

# AMERICAN LEGION POST NO. 66



1661 MILL STREET  
SAN LUIS OBISPO, CA 93401

## CONSTITUTION AND BY-LAWS

### 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 per cent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to 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 1** The name of this organization shall be San Luis Obispo Post No. 66, The American Legion, Department of California, located at San Luis Obispo, California. Here in after referred to as "Post".

### ARTICLE II - OBJECT

**Section 1** The object and purpose of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, the Articles of Incorporation, the National and Departmental Constitutions of the American Legion.

### ARTICLE III - NATURE

**Section 1** This Post is a civilian organization and membership therein does not affect or increase liability for military or police service. Rank does not exist in the Post. No member shall be addressed by his/her military title in any meeting of this Post.

**Section 2** This Post shall be absolutely non-partisan and non-sectarian. The Post shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

**Section 3** Each member shall perform his full duty as a citizen of the United States of America.

### ARTICLE IV - MEMBERSHIP

**Section 1** Eligibility for membership in this Post shall be those dates and conditions set forth in Article IV, Section 1 of the National Constitution of the American Legion.

**Section 2** There shall be no form or class of membership except active membership.

**Section 3** Candidates for membership in this Post shall make application upon a form prescribed by the Post Executive Committee; shall pay therewith the dues for the current fiscal year; and shall furnish official evidence of eligibility.

**Section 4** All applications for membership shall be referred to the First Vice Commander who shall, at each regular meeting of the Post, report upon all applications

received during or after the previous regular meeting. A majority vote of those present and voting shall elect or reject a candidate. No member shall be elected to membership in this Post who is, concurrently, a member of any other Post in the American Legion.

**Section 5** No person who has been expelled by a Post of the American Legion, shall be admitted to membership in this Post, without consent of the expelling Post. Where such consent has been asked for and denied, the expelled member may appeal to the Department Executive Committee for permission to be admitted to membership in this Post, and shall be eligible for membership only when such permission has been granted.

**Section 6** No person shall be denied membership in this Post based on race, creed, religion, gender, color, and/or sexual orientation.

**Section 7** "Honorary Life Membership" may be awarded by this Post to a member of the Post for outstanding services to the American Legion. Nomination for "Honorary Life Membership" shall be referred to the Executive Committee, and with a majority vote of the Committee, the nomination will be placed on the floor at the next regular business meeting of the Post. Upon concurrence of the majority present and voting, the "Honorary Life Membership" shall be awarded. Once awarded, the "Honorary Life Membership" shall, so long as the individual remains a member of this Post, obligate the Post to pay the National, Department and District per capita. Honorary Life Members shall not be assessed annual dues by this Post. The Post Adjutant shall maintain the roster of Honorary Life Members.

## **ARTICLE V - OFFICERS**

**Section 1 (a)** The officers of this Post shall be the Commander, the First Vice-Commander, the Second Vice-Commander, the Adjutant, the Assistant Adjutant, the Finance Officer, the Assistant Finance Officer, the Historian, the Sergeant-at-arms, the Chaplain, the Assistant Chaplain, the Judge Advocate, the Facilities Manager, the Food Service Manager, the Bar Manager, the Booking Manager, the Service Officer, the Junior Past Commander, and the six Executive Committee Members-At-Large.

**(b)** The elected officers of this post shall be the Commander, the First Vice Commander, the Second Vice Commander, the Adjutant, the Finance Officer, and the six Executive Committee Members-At-Large.

**(c)** The Commander shall appoint the Chaplain, the Assistant Chaplain, the Sergeant At Arms, the Judge Advocate, the Service Officer, the Historian, the Assistant Adjutant, and the Assistant Finance Officer, the Facilities Manager, the Bar Manager, the Foodservice Manager, and the Booking Manager.

**(d)** Any officer other than the Commander, the Vice Commanders, the Finance Officer, and the Adjutant may hold more than one of the above named offices.

**(e)** All appointed officers and managers are encouraged to develop assistants in order to develop other leaders and depth of experience in Post operations.

**Section 2** Nomination for elective officers shall be held during the regular meeting in April of each year and announcement thereto shall be made by the Adjutant at the regular meeting in March.

**Section 3** All Post officers shall be elected/appointed for a term of one year at the regular meeting in May and shall be installed prior to the date of the Department of California Convention of that year and the July business meeting. All elections shall be by written, secret ballot. A majority of all votes cast shall be necessary to elect the elective officers.

**Section 4** Every member of this Post in good standing shall be eligible to hold office in this Post unless otherwise provided for herein.

**Section 5** The duties of officers shall be those usually pertaining to such officers or directors and as further provided for in these By-Laws.

**Section 6** All vacancies in elective offices shall be filled by the Post by secret ballot at the next regular meeting following the vacancy, provided, that notice thereof be given at the previous regular meeting.

**Section 7** The Finance Officer and any other officers and/or positions charged by the Post By-Laws with the responsibility of handling Post Funds and/or property shall be bonded under a blanket bond to be purchased from Department Headquarters and billed to the respective Posts at cost.

**Section 8** If any Post Officer is absent for three consecutive meetings of the Post or the Executive Committee without being excused by the Post Commander, such office may be declared vacant by a majority vote of those present at a regular Post Meeting. The created vacancy shall be filled by election or appointment as was originally filled.

## **ARTICLE VI - FINANCE**

**Section 1** The revenue of this Post shall be derived from membership dues, investments in real or other property, special projects, and other sources approved by the Executive Committee.

**Section 2** Funds shall be received, disbursed, and accounted by the Finance Officer and other persons who may be charged with such responsibility by the Executive Committee. Supervision of receiving, disbursing, and accounting of all Post funds shall be the responsibility of the Finance officer.

**Section 3** All bills shall be referred to the business meeting for approval. No appropriation shall be made without majority vote of the members present at a regular business meeting or two-thirds vote of the Executive Committee in the case of an emergency not allowing delay until the next business meeting. The Executive Committee may authorize the Finance Officer and other persons who may be entrusted with funds to pay certain routine bills without prior approval.

**Section 4** The fiscal year of the Post shall commence on July 1 of each year and shall end on June 30 of the following year.

**Section 5** An annual budget, with recommendations, shall be prepared by the Finance Committee as early as possible in the year, presented to the Executive Committee for approval, and presented to the Post for adoption. The budget shall serve as a guide to Post expenditures during the year, and shall be revised as necessary.

**Section 6** Audit - The Post shall keep books of account and shall cause such books to be examined within ninety (90) days after annual installation of officers each year by either a licensed accountant or a committee of three competent persons, none of whom shall be officers of the Post or members charged by the Post Constitution and By-Laws with the responsibility of handling Post Funds. This Post shall certify to the Department Adjutant prior to December 1, each year that such an examination has been made and file the original thereof with the Department Adjutant before said date, with a copy thereof to the District Commander of the District of said Post. The Department Commander, the Post Commander, or the Executive Committee may order an audit of the books of account at such other times during the current year as may be deemed advisable. Failure of the Post to meet any of the requirements of this section within said times or any general or special extension thereof, shall be deemed a delinquency and the delegates of such Post shall not be entitled to be seated at the Department Convention.

## **ARTICLE VII - AMERICAN LEGION FAMILY AFFILIATED ORGANIZATIONS**

**Section 1 (a)** This Post recognizes an American Legion Family Organization to be known as the American Legion Auxiliary Unit of San Luis Obispo, Post No. 66, Inc., The American Legion, Department of California.

(b) Membership in the Unit shall be as prescribed by the National Constitution of the American Legion Auxiliary.

**Section 2 (a)** This Post recognizes an American Legion Family Organization to be known as the Sons of American Legion Squadron of San Luis Obispo, Post No. 66, Inc., The American Legion, Department of California.

(b) Membership in the Squadron shall be as prescribed by the National Constitution of the Sons of American Legion.

**Section 3 (a)** This Post recognizes an American Legion Family Organization to be known as the American Legion Riders Chapter of San Luis Obispo, Post No. 66, Inc., The American Legion, Department of California.

(b) Membership in the Chapter shall be as prescribed by the National Constitution of the American Legion Riders.

## **ARTICLE VIII - PROCEDURE**

**Section 1** Roberts' Rules of Order, Revised, shall govern the conduct of all meetings except as may be otherwise provided in these By-Laws.

**Section 2** The order of Business shall be:

1. Opening ceremonies.
2. Roll Call of officers.
3. Reading of minutes of previous meeting.
4. Initiation of new members.
5. Introduction of guests.
6. Nomination, election or installation of officers.
7. Applications for membership.
8. Balloting upon applications for membership.
9. Communications and notices (sick call, relief, and Post Everlasting).
10. Report of the Executive Committee.
11. Report of Adjutant and Finance Officer.
12. Reports of standing committees.
13. Reports of special committees.
14. Unfinished business.
15. New Business.
16. Good and welfare of the Legion.
17. Thirty seconds of silence to honor departed members and current service members.
18. Closing ceremonies.

## **ARTICLE IX - EXECUTIVE COMMITTEE**

**Section 1** The administration, governance and management of this Post is entrusted to the Executive Committee.

**Section 2** The Executive Committee shall consist of the Commander, two Vice Commanders, Adjutant, Finance Officer, and six Executive Committee Members-At-Large.

**Section 3** The Executive Committee shall consider all matters affecting the Post and shall make recommendations to the Post which thereafter shall be approved by the post.

**Section 4** The Commander, First Vice-Commander and Adjutant, shall be Chairman, Vice-Chairman and Secretary, respectively, of the Executive Committee.

**Section 5** Executive Members should hold offices such as the Bar Manager, the Food Service Manager, the Facilities Manager, the Booking Manager, and/or be responsible for other duties directly related to successful operations of the Post.

## **ARTICLE X - MEETINGS**

**Section 1** The Executive Committee / Business Meeting of this Post should be held on the First Wednesday of each month at 7:00 p.m. at the American Legion Building, 1661 Mill Street, San Luis Obispo, California, or a place to be designated by the Post Commander. The Post Commander may reschedule the meeting to the first Tuesday or Thursday of the month in the event of a direct conflict with a major holiday or public event on the regularly scheduled Wednesday meeting, if so announced at a prior business meeting.

**Section 2** Special meetings may be called by the Commander, a majority of the Executive Committee, or by the written request of fifty members. No special meeting shall be called unless announced by the Commander at the regular meeting preceding, or unless notice be mailed to each member five days prior to said meeting, stating the time and place of the meeting and subject to be considered.

**Section 3** A quorum at all meetings shall consist of five (5) members.

**Section 4** No member shall take part in any Post meeting or election unless they are in good standing.

**Section 5** No member shall be represented or shall vote by proxy. There shall be no voting by absentee balloting.

## **ARTICLE XI - DUTIES OF POST OFFICERS**

**Section 1** **Duties of Post Commander** - shall preside at all Post meetings and to have general supervision over the affairs of the post. The Commander shall be the Chief Executive Officer of the post. He/she will coordinate activities of committee chairs, train/advise all officers to understand and comply with their responsibilities, represent the Post in community activities, appoint non-elected officers, and set organizational goals with Executive Committee.

**Section 2** **Duties of 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 Post Commander. He/she shall be in charge of membership retention and growth, annual fundraising activities, and shall review officer compensation annually submitting his findings to the executive committee by the May meeting.

**Section 3** **Duties of Second Vice-Commander** - shall assume and discharge the duties of the office of First Vice-Commander in the absence or disability of such officer, he/she will be the designated liaison to other veteran organizations, coordinates new member initiations and shall be in charge of Post morale to include entertainment and special programs, and other duties as directed by the Post.

**Section 4** **Duties of Post Adjutant** - shall have charge of and keep full and correct record of all proceedings and meetings, keep membership data updated, oversee and delegate with Post Commander all Post reports and filings to District, Area, Department, and National American Legion organizations. He/she will coordinate all mass member communication to include, but not limited to, the monthly newsletter, electronic communication, and web-site maintenance. He/she will procure membership materials, Post awards and recognition documents, coordinate public service announcement/media relations, and handle all correspondence of the Post. He/she shall receive a stipend as provided by the Post.

**Section 4 (a)** **Duties of Assistant Post Adjutant** - shall assume and discharge the duties of the Adjutant in the absence or disability of such officer and assist the Adjutant as requested.

**Section 5** **Duties of Finance Officer** - shall be charged with the custody of the funds of the Post, keep its accounts and report thereon at Post meetings. He/she shall receive Post funds and pay Post bills. He/she shall manage and maintain real and other property held

as assets by the Post under the direction of the Executive Committee. He/she shall receive a stipend as provided by the Post.

**Section 5 (a) Duties of Assistant Finance Officer** - shall assume and discharge the duties of the Finance officer in the absence or disability of such officer and assist the Finance Officer as requested.

**Section 6 Duties of Post Historian** - shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as directed by the Post.

**Section 7 Duties of the Post Chaplain** - shall be charged with the spiritual welfare of all Post members and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Departmental Headquarters from time to time. He/she is in charge of veteran/member outreach programming.

**Section 7 (a) Duties of Assistant Post Chaplain** - shall assume and discharge the duties of the Chaplain in the absence or disability of such officer and assist the Chaplain as requested.

**Section 8 Duties of the Post Judge Advocate** - shall advise Post Officers on the construction and interpretation of the Post's Constitution and By-Laws, review such documents annually and make recommendations to the Executive Committee by the March meeting, and will perform other duties as directed by the Post.

**Section 9 Duties of the Sergeant-at-Arms** - shall preserve order at all meetings, ensures members are properly greeted at the door, makes new members welcome, and is in charge of flag etiquette/disposal, and shall perform such other duties as may be assigned to him by the Post. This office is commonly the first of four steps to becoming Post Commander.

**Section 10 Duties of the Facilities Manager** - shall coordinate the cleaning and maintenance of all Post hall property and equipment. He/she will make necessary minor repairs and upkeep on hall and equipment, inform Post Commander and Finance Officer of major repairs needed, and perform other duties as requested by the Post. He/she shall receive a stipend as provided by the Post.

**Section 11 Duties of the Foodservice Manager** - shall schedule personnel for foodservice events, order provisions for Post activities, and perform other duties as requested by the Post. He/she shall receive a stipend as provided by the Post.

**Section 12 Duties of the Booking Manager** - shall be responsible for maintaining a calendar of all events scheduled at the Post facility and booking all uses of the Post facility other than regular meetings or Post sponsored events.

**Section 13 Duties of the Post Service Officer** - The Post Service Officer shall assist veterans who request assistance of the Post in achieving their rights to veteran benefits.

**Section 14 Duties of the Junior Past Commander** - shall advise Post Commander, lead advocacy on veteran issues, write letters of condolence to the families of Post Everlasting transfers, assist the Sergeant-at-arms in preserving order at Post functions and serve as the parliamentarian at Post meetings.

**Section 15 Duties of the Bar Manager** - shall be responsible of scheduling bartenders, ordering bar supplies, and overseeing bar operations in accordance to applicable laws, and performing other duties as assigned by the Post. He/she shall receive a stipend as provided by the Post.

**Section 16 Duties of the Executive Committee Members-At-Large** - shall advocate for the general membership at meetings, assist Post Officers in directing Post business, and act as Post representatives in the absence of Post Officers. They should be past Post Officers and/or very active in Post activities.

## **ARTICLE XII - DUES, FEES AND FUNDS**

**Section 1** The annual dues shall be set as prescribed by the Executive Committee. Dues are payable annually as of July 1st, due by Oct. 20th and delinquent as of December 31st.

**Section 2** From such dues and fees the Post shall pay all per capita taxes or assessments, and such other expenditures in accordance with Article V, Section 8 of the Department of California Articles of Incorporation and By-laws.

**Section 3** Delinquent members will be considered in-active and their membership in this Post suspended until annual dues are received.

## **ARTICLE XIII - DELEGATES AND REPRESENTATIVES**

**Section 1** The delegates and alternates to represent the Post at Department Conventions and the 16th District Meetings, shall be elected at the regular meeting in May and serve for one year.

**Section 2** Delegates of this post to the San Luis Obispo County Council and representative to the district council shall be appointed or elected as prescribed by the County Council and district by laws and shall serve for one year.

## **ARTICLE XIV - APPOINTMENTS**

**Section 1** The Post Commander, upon taking office each year, or as needed throughout their term, shall appoint committees as found necessary.

## **ARTICLE XV - LIMITATIONS OF LIABILITIES**

**Section 1** This Post shall not incur, nor cause to be incurred, any liability or obligations whatsoever which shall subject to liability, any other individuals, corporations or organizations.

## **ARTICLE XVI - TRIALS**

**Section 1** Members of this Post shall be subject to disciplinary action as provided in the trial manual of the Department of California as adopted, and as the same may be amended from time to time hereafter. A copy of the verdict, certified by the Post Commander and the Post Adjutant, shall forthwith be forwarded to the Department Adjutant.

## **ARTICLE XVII - RECALL PROVISION**

**Section 1** A petition, signed by ten percent of the membership in good standing, requesting the holding of an election for the purpose of recalling an elective officer or a member of the Executive Committee may be filed at any time with the Adjutant. The Adjutant shall deliver the said petition the next Executive Committee meeting. If it shall appear from the report of the Adjutant that ten percent of the membership have signed said petition, the Executive Committee shall fix the date for the recall election, which date shall be fixed for a regular meeting of the Post to be held not less than two weeks nor more than six weeks after the meeting of the Executive Committee. If the report of the Adjutant shall show that less than ten percent of the membership have signed said petition, the petition shall be forthwith returned to the member who filed the same with the Adjutant who shall have ten days thereafter to obtain the required number of valid signatures, and re-file said petition with the Adjutant who shall recheck with his records and resubmit the same to the Executive Committee at its next meeting thereafter with his report. If the petition is then found being sufficient, the recall election shall be fixed as set forth above.

**Section 2** Notice of the date, time and place of the holding of the recall election shall be mailed to each member of the Post in good standing at his address as the same appears in the Post records, at least ten days before the election.

**Section 3** All recall elections shall be conducted by written secret ballot.

**Section 4** At the election, the ballot shall read as follows:

"Shall (*name of officer placed here*) be recalled?" No \_\_\_\_\_ Yes \_\_\_\_\_

A "Yes" vote shall be counted as for the recall and a "No" vote shall be counted as against the recall. Only members in good standing shall be entitled to vote at such election. A two thirds (2/3) affirmative vote will cause the recall of the subject officer.

**Section 5** If the Officer or member of the Executive Committee shall be recalled, the Post, at its next regular meeting, shall elect a successor to fill the unexpired term. Nominations shall be held the same night as election. The person recalled shall not be eligible as a candidate for election to fill the vacancy.

## **ARTICLE XVIII - AMENDMENTS**

**Section 1** Proposed amendments to these By-Laws must be submitted in writing at a regular meeting of the Post, and read there at. At the next regular meeting, or subsequently if postponed, the proposed amendment may be adopted by a two-thirds affirmative vote of those present and voting.

**Section 2** These By-Laws shall be amended to conform to any changes in the National or Departmental Constitution and By-Laws. Failure to adopt the required amendments shall not delay or modify the effect of such changes.

*Amended 1967*

*Amended February 1988*

*Amended January 1991*

*Amended August 1993*

*Amended May 1996*

*Amended November 1998*

*Amended July 1999*

*Amended July 2000*

*Amended July 2004*

*Amended July 2005*

*Amended January 2010*

*Amended July 2012*

*Amended April 2014*