



The American Legion
Department of California
1601 7th Street
Sanger, CA 93657-2801

Post No. 0716

Direct to: Post _____

District No. 29

Dept. File _____

Area 1

Date: _____

3252 Florista, Los Alimitos, CA
(Mailing Address)

Your articles, as submitted have been reviewed and disposed of as follows, by this Commission:

ARTICLES RECEIVED:	APPROVED	DISAPPROVED
() Const. & By-Laws	_____	_____
(X) By-Laws	XXX	_____
() Amendment	_____	_____
Article____Section____	Article____Section____	
Article____Section____	Article____Section____	
Article____Section____	Article____Section____	

REMARKS:

If the Constitution & By-Laws, By-Laws or the Amendments have been marked **"Not approved"**, please correct your submission by regular Post procedure, to comply with instructions below and submit in PDF Format or 1 hard copy of same to Department Headquarters at the address on the top of this page.

Thank you.

DATE: 21 April 2021

Mark L. Rice
Constitution & By-Laws
Commission Chairman
Commissioner, AREA 1



BY-LAWS OF LOS ALAMITOS POST NO.716

Revised: March 12, 2020

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 all wars;

To inculcate a sense of individual obligation to 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 mutual helpfulness.

ARTICLE I - NAME

Section 1. The name of this organization shall be: LOS ALAMITOS POST NO. 716, THE AMERICAN LEGION, Department of California, located at: 3252 Florista, Los Alamitos, California. Here in after referred to as "Post".

ARTICLE II - OBJECTS

Section 1. The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble, and in the Articles of incorporation of this Post, and in the National and 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. Rank does not exist in the Post. No member shall be addressed by his military title in any meeting of the Post.

- a. This Post is a non-profit corporation and is not organized for private gain of any person. This Post is organized under the non-profit corporation law (California Corporation Code).
- b. This post is organized and operated exclusively for wartime veteran purposes within the meaning of Section 501-c-19 of the Internal Revenue Code and within the meaning of Section 23701-F of The California Revenue Tax Code.

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 or preferment.

Section 3. The property of this Post is irrevocably dedicated to charitable purposes and no part of the net income or assets of this Post shall ever insure to the benefit of any officer or member thereof or to the benefit of any private person.

- a. Upon dissolution by revocation or cancellation of the Post Charter, the Post assets remaining after payment or provision for payment, of all debts and liabilities of the Post shall be distributed to a nonprofit fund or corporation which is organized exclusively for charitable purposes and which has established its tax exempt status under Section 501-c-19 of the Internal Revenue Code?

ARTICLE IV - MEMBERSHIP

Section 1. Any person shall be eligible for membership in this Post according to the conditions and dates set forth in Article IV, Section 1 of the National Constitution of the American Legion. No person expelled from another Post shall be admitted to membership of this post without consent of the expelling post or authorization from the Department Executive Committee (DEC).

Section 2. Each member shall perform his full duty as a citizen.

Section 3. There shall be no form or class of membership except active membership and dues shall be paid annually or for life. Membership in this post is membership in the national organization of The American Legion.

Section 4. Non-legionnaire candidates for membership in this Post shall make application upon a form furnished by Department Headquarters; shall pay therewith dues for current calendar year; and shall furnish official evidence of eligibility.

Section 5. A legionnaire candidate desiring to transfer his/her membership into this post shall make application on the member data form and show his/her current membership card.

Section 6. All applications for membership shall be referred to the Membership Committee which shall, at each regular meeting of the Post, report upon all applications received during or after the next previous regular meeting. A majority vote of those present and voting shall elect or reject a candidate. No limitations may be placed on reapplication for membership, e.g., rejected today, can reapply tomorrow. No member shall be elected to membership in the Post who is a member of any other post in the American Legion.

Section 7. The term of membership is annual, the calendar year January 31 to December 31, inclusive.

Section 8. A member is in good standing provided that member is on the active membership register and not suspended for late payment of current dues nor suspended by disciplinary action of trial.

Section 9. Every member of this Post in good standing shall be eligible to hold office in this Post. There shall be no limiting qualifications to hold office (e.g., length of time in post or the American Legion).

ARTICLE V - OFFICERS

Section I.

a. The officers of this Post shall be the:

- Commander
- First Vice-Commander
- Second Vice-Commander
- Third Vice Commander (optional)
- Adjutant
- Finance Officer
- Historian
- Sergeant-at-Arms
- Chaplain
- Judge Advocate
- Executive Committee - Three members
- Service Officer
- House Committee Chairman

b. The elective officers of the Post shall be the:

Commander
First Vice-Commander
Second Vice-Commander
Third Vice Commander (optional)
Executive Committee - Three members

c. The following officers shall be appointed by the Commander-elect prior to the District Annual Meeting or Post Installation:

Adjutant
Finance Officer
Sergeant-At-Arms
Historian
Judge Advocate
Service Officer
Chaplain
House Committee Chairman

Section 2. No officer shall hold more than one elected office, the Commander and Vice-Commanders may not hold any other office, with the exception that Vice Commanders may Chair any Committee. Officers that have been appointed may hold multiple appointed offices.

Section 3. The first nomination(s) for elective officers shall be held during the regular meeting in April, and announcement thereof shall be made by the Adjutant at the previous regular meeting. The nominated member need not be present at 1st nominations.

Section 4. Second nominations and the election of Post Officers shall be held during the regular meeting in May, and announcement thereof shall be made by the Post Adjutant at the previous regular meeting. All elections shall be made by a written secret ballot. In cases of emergency where the nominated individual cannot be present, the nominee must inform the Adjutant (prior to 2nd nominations) that they will except said nomination.

Section 5.

- a. A majority of all votes cast, by those present and voting, shall be necessary to elect the Commander and Vice Commanders. The candidate receiving the majority of the votes cast on the first ballot shall be declared elected. Should this ballot result in no election, the three receiving the highest number of votes for that office shall be posted in alphabetical order without announcing the number of votes received. Should the second ballot result in no election, the nominee receiving the smallest number of votes shall be dropped from the list and the remaining names posted alphabetically without announcing the number of votes received. The other elective officers shall be selected by a plurality vote.
- b. The elective and appointed officers shall serve a term of one year and be impressively installed prior to September 18th of that year.

Section 6.

- a. All vacancies in the elective offices shall be filled by a secret ballot at a regular meeting following the vacancy, provided that notice of the election be given at the meeting preceding the election. Nominations and elections shall be held at the meeting following the vacancy announcement.
- b. Vacancies of appointed officers shall be filled by the Commander.

Section 7. in the event that any Elective Officer is absent for three (3) consecutive regularly scheduled meetings of the Post (Post Executive Committee meetings included), such office shall be declared vacant by a majority vote of those present at a regular meeting, held after a written notice to all members that such a vote will be taken. The vacancy so created shall be filled by election.

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.

Section 3. The Post shall pay to Departmental headquarters the National and Departmental annual membership dues for every member of the Post.

Section 4. The Commander, 2nd Vice Commander, Adjutant and Finance Officer shall be charged with handling post funds. They shall be bonded under a Department Headquarters blanket bond as required in Article VI, section 1. The Post shall pay the amount due department.

a. Due to the nature of the 2nd Vice's responsibilities required in this position, which is primarily, but not limited to booking Hall rentals and coordinating social functions which requires the collecting of rental payments, purchasing necessary items for said functions and assisting in the operations of other Post matters as directed by the Post Commander.

Section 6. The Executive Committee shall prescribe the form in which financial records shall be kept.

Section 7.

- a. No appropriations shall be made without first referring the same to the Finance Committee for report therefrom.
- b. The Finance Committee shall be charged with the administration of the financial policy, preparation of an annual budget with recommendations and supervision of the receiving, disbursing and accounting of all post funds.

Section 8.

- a. The receiving and custody of all post funds shall be charged to the finance officer. From such funds, approved disbursements shall be made.
- b. Post funds are those monies acquired by any committee, activity or function of the post.

Section 9.

- a. Annual Audit. This post shall keep books of account, and shall cause said books to be examined by a licensed accountant or a committee of three (3) competent persons, none of whom shall be the Commander, Adjutant, Finance Officer or any other person charged with the responsibility of handling of Post Funds.
- b. Annual Audit Date. Such examination shall be made within 90 days following installation of Post Officers and for the period of the immediate preceding fiscal year, January 1 to December 31.
- c. Annual Audit Report. This post shall certify to the Department Adjutant prior to December 1 of each year that such an examination has been made on the Department furnished

form. The original will be filed with the Department Adjutant and a copy furnished to the District Commander and filed in post permanent files.

- d. The Post Commander or the Post Executive Committee may order an audit of the books of account during current year if deemed advisable.

ARTICLE VII - THE AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an Auxiliary organization to be known as the AUXILIARY UNIT of Los Alamitos, Post 716 The American Legion Department of California.

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

ARTICLE VIII - THE SONS OF THE AMERICAN LEGION

Section 1. This Post recognizes an Auxiliary organization to be known as the SONS OF THE AMERICAN LEGION of Los Alamitos, Post 716 The American Legion Department of California.

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

ARTICLE IX - THE AMERICAN LEGION RIDERS

Section 1. This Post recognizes an Auxiliary organization to be known as the AMERICAN LEGION Riders of Los Alamitos, Post 716 The American Legion Department of California.

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

ARTICLE X - PROCEDURE

Section 1. Opening and closing of meetings, initiation of new members, and installation of officers, shall be conducted as prescribed and approved by the National Convention of The American Legion in Kansas City, 1921, with subsequent amendments adopted and approved by later conventions.

Section 2. Robert's' Rules of Order, Revised, shall govern the conduct of all meetings.

ARTICLE XI - EXECUTIVE COMMITTEE

Section 1.

- a. The Executive Committee shall consist of the six (6) elected post officers, Adjutant, Finance Officer, House Committee Chairman and the Junior Past Commander, all having voice and vote.
- b. The commander will be the Chairman; the Adjutant will act as the secretary and reporting member to the post. If the Adjutant is absent the Chairman will appoint a committee member to act as secretary and reporting member to the post.

Section 2. The Post Executive Committee shall meet at least once between regular Post meetings, at a time place designated by it. A majority of the Committee, being present, shall constitute a quorum. Special meetings may be called by the Commander, or by a quorum of the Committee. Notice of such must be given to each member in writing, by telephone, or personally, within a reasonable time prior to the date of the meeting.

Section 3.

- a. The Executive Committee shall consider all matters affecting the administration, management, government, employment of facilities and disbursement of assets of Post 716, and shall make recommendations to the Post membership, which thereafter shall be approved by the Post membership before becoming effective.
- b. Post members at large and other post officers may attend the committee meetings but cannot take part in any discussion unless given permission by the chairman. Other persons wishing to make a presentation will be put on the agenda and confine their remarks to the subject and afterwards will be excused.
- c. The committee shall have whatever lawful power delegated to it when the post refers an individual matter to it.
- d. In the event of a Declared State or National Emergency is declared, the Post Executive Committee shall have the authority to make decisions concerning the operations of the Post. Provided a quorum is present and a 2/3 vote to approve is made by the Executive Committee attending. This power may only be used in decisions that pertain to the operations of the Post and shall revert to the membership immediately upon the termination of said emergency.

ARTICLE XII – ADMINISTRATION OF POST SOCIAL QUARTERS

Section 1. The General management of the Post Social Quarters (referred to as Bar for future reference) shall be administrated by the Bar Manager(s). The bar manager(s) shall be responsible for hiring and firing of bar employees, ordering bar supplies, bar specials, employee scheduling and any other duties needed to operate the bar.

- a. The Manager shall not terminate any employec without prior notification to the Post Commander.
- b. The Post Commander shall be the bar administrator of the Post Bar. The bar Manager answers directly to him/her and enforces Post Policies.

Section 2. The Post Executive Committee shall assist the Post Commander with the hiring or firing of the Bar Manager(s).

Section 3. The Post Executive Committee shall approve any Manager or bar staff raises or bonuses.

Section 4. Bar Manager(s) Emergency operating fund.

a. There shall be a \$200.00 Emergency Operating fund established for use by the Bar Manager. The Manager is to use this fund only for bar expenditures that may be outside normal operating expenditures, ie: Ice, mixers, cup and etc. due to shortages. Any expenditure shall be accompanied by a receipt for Post records.

Section 5. The Post Executive Committee shall be charged with oversight of all bar functions. If in the opinion of the Executive Committee, Post Policies and Procedures are not being followed and with a 2/3 vote by said Committee, there shall be a review board established to investigate. The Review Board shall consist of the Post JAG, Finance Officer and two other members of the

Executive Committee. No person responsible for the operations of the bar shall be a member of this Committee.

ARTICLE XIII - MEETINGS

Section 1. The regular meetings of this Post shall be held on the 2nd Thursday of each month at the Marin-Davis Memorial Building, 3252 Florista Street, Los Alamitos, California, or a place to be designated by the Post.

Section 2. A quorum at all regular and special Post meetings shall not be less than five members, two of which are officers, one of which shall be an elected officer. No business, at any time during the meeting, shall be conducted without the quorum present.

Section 3. Special meetings of the Post may be called by the Commander or Executive Committee, and are mandatory by written request of 10% of the current membership. No special meetings shall be called unless announced by the Commander at the previous regular meeting, or notice be deposited in the mail, five week-days prior to said meeting, stating the time, place, and subject to be considered.

Section 4. The Post may, at any meeting, consider and pass upon any matters, irrespective of whether such matters have been considered by the Executive Committee.

Section 5. No member shall take part in the business portion of any Post regular or special meeting unless in good standing. Guest Legionnaires, who are not members, shall not take part in the business portion of any membership meeting.

Section 6. No member shall be represented or shall vote by proxy. There shall be no absentee ballot.

Section 7. The regularly published Post publication shall be the official vehicle of information. Notices therein shall be considered as providing due notice of actions or proceedings, except when insufficient lead-time dictates use of special mailings.

Section 8. In the event a State or National Emergency has been declared and the Post is unable to hold a meeting at this facility, the use of a Virtual meeting platform may be used. A change in venue shall be sent to the membership, no less than 72 hrs. prior to the meeting and shall be held at the usual time and day as indicated in these bylaws.

ARTICLE XIV - DUTIES OF OFFICERS

Section 1. Duties of Post Commander: It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business affairs of the Post, and such officer shall be the chief executive officer of the Post. He shall perform such other duties as directed by the Post.

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 shall be the chairman of Membership.

Section 3. Duties of Second Vice-Commander: The Second Vice-Commander shall assume and discharge the duties of the office of First Vice-Commander in the absence or disability of such office, and shall perform such other duties as directed by the Post. He shall be Chairman of the Ways and Means.

Section 5. Duties of Post Adjutant: The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings and under the direction of the Post Commander, handle all correspondence of the Post.

Section 6. Duties of the Finance Officer: The Finance Officer shall be charged with the custody of the funds of the Post. He shall keep its accounts and report thereon at each regular meeting of the Post. He shall receive all funds of the Post. He shall be bonded under a blanket bond to be procured from the Department Headquarters and paid for by the Post.

Section 7. Duties of Post Historian: The Post Historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as directed by the Post or the Executive Committee.

Section 8. Duties of the Post Judge Advocate: The Post Judge Advocate's duties shall be to advise the Post Officers on the construction and interpretation of the Post's Constitution and By-Laws and to perform such other duties as are usually incident to the office.

Section 9. Duties of the 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 him by the Post.

Section 10. Duties of the Service Officer: The Post Service Officer shall serve as chairman of the Rehabilitation Committee, coordinate the work of the Post with National Legislative effort, serve the Post as Insurance and Veterans Affairs Officer, and perform other duties as directed by the Post.

Section 11. Duties of House Chairman: The House Committee Chairman is to oversee and facilitate projects and or Post Maintenance. The House Committee shall bring matters of Post Maintenance before the E-board, solicit bids for projects as needed and compile costs of required Maintenance or Projects for submittal to the Post E-Board.

Section 12. Duties of the members of the Executive Committee: The three elected members of the Executive Committee shall consider all matters affecting the Post and make recommendations through the Executive Committee or through the other officers of the Post, in whose province the item may fall. The member of the Executive Committee receiving the most votes when elected shall be the assistant to the Adjutant. The second and third member of the Executive Committee shall be delegated duties as seen fit by the Post Commander.

ARTICLE XV - DUES, FEES AND FUNDS

Section 1.

- a. The Annual Dues for this Post shall be paid in advance annually or for life under the PUFI Program.
- b. Any change in the current dues amount shall be by the recommendation of the Post Executive Committee; such recommendation shall be submitted to the post for reading not later than the regular meeting of February. At the following regular meeting, having a quorum present, the recommendation shall have a second reading and then may be adopted by a 2/3's affirmative vote of those present and voting.

Section 2. There shall be no Initiation fee for membership.

Section 3, From such dues, this Post shall pay all per capita taxes and assessments due National, Department, and District, and then such other expenditures as the Post may approve.

Section 4. The dates for delinquency, suspension, or forfeiture of membership in this Post for non-payment of due shall be those dates and conditions set forth in Article IV, Section 4 of the By-Laws of the National Constitution of the American Legion.

Section 5. This Post may award a Honorary Life Membership to a Post member, as a testimonial by those who know best that such member served this Post exceptionally well. After nomination, selection will be by written secret ballot, at a regularly scheduled meeting requiring a two-thirds vote of those present and voting.

ARTICLE XVI - DELEGATES AND REPRESENTATIVES

Section 1. The delegates and alternates to represent the Post at Department Conventions.

Section 2. The elected Delegates/Alternates shall represent this Post in the 29th District for a term of one year. Delegates shall be nominated in April and elected in May during the same periods as the Post Elective Officers, however, these candidates shall be elected by a plurality vote of the members present and voting. The Adjutant shall submit, using the Department forms, a timely report of delegates to the Department Adjutant and a copy to the 29th District Adjutant prior to June. A copy of this report shall be filed with the Post permanent files.

Section 3. Delegates/ Alternates that have been duly elected to attend the Department/National Convention shall be reimbursed by the Post for expenses upon submitting receipt for said expenses. If double occupancy is available and the Delegate chooses not utilize provided accommodations, said Delegate shall not be reimbursed by the Post.

ARTICLE XVII - COMMITTEES

Section 1.

- a. The Post Commander, as soon as possible, after taking office each shall appoint a Finance Committee. Other standing committees may be appointed as deemed necessary to achieve Legion goals.
- b. Standing committees shall consist of such numbers of members that the Post may determine. The Chairman shall be designated by the Commander.
- c. The Post Commander shall appoint the members of a Standing Committee. All other types of committees the Chairman shall appoint the members.

Section 2. The Post Commander shall appoint a SAL Post Supervisory Committee and the chairman shall be known as the SAL Liaison.

ARTICLE XVIII LIMITATIONS OF LIABILITIES

Section 1. This Post shall not incur, or cause to be incurred, any liability or obligations whatsoever which shall subject to liability any other individuals, corporations or organizations.

Section 2. No committee or chairman of an activity or function nor any member may incur any liability in excess of the Post approved allocation, appropriation or budget without prior approval of the Finance Committee.

ARTICLE XIX – DISCIPLINARY ACTIONS AND TRIALS

Section 1. This Post shall be the judge of its own membership. Members may be reprimanded, suspended or expelled in accordance with the current Trial Manual of The Department of California and Post Standing rules.

Section 2. All Members shall comply with established House Rules, established and approved by the membership in 2015. Noncompliance by any individual constitutes a violation and said individual is subject to immediate disciplinary action.

ARTICLE XX - RECALL PROVISIONS

Section 1. A petition, signed by ten (10) percent of the Post membership in good standing, requesting the holding of an election for the purpose of recalling an elective officer or a member of the Board of Directors may be filed at any time with the Adjutant. The Adjutant shall, within five (5) days after filing said petition, compare the signatures on said petition with the signatures on the applications of the respective signers on the Post records. The Adjutant shall deliver the said petition and his report on the correctness of the signatures to the Executive Committee at its next meeting. If it shall appear from the report of the Adjutant that ten (10) percent of the Post membership in good standing have signed said petition, the Executive Committee shall fix the date for the recall election, which date shall be fixed for a regular meeting of the Post to be held not less than two (2) weeks nor more than six (6) weeks after the meeting of the Executive Committee. If the report of the Adjutant shall show that less than ten (10) percent of the membership have signed said petition, the petition shall be forthwith returned to the member who filed the same with the Adjutant who shall have ten (10) days thereafter to obtain the required number of valid signatures, and refile said petition with the Adjutant who shall recheck with his records and resubmit same to the Executive Committee at its next meeting thereafter with his report. If the petition is then found being sufficient, the recall election shall be fixed as set forth above.

Section 2. Notice of the date, time and place of the holding of the recall election shall be mailed to each member of the Post in good standing at his/her address as the same appears in the Post records, at least ten (10) days before the election.

Section 3. All recall elections shall be conducted by written, secret ballot.

Section 4. At the election, the ballot shall read as follows:

Shall _____ be recalled

Yes _____ No _____

A "Yes" vote shall be counted as for the recall and a No vote shall be counted as against the recall. Only members in good standing shall be entitled to vote at such election.

Section 5. If the officer or Executive Committeeman shall be recalled, the Post, at its next regular meeting, shall elect a successor to fill the unexpired term. Nominations shall be held the same night as the election. The person being recalled shall not be eligible as a candidate for election to fill the vacancy.

ARTICLE XXI - AMENDMENTS

Section 1. Proposed amendments to these By-Laws must be submitted in writing at a regular meeting of the Post and read thereat. At the next regular meeting or subsequently if postponed, having a quorum present, the proposed amendment shall have a second reading and then may be adopted by a two-thirds affirmative vote of those present and voting.

Section 2. These By-Laws shall be amended to conform to any changes in the National or Department Constitution or By-Laws. Failure of the Post to adopt the required amendments shall not delay or modify the effect of such changes.



Post Commander



Post Adjutant



Post Judge Advocate

AMENDED

"We hereby certify that the above By-Laws were read at two (2) meetings and adopted on: March 12, 2020 a quorum being present, and approved by two-thirds of those present and voting"

Date of First Reading: February 13th 2020
2020

Date of Second Reading and Adoption: 8/13/2020

CERTIFICATION

The above signatures of the Commander and the Adjutant and Post Judge Advocate, certify to the following:

"We hereby certify that the above By-Laws were read at two meetings and

adopted on: August 13th . 2020