

BY-LAWS OF LEO CAREY POST NO. 56

DEPARTMENT OF MINNESOTA,

THE AMERICAN LEGION

ARTICLE I

Section 1. The Post existing under these By-Laws is to be known as Leo Carey Post No. 56, Department of Minnesota, the American Legion.

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

ARTICLE II – MANAGEMENT

Section 1. The government and management of the Post is entrusted to an Executive Committee of twelve (12) members, to be known as the “Executive Committee.”

Section 2. The Executive Committee shall consist of 6 trustees in addition to the elected officers of this Post. The trustees will be elected for a three-year term, with two being elected annually together with the elected officers of the Post and together with the other officers of this Post. All elections of trustees and officers shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates. The Executive Committee shall consist of the following: Commander, Immediate Past Commander, 1st Vice-Commander, 2nd Vice-Commander, Finance Officer, Adjutant, 1st Trustee, 2nd Trustee, 3rd Trustee, 4th Trustee, 5th Trustee, and 6th Trustee.

Section 3. The officers shall assume office on the 1st day of July, following their election and shall be installed at a meeting called for that purpose during the month of June of each year.

Section 4. All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the Committee, and a person so appointed shall hold office for the unexpired term of the member of the trustee of the committee or officer who succeeded. A vacancy shall exist when a trustee or officer is absent from the Post for a continuous period of three (3) unexcused absences considered detrimental to the interest of the Post by the Executive Committee.

ARTICLE III - POST EXECUTIVE COMMITTEE

Section 1. The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post commander within ten (10) days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the Commander at least every month on the second Monday. The Post Commander shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of said Post Executive Committee, the

Post Commander and six (6) members of the Committee shall constitute a quorum thereof.

Section 2. The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures up to the limit of \$5000; shall require adequate bonds from all persons having the custody of Post funds; shall hear the reports of Post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of this Post.

ARTICLE IV – ELECTED OFFICERS

- A. Commander
- B. 1st Vice-Commander
- C. 2nd Vice Commander
- D. Finance Officer
- E. Trustees (6)

ARTICLE V – APPOINTED OFFICERS

Section 1. The Commander with the advice and consent of the Executive Committee shall appoint the following officers to serve their term of office.

- A. Adjutant
- B. Service Officer
- C. Chaplain
- D. Historian
- E. Sergeant-At-Arms
- F. Gambling Manager
- G. Such other officers as may be authorized by the Post

ARTICLE VI - DUTIES OF OFFICERS

Section 1. Post Commander: The Post Commander shall be the executive officer of the Post shall preside at all meetings thereof and to have general supervision over the business and affairs of the Post and shall approve all orders directing the disbursement of funds subject to these by-laws. They shall make an annual report covering the business of the Post for the year, together with recommendations for the ensuing year, which report, and recommendation shall be read at the annual meeting prior to the installation of officers.

Section 2. Immediate Past Commander: Serve as an advisor to the Post Commander in the performance of their Post duties.

Section 3. 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 Commander. They shall, upon their election, assume chairmanship of the membership drive for the ensuing year.

Section 4. Second Vice-Commander: The Second Vice-Commander shall assume and discharge the duties of the Commander in the absence or disability of the Commander and First Vice-Commander or when called upon by the Commander. They shall be chairman of the entertainment committee of the Post and shall be charged with the responsibility for entertainment following their installation for the ensuing year.

Section 5. Adjutant: The adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings of the Post and the Executive Committee, shall keep such records as the department and national organizations may require, rendering annual membership reports at the annual meeting, give special reports when called upon at any regular meeting, and under direction of the Commander handle all correspondence of the Post. They shall receive all dues paid by members of the Post and make deposit thereof in the depository designated by the Executive Committee. When so deposited, the adjutant, and their bondsman, shall not be responsible for the safety of such depository. He shall furnish corporate surety bond to the Post of the faithful discharge of his duties and the accounting of all funds or property of the Post in their hands or under their control, the premium of such bond to be paid by the Post. They shall, in conjunction with the Finance Officer, sign all checks for disbursement of moneys of the Post. They shall advise the Post on rules of order at regular or special meetings and counsel the Commander on procedure and interpretation of the by-laws. The Adjutant shall have the charge of the disbursement of funds of the Post as may from time to time set aside for that purpose by the Executive Committee.

Section 6. Finance Officer: The Finance Officer shall have custody of all Club funds and shall see that they are deposited in the depository designated by the Executive Committee. They shall report and shall report once a month the condition of the finances of the Club, with such recommendations as may deem expedient or necessary for raising additional funds. They shall furnish an adequate corporate surety bond for the faithful performance of their duties and accounting of all funds or property in the Club coming into their hands, such bond to be approved by the Executive Committee and the premium thereon paid by the Club. Any disbursement in excess of \$50.00 shall be approved in advance by the Executive Committee. The Finance Officer shall sign all checks disbursing the monies of the Club and in such sum as shall be fixed by the Post Executive Committee.

Section 7. Historian: The Historian shall be charged with the individual records and incidents of the Post and its members, shall make in writing an annual report thereof at the annual meeting, and shall perform such other duties as may be directed and determined by the Executive Committee.

Section 8. Chaplain: The Chaplain shall administer to the spiritual welfare of the Post and its members, offer divine, but non-sectarian services for the Post Functions and activities and preside as such ceremonial rituals as recommended by the National or Department Headquarters from time to time. Information of deceased members should come from the Service Officer.

Section 9. Sergeant-at-Arms: The sergeant-at-arms shall preserve order at meetings and shall perform such other duties as may be from time to time assigned by the Post Executive Committee. They shall serve as conductor for the candidates during

initiation and make preparation for initiation as the Commander may direct. They shall have custody of all Post regalia.

Section 10. Service Officer: The Service Officer shall assist all comrades in matters pertaining to growing out of the military service.

ARTICLE VII - DELEGATES

Section 1. Delegates and alternates to a Department Conventions shall be elected by ballot at the last meeting of the Post preceding the convention.

ARTICLE VIII – COMMITTEE APPOINTMENTS

Section 1. The Post commander, immediately upon taking office each year, shall appoint the following standing committees: Americanism; Ceremonials; Children and Youth; Economic; Finance; Foreign Relations; Graves Registration and Memorial; House and Entertainment; Legislative; Membership; Public Relations; Veterans Affairs and Rehabilitation; National Security; Sons of The American Legion; Visiting or Veterans Affairs Voluntary Service (VAVS) and Building Committee. Such standing committees shall consist of such members, and the chair thereof, as shall be designated by the Post Commander.

Section 2. Americanism Committee: The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

Section 3. Ceremonials Committee: The principal duty of the Ceremonials Committee is to ensure that all new members are properly initiated. The committee must also concern itself with proper presentation of other rituals outlined in the Manual of Ceremonies - burial detail and the wearing of Legion regalia.

Section 4. Children and Youth Committee: Shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community, laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "no child of a war veteran shall be in need of the necessities of "life" and "a square deal for every child."

Section 5. Economic Committee: The Post Economic Committee is primarily concerned with local employment programs, Veterans' preference, government employment and re-employment rights.

Section 6. 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 Finance Committee shall consist of not less than three (3) nor more than five (5) members.

The Finance Committee shall conduct a complete audit of the books of the Post each year and report same to the Executive Committee together with a budget for the succeeding year and recommendations as to the financial structure of the Post.

Section 7. Foreign Relations: This committee has become active as America has recognized its responsibility as a world leader. Maintaining and securing world peace and friendship abroad through community endeavors have become as essential as any aspect of treaty law.

Section 8. Graves Registration and Memorial Committee: The duties of this committee involve recording of grave sites and complete information on Veterans burial in cemeteries assigned to the Post. Special assistance can be given the Service Officer in providing flags, headstones, or proper interment in National Cemeteries.

Section 9. Legislative Committee: The Legislative Committee needs to have a knowledge of what is going on in Congress; what we favor or oppose and should be ready to initiate action in support of our position when requested by the National or Department organization.

Section 10. 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 11. Public Relations Committee: The Public Relations Committee shall be charged with the promotion of public support of the Legion's programs by the establishment of proper contact with The American Legion Magazine, Department, and National Legion news service and by local publicity of Post programs and activities.

Section 12. Veterans Affairs and Rehabilitation Committee: The Veterans Affairs and Rehabilitation committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state government, employment, relief, etc.

Section 13. Security Committee: The Security Committee shall work with and coordinate Legion efforts with the local Civil Defense Council on matters pertaining to national, civilian, and home defenses. It shall assist the Armed Forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.

Section 14. Sons of The American Legion Committee: This committee shall have supervision over the operations of the Post's squadron of the Sons of The American Legion.

Section 15. Visiting or Veterans Affairs Voluntary Service (VAVS) Committee: This committee is charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals.

Section 16. Building Committee: The Building Committee shall consist of not less than five (5) nor more than seven (7) members. In any project involving the

construction, improvements or alteration of the Post building or facilities, the building, the committee shall make studies and recommendations with respect to construction, improvement, or alterations. Its recommendations shall be presented to the Executive Committee for approval and all contracts and obligations involved in any construction, improvement or alterations shall be approved and executed by the Executive Committee.

ARTICLE IX – NOMINATING COMMITTEE

Section 1. There shall be a permanent nominating committee for all elective officials of the Post, consisting of Past Commanders of the Post. This committee shall meet for the purpose of preparing a list of nominations on the call of the then presiding officer or such Past Commanders at least thirty days prior to the annual election and on at least five days prior notice to such past Commanders of such meeting an its purpose. Five or more of the Past Commanders at such meeting shall constitute a quorum, but a less number may adjourn the meeting. Nominations may also be made from the floor at such annual meeting. The list of nominations so made by the said Nominating Committee shall be posted on the bulletin board to the club rooms at least ten days prior to the date of annual election and kept so posted until the election.

ARTICLE X - RESOLUTIONS

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

ARTICLE XI - MEETINGS

Section 1. The regular meeting of this Post shall be held at the offices of the Post on the 3rd Monday of each month, unless otherwise designated by the executive Committee.

Section 2. The Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time. All notices of special meetings shall clearly indicate the purpose for which the same is called.

ARTICLE XII - NOTICES

Section 1. Every member may furnish the Post Adjutant with a mailing address and/or an email address or mailing purposes.

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

ARTICLE XIII – RITUAL

Section 1. No meetings shall be recorded on the Adjutant's books as legal unless such meetings are properly opened in accordance by the Officer's Guide and manual of Ceremonies.

ARTICLE XIV - RULES OF ORDER

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

ARTICLE XV – DISCIPLINE

Section 1. The Post shall be the judge of its own membership.

Section 2. Members may be suspended or expelled from the Post only upon proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty or conduct unbecoming of a member of the American Legion. All charges must be under oath in writing by the accusers, and no member in good standing shall lose their membership until a fair trial in such manner and form as the Department By-Laws and Department Executive Committee shall prescribe.

Section 3. Any member who has been suspended or expelled has the right to appeal to the Department Executive Committee, or the Department Convention, according to the provisions in the By-Laws of the Department. The decision of the Department shall be final.

ARTICLE XVI – FISCAL YEAR

Section 1. The fiscal year of the Post shall begin July 1st of each year.

ARTICLE XVII – DUES

Section 1. In recognition of the ever-changing monetary value, the dues of this Post shall be in the amounts as approved by the Executive Committee and on the dates as set by the current years Executive Committee, Department and District directives as relates to the American Legion membership. Dues payable in advance on the 1st day of July each year.

ARTICLE XVIII – LIFE MEMBERSHIP

Section 1. Life membership in this Post is hereby created pursuant to the provisions of the Article.

Section 2. All members of this Post, who were presented with Life Memberships from the Post, shall have their annual dues paid by the Post for the remainder of their life.

Section 3. Any member of the Post, upon direction of the Executive Committee, who is presented with Life Membership from the Post, shall have their annual dues paid annually by the Post for the remainder of their life.

Section 4. Any members, who, through sickness, or distress, is unable to pay his or her dues within the time required, may submit his case to the Executive Committee. The committee will review each case individually and may approve payment of the member's dues by Post on an annual basis.

ARTICLE XIX – CLUB ROOMS

Section 1. The Executive Committee shall be authorized to maintain and operate Club Rooms in the Post quarters in the city of Albert Lea which Club Rooms may be used for meeting rooms for the Post and the Auxiliary, for committee meetings and for lounging rooms for the members of the Post and visitors. The officers are authorized to furnish such Club Rooms and to conduct such lawful business therein as shall be for the best interest of the American Legion.

Section 2. The Executive Committee is authorized to employ a manager and other necessary personnel for the operation of said Club Rooms, to establish and enforce rules and regulations for the operation and use of said Club Rooms which shall be posted for public inspection; to control the activities and use of said Club Rooms, and to delegate responsibility thereof to a Club Manager.

Section 3. The manager and any employee working at the Club Rooms who handles cash, may be bonded to the Post in a sum to be determined by the Executive Committee and the cost of such bond to be paid by the Post.

Section 4. None of the following listed officers of the Post shall be in employment of the Post: Commander; 1st Vice-Commander; or 2nd Vice-Commander.

Section 5. The Club manager shall have a review annually by members of the Executive Committee.

Section 6. The Executive Committee shall review a prepared report of the activities and financial status of the club once each month at the regularly scheduled meeting of the Executive Committee.

ARTICLE XX – INVESTMENTS

Section 1. All stated, reserve and surplus funds of the Post shall be invested by the Executive Committee in securities approved for the investment for savings banks and trust companies by the laws of the state of Minnesota or in institutions insured by the federal Depository Insurance Corporation; provided that the Executive Committee is authorized to loan the money in said fund to the Post for the purpose of acquiring and constructing a building for said Post provided said loan is secured by a mortgage on said property on such terms and at a rate of interest to be determined by the Executive Committee. All Life Membership funds and investments shall be administered in accordance with Article XVIII hereinafter set forth. All investments in securities shall be classified as an "Investment Account." The principal of such funds so invested shall not be withdrawn or transferred from the investment account except upon approval of the Executive Committee.

ARTICLE XXI – LIMITATIONS OF LIABILITIES

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

ARTICLE XXII - AMENDMENTS

Section 1. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting; providing that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post; and, provided, further, that written notice shall be made available at the Post at least thirty (30) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted on.

ARTICLE XXIII - MISCELLANEOUS

Newly elected officers of any of the Post 56 subordinate programs (Legion Riders, Sons of the American Legion, etc.) will not be valid until approved by the Post 56 Executive Board.

Individuals of any of the Post 56 subordinate programs (Legion Riders, Sons of the American Legion, etc.) desiring to hold an officer position in the subordinate program must be a member in good standing of Post 56.

When the Commander of the Post 56 Executive Board calls for a “special meeting,” separate from the monthly Executive Board meeting and the Post meeting, only the Executive Board members and any individuals the Post 56 Executive Board specifically invites are allowed to attend the “special” meeting.

Revised: January 15, 2024

Revised: March 17, 2025

Certified by:

Tom Norby, Post Adjutant

Ole Olson, Post Commander