonies, and coordinate arrangements for meetings.

Section 6.1. The Sergeant-At-Arms shall appoint additional assistants as deemed necessary, with the approval of the Post Commander.

Section 6.2. The Sergeant-At-Arms shall initiate and maintain an operating policy for the duties of this office. This policy is to be approved by the Executive Committee and included in the Post Operation Manual.

ARTICLE IV

DUTIES OF THE APPOINTED OFFICERS OF THE POST

Section 1. POST ADJUTANT. The Adjutant of the Post shall be the Chief Administrative Officer of the Post. He shall have charge of and keep a full and accurate record of all proceedings of all meetings, and shall keep and make such reports as the District, Department, and National organizations may require. The Adjutant shall report Post membership when called upon at a regular meeting, and shall keep an up-to-date membership roster of the Post, including all

membership records. The Adjutant shall handle all correspondence of the Post, publish official orders and notices of special meetings, as provided for in these by-laws, and publish a monthly Post publication to keep the membership of the Post advised of the Post activities.

Section 1.1. The Post Adjutant shall initiate and maintain an operating policy for the duties of this office including; the appointment of secretaries at his discretion who shall carry the authority of the Adjutant, receiving and processing of membership records of Post meetings, processing of all Post correspondence, displaying rosters of all Post officers and District, Department and National officers who are members of the Post and any other policies deemed necessary for the proper operation of this office. These policies are to be approved by the Executive Committee and included in the Post Operation Manual.

Section 1.2. The Post Adjutant shall be the recording secretary of the Executive Committee and the regular membership meetings. The Post Adjutant shall be charged with maintaining the Post Operation Manual.

Section 2. JUDGE ADVOCATE: The Judge Advocate may be a member of the Colorado Bar Association, and must be a member of this Post. His/her duties will be to give advice to officers and the Executive Committee in matters pertaining to their duties. No opinion shall be rendered affecting Department or National policies of The American Legion until a conference is held with the Department Judge Advocate. 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 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 ten (10) days prior to the voting of the changes. This notification can be letters email and will also be posted in the Post Newsletter. 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 will assume this responsibility.

Section 3. POST HISTORIAN. The Post Historian shall be charged with recording activities and incidents of the Post and Post members, including activities at District, Department, and National functions and shall perform such other duties as may be designated to the office by the Commander or the Executive Committee.

Section 3.1. The Post Historian shall initiate and maintain an operating policy covering the recording of activities and events and establishing a format for the annual. The policy is to be approved by the Executive Committee and included in the Post Operation Manual.

Section 4. POST SERVICE OFFICER: The Post Service Officer shall perform such duties as prescribed in the Constitution of The American Legion Department of Colorado. The Post Service Officer shall appoint the chairman of the VARC Committee.

ARTICLE V

ELECTION OF OFFICERS OF THE POST

Section 1. The officers of this Post shall be elected annually by the membership-at-large of the Post at the annual meeting held for this purpose. The nominating committee (Executive Committee) shall submit the names of proposed candidates for office at the regular membership meeting two (2) calendar months prior to the State convention. The re-nomination and election of officers shall be held at the regular membership meeting one (1) calendar month prior to the Department convention. The elected officers shall take office at the first regular membership meeting following the Department convention. The roster of newly elected officers shall be submitted to the District and Department Adjutants at least ten (10) days prior to the Department convention.

Section 2. The election of the officers of the Post shall be by secret ballot. The candidate receiving a majority of total votes cast shall be elected to the respective offices for which they have been nominated, provided they are present. In the event a candidate does not receive a majority on the first ballot, a run-off will be held between the two candidates who receive the most votes on the first ballot.

Section 3. Any officer may be removed for inefficiency by the Executive Committee, and three-fourths (3/4) vote of said committee shall be necessary to effect such removal.

Section 3.1. Should an elected officer fail, without good cause, to assume the duties of that office within thirty (30) days after installation or the first Executive Committee meeting following the Department convention, the Commander shall declare the office vacant and shall fill the office in accordance with Section 5 of this Article.

Section 4. Every member of the Post in good standing for a period of one (1) year or more prior to election shall be eligible to hold office in the Post, providing the members nominated who are either elected or

appointed to an office or a committee shall be free and clear of all debts and encumbrances pertaining to the Post, and shall not be an employee of any business operated by the Post.

Section 5. Vacancies arising in any office of the Post shall be filled. Nominee recommendations by the majority vote of the remaining members of the Executive Committee shall be forwarded to the general membership for majority vote approval at the next regular membership meeting and such officer or officers so elected, shall hold office until the next regular election. In the event of a vacancy, where no member runs for that office, the Commander shall appoint a Post member as qualified within the provisions of the Post 178 Constitution and By Laws. If no member as aforementioned qualified accepts the appointment, then the Commander shall appoint a member in good standing of the Post, regardless of how long the appointee has been a member. This appointment shall be reviewed and the next Executive Committee meeting for vote. Based on the Executive Committee approval, this appointment shall be presented at the next General Membership Meeting for discussion, motion and approval/disapproval.

Section 6. All candidates for any elected or appointed office in the Post shall place on file with the Post Adjutant copies of papers indicating an honorable discharge or separation from service within the dates of eligibility as set forth in the National Constitution of the American Legion. Such discharge papers shall be received prior to the actual election or appointment to an office, and the Post Adjutant will certify that fact to the Post membership at a regular meeting.

Section 7. Oath of Office: Each officer of this Post shall, before entering upon the duties of his/her office, take the oath of office as prescribed in the Constitution of The American Legion Department of Colorado, Article XIII, Section III.

ARTICLE VI

REPEALING AND SAVING CLAUSE

Section 1. Repealing and Saving Clause: This Constitution, adopted at a regular meeting held this year, supersedes and takes the place of all prior constitutions, by-laws and amendments thereof, and all laws adopted there under are hereby revoked and annulled. Ratified this 6th day of September, 2016.

ARTICLE VII

SAFETY CLAUSE

Section 1. Safety Clause: If any section, herein, is determined to be unconstitutional, such determination shall not be deemed to affect the validity of the remainder of the sections of this Constitution.

ARTICLE VIII

AMENDMENTS

Section 1. Amendments: This Constitution, as adopted, is subject to the provisions of the National Constitution of The American Legion and the Constitution of The American Legion Department of Colorado. Any amendments to the National or Department Constitutions, which are in conflict with any provisions herein, shall automatically repeal or modify the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any general membership meeting by a two-thirds vote of its attending members, provided that the proposed amendment(s) has been submitted in writing and read in full at a regular meeting of this Post, immediately preceding the one at which the action on the amendment(s) is taken, providing further that a written notice containing the amendment(s) has been given to the membership of this Post at least ten days in advance of the date of the general membership meeting at which said amendment(s) has been voted upon.

Section 3. This Constitution shall be reviewed every three years for additions or corrections or as required.

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