


# AMERICAN LEGION NORTH MANKATO POST 518 BY-LAWS

## ARTICLE 1

Section 1. The government and management of the post is entrusted to an Executive Committee of seven (7) members, to be known as the "Executive Committee".

Section 2. The officers of the post shall be elected annually at the May meeting and take office at the next meeting following that of the election. All elections of officers shall be by ballot and the candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates. The Executive Committee shall consist of seven (7) primary committee members to include, the Commander, 1<sup>st</sup> & 2<sup>nd</sup> Vice Commanders, Finance Officer, the Post Adjutant, the Past Commander and one representative of the House Committee. The SAL Commander and Auxiliary President shall act as voting advisory members of the Executive Committee and can send a non-voting representative in their stead.

Section 3. Absentee ballots shall be made available to all eligible voting members upon request by said persons from any member of the Executive Committee up to one day prior to the election.

 Section 4. All vacancies existing in the Executive Committee, or in any office of the post, from any cause other than the expiration of the term shall be filled by a two-third (2/3) majority vote of the remaining members of the committee. A person so appointed shall hold office for the unexpired term of the member of the committee or officer whom he/she succeeds. A vacancy shall exist when a member or officer is absent from the post for a continuous period of time considered to be detrimental to the interest of the post by the Executive Committee.

## ARTICLE II POST EXECUTIVE COMMITTEE

Section 1. The post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten (10) days after the installation of the new officers. Thereafter the post Executive Committee shall meet at the call of the Commander at least ever six (6) months and as often as said Commander may deem necessary. The Commander shall call a meeting of the post Executive Committee upon the joint written request of three (3) or more primary members of said post Executive Committee. Four (4) primary members of the committee shall constitute a quorum thereof.

Section 2. The post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of post funds; shall hear the reports of post committee chairmen; and generally shall have charge of and be responsible for the management of the affairs of his/her post. All post accounts or checks shall have two (2) signatures, one of which shall be the Commander, 1<sup>st</sup> Vice and/or specified individual.

### ARTICLE III DUTIES OF OFFICERS

Section 1. Duties of Post Commander (elected). It shall be the duty of the Post Commander to preside at all meetings of the post and to have general supervision over the business and affairs of the post, and such officer shall be the chief executive officer of the post. He/she shall approve all orders directing the disbursement of funds, and shall make annual report covering the business of the post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forward to the department adjutant. He/she shall perform such other duties as directed by the post.

Section 2. Duties of the 1<sup>st</sup> Vice Commander (elected). The Vice Commander shall assume and discharge the duties of the office of Post Commander in the absence or disability of, or when called upon by the Post Commander. Membership may be the primary assignment of a 1<sup>st</sup> Vice Commander.

Section 3. Duties of the 2<sup>nd</sup> Vice Commander (elected). The responsibility is to build the "I-like-my-Post-because . . ." atmosphere that finds a lot of Legionnaires having fun while still doing the work of the Legion. The Commander will depend on the Second Vice Commander to provide the programs that spice up the meetings and attract attendance.

Section 4. Duties of the Post Adjutant (appointed). The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the department and national 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.

Section 5. Duties of the Finance Officer (elected). The Post Finance Officer of the post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the membership the condition of the finances of the post, with such recommendations as he/she may deem expedient or necessary for raising funds with which to carry on the activities of the post. he/she shall sign all checks disbursing the monies of the post. he/she shall furnish such security bonds in such sum as shall be fixed by the post Executive Committee.

Section 6. Duties of the Post Chaplain (appointed). 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., adhering to such ceremonial rituals as are recommended by the national department headquarters from time to time.

Section 7. Duties of the Sergeant-At-Arms (appointed). The Sergeant-At-Arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to him by the post Executive Committee.

### ARTICLE IV DELEGATES

Section 1. Delegates and alternates to a department convention shall be appointed by the Commander of the post, and shall be required to report back in writing to the membership.

Section 2. Convention registration for any Legion member shall be paid by the post. Housing for Commander will also be paid as required.

## ARTICLE V APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year, shall appoint the following standing committees, to serve for one year: Ceremonials, Children and Youth, Graves Registration and Memorial, House, Membership, Nominations, Americanism, etc. Such standing committees shall consist of such members, and the chairman thereof, as shall be designated by the Post Commander.

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

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

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

Section 5. Graves Registration and Memorial Committee. The duties of this committee involve recording of graves sites and complete information on veterans' burial in cemeteries assigned to the post. Special assistance can be given the services officer in providing flags, headstone or proper internment in national cemeteries.

Section 6. Charitable Gambling. The Executive Committee is in charge of charitable gambling activities. However, due to gambling laws and potential conflict of interest, only the Commander is authorized to view current games and paperwork. The Commander will also be the liaison with the gambling vendor.

Section 7. House Committee. (Reports to Executive Committee) The House Committee shall consist of nine (9) members:

- Five (5) members from the Legion; the Commander, Finance Officer and three (3) members chosen by the membership. One of the three (3) members from the post will serve as the chair for the committee and will act as liaison between the Executive Board and the bar employees. The bar employees will report and take direction from the chairperson only.
- Two (2) members from the SAL membership, one of which shall be the SAL Commander.
- Two (2) members from the Auxiliary membership, one of which shall be the Auxiliary President.

A quorum will consist of 5 members which must include at least 3 Legion members.

Five (5) members can call a meeting; all committee members must be given 72 hours advance notice of emergency meetings.

The committee is responsible for the management & maintenance of the properties of the American Legion Post 518. The Committee will prioritize the needed repairs and maintenance for the Post properties and will get approval for repairs and finances for said projects from the membership.

The committee will be responsible for the finances of the bar. Two (2) committee members, one of which should be the Finance Officer, will do a monthly audit of all expenditures to be done on or about the first (1<sup>st</sup>) day of the month for the preceding month. At this time, a complete inventory will be done of all bar supplies to include: liquor, beer, food, pop, etc.

The day to day operations of the bar will be supervised by the House Committee Chair, as dictated by the Executive Committee, to include: scheduling and training of employees, ordering of inventory, supplies, posting daily sales and making deposits; other duties may be added as the need arises.

The board will have the authority to grant House Committee Chair up to \$500.00 be spent for emergency expenditures.

The committee will meet once a month prior to the regular meeting with the Assistant Bar Manager attending the meeting.

Unexcused absences for three (3) or more committee meetings can be grounds for removal from the House Committee by a 2/3 vote of Executive Board.

**Section 8. Membership Committee.** The Membership Committee shall have charge of all matters pertaining to the membership of the post, including the procuring of new members, reinstatements and eligibility of members.

**Section 9. Nominations Committee.** The Nominations Committee shall consist of past Post Commanders and shall be in charge of nominating the officers of the post for the upcoming year. If possible, no Past Commander will serve on the committee two (2) years consecutively. This committee will meet in March of each year to begin the process of nominating and will present their nominations at the April post meeting.

## ARTICLE VI RESOLUTIONS

**Section 1.** All resolutions of state or national scope presented to this post by a committee shall merely embody the opinion of this post on the subject and copy of same shall be forwarded to the department headquarters for its approval before any publicity is given or action other than mere passage by the post is taken.

## ARTICLE VII MEETINGS

**Section 1.** The regular meetings of the post shall be held at the club room on the 3<sup>rd</sup> Thursday of each month, at which may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the post.

**Section 2.** The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the post at any time.

**Section 3.** Upon the written request of six (6) members, the committee shall call a special meeting of the post.

**Section 4.** Eight (8) members shall constitute a quorum.

ARTICLE VIII NOTICES

Section 1. Every member shall furnish the Post Adjutant with his or her address for mailing purposes.

Section 2. The Post Adjutant shall cause notice of the annual election to be given at least two (2) weeks prior thereto and include the names of candidates nominated for their respective office.

ARTICLE IX RULES OF ORDER

Section 1. All proceedings of this post shall be conducted under and pursuant to Robert's Rule of Order, except as herein otherwise provided.

ARTICLE X LIMITATIONS OF LIABILITIES

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

ARTICLE XI AMENDMENTS

Section 1. These by-laws may be amended at any regular post meeting by a vote of two-thirds (2/3) of the members of said post attending such regular meeting. Provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post; and provided, further, that written notice shall have been given to all members at least fourteen (14) days in advance of the date when such amendment is to be voted upon, notifying said members that such meeting a proposal to amend the by-laws is to be voted upon.

Approved by Post at regular meeting on \_\_\_\_\_

\_\_\_\_\_  
Post Adjutant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Post Commander

\_\_\_\_\_  
Date

Subscribed and sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public

**CONSTITUTION OF NORTH MANKATO POST 518  
AMERICAN LEGION  
DEPARTMENT OF MINNESOTA**

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 associations 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 Goodwill 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 North Mankato Post No. 518, The American Legion, Department of Minnesota.

ARTICLE II OBJECTS

Section 1. The objects and purposes of this post shall be to promote the principles and policies as set forth in the foregoing preamble, and 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.

Section 2. This organization 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 persons seeking public office or preferment.

Section 3. Rank does not exist in membership in the American Legion; no member shall be addressed by his or her military title in any meeting of this post.

## ARTICLE IV MEMBERSHIP

Section 1. Eligibility to membership in this post shall be as prescribed by the National Constitution of American Legion.

Section 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the post Executive Committee.

Section 3. All applications for membership shall be acted upon at the next post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If two (2) or more members cast their vote against the acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six (6) months from date of rejection.

Section 4. Any member of this post may be expelled for cause by two-thirds vote of the membership present after charges are preferred under oath in writing, and a fair trial had upon the same, after due notice of at least 2 weeks to all members.

Section 5. A member who has been expelled or suspended from this post for any cause may be reinstated to membership by a two-thirds vote of the membership present in post meeting, and the payment of current dues for the year in which the reinstatement occurs.

Section 6. No person who has been expelled by a post shall be admitted to membership in any post, without the consent of the expelling post, except that where such consent has been asked for and denied by such post: he may then appeal to the same Executive Committee of the department of the expelling post for permission to apply for membership in this post, and shall be ineligible for membership until such permission is granted.

## ARTICLE V OFFICERS

Section 1. The administrative affairs of this post of the American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of the Executive Committee which shall include two voting advisory members, consisting for the current Auxilliary President and Sons of the American Legion Commander, in addition to the officers as prescribed in the By-Laws of the post. The term of office of members of the Executive Committee shall be for one (1) year. This post, by it's By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this post shall be a Commander, 1st & 2<sup>nd</sup> Vice Commanders, Finance Officer, Post Adjutant, Post Chaplain, Post Service Officer and Sergeant-at-Arms, and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election, and/or appointed according to the By-Laws.

Section 3. All officers and Executive Committee shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or Executive Committee may be removed for inefficiency by the Executive Committee, with a two-thirds vote of said committee being necessary to effect such removal.

Section 4. Every member of this post in good standing shall be eligible to hold office in the post.

Section 5. The duties of officers and the Executive Committee shall be those pertaining to such offices or committees as provided in the By-Laws.

#### ARTICLE VI FINANCE

Section 1. The revenue of this post shall be derived from membership or initiation fees, from annual membership dues and from other sources as may be approved by the post Executive Committee.

Section 2. The amount of such membership or initiation fees and the amount of such annual post dues shall be fixed and determined by this post.

Section 3. The post shall pay to departmental headquarters the National and departmental annual membership dues for every member of the post.

#### ARTICLE VII CHARTER MEMBERS

Section 1. Members who joined this post prior to November 11, 1919 (or members who joined this post prior to the issuance of charter) shall be known as charter members. Note: The matter of charter members for the permanent charter is left to the decision of the post members.

#### ARTICLE VIII AMERICAN LEGION AUXILIARY

Section 1. This post recognizes an auxiliary organization to be known as the Auxiliary Unit of North Mankato Post No. 518, The American Legion.

Section 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

#### ARTICLE IX SONS OF THE AMERICAN LEGION

Section 1. This post recognizes Squadron 518 Sons of the American Legion as an organization within The American Legion, North Mankato Post No. 518.

Section 2. Membership in the Sons of the American Legion shall be as prescribed by the National Constitution of The Son of American Legion.

#### ARTICLE X AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of the American Legion and of the department Constitution of the Department of Minnesota, The American Legion. Any amendment to said National Constitution or department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.



Section 2. This Constitution may be amended at any regular post meeting by vote of two-thirds of the members of said post attending regular meeting, providing that the proposed amendment shall have been submitted in writing at the next preceding regular meeting of said post, and further providing that written notice shall have been given to all members at least fourteen (14) days in advance of the date when such amendments is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

Approved by Post at regular meeting on \_\_\_\_\_

\_\_\_\_\_  
Post Adjutant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Post Commander

\_\_\_\_\_  
Date

PROPOSAL I

Any Auxiliary or SAL Member who conducts themselves in a manner that is not conducive to club rules and regulations shall be reported, in writing, to their Auxiliary President or SAL Commander for the matter to be addressed with their membership. After the Auxiliary President or SAL Commander takes the appropriate actions, they are to send a written report back to the Executive Committee within ten (10) days of such actions, if any are being taken. Only if the matter cannot be satisfactorily resolved by their respective Auxiliary President or SAL Commander and their members, the Executive Committee reserves the right to take any actions that they feel are necessary to bring the matter to the floor of a regular legion meeting for a vote per Article IV Sec 4 & 6 of Constitution of Post 518.

While the Legion may expel someone from the property in its entirety, we cannot revoke Auxiliary or SAL membership. However, we can restrict attendance to any meeting or function on our property, should we chose to do so.

Approved by Post at regular meeting on \_\_\_\_\_

\_\_\_\_\_  
Post Adjutant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Post Commander

\_\_\_\_\_  
Date