

CONSTITUTION  
OF  
JOSEPH J. DUNCAN, JR.  
AMERICAN LEGION POST 119  
ESTES PARK, COLORADO  
(As Amended May 12, 2010)

**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 association 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.

**ARTICLE I**

**ORGANIZATION NAME**

SECTION I – The name of this organization shall be the JOSEPH J. DUNCAN, JR. POST NO. 119, OF THE AMERICAN LEGION, Department of the state of Colorado.

**ARTICLE II**

**NATURE**

SECTION 1 – JOSEPH J. DUNCAN, JR., POST NO. 119 is a civilian organization; membership therein does neither effect nor increase liability for military or police service. Rank does not exist in The American Legion; no member shall be addressed by his military or naval title in a Post meeting.

SECTION 2 – JOSEPH J. DUNCAN, JR. POST NO. 119 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. No candidate for or incumbent of a salaried elective public office shall hold any office in JOSEPH J. DUNCAN, JR. POST NO. 119.

SECTION 3 – The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble and shall be subject to the National and Department Constitutions of The American Legion.

**ARTICLE III**

**MEMBERSHIP**

SECTION 1 – Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion.

SECTION 2 – Application for membership shall be made in writing and passed to the Post Executive Committee for final check on eligibility and completeness of data required under such regulations as prescribed by the National Constitution of The American Legion.

SECTION 3 – All applications for membership shall be acted upon at the next Post meeting following the making of such application.

SECTION 4 – There shall be no class or form of membership other than active membership; honorary memberships are forbidden.

SECTION 5 – All persons who are members in good standing of the Post shall constitute the membership of THE AMERICAN LEGION SOCIAL CLUB, as established under ARTICLE VII, SECTION 13, of this Constitution.

## ARTICLE IV

### OFFICERS

SECTION 1 – The elected officers of this Post shall be Commander, Senior and Junior Vice Commanders, Adjutant, Finance Officer, Service Officer, Assistant Service Officer, Historian, Chaplain, and Sergeant-at-Arms.

SECTION 2 – THE DUTIES OF SAID OFFICERS SHALL BE AS FOLLOWS:

A. The Post Commander shall preside at all meetings of the Post and have general supervision over the business and affairs of the Post. He/She will appoint all committees and will be an ex-officio member thereof.

B. The Vice-Commanders 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. The Senior Vice-Commander will be responsible for membership. The Junior Vice-Commander will be in charge of the Post entertainment and public functions.

C. The Adjutant shall have charge of and keep a full and complete record of all the Post general membership meetings, Post Executive Committee meetings, keep such records as the National and Department Organizations may require, render reports of membership annually or when called upon at a meeting, and under direction of the Commander, handle all correspondence of the Post. He/she shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee.

D. The Finance Officer of the Post shall have charge of all Post funds. He/She shall report once a month to the Executive Committee the condition of the finances of the Post. At the Post's expense and request he/she shall furnish a security bond in such sum as shall be fixed by the Post Executive Committee.

E. The Post Historian shall be charged with the records of the Post and shall keep a written record of Post activities.

F. The Service Officers shall carry on the Post's Veteran's services programs.

G. The Post Chaplain shall be charged with the spiritual welfare of the Post Comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc. and shall adhere to such ceremonial rituals as are recommended by the National and Departmental Headquarters from time to time.

H. The Sergeant-at-Arms shall be the custodian of Post ceremonial property. He/She shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to him / her by the Post Executive Committee.

SECTION 3 – Every member of this Post in good standing shall be eligible to hold any office in this Post but shall not be elected to hold more than one office at the same time.

SECTION 4 – All elected officers shall be elected at the annual election. At least one nomination for such elective office shall be made by a Nominating Committee consisting of five members and appointed by the Commander at the March meeting. Nominating Committee will report its recommendations at the April meeting. At the time of the report of the Nominating Committee members shall have an opportunity to make nominations from the floor and such nominations shall be held open to include the election meeting.

SECTION 5 – The annual election shall be held at the May meeting. Recognition of new officers shall be accomplished at the May meeting immediately after the election. Such newly recognized officers will take office on July 1st of that current year, and will serve for a term of one year except as noted in ARTICLE VII MISCELLANCOUS, SECTION 13

ELIGIBILITY TO RE-ELECTION, the Commander may serve two consecutive years, or until the next regular election and until their successors are duly elected and installed. All other officers may serve without term limits.

## **ARTICLE V**

### **THE EXECUTIVE COMMITTEE**

SECTION 1 – The Executive Committee shall consist of eleven members as follows: the ten elected officers listed under ARTICLE IV, SECTION 1 and the immediate Past Commander. Present members shall constitute aquorum. The Commander shall be Chairman and shall preside at Executive Committee meetings.

SECTION 2 – The Executive Committee shall be charged with the responsibility for planning the general program of activities for the Post and shall have supervision of said programs. The Executive Committee shall be responsible for carrying out the Legion Program as directed by National and Department Headquarters and shall have control over procurement of membership, registration, collection of dues. and the raising of monies by Post activities. They shall be the governing body between Post meetings.

SECTION 3 – The Executive Committee shall constitute the Budget Committee for all Post business and activities and shall have supervision of all Post finances. The balanced annual budget prepared by said Committee shall be submitted to the Post at the May meeting for first reading and, if approved in June, such approval by the Post shall constitute authority in the Executive Committee to make the

expenditures named in the said budget. Any proposed expenditure of funds not specifically authorized by the budget must be presented to the membership for approval. If the proposed expenditure is for \$200.01 or more it must be referred to the proper committee and be brought before the Post not later than the next regular meeting by the Committee Chairman with the committee's recommendations. In the case of an emergency, the Post Commander or Finance Officer should be contacted for emergency authorization, with the expenditure being presented at the next regular meeting for official approval.

SECTION 4 – The Executive Committee shall meet at least once each month and upon call of its Chairman or any three members. The Adjutant shall keep a written record of the proceedings of said committee. All meetings of the Executive Committee will be open to any Post member and any action taken by the Executive Committee during said meetings must be presented to the Post at the next regular meeting of the Post.

SECTION 5 – The Finance Officer shall report to the Executive Committee at least once each month and the Executive Committee shall make a financial report to the Post at least once every three months and shall make an annual financial report to the Post at the June meeting.

SECTION 6 – The Executive Committee shall have authority to exercise judiciary powers over elective and appointed Post Officers in the event of charges being preferred against any such officer. Charges may be based on disloyalty, neglect of duty, dishonesty, or any conduct unbecoming an officer of this Post. Charges must be made under oath by the accusers. In the event of charges being proved, the Executive Committee shall have the power to remove from office, suspend or reprimand the person so found guilty.

SECTION 7 – CONVEYANCE OF POST REAL PROPERTIES:

A. Upon written notification of ALL of the current membership in good standing and a full reading at two regular, successive, monthly Post general meetings, a vote of 51 % of the members present at the time of the second meeting shall constitute authority to transfer real property.

B. The authority to sign necessary papers of conveyance of Post Real Properties is jointly vested in the Commander and Adjutant.

## **ARTICLE VI**

### **APPOINTMENTS**

SECTION I – The Post Commander, by September of each year, shall appoint such standing committees as deemed necessary by the Executive Committee to fully comply with the National and Department mandates on the Legion Program and to carry on successfully the Post's activity. Such committees shall consist of such members, and the Chairman thereof, as shall be designated by the Post Commander. Such appointments shall be announced to the membership at the September meeting, and shall be confirmed by the appointees themselves.

## **ARTICLE VII**

### **MISCELLANEOUS**

SECTION I – DELEGATES: Delegates and alternates to District and Department conventions shall

be elected at a regular meeting of the Post to be held at least twenty days prior to the date of such convention.

SECTION 2 – RESOLUTIONS: All resolutions of National or Department scope presented to this Post by a member or reported to this Post by a committee shall embody the opinion of this Post on the subject and shall be approved by the Post at a regular meeting before it can be forwarded to District Convention.

SECTION 3 – MEETINGS:

A. The regular meetings of the Post shall be held monthly, as determined in July of each year by the elected Commander.

B. The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time. The membership must receive 24 hour written notice of special meetings.

C. Upon the written request of ten members, the Executive Committee shall call a special meeting of the Post.

D. Present members at a regular or special meeting shall constitute a quorum.

SECTION 4 – NOTICES:

A. Every member shall furnish the Post Adjutant with his or her address for mailing purposes.

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

SECTION 5 – RULES OF ORDER: All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, Revised except as herein otherwise provided.

SECTION 6 – LIMITATIONS OF LIABILITIES: This Post shall incur, or cause to be incurred, no liability nor obligation whatever that shall subject to liability any other Post, subdivision, group of men, members of The American Legion, or other individuals, corporations, or organizations.

SECTION 7 – FINANCES:

A. The revenues of this Post shall be derived from annual membership dues and from such other sources as may be approved by the Post.

B. The Post dues shall be determined on an annual basis and are payable by December 31 for the succeeding year.

C. The Post shall pay to Department Headquarters the National and Departmental annual membership dues for every member of the Post.

SECTION 8 – CHARTER MEMBERS: Members who joined this Post prior to the issuance of

charter shall be known as charter members.

#### SECTION 9 – AMERICAN LEGION AUXILIARY:

A. This Post recognizes an Auxiliary organization to be known as the AUXILIARY UNIT OF THE JOSEPH J. DUNCAN, JR. POST NO. 119, THE AMERICAN LEGION. It also recognizes such other subsidiary organizations as are recognized by the National Constitution.

B. Membership in the Auxiliary shall be prescribed by the National Constitution of the American Legion Auxiliary.

#### SECTION 10 – SONS OF THE AMERICAN LEGION:

A. This Post recognizes an organization to be known as SONS OF THE AMERICAN LEGION (SAL) SQUADRON 119, OF JOSEPH J. DUNCAN, JR. POST NO. 119, THE AMERICAN LEGION.

B. Membership in SAL Squadron 119 shall be as prescribed under the National Charter of The Sons of The American Legion.

#### SECTION 11 – THE AMERICAN LEGION RIDERS:

A. This Post recognizes an organization to be known as THE AMERICAN LEGION RIDERS POST 119, OF JOSEPH J. DUNCAN POST NO. 119, THE AMERICAN LEGION.

B. Membership in THE AMERICAN LEGION RIDERS shall be as prescribed under The Department of Colorado American Legion Riders.

#### SECTION 12 – POST GAMES MANAGER:

A. The Post Games Manager will be selected from the Post membership and be appointed by the Post Executive Committee. He/She shall hold a Games Manager Certificate issued by The Secretary of State of Colorado.

B. The Games Manager will be responsible for all gaming activities within the JOSEPH J. DUNCAN, JR. POST NO. 119. Such activities include the Pull Tab machines, BINGO and Raffles.

C. The Games Manager is responsible for ensuring that ALL quarterly reports, to the Secretary of State, are filled out properly and mailed in on time. He/She will keep accurate records of all monies that have been generated through the Pull Tabs, BINGO, and Raffle accounts. Also, purchase all materials and equipment as needed and pay all bills that are required, in a timely manner.

D. The Games Manager shall deposit, or cause to be deposited, all funds in a bank of his/her choosing, to the credit of The JOSEPH J. DUNCAN, JR. POST NO. 119 BINGO Fund. All payments of funds will be made by check. The checking account will require two signatures, The Games Manager and one other.

E. The Games Manager will make a monthly report to the Post at the monthly meeting. The money generated through the Games will be used for charity programs in the Estes Park

community or where the Post membership so directs. Funds will also be used to improve the Post Home. The Games Manager will keep the records and make out all reports.

F. At the Post's request and expense he/she shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee.

**SECTION 13 – ELIGIBILITY TO RE-ELECTION:** When the term of office of the Post Commander expires, he or she may be re-elected to succeed him or herself. He/She shall not hold the office of Post Commander for more than two consecutive years. This section shall not apply in the event of the advancement of the Senior Vice-Commander under the provisions of SECTION 14, Paragraph A. provided that such advancement is after January 1 st.

**SECTION 14 – VACANCIES:** A vacancy for an un-expired term shall be filled as follows:

A. A vacancy in the office of Commander shall be filled by the advancement of the Senior Vice-Commander.

B. A vacancy in the office of Senior Vice-Commander shall be filled by the advancement of the Junior Vice-Commander.

C. All other vacancies existing in any office shall be filled by nominations by the Executive Committee and election by the Post, and a person so elected shall hold office for the un-expired term of the officer whom he/she succeeds. Nominations may also be made from the floor.

**SECTION 15 – AMERICAN LEGION HOUSE COMMITTEE:**

A. This Post recognizes an auxiliary organization to be known as the JOSEPH J. DUNCAN, JR. POST 119 HOUSE COMMITTEE.

B. The purpose, membership and all rules governing the JOSEPH J. DUNCAN, JR. AMERICAN LEGION HOUSE COMMITTEE shall be contained in a document to be appended to this Constitution and known as the BY-LAWS OF THE JOSEPH J. DUNCAN, JR. POST 119 AMERICAN LEGION HOUSE COMMITTEE.

C. Every part of these BY-LAWS shall be approved and adopted in the manner prescribed by ARTICLE IX, SECTION I of this Constitution, except that no item of these BY-LAWS may contradict or conflict with this Constitution or that of National or Department Headquarters.

## **ARTICLE VIII**

### **DISCIPLINE**

**SECTION 1 – SUSPENSION OR EXPULSION OF MEMBERS:** This Post may suspend or expel a member upon charges of disloyalty, neglect of duty, dishonesty or other conduct unbecoming a member of the American Legion. All charges must be made in writing and must be executed in accordance with provisions of ARTICLE XII, SECTION I of The Department Constitution.

## **ARTICLE IX**

## DISSOLUTION

SECTION I – Upon the dissolution of JOSEPH J. DUNCAN, JR. Post NO. 119 American Legion, the Executive Committee, after providing for the payment of all obligations, shall turn over to The American Legion, Department of Colorado, Post 119's Charter and all net income from real and personal property owned by Post 119. This is in compliance with the Constitution and By-Laws of The American Legion, Department of Colorado, ARTICLE IV, SECTION I and SECTION 2.

## ARTICLE X

### AMENDMENTS

SECTION I – Amendments to this Constitution shall be submitted in writing and read at a regular meeting of the Post and may be voted on at the next succeeding regular meeting, and shall be adopted by a two-thirds vote of those present at said second meeting, provided that notice by mail shall have been given to all members prior to the date when such conflict with this Constitution or that of National or Department Headquarters.

The foregoing amended Constitution was adopted by unanimous vote of those present at the regular meeting held May 12, 2010 after having been read at the regular meeting held April 14, 2010 and having been posted to the Post website for over 45 days.

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Jacqueline Halburnt, Commander

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Jeff Van Bogaert, Adjutant



BY LAWS  
OF  
JOSEPH J. DUNCAN JR.  
AMERICAN LEGION POST 119  
HOUSE COMMITTEE  
(As Amended May 12, 2010)

**ARTICLE I**

DUTIES

The House Committee is charged with the total business and efficient operation of the Social Club, the maintenance of all Post property and the provision of frequent and suitable entertainment for the membership. The Committee will hire a suitable and qualified person as Treasurer. The committee will hire a Club Manager to run the day-to-day affairs of the Club. It shall be the duty of the House Committee to make a monthly inspection of the financial records of the Club and on the same date, to take a complete inventory of all salable merchandise, which the Club has on hand at that time. This inspection and inventory occurs normally on the first of the month. The committee shall make an annual inventory of all Post property. The House Committee will be responsible for the cleanliness of the Post Home, building and grounds and may employ such persons as necessary to accomplish this responsibility or delegate this responsibility to the Club Manager.

**ARTICLE II**

MEMBERSHIP

SECTION 1: The number of members of the House Committee shall be six (6). They shall be members, in good standing, of THE JOSEPH J. DUNCAN JR. AMERICAN LEGION POST 119.

SECTION 2: Each member shall serve a three (3) year term on a rotating basis. The Post Commander will appoint one member, of the Post, for the three-year term. They will assume office on July 1<sup>st</sup> of the current year.

SECTION 3: The Chairman of the House Committee shall be a member of the Post. The Chairman will report directly to the Post Executive Committee and the membership.

SECTION 4: A Treasurer will be hired by the House Committee and approved by the Post Executive Committee.

SECTION 5: A Club Manager will be hired to run the day-to-day affairs of the Social Club and approved by the Post Executive Committee.

**ARTICLE III**

MEETINGS

The House Committee will meet as often as they deem necessary to properly manage the affairs of the Club. In no event will a period of more than one (1) month elapse between meetings of the House

Committee. The Treasure has NO vote in the decision-making policies of the House Committee.

## **ARTICLE IV**

### **OFFICERS**

**SECTION I – CHAIRMAN:** The Chairman will chair the House Committee. He/she will be responsible for the total business operation of the Club and provide House Rules for the conduct of members and their guest and to ensure that the Club is operated in the appropriate atmosphere. The Chairman will be directly responsible to the Post Executive committee for the operation of the Club. The Chairman will make a monthly report on the Club and its financial status at the monthly Post meeting. He/she will appoint one member of the House Committee to fulfill the duties of Secretary.

**SECTION 2. – TREASURER:** The Treasurer will be the custodian of the funds of the Post, and will receive, safeguard and disburse them in accordance with the provision of the By-Laws. He/she shall deposit, or cause to be deposited, all funds in a bank to be designated by the House Committee, to the credit of The American Legion Post 119 Social Club. Cash in the amounts approved by the House Committee may be kept on hand in the Club for purposes of making change, etc. All payments from the funds of the Club will be made by check. The Treasurer will sign all vouchers covering expenditures of the Club funds, providing such expenditures have had prior approval from the House Committee. He/she will cause a set of books to be kept showing the status of the account of the Club with any person or persons, firm or corporation or other business with which the Club does business and the individual status of such business operated by the Club to include the earning or loss of such business. The Treasurer will also maintain the payroll of all paid employees. There shall be an annual audit of the House Committee books by the Post Executive Committee. The Treasurer will be bonded with a bonding company and the cost to be borne by the Post. The amount of such bond shall be not less than Five Thousand Dollars (\$5,000.00). He/she will be paid a fixed salary and a check will be issued on the first day of each month.

**SECTION III – CLUB MANAGER:** The Club Manager will operate the Social Club. He/she will be responsible for maintaining a running inventory of all resale merchandise, liquor and food, etc. The Manager will make a daily report of all club business to the Treasurer. The Manager will recommend to the House Committee, for employment, any staff, bartenders and or waitresses, that he/she deems necessary for the operation of the Club. The Manager is responsible for the renting of the hall and maintaining a monthly calendar of events. The Club Manager and the bartender(s) will be paid an hourly wage and a check will be issued on the first and sixteenth day of each month. The janitor will be paid an hourly wage and a check issued on the first and sixteenth day of each month.

## **ARTICLE V**

### **VACATED OFFICES**

Any position of the House Committee, shall be declared vacated should any member be absent from three (3) consecutive regular meetings, except under extenuating circumstances; and, should any Legion member of the House Committee, for any reason, vacate his/her seat on the house Committee, the Post Executive Committee shall appoint a Legion member to fill this position for the remainder of the term.

## **ARTICLE VI**

## REGULATIONS

Any motion made and carried during a regular Post meeting or special session of the Legion, or of the House Committee, affecting the operation of the Social club, shall become a governing regulation of the Club. The Chairman will keep a record of all regulations; the original of such record will be maintained in the appropriate file. Regulations will be numbered and dated in the order in they are adopted, and will be posted as Regulation NO. 1, etc. A copy of all Club Regulations will be posted on the Club bulletin board, by the Chairman within twenty-four (24) hours from the time of their adoption. Such copy will remain on the bulletin board for not less than thirty (30) days. A regulation may be amended or rescinded whenever a motion for such amendment or recession is properly made and carried in a regular or special session of the House Committee or of the Post.

The forgoing By-laws were adopted by the Post House Committee on September 1, 1998 and were approved by the Post Executive Committee at the meeting held on October 13, 1998. They were amended and approved December 9, 2003. They were again amended and approved May 12, 2010.

Richard Oversteg, House Committee Chairman  
Jeff Van Bogaert, House Committee  
Lee Wicks, House Committee  
Donna J. Weber, House Committee  
Jacqueline Halburnt, House Committee Ex-officio member