

CONSTITUTION and BYLAWS
OF
JOSEPH J. DUNCAN, JR. POST 119
THE AMERICAN LEGION
ESTES PARK, COLORADO
(Adopted on XXX, 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 association in all 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

NAME

SECTION I – The name of this organization shall be Joseph J. Duncan, Jr. Post 119, of The American Legion, Department of Colorado.

ARTICLE II

NATURE

SECTION 1 – Joseph J. Duncan, Jr. Post 119, of The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Military rank does not exist in The American Legion; no member shall be addressed by a military title in a Post meeting.

SECTION 2 – Joseph J. Duncan, Jr. Post 119 is located in the community of Estes Park, Colorado.

SECTION 3 – Joseph J. Duncan, Jr. Post 119 is 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 119.

SECTION 4 – The objects and purposes of this Post shall be to: promote peace and good will among the peoples of the United States and all the nations of the Earth; to preserve the memories and incidents of the two World Wars and the other great hostilities fought to uphold democracy; to cement the ties and comradeship born of service; and to consecrate the efforts of its members to mutual helpfulness and service to their country.

ARTICLE III

MEMBERSHIP

SECTION 1 – Membership types and eligibility are as follows:

A. American Legion. Eligibility for membership as a Legionnaire shall be as prescribed by the National Constitution of The American Legion.

B. American Legion Auxiliary, Joseph J. Duncan, Jr. Unit 119 of Estes Park, Department of Colorado. Eligibility for membership in the Auxiliary shall be as prescribed by the National Constitution of The American Legion. Auxiliary members are subject to the American Legion Auxiliary Joseph J. Duncan, Jr. Unit 119 Constitution and Bylaws.

C. The Sons of the American Legion (SAL) Squadron 119, J. Duncan, Jr. Post 119, The American Legion. Eligibility for membership as a SAL shall be as prescribed by the 2020 American Legion Officers Guide and Manual of Ceremonies. SAL members are subject to the SAL Squadron 119 Joseph J. Duncan, Jr. Post 119 Constitution and Bylaws.

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

SECTION 3 – There shall be no class or form of membership other than active membership; honorary memberships are forbidden.

SECTION 4 – A Legionnaire member in good standing is defined as one whose dues are paid and whose membership is neither suspended nor expelled, both as outlined in the National Constitution of The American Legion.

ARTICLE IV

OFFICERS

SECTION 1 – The elected officers of Joseph J. Duncan, Jr. Post 119 shall be Commander, Vice Commander, Adjutant, Finance Officer, Service Officer, Historian, Chaplain, and Sergeant-at-Arms.

SECTION 2 – The Duties of said officers shall be as follows:

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

B. The 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.

C. The Adjutant shall be in charge of membership and 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.

D. The Finance Officer shall have charge of all Post funds and shall report once a month to the Executive Committee the condition of the finances of the Post.

E. The Service Officer is responsible for bringing awareness to all veterans and their dependents the rights and benefits granted them by law. The Service Officer shall access and utilize the expert services available through The American Legion, state and federal government agencies, and local community agencies. The Service Officer will be responsible for holding regular office hours at the Post and coordinating with other local Service Officers and veteran centers. He/She shall also be responsible for raising and lowering the American flag in front of the Post to render honors as appropriate.

F. The Historian shall have charge of the records of the Post and shall keep a written record of Post activities.

G. The Chaplain shall have charge of the spiritual welfare of the Post Members 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. The Chaplain shall be responsible for visiting or calling hospitalized Post members.

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 – With the exception of those described in Article II, Section 3 of this document, every Legionnaire 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 officers shall be elected at an annual election held at the May meeting. The Commander shall appoint at the March meeting a Nominating Committee consisting of three members. At least one nomination for each elected office shall be made by the Nominating Committee and reported to the Post at the general meeting in April. At the April meeting, members shall have an opportunity to make nominations from the floor, and such nominations shall be held open until the annual election in May.

SECTION 5 – 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.

SECTION 6 - All officers may serve without term limits.

SECTION 7 – Vacancies:

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

B. All other vacancies shall be filled by nominations from the Executive Committee, or by nominations from the floor, and elected by the Post. A person so elected shall hold office until the next regular election.

ARTICLE V

THE EXECUTIVE COMMITTEE

SECTION 1 – The Executive Committee shall consist of nine members as follows: the eight elected officers listed under Article IV, Section 1, and the immediate Past Legionnaire Commander. Present members of at least two shall constitute a quorum. The Commander shall be the Chair and shall preside at Executive Committee meetings.

SECTION 2 – The Executive Committee shall have charge of 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 programs 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 Executive Committee by the committee requesting approval. In the case of an emergency, the Post Commander or Finance Officer will be contacted for emergency authorization, with the expenditure being presented at the next regular meeting for information.

SECTION 4 – The Executive Committee shall meet as required and upon call of the Chair or any three members. The Adjutant shall keep a written record of the proceedings, or an equivalent digital recording 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 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 elected Post officers in the event of charges 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 proven, 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 to all of the current membership in good standing and a full reading at two 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 or Finance Officer.

ARTICLE VI

OTHER COMMITTEES

SECTION 1 – Operations Committee:

A. The Commander shall appoint at least three members in good standing of the Legion, Auxiliary, SAL, or Riders to form the Operations Committee. Committee members shall serve a one-year term and may be reappointed for consecutive terms.

B. The Operations Committee shall be responsible for the operations of the property and premises to include, but not limited to, the bar, kitchen, Hall rental, Hall use, and events.

C. The Operations Committee will work in coordination with an Operations Manager. This person shall be a hired employee (if financially possible) or volunteer who is responsible for managing the day-to-day operations of the property and premises. The Operations Manager will be responsible for maintaining a running inventory of all resale merchandise, liquor and food, etc. The Manager is responsible for renting the Hall, maintaining a monthly calendar of events, the cleanliness of the property and premises, and conducting an annual property inventory. The Operations Manager will recommend to the Operations Committee, for employment, any staff, bartenders and or wait-staff that are deemed necessary for operations.

D. The Post Finance Officer will oversee the operational funds, and will receive, safeguard and disburse such funds. S/he shall deposit, or cause to be deposited, all funds in a bank to the credit of The American Legion Post 119 Social Club. Cash in the amounts approved by the Operations Committee may be kept on hand for purposes of making change, etc. The Post Finance Office will be responsible for all disbursements covering expenditures of the operational funds. The Post Finance Officer will cause a set of books to be kept showing the status of the operational account. S/he will also maintain the payroll of all paid employees. There shall be an annual audit of the Operations Committee books by the Post Executive Committee.

E. The Operations Committee shall provide monthly reports at the general Post meetings.

SECTION 2 – Building Committee:

A. The Commander shall appoint at least three members in good standing of the Legion, Auxiliary, SAL, or Riders to form the Building Committee. Committee members shall serve a one-year term and may be reappointed for consecutive terms.

B. In coordination with the Charitable Foundation, the Building Committee shall be responsible for coordinating and managing routine maintenance and projects at the property and premises.

C. The Building Committee shall provide monthly reports at the general Post meetings.

ARTICLE VII

PROGRAMS

SECTION 1 – Sons of The American Legion:

A. The Post recognizes The Sons of The American Legion (SAL) Squadron 119, of Joseph J. Duncan, Jr. Post 119 of The American Legion.

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

C. SAL Squadron 119 shall present a status report quarterly at the general Post meeting.

SECTION 2 – The American Legion Riders:

A. The Post recognizes The American Legion Riders Post 119, of Joseph J. Duncan, Jr. The American Legion Post 119.

B. Membership in The American Legion Riders shall be coordinated with The Department of Colorado American Legion Riders.

C. The Riders shall present a status report quarterly at the general Post meeting.

ARTICLE VIII

SUPPORTING ORGANIZATIONS

SECTION 1 – American Legion Auxiliary:

A. This Post recognizes American Legion Auxiliary, Joseph J. Duncan, Jr. Unit 119 of Estes Park, Department of Colorado.

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

SECTION 2 - The Estes Park Post 119 Charitable Foundation:

A. This Post recognizes the Estes Park Post 119 Charitable Foundation, a Colorado 501(c)3 non-profit corporation, (the “Charitable Foundation”).

B. The Post and the Charitable Foundation entered into a relationship in which the Charitable Foundation assumes responsibility for and/or assists the Post in continuing and expanding upon certain charitable and educational activities heretofore conducted by the Post, as specified in the Affiliation Agreement signed April 1, 2019.

C. The Post leases the building and property at 850 North Saint Vrain Avenue from the Charitable Foundation per the Affiliation Agreement and the Lease Agreement signed September 1, 2019, and further amended.

ARTICLE IX

APPOINTMENTS

SECTION 1 – 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 Chair 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.

SECTION 2 – Post Games Manager(s):

A. The primary Games Manager will be selected from the Legionnaire membership and appointed by the Executive Committee. A secondary Games Manager may be appointed from the Legionnaire or SAL membership. The Games Manager(s) shall hold a Games Manager Certificate issued by The Secretary of State of Colorado.

B. The Games Manager(s) will be responsible for all gaming activities within Joseph J. Duncan, Jr. Post 119. Such activities include, but are not limited to, the Pickle machines, Bingo, Queen of Hearts, and Raffles.

C. The Games Manager(s) is responsible for the timely completion and submission of quarterly reports to the Secretary of State of Colorado. The Games Manager(s) will keep accurate records of all monies generated from Post sponsored games. The Games Manager(s) will purchase all gaming materials and equipment, as needed, and pay all gaming bills in a timely manner.

D. Funds acquired from Post Gaming functions shall be deposited in a checking account to the credit of The Joseph J. Duncan, Jr. Post 119 Gaming Fund. The checking account requires two signatures – the primary Games Manager and either the Commander or Finance Officer.

E. The Games Manager(s) will make a quarterly report at the Post general meeting.

ARTICLE X

STANDING RULES

SECTION 1 – Meetings:

A. General meetings of the Post shall be held monthly. General meetings shall be open to all Post members in good standing.

B. Special meetings of the Post may be called by either: the Commander, a majority of the Executive Committee, or a written request of ten members in good standing. Members must receive 24-hour written notice of special meetings.

C. Members of at least two present at a regular or special meeting shall constitute a quorum.

D. The Commander may request a verbal status report from the Auxiliary at the Post general meeting.

SECTION 2 – Notices:

A. Every member shall furnish the Adjutant with his/her contact information.

B. The Adjutant shall issue notice of the annual election at least two weeks prior.

SECTION 3 – All proceedings of the Post shall be conducted under and pursuant to *Robert's Rules of Order, Revised* except as herein otherwise provided.

SECTION 4 –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 5 – All resolutions of National, Department, or District 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 forwarding to the District.

SECTION 6 – 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/women, 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 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.

ARTICLE XI

DISCIPLINE

SECTION 1 –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 The American Legion, Department of Colorado Constitution and Bylaws.

ARTICLE XII

DISSOLUTION

SECTION 1 – Upon the dissolution of Joseph J. Duncan, Jr. Post 119 of The 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 Bylaws of The American Legion, Department of Colorado.

ARTICLE XIII

AMENDMENTS

SECTION 1 – Amendments to this document 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 written notice shall have been given to all members prior to the date when such conflict with this Constitution and Bylaws or that of National or Department Headquarters.

The foregoing amended Constitution and Bylaws was adopted by unanimous vote of those present at the regular meeting held October XX, 2020 after having been read at the regular meeting held September 23, 2020 and having been posted to the Post website for over 30 days.

Loren Shriver, Commander

Michael Williams, Adjutant

Draft Sep 29, 2020