



AMERICAN LEGION POST 284

COLONIAL HEIGHTS

DEPARTMENT OF VIRGINIA

BY-LAWS

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BY-LAWS

COLONIAL HEIGHTS AMERICAN LEGION POST No. 284, INCORPORATED.

ARTICLE I - NAME

Section 1. The Post existing under these By-Laws is to be known as **COLONIAL HEIGHTS AMERICAN LEGION POST No. 284, INCORPORATED**, hereafter referred to as “the Post”, “this Post”.

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

ARTICLE II - MANAGEMENT

Section 1. The government and management of the Post is entrusted to an Executive Committee (EC) composed as described in Article V, Section I of the Constitution.

Section 2. The election of the EC shall occur annually on the second Thursday in May unless uncontested. The EC shall include the duly elected officers of the Post, the immediate outgoing Commander, fifteen (15) members from the Post membership, and those Post Commanders desiring on active seat on the EC. All elections of officers and EC shall be by ballot unless contested and the candidates receiving the highest number of votes shall be elected to the respective offices for which they are candidates. Past Post Commanders desiring to serve on the EC may do so by notifying the Nomination Committee thirty (30) days prior to the election in writing. Past Commanders do not have to be elected by the membership.

- a. Members unable to attend the election of officers may vote by Absentee Ballot, provided the member requests such a ballot and submits it to be received by the Nominations Committee at least ten (10) days prior to the elections. Membership must be verified by the Adjutant.
- b. The EC shall take office at the meeting following that of the election.

Section 3. All vacancies existing in the EC, or in any office of the Post from any cause other than the expiration of terms, shall be filled by a majority vote of the remaining members of the EC, and a person so appointed shall hold office for the unexpired term of the committeeperson or officer whom he/she succeeds. A vacancy shall exist when a member or officer is absent from his/her post for a continuous period considered detrimental to the interest of the Post by the EC.

Section 4. The Adjutant shall maintain a record of all EC members and officers attending both General Membership and EC Meetings.

ARTICLE III - POST EXECUTIVE COMMITTEE (EC)

Section 1. The Post EC shall meet for such business as may come before it at the next EC Meeting following the installation of newly elected Post Officers. Thereafter, the Post EC shall meet at the call of the Commander at least once monthly, unless otherwise suspended, and as often as said Commander may deem necessary. The Commander shall call a meeting of the Post EC upon the joint written request of three (3) or more members of said Post EC. A simple majority of unexcused member plus one (1) member of the EC shall constitute a quorum thereof.

Section 2. The Post EC shall:

- a. approve the hiring and discharge of such employees as may be necessary;
- b. set the dollar limits of funds that may be expended by authorized personnel or committees without the approval of the EC. The list of authorized personnel or committees shall be established and/or revised at a regular scheduled EC Meeting in June of each year.
- c. authorize expenditures not to exceed \$10,000 without the approval of the Post Membership at a regular Executive meeting. The Post Membership may authorize expenditures not to exceed \$1,500 at a regular Membership meeting.
- d. provide adequate bonding as recommended by the Department of Virginia for all persons having custody of Post funds,
- e. hear the reports of Post Committee chairpersons and
- f. have charge of, and be responsible for, the management of all affairs of the Post.

Section 3. The EC shall receive and review the Post Finance Committee reports.

- a. It shall be mandatory for all committee chairmen who handle cash or Post funds to file or cause to have filed, a monthly report of monies and expenditures, to the Post EC; also to further report, at the year's end or season, a final report, and then turn in all cash banks and funds to the Post Finance Officer.
- b. No committee shall maintain a separate bank account except those approved by the Post EC and those must be maintained by the Post Finance Officer, Assistant Finance Officer, Adjutant, Commander and supervised by the Post Finance Committee.

ARTICLE IV - DUTIES OF OFFICERS

Section 1. **Post Commander (PC).** The PC shall:

- a. be the Post Chief Executive Officer and attend all EC and Regular Membership meetings of the Post,
- b. have general supervision over the business and affairs of the Post,
- c. submit 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
- d. perform such other duties as directed by the Post EC.

Section 2. **1st Vice Commander (1V).** The 1V shall:

- a. assume and discharge the duties of the office of the PC in the event of their absence or disability or when called upon by the PC and to provide oversight and represent the PC for those committees to which assigned.
- b. be voting members of the following committees:
 - 1) Membership,
 - 2) Finance,
 - 3) Athletics and other committees to which assigned,
 - 4) Scholarship (if no 3V assigned),
- c. assist the PC in other tasks as necessary.

Section 3. **2nd Vice Commander (2V).** The 2V shall:

- a. assume and discharge the duties of the office of the PC in the event of their absence or disability or when called upon by the PC or 1V and to provide oversight and represent the PC for those committees to which assigned.

- b. be a voting member of the following committees:
 - 1) Building and Grounds,
 - 2) Topside and other committees to which assigned,
 - 3) Children and Youth and Americanism (if no 3V assigned), and
- c. assist the PC in other tasks as necessary.

Section 4. 3rd Vice Commander (3V). If required, the 3V shall:

- a. assume and discharge the duties of the office of the PC in the event of their absence or disability or when called upon by the PC, 1V or 2V and to provide oversight and represent the PC for those committees to which assigned.
- b. be a voting member of the following committees:
 - 1) Children and Youth,
 - 2) Scholarship,
 - 3) Americanism and other committees to which assigned, and
- c. assist the PC in other tasks as necessary.

Section 5. Post Adjutant (ADJ). The ADJ shall:

- a. have charge of and maintain a full and correct record of all proceedings/minutes of the monthly EC and general membership meetings,
- b. coordinate and submit such annual reports as the Department and National organization may require,
- c. submit annual required report to the State Corporation Commission (SCC),
- d. handle all incoming/outgoing correspondence of the Post, and
- e. read the minutes of the previous EC and general membership meetings when required.

Section 6. Finance and Assistant Finance Officers (FO/AFO). The Finance Officers of the Post shall:

- a. have charge of all finances and see that they are safely deposited in local banks,
- b. report once each month to the EC on the condition of the finances of the Post, and provide such recommendations as they may deem expedient or necessary for raising funds with which to carry on the activities of the Post,
- c. sign all checks disbursing the monies of the post. All checks shall be signed by the PC and Finance Officer or Assistant Finance Officer; the ADJ may sign for the PC in his/her absence. Any two (2) of the above Officers may sign checks if needed,
- d. furnish such surety bonds in such sums as shall be fixed by the Post EC,
- e. advise the incoming PC of the amount of money on deposit in checking accounts, the amount of certificates, bonds, etc., and in which banking establishment they are located.
- f. prepare and submit Bingo/Gaming License renewal,
- g. coordinate and ensure submission of IRS for 990, and
- h. coordinate and ensure annual audit is performed.

In the absence of the FO, the AFO shall assume their duties.

Section 7. Athletic Officer (AO). The Athletic Officer shall:

- a. be responsible for Post participation in the American Legion Baseball program,
- b. promote participation by Post members in sport activities such as golf, bowling, softball, etc.,
- c. be responsible for all programs that their committee conducts (they shall be conducted in accordance with all National, Department, District, and Post rules) and

- d. perform such other duties as the PC may require.

The AO shall be elected annually in January for a term of one (1) calendar year.

Section 8. Chaplain (CHAP). The CHAP shall:

- a. be charged with the spiritual welfare of the Post comrades,
- b. offer divine but non-sectarian service dedications, at funerals, public functions, *etc.*,
- c. adhere to such ceremonial rituals as are recommended by the National or Department Headquarters and
- d. report on all ill or deceased members and shall extend the help and sympathy of the Post to those in need.

In the event of the death of any member, flowers/Legion Bible, or donation to any charity will be made in the member's name in accordance with the survivor's desires. A sympathy card will be sent to the deceased member's family. It shall be the responsibility of the family of the deceased to notify the CHAP or Commander of the Post. The cost of memorials shall be determined by the EC.

Section 9. Judge Advocate (JA). The JA is the guardian of the Constitutional form of Post Government. The JA shall:

- a. supply professional advice in the conduct of the Post business (or to procure proper counsel),
- b. maintain a copy of the Post Constitution and By-Laws while attending Post meetings,
- c. have a working knowledge of Robert's Rules of Order and
- d. assure that Post officers are not lax in filing of all legal papers, local, state, and Federal, for the operation of the Post Home.

Section 10. Media and Communications Officer (MC). The MC shall:

- a. promote public support of the Legion's programs through publicity on Post programs and activities in local newspapers or on radio, TV, *etc.*,
- b. keep the membership informed on American legion programs in general through contact with American Legion News Service and other news sources,
- c. be informed by the Commander of any special event early enough for publicity purposes and
- d. be responsible for drafting and publishing the monthly Post newsletter "News and Views."

Section 11. Post Historian (PH). The PH shall:

- a. be charged with maintaining the photographic activity records of the Post and Post members,
- b. perform such other duties that pertain to this office and determined by the PC and/or the EC and
- c. be responsible for those other duties found in the American Legion PC's Handbook, and
- d. compile and submit annual Post history to department.

Section 12. Sergeants at Arms (SAA). The (2) Sergeants at Arms shall:

- a. preserve order at all meetings,
- b. perform such duties as may be from time to time be assigned to them by the PC or EC and
- c. be responsible for setting up the Podium and flags for all Executive and General Membership meetings, and
- d. greet all visitors / new members and introduce them to the PC and ADJ.

Section 13. Post Service Officer (PSO).

- a. Duties. The PSO shall assist veterans and their dependents in obtaining those benefits and rights granted to them by law, in accordance with guidance contained in the current American Legion Manual for PSOs and in other official Veteran's affairs information publications.

In addition, the PSO may, after proper investigation, determine and provide limited financial assistance to needy veterans. The PSO shall be in charge of the Post's medical equipment and appliances and keep the necessary inventory of this equipment.

- b. Funding. The PSO is authorized to expend funds (in support of veterans) in the amount previously approved by the Post EC. The amount approved by the Post EC is on a "per-occurrence basis." Request by the PSO to changes to the approved amount must be approved by the Post EC.

ARTICLE V - DELEGATES

Section 1. Delegates and Alternates to the Department Convention shall be elected by vote of the Post at a Regular Post Meeting to be held at least twenty (20) days prior to the date of such convention.

Section 2. These delegates to the convention shall include the outgoing and incoming Commanders and incoming Adjutant, 1V, 2V, 3V (if assigned) and FO.

Section 3. Delegates to conventions shall not exceed the number allowed by The American Legion, Department of Virginia.

Section 4. The expenses of the Commander and Adjutant will include registration fee, room, board, and travel and will be paid in full by the Post. Registration fee and single-room rates will be paid for each additional delegate selected to attend the convention or conference. The expenses of the current "Mr/Ms.. Legionnaire" to attend the Department Convention will include registration fee, room, board and travel and will be paid in full by the Post.

Section 5. The Commander and Adjutant shall give on account of their expenses to the EC at the first Post Executive Meeting held after their return from the conference or convention.

Section 6. The EC shall establish a Standing Rule to govern delegate attendance, participation responsibilities and reimbursement and shall determine the number of nights of lodging to be paid for delegates attending each convention or conference.

ARTICLE VI – APPOINTMENTS

The PC, immediately upon taking office each year, shall appoint the following standing committees: Americanism, Children and Youth, Finance, Building and Grounds, Membership, Scholarship, Athletics, Topside, Boy's State and such others as may seem necessary. Such standing committees shall consist of:

- a. Post Vice Commander (who shall be a voting member),
- b. Chairman (selected by the PC),
- c. Vice Chairman and
- d. such members as shall be designated and/or appointed by the chairperson of the committee. The Post Commander may use the advice of Vice Commanders in Committee Chairperson selection.

Section 1. Americanism Committee.

- a. Duties. The Americanism Committee shall be charged with
 - 1) the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions;
 - 2) encouragement of patriotic and civic phases of instruction in schools; of the general public in American ideals through public forums, *etc.*, and activities for community and civic betterment.
- b. The Americanism committee shall be responsible for coordinating:
 - 1) Post participation in the annual Veteran's Day ceremony, and
 - 2) submitting the annual Americanism Report and input for the National Consolidated Report.

Section 2. Children and Youth Committee.

- a. Duties. The Children and Youth Committee shall:
 - 1) be charged with aid and service to children of veterans,
 - 2) cooperate with other established agencies in the community,
 - 3) labor for betterment of child conditions and in coordinating services and agencies in the community for the above purposes
 - 4) act as intermediary for the needy child, and
 - 5) after proper investigation to determine the need, provide Temporary Financial Assistance (TFA) to any needy child.
- b. Funding. The Children and Youth Committee is authorized to expend funds in the amount previously approved by the Post EC. The amount approved by the Post EC is on a per month, per family occurrence basis.

Section 3. Finance Committee. The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all Post funds. The EC will obtain an auditor to audit the books of this organization before the new PC takes office. The audit results will be reported during the September meeting of the EC.

Section 4. Topside Committee. This Committee shall have oversight of all matters dealing with the Topside Lounge / Social Quarters. They will establish and publish in an open space a set of House Rules to govern both the employees and patrons. The Topside Committee shall review all reported disciplinary infractions for disposition, and, if required, forwarding to Post EC for further action.

Section 5. Buildings and Grounds Committee. This Committee will be charged with all matters pertaining to grounds, parking lots, and general maintenance of the Post Home and other Post Facilities. The Building and Grounds chairman shall have access to a Home Depot Credit Card with a monthly limit of \$600.00 to be used for Post repairs.

Section 6. Membership Committee. The membership committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatements and eligibility of members.

Section 7. Veterans Affairs / Rehabilitation Committee (VA/R). This committee will coordinate visits to Veteran's Hospitals, and coordinate activities of members to assist needy veterans in obtaining their lawful benefits. This committee shall include the Post Service Officer(s).

Section 8. Legionnaire of the Year Committee. This committee, when seated, will select a Post member to be designated "Legionnaire of the Year". The committee shall normally consist of the last 3-5 Post Legionnaires of the Year and once a selection is made, submit the name to the ADJ along with a narrative as to why the Legionnaire was selected.

Section 9. Scholarship Committee. This Committee will be charged with the selection of graduating seniors and qualified college students. Sons, daughters and grandchildren of Post Members who are eligible to apply for funds to help defray costs of attending college. Eligibility waivers will be recommended by the Committee Chairman and approved by the EC. The ADJ shall be charged with the verification of the eligibility of applicants. A Post member who sponsors an applicant must have three (3) years of consecutive service at the time of Application. They will determine if there is a need. Monies made available for scholarships will be determined by the EC based on recommendation of the Finance Committee. Administration of the program will be presented to the EC (annually) for approval and updating. Additional donations of scholarships in memory of a person must be approved by the EC after a review by the Scholarship Committee.

Section 10. Athletic Committee. This committee shall assist the Athletic Officer in the performance of his/her duties and activities.

ARTICLE VII – RESOLUTIONS

All resolutions of State and 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 a copy of the 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 VIII - REGULAR POST MEETINGS

Section 1. The regular meetings of the Post shall normally be held at the Post Home on the second Thursday of each month, at which time business may be transacted.

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

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

Section 4. A simple majority plus one (1) of unexcused members present at a meeting shall constitute a quorum for a regular Post Meeting.

ARTICLE IX - NOTICES

Section 1. Every member shall furnish the ADJ with their regular mail and e-mail address (if applicable) for administrative purposes.

Section 2. The ADJ shall cause notice of a change to a special meeting date to be given to all members at least one week prior thereto.

ARTICLE X - RULES OF ORDER

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

ARTICLE XI - LIMITATIONS OF LIABILITIES

Section 1. This Post shall not incur, or cause to be incurred any liability or obligations whatever which shall subject to liability any other Post, subdivision, group of persons, members of the American Legion, or other individuals, corporations, or organizations.

Section 2. Purchasing.

- a. Purchasing by Committees.
 - 1. All purchases shall require a purchase order signed by the FO.
 - 2. All purchases and commitment of funds in excess of the limits previously approved by the EC will require EC approval. All purchases will require printed receipts before reimbursement is authorized. Purchases in excess of \$10,000 will also need approval from the General Membership.
- b. Purchasing Requirements.
 - 1. For emergency related work, and depending upon the nature of the work required, the EC may request a minimum of two (2) bids prior to commitment of funds.
 - 2. Emergency purchases for the normal operation of the Post Home must be approved by the Post Commander and/or Adjutant, and reported in full at the next meeting of the EC.

Section 3. Contracting.

- a. All non-emergency related work performed at the Post which requires contracting, such as new construction, repairs to buildings, and upkeep of the grounds and parking lots will require bids from three (3) reputable companies which are properly insured and licensed to do business in the State of Virginia.
- b. After a contract has been awarded, work on the project will begin within ninety (90) days or the funds allocated for that project will be cancelled. Under unusual circumstances an extension may be granted by the Post EC.
- c. All cost-overruns in excess of ten (10) percent of the total project estimates will be reported to the Post EC and approval for such overruns must be approved by the Post EC before the work will be permitted to continue.
- d. Payment to the contractor for expenditures exceeding \$10,000 shall be paid on a stage completion, which will be determined at the time the contract is signed.
- e. Those maintenance contractors employed by the Building & Grounds Committee shall be paid in accordance with current business practices. No accumulation shall be allowed.
- f. Expenditures by Committees (in Article VI; such as the Service Officer and Children & Youth Committee) that have been given guidelines and authority by the EC shall follow those guidelines unless prior approval is obtained from the EC.

ARTICLE XII - POST PROPERTY / HALL RENTAL

Section I. POST PROPERTY. All transfer of Post property must be recommended by the EC and approved by the General Membership. In order to transfer or offer for sale any real property owned by Colonial Heights American Legion Post 284 valued at over \$2,500, the ADJ shall provide members, via minutes of a regularly scheduled EC meeting, a notice containing detailed information of intentions, prior to voting at the next regularly scheduled General Membership meeting.

- a. At no time will any furniture, fixtures or other movable properties of this Post be removed from or loaned to any person, persons, members or organizations except by the approval of the Post EC. A signed voucher will be required upon transfer of any property. Should there be a critical time constraint involved, the approval of the PC shall be required.

- a. The Post EC shall have the authority to make an exception to this section as it deems necessary.
- b. Any person(s), or organizations violating any portion of this section shall be subject to such action as may be taken by the Post EC.

Section 2. POST HALL RENTAL

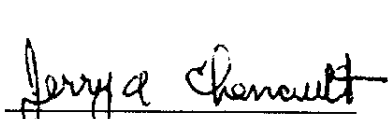
- a. Post members or members of affiliated organizations shall be allowed to rent the Post home or other Post facilities for their private use for a fee as determined by the EC. Post members or member of affiliated organizations shall furnish cleanup and pay any catering fees which shall be established by other Post committees.
- b. All fees for rentals other than Post Functions shall be set by the EC and all rentals or other usage of the Post Home or other facilities will be authorized by the Committee, subject to the approval of the EC.
- c. The Post facilities will be available only when no Post functions are planned.

ARTICLE XIII - AMENDMENTS

These By-Laws may be amended at any Regular Post Meeting by a vote of two-thirds (2/3) of the members of said Post in attendance at such regular meeting; provided the proposed amendment shall have been submitted in writing and read at a regular meeting of the Post. It shall be read again at the next regular meeting of the Post, after which notice will be made to all members at least seven (7) days in advance of the date when such amendments are to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws are to be voted upon.


The above By-Laws shall be reviewed every five (5) years from the date of approval.

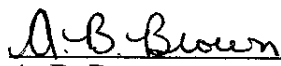
Submitted by:


Jerry Chenault, Commander 9 July 2021
 American Legion Post 284 Date


Richard "Rick" Oertel, Adjutant 9 July 2021
 American Legion Post 284 Date

Approved by:


2021 Adrian "Skip" Klaas 2 August 2021
 Commander 11th District,
 Department of Virginia


A. B. Brown 6 August
 Judge Advocate
 Department of Virginia