CONSTITUTION and BY-LAWS

OF

JOSEPH J. DUNCAN, JR.

THE AMERICAN LEGION

POST 119

ESTES PARK, COLORADO

(Adopted on September 17, 2025)

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. THE AMERICAN LEGION POST 119, Department of Colorado.

**ARTICLE II**

NATURE

SECTION 1 – JOSEPH J. DUNCAN, JR. THE AMERICAN LEGION POST 119 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. THE AMERICAN LEGION POST 119 is located in the community of Estes Park, Colorado.

SECTION 3 – This Post 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.

SECTION 5 – The Legion calendar and fiscal year is January 1 to December 31. All Legion Officer positions shall be effective from July 1 to June 30.

**ARTICLE III**

MEMBERSHIP

SECTION 1 – Membership types and eligibility are as follows:

1. American Legion. Eligibility for membership as a Legionnaire shall be as prescribed by the National Constitution of The American Legion.
2. 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.
3. The Sons of the American Legion (SAL) Squadron 119, Joseph J. Duncan, Jr. Post 119, The American Legion. Eligibility for membership as a SAL shall be as prescribed by the 2025 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.
4. Riders – Members of Riders must be members of the Legionnaires, Auxiliary, or Sons and meet the membership requirements outlined in the Riders national 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 the American Legion 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:

1. 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.
2. 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.
3. 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.
4. The Finance Officer shall have charge of all Post funds and shall report once a month to the Executive Committee (See Article 5) the condition of the finances of the Post.
5. 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. The Service Office shall also conduct Buddy Checks once a year with the assistance of the Executive Committee and other members.
6. The Historian shall have charge of the records of the Post and shall keep a written record of Post activities.
7. 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.
8. 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. The Sergent-at-Arms shall also be responsible for the outside flag being in good condition and raised/lowered as appropriate. In addition, he/she is responsible for setting up the meeting room and ensuring order is maintained during the meeting.

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 Legion officer position 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 – Assistant Officers

The positions of Adjutant, Finance Officer, Service Officer, Historian, Chaplain and Seargent at Arms may have Assistants assigned as desired by the Executive Committee to better meet the needs of the Post.

Assistants are encouraged to attend all Executive Committee meetings but are considered non-voting members, unless the primary member is not present at the meeting.

Assistants may carry out all duties assigned to the primary member.

SECTION 8 – VACANCIES:

1. A vacancy in the office of the Commander shall be filled by the advancement of the Vice-Commander.
2. 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 eight members as listed under ARTICLE IV, SECTION 1 The immediate Past Legionnaire Commander is a member without voting privileges. Present members of at least two shall constitute a quorum. The Commander shall be the Chair and shall preside at Executive Committee meetings. All members are encouraged to attend meetings but do not have voting privileges.

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 – Decisions of the Executive Committee will be determined by vote with a simple majority vote being the deciding vote. In the event of a tie vote, the Commander may bring the item to the Post for consideration.

SECTION 4 – The Executive Committee shall have oversight of all other committees (See Article 6).

SECTION 5 – 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 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:

1. 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.
2. The authority to sign necessary papers of conveyance of Post real properties is jointly vested in the Commander and Adjutant.

**ARTICLE VI**

OTHER COMMITTEES

SECTION 1 – OPERATIONS COMMITTEE:

1. The Commander shall appoint at least three members in good standing of the Legion, Auxiliary, or SAL to form the Operations Committee. Committee members shall serve a one-year term and may be reappointed for consecutive terms.
2. 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.
3. 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, updating the electronic sign and other marketing materials, and conducting an annual property inventory. The Operations Manager will advise the Operations Committee on employment, any staff, bartenders and or wait-staff that are deemed necessary for operations.
4. The Operations Committee shall provide monthly reports at the general Post meetings.

SECTION 2 – BUILDING COMMITTEE:

1. The Commander shall appoint at least three members in good standing of the Legion, Auxiliary, or SAL to form the Building Committee. Committee members shall serve a one-year term and may be reappointed for consecutive terms.
2. 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.
3. The Building Committee shall provide monthly reports at the general Post meetings.

SECTION 3 – FINANCE COMMITTEE:

1. The Finance Committee shall be a standing committee with at least 4 members in good standing of the Legionnaires. Members will include the immediate past commander, commander, finance officer and a member appointed to the committee.
2. Primary responsibilities include oversight of finances for all programs of Post 119, oversight of personnel working on bookkeeping, purchasing and distribution of all funds, and reporting progress to members.
3. The Finance Committee will oversee the completion of tax returns and other registrations required by the State and Federal non-profit requirements. They will coordinate with accounting firms hired to file financial documents.
4. 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. 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.

SECTION 4 – COMMISARY COMMITTEE:

The Legion Commander shall appoint one member as Chair of the Commissary Committee. The Chair shall work with the Operations Manager in determining food vehicle use of the Legion Commissary (kitchen).

**ARTICLE VII**

PROGRAMS

SECTION 1 – SONS OF THE AMERICAN LEGION:

1. The Post recognizes THE SONS OF THE AMERICAN LEGION (SAL) SQUADRON 119 OF JOSEPH J. DUNCAN, JR. THE AMERICAN LEGION POST 119.
2. Membership in SAL Squadron 119 shall be as prescribed under the National Charter of The Sons of The American Legion and the Sons By Laws and Constitution of Squadron 119

SECTION 2 – THE AMERICAN LEGION RIDERS:

1. The Post recognizes THE AMERICAN LEGION RIDERS POST 119, OF JOSEPH J. DUNCAN, JR. THE AMERICAN LEGION POST 119.
2. Membership in The American Legion Riders shall be coordinated with The Department of Colorado American Legion Riders.
3. Members of Riders must be members and actively supporting the Legionnaires, Auxiliary, or Sons.

**ARTICLE VIII**

SUPPORTING ORGANIZATIONS

SECTION 1 – AMERICAN LEGION AUXILIARY:

1. This Post recognizes AMERICAN LEGION AUXILIARY, JOSEPH J. DUNCAN, JR. UNIT 119 of Estes Park, Department of Colorado.
2. Membership in the Auxiliary shall be prescribed by the National Constitution of the American Legion Auxiliary and local Bylaws and Constitution.

SECTION 2 – LawyerLadyLLC

The Post recognizes The LawyerLadyLLC as a free walk-in clinic for Veterans, their family members and the community. The Legal Clinic sponsors a Citizenship Program.

SECTION 3 - THE ESTES PARK POST 119 CHARITABLE FOUNDATION:

1. This Post recognizes the Estes Park Post 119 Charitable Foundation, a Colorado 501(c)3 non-profit corporation, (the “Charitable Foundation”).
2. 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. The Foundation has the primary responsibility for raising funds for building restoration, renovation and maintenance.
3. The Foundation will coordinate with the Building Committee on renovations and maintenance of the facility and grounds.
4. 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 June 24, 2020.
5. All immediate past commanders are encouraged to join the Foundation as a Board member after serving as commander.

**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):

1. 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.
2. The Games Manager(s) will be responsible for all gaming activities within the JOSEPH J. DUNCAN, JR. POST 119. Such activities include, but are not limited to, the Pickle machines, Bingo, Queen of Hearts, and Raffles.
3. All activities associated with gaming at the Post are expected to have total visibility and transparency with respect to sales of tickets, deposits and disbursement of funds, and all planned activities related to gaming. This applies to any activity for any of the Legion’s clubs/membership groups. Any groups proposing gaming activities, such as a raffle, will present their plan to the Executive Committee before conducting any such activities.
4. 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.
5. The Games Manager(s) shall deposit, or cause to be deposited, all funds 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.
6. The Games Manager(s) will make a quarterly report at the Post general meeting.

**ARTICLE X**

MISCELLANEOUS

SECTION 1 – MEETINGS:

1. General meetings of the Post shall be held monthly. General meetings shall be open to all Post members in good standing.
2. 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.
3. Members of at least two present at a regular or special meeting shall constitute a quorum.

SECTION 2 – NOTICES:

1. Every member shall furnish the Adjutant with his/her address (email or mail) and phone numbers for contact purposes.
2. The Adjutant shall issue notice of the annual officer nominations and elections at least one week prior to the April and May meetings.

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 appointed prior to the dates of such conventions.

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:

1. The revenues of this Post shall be derived from annual membership dues and from such other sources as approved by the Post.
2. The Post dues shall be determined on an annual basis and are payable by December 31 for the succeeding year.
3. 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 By-Laws and Roberts Rules of Order.

**ARTICLE XII**

DISSOLUTION

SECTION 1 – Upon the dissolution of JOSEPH J. DUNCAN, JR. POST 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 XIII**

AMENDMENTS

SECTION 1 – Amendments to this Constitution and By-Laws 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 each meeting date.

The foregoing amended Constitution was adopted by unanimous vote of those present at the regular meeting held September 17, 2025, after having been read at the regular meeting held August 20, 2025, and having been posted to the Post website for over 30 days.

Daniel R. Scace, Commander

Stanley Osborne, Adjutant