

THE AMERICAN LEGION



JAMES F. PEARSON POST 410
Lakehills, TX 78063

CONSTITUTION

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 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 1. The name of this organization shall be JAMES F. PEARSON, Post No. 410, The American Legion.

ARTICLE II – PURPOSE

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 Department Constitutions of The American Legion.

Section 2. JAMES F. PEARSON, POST 410 is located in Lakehills, TX. It is an integral part of the American Legion, Department of Texas and is heavily involved in Veterans affairs and the local community as a whole.

ARTICLE III – NATURE

Section 1. The American Legion, Post 410, Department of Texas, is a civilian organization and membership therein does not affect or increase liability for military or public servant attention or services.

Section 2. The American Legion, Post 410, Department of Texas, is absolutely nonpolitical 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.

Section 3. Rank does not exist in The American Legion; no member shall be addressed by his/her military or naval title in any meeting of this Post.

ARTICLE IV – ELIGIBILITY AND MEMBERSHIP

Section 1. Any person shall be eligible for membership in this Post of THE AMERICAN LEGION A) who was a member of the Armed Forces of the United States and assigned to active duty at some time during any of the following periods:

April 6, 1917, to November 11, 1918; December 7, 1941, to the present; all dates inclusive, or

B) who, being a citizen of the United States at the time of his entry therein, served on active duty in the armed forces of any of the governments associated with the United States during any of said periods;

provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably after any of said periods; provided further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service.

Section 2. There shall be no form or class of membership except active membership. Membership shall be only through a Post, and dues shall be paid annually or for life.

Section 3. 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 4. All applications for membership and transfers into this Post shall be acted upon at the next Post General Membership Meeting following the making of such application or transfer, and shall, at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of the members present at the General Membership meeting cast their vote against the acceptance of such application, the application shall be recorded as rejected.

Section 5. No person may be a member at any one time of more than one Post in The American Legion.

Section 6. No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been denied by such Post, member may then appeal to the Executive Committee of the department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

Section 7. This Post shall be the judge of its own membership, subject only to the restrictions of

the National and Department Constitution and By-Laws.

Section 8. Transfers: Any member in good standing, to include members of Headquarters Post 345, moving or transferring to a Post near their home shall be transferred using The American Legion Member Data Form, completed by the new Post, without additional payment of dues. The new Post shall be the judge of its own membership in accordance with Article III, Section 5, Department of Texas Constitution and Bylaws. Dues already paid shall remain with the original Post and the transfer shall be complete upon issue of a new membership card

Section 9. A member of this Post may only be disciplined in accordance with the Department Uniform Code of Procedures for Disciplinary Action and Supplement 1.

Section 10. If a member is expelled in a disciplinary proceeding, his/her membership is suspended until his/her final appeal is heard and a decision is rendered, and if he/she is expelled by the decision, he/she shall not be eligible for membership in this Post for one year from the date of expulsion, and then only in the event his/her application for reinstatement is approved in the manner in which memberships are approved in this Post.

Section 11. Members found to be ineligible. If a Post determines one of its members is not eligible for membership, the Post shall notify the Department Adjutant at once in writing so that his name can be forwarded to the National Headquarters for removal from the membership rolls. It shall be presumed that a member who will not furnish proof of eligibility within 30 days of a written request, certified mail, return receipt requested is not eligible for membership in The American Legion.

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 a Post Executive Committee which shall consist of no more than five (5) members in addition to the Officers of the Post. The term of office of members of the Post Executive Committee shall be for one (1) year. This Post, by its 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, a 1st Vice Commander, a 2nd Vice Commander, an Adjutant, a Finance Officer, a Judge Advocate, a Historian, a Chaplain, a Sergeant at Arms, a Service Officer, and such other officers as may be deemed necessary by this organization.

Section 3. A nominating committee shall be appointed by the Post Executive Committee, who shall report their nominations to the regular monthly meeting next preceding the annual election of officers. Nominations may also be made from the floor at such meeting, and again at the meeting for the annual election.

Section 4. All Officers and Executive Committee persons shall be elected annually, by majority vote on written ballots, at a Post meeting held not less than fifteen (15) days prior to the

Department Convention, and shall be installed not later than the first regular Post meeting in August following their election. Only those members holding current calendar year membership cards shall have the privilege of vote in the election. They shall hold office until their successors are duly installed. Any Post Officer or Post Executive Committee member may be removed for cause by the Post Executive Committee, a two-thirds (2/3) vote of said Committee being necessary to effect such removal. The membership shall be entitled to be present at the Post Executive Committee meeting without voice or vote. The decision of the Post Executive Committee shall be subject to the approval or reversal by the Post membership at the next regular Post meeting where a quorum is present.

Section 5. The duties of Officers and Executive Committee shall be those usually appertaining to such Officers or Committee members and as further provided in the By-Laws.

Section 6. Officers and Executive Committeemen are expected to attend the regular meetings of the Post and Post Executive Committee. Failure of any Officer or Executive Committeeman to attend three (3) successive regular business meetings, without reasonable cause having been furnished the Post Adjutant or Post Commander, shall be cause for forfeiture of said office. The Post Executive Committee shall decide when an Officer's failure to attend three (3) successive regular business meetings, without reasonable cause having been furnished the Post Adjutant or Post Commander, shall be cause for forfeiture of said office. The Post Executive Committee shall decide, when an Officer by his/her failure to attend three (3) successive regular business meetings has forfeited his/her right to continue in office, when or whether to declare such office vacant, and when to order an election to fill the vacancy.

Section 7. In case of vacancy in any office for any cause, the said vacancy shall be filled by appointment from the Post Commander, subject to approval at any regular business meeting provided at least fifteen (15) days' notice of such appointment has been given to the members. The appointed member will hold the position until the next scheduled election.

ARTICLE VI – FINANCE

Section 1. The revenue of this Post shall be derived from annual membership dues and from other such sources as approved by the Post Executive Committee.

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

Section 3. The Post shall pay to Department Headquarters the Department and National annual membership dues within thirty (30) days from receipt thereof for each paid member of the Post.

ARTICLE VII – CHARTER MEMBERS

Section 1. Members who joined this Post prior to the issuance of permanent charter shall be known as charter members.

ARTICLE VIII – AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of James F. Pearson, Post 410, Lakehills TX.

Section 2. Membership in the Auxiliary shall be as prescribed by their own Constitution and By-laws to which will coincide with National and Department of Texas Constitutions and By-Laws of The American Legion Auxiliary.

ARTICLE IX – AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National and Department Constitution of 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 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 to the Post Executive Committee in session and approved by it; or if rejected, in whole or in part, it may be taken to a regular Post meeting on a minority report; and 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 fifteen (15) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the constitution is to be voted upon.

Section 3. Anything not covered by this constitution shall be governed by the Constitution of the Department of Texas.

ARTICLE X – REAL PROPERTY

Section 1. Real property owned by the Post may be sold, leased or otherwise disposed of, where control of said property is involved, (after first complying with the Department and National Constitution and following the procedures provided by the Department Adjutant.), at any regular meeting by a vote of two-thirds (2/3) of the Post members attending a regular meeting, provided that the proposal shall have been submitted in writing, after approval by a majority of the Post Executive Committee, if there be a Post Executive Committee, and further after approval by a majority of the Board of Trustees, if there be a Board of Trustees, and read at the preceding regular meeting of the Post, and provided further notice shall have been given all members by mail at least fifteen (15) days in advance of the date when such proposal is to be voted upon and that notice is given in the local press and radio and that it is posted on the Post bulletin board in the same time limits prior to the actual voting on the proposal.

Section 2. No real estate owned by this Post or trustee of this Post will be sold or used as collateral for a loan without the approval of the Department Executive Committee or where time

is of the essence the Department Commander, who shall report said action to the next Department Executive Committee meeting.

Section 3. Any Post whose real estate becomes encumbered with a lien will notify the Department Adjutant within 7 days of receiving notice of the lien.

Section 4. Upon purchasing real estate the Post will notify the Department of Texas.

ARTICLE XI – PROGRAMS

Section 1. This Post recognizes the Sons of the American Legion Squadron to be known as The Sons of the American Legion Squadron (SALS) 410 of James F. Pearson Post 410, Lakehills TX. The SALS is subject to the rules, regulations and supervision of this Post and any changes to their Constitution and By-Laws must be approved by the Post Commander & Post Executive Committee.

Section 2. Membership in the Sons of the American Legion shall be as prescribed by their own Constitutions and By-Laws which will coincide with any National and Department of Texas Constitutions and By-Laws of The Sons of the American Legion.

Section 3. This Post may cease its sponsorship of SALS 410 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in activities illegal, immoral or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

Section 4. This Post recognizes an American Legion Riders Chapter to be known as the American Legion Riders (ALR) 410 of James F. Pearson, Post 410, Lakehills TX. The ALR is subject to the rules, regulations and supervision of this Post and any changes to their Constitution and By-Laws must be approved by the Post Commander & Post Executive Committee.

Section 5. Membership in the American Legion Riders shall be as prescribed by their own Constitution and By-Laws which will coincide with any National and Department of Texas Constitutions and By-Laws of The American Legion Riders.

Section 6. This Post may cease its sponsorship of ALR 410 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in activities illegal, immoral or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

Section 7. The Director of the ALR 410 must be a Legionnaire of this Post.

ARTICLE XII – SOCIAL MEDIA AND THE INTERNET

Section 1. Social Media Guidelines. All members of this post and all participants in the programs of this post are required to adhere to the Social Media Guidelines promulgated by the Department of Texas.

Section 2. Ownership of Domain Names and Social Media Accounts. Applicants for social media accounts and registrants of domain names for this post or its programs are serving as agents of this post and ownership of these account and domain names are vested in the post. Applicants or registrants should obtain approval from the Post Executive Committee to establish a domain name or social media account. Applicants or registrants shall, upon demand, transfer the account or domain name to another individual designated by the Post Executive Committee.

THE AMERICAN LEGION



BY-LAWS OF JAMES F. PEARSON POST 410 Lakehills, TX 78063 AMERICAN LEGION, DEPARTMENT OF TEXAS 4th DIVISION 21st DISTRICT

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 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 1. The American Legion Post existing under these By-Laws is to be known as JAMES F. PEARSON, POST 410, The American Legion.

Section 2. The objects of this Post are as set forth in the Constitution.

ARTICLE II – MANAGEMENT

Section 1. The government and management of the Post is entrusted to a Post Executive Committee as prescribed in ARTICLE V, Section 1 of the Post Constitution.

Section 2. The Post Executive Committee shall be elected in May of each year in accordance with ARTICLE IV, Sections 1 & 4 of the Post Constitution. The Post Executive Committee shall consist of no more than five (5) at large members in addition to the Officers of this Post. The Post Officers shall be elected annually as provided in ARTICLE V, Section 5, of the Constitution, and all shall be sworn in by a Department/District representative. The Post Adjutant will certify

the newly elected and installed officers and provide the information to the Department of Texas as required.

Section 3. All elections shall be by written ballot. The candidate receiving the highest number of votes shall be elected to the respective office for which he or she is a candidate. If there is only one candidate, the election shall be by a vote of acclamation.

Section 4. Vote Eligibility: Only those members attending the meeting and in good standing (possessing a current membership card or shown as current on the Post's roster) may vote.

Section 2. Duties of Vice-Commander. 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.

Section 6. Any vacancy existing on the Executive Committee due to any cause, other than normal expiration of term of office, will be filled by appointment from the Post Commander. The appointed member will hold the position until the next scheduled election.

Section 7. A vacancy shall exist when a Committee member is absent from his or her post for three (3) successive regular business meetings without a valid reason as determined by the Executive Committee.

Section 8. The Post Executive committee shall hire such employees as may be necessary; shall authorize and approve all non-recurring expenditures, not to exceed fifteen-hundred (\$1,500) per month; shall require adequate bonds from all persons having the custody of Post funds; shall cause all funds to be placed in the hands of the Post Finance Officer for deposit and accounting purposes; shall hear the reports of Post Committee Chairs, and generally, shall have charge of and be responsible for the management of the affairs of this Post.

Section 9. A review committee shall be appointed with the Post Judge Advocate as Chairman to conduct a complete review of Post financial records at a minimum quarterly and to take place within 30 days prior and after the election.

Section 10. Except for hiring and firing of employees and non-recurring expenditures of up to One-Thousand Five Hundred (\$1,500.00) per month, actions of the Post Executive Committee shall be submitted for approval to the membership at the next regular membership meeting.

Section 11. At no time shall any Officer or member of the Post be allowed to acquire a credit card in the name of the American Legion. Post expenditures and purchases can only be made via the Post's bank checking account through the use of only Checks or a Debit Card. The Post Commander will be the only authorized user of the Debit Card. The Finance Officer may bar, suspend, temporarily disconnect access to meet limiting criteria.

ARTICLE III – DUTIES OF OFFICERS

Section 1. COMMANDER – 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. The Post Commander shall approve all orders directing the disbursement of funds and shall make an 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 forwarded to the Department Adjutant. The Post Commander shall see that this Constitution and By-Laws are observed and will appoint within 60 days of the election, a By-Laws committee to review/recommend changes to the Post Constitution and By-Laws. The Commander may spend up to one thousand (\$1000) dollars per month for Post business without first gaining approval from the Executive Committee. The Commander must present receipts for these purchases to the Finance Officer as soon as possible. The Post Commander shall perform such other duties as are directed by the Post. The Post's Chair for annual July 4th activities committee. Prepare annual Consolidated Post Report (CPR).

Section 2. 1ST VICE COMMANDER – The Post 1ST 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 and shall be fully involved in, and responsible for, all aspects of the Post's Membership and as such is the Chair for Post membership. The Post's Chair for the annual Membership Dinner committee. Additionally, He or she will assist the Post Commander & Adjutant in preparing the annual Consolidated Post Report (CPR).

Section 3. 2d VICE COMMANDER – The Post 2d Vice Commander shall assume and discharge the duties of the office of Post Commander in the absence or disability of both the Commander and 1st Vice Commander, or when called upon by the Post Commander and shall be fully involved in, and responsible for, all aspects of the Post's Patriotic observances and ensuring the entertainment activities are met for all Post events throughout the year. The Post' Chair for the annual Veteran's Day & Flag Day activities committees. Additionally, He or she will assist the Post Commander & Adjutant in preparing the annual Consolidated Post Report (CPR).

Section 4. ADJUTANT – The Post Adjutant shall have charge of and keep a full and correct record of all proceedings and all meetings, keep such records as the Department and National Organizations may require, issue membership cards, handle certificates of transfer, render reports of membership annually or when called upon at a meeting, and under direction of the Post Commander, handle all correspondence of the Post as well as other duties prescribed by the Post Commander and/or Post Executive Committee. The Post Adjutant shall comply with Article V, Section 5, of the Department Constitution. Additionally, He or she will assist the Post Commander in preparing the annual Consolidated Post Report (CPR).

Section 5. FINANCE OFFICER – The Post Finance Officer shall have charge of all finances and are to ensure that all funds are safely deposited in the bank and shall report once a month to the Post Executive Committee and to the Post Membership, in writing, the condition of the finances of the Post, with such recommendations as The Post Finance Officer may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Post Finance Officer shall sign all checks disbursing the moneys of the Post, such checks to be countersigned by the Post Commander, 1st Vice Commander, or Post Adjutant. The Post shall

furnish such surety bond in such sum as shall be fixed by the Post Executive Committee. Additionally, He or she will assist the Post Commander in preparing the annual Consolidated Post Report (CPR).

Section 6. JUDGE ADVOCATE – The Post Judge Advocate shall supply professional advice in the conduct of the Post business, or to retain proper counsel. The Post Judge Advocate shall be the Chairman of any committee concerning the amendment of the Post Constitution or By-Laws. The Post Judge Advocate shall be in charge of the annual review of the Post financial accounts as set out in Section 9, Article II of these By-Laws. The Post Judge Advocate shall be responsible for the orderly conduct of disciplinary procedures. The Post's Chair for the annual Chili Cook-off as well as the Post's Chair for the financial review committee. Additionally, he or she will assist the Auxiliary, Sons of the Legion, & Legion Riders upon request as well as assist the Post Commander in preparing the annual Consolidated Post Report (CPR).

Section 7. HISTORIAN – The Post Historian shall be charged with the individual records and incidents of the Post and Post members and shall perform such other duties as may properly pertain to the office as may be determined by the Post or Post Executive Committee. The Post's Chair for the annual Christmas Dinner committee. Additionally, He or she will assist the Post Commander in preparing the annual Consolidated Post Report (CPR).

Section 8. CHAPLAIN – 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., adhere to such ceremonial rituals as are recommended by the National or Department Headquarters. The Post's Chair for the annual Memorial Day activities committee. Additionally, He or she will assist the Post Commander in preparing the annual Consolidated Post Report (CPR).

Section 9. SERGEANT OF ARMS – The Post Sergeant at Arms shall preserve good order and discipline at all times and meetings, and shall perform such other duties as may be from time to time assigned to the Post Sergeant at Arms by the Post Commander or Post Executive Committee. The Post Sergeant at Arms shall have charge of the Post Colors, and shall not display or permit them to be displayed without specific authority of the Post Commander. Additionally, He or she will assist the Post Commander in preparing the annual Consolidated Post Report (CPR).

Section 10. SERVICE OFFICER – The Post Service Officer shall be responsible for providing all legal rights & benefit information to the membership and their dependents. He or she will utilize the expert services available through American Legion channels as well as other agencies within the community. He or she will comply with the Service Officer's Manual, the Post Officers Guide of The American Legion along with the recommendations of National and Department Headquarters to address the needs of all community veterans. The Post's Chair for the Programs Committee. Additionally, He or she will assist the Post Commander in preparing the annual Consolidated Post Report (CPR).

ARTICLE IV – DELEGATES

Section 1. Delegates and alternates to a Department, Division, or District Convention shall be elected by the Post at a regular meeting of the Post to be held prior to such convention. However, the Post, by two-thirds (2/3) vote of members present may authorize the Post Commander to appoint said delegates. The Post Commander shall, immediately upon their election or appointment, designate the chairman. Alternates for delegates shall have all the privileges of registered delegates except that of voting. A registered delegate is one who has received his/her credentials after his/her registration fee has been paid.

Section 2. Each duly registered delegate shall be entitled to one vote. At the time the delegates are elected, the Post will select either the Pro-Rata Rule or the Modified Unit Rule, as described below, as the method of voting for those delegates who do not attend the convention.

a. Modified Unit Rule: Each duly registered delegate shall be entitled to one vote, unless there are fewer delegates than votes. Under those circumstances, each delegate will cast one vote, and then any votes of absent delegates will be cast, in their entirety, in accordance with the majority of the delegates in attendance.

b. Pro-Rata Rule: Each duly registered delegate shall be entitled to one vote, unless there are fewer delegates than votes. Under those circumstances, each delegate present will be entitled to a portion of the total number of votes allocated to the Post that is directly proportionate to the percentage that the delegate represents of the total delegation present.

Section 3. The chairman of the delegation shall cast the entire delegate vote on any convention matter, after first polling the delegates present, so as to reflect the vote of each delegate present.

ARTICLE V – DUES – FISCAL YEAR

Section 1. Annual dues shall be as prescribed by the Post and shall be payable on or before October 20th of each year for the succeeding calendar year. A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If his/her dues are paid on or before February first, he/she shall be automatically reinstated. If he/she is still delinquent after February first, he/she shall be suspended from all privileges. If he/she is still under such suspension on June thirtieth (13th) of such year, his/her membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the years in which the reinstatement occurs.

Section 2. The Chairman of the membership committee may recommend to the Post Executive Committee the names of members whose dues shall be paid for by the Post with reasons for such recommendation. The Post Executive Committee shall have the power to approve or reject such recommendations except new members and transfers.

ARTICLE VI – POST COMMITTEES APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year, shall appoint such standing committees as the Post Commander deems necessary for the efficient operation of the Post, such as Boys State and the Boy Scouts. The Post Commander shall also appoint such other committees as the Post Commander finds to be necessary from time to time. All of such committees shall consist of such members and the chairman thereof as shall be designated by the Post Commander and confirmed by the Post Executive Committee.

Section 2. The duties and functions of the respective Post committees shall be in accordance with the current Post Officers Guide of The American Legion and with the recommendations of National and Department Headquarters.

Section 3. BAR MANAGER: The Commander shall appoint a member of the Executive Committee to be the Bar Manager who will manage all bar operations and functions. At no time, will the Bar Manager handle any bar funds. The Bar Manager will be the Chair of the Bar Committee which will consist of the Bar Manager, the Post Commander and the 1st Vice Commander of the Post.

- I. At all times, the Bar shall be worked by ONLY a member of the Bar committee or an authorized bartender. All persons who are authorized to work the bar will be TABC certified. If the Bar Committee deems it necessary to hire employees to staff the Bar, the employee/s shall have a personal interview with the Bar committee. Recommendations for potential employee shall then be made to the Executive Committee and voted upon and a majority vote will be required prior to hiring. A person hired by the Post will have the cost of their TABC certification reimbursed at 180 days of employment.
- II. The employee DOES NOT need to be a current member of the Post or its affiliates, but it is highly recommended that they be in good standing with the Post, Auxiliary, SAL, or ALR.
- III. Salary or hourly pay for such employee/s must be approved by the Executive Committee.

ARTICLE VII – RESOLUTIONS

Section 1. All resolutions of State or National scope presented to this Post by a member or reported 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 VIII – MEETINGS

Section 1. The regular membership meetings of the Post shall be held at the Post's home on the 4th Thursday of each Month at 1900 (7:00 P.M.) with the exception of November and December. The November and December meetings will be held at the Post's home on the 3d Thursday at 1900 (7:00 P.M.).

Section 2. The Executive Committee meeting will be held in the Post's home on the 1st Thursday of every Month at 1900 (7:00 P.M.)

- Other meetings of the Post shall be as determined by the Post Commander.
- Other business or social meetings may be held as directed by the Post Commander and the Post Executive Committee

Section 3. The Post Commander or by 3 members of the Post Executive Committee shall have power to call a special meeting of the Post at any time.

Section 4. All meetings of this Post shall be open to all members in good standing as prescribed in Section IV of Article II of these By-Laws. However, ONLY members of the Executive Committee have a vote during the Executive Meetings.

Section 5. Upon the written request by signed petition of not less than five (5) of the members in good standing of this Post delivered to the Post Commander, requesting a special meeting of the Post, the Post Commander shall call the said special meeting within not less than seven (7) days, nor more than fourteen (14) days after receipt of the said petition. In the said petition shall be stated the purpose for which the meeting is requested, and matters not pertaining to said purpose for the meeting shall not be considered at such meeting. In notices given to the membership of said meeting, the subject matter to be discussed shall be stated. The Post Commander or a majority of the Post Executive Committee shall have the power to call a special meeting of the Post, and the notice of the call for this meeting sent to the membership shall contain the subject matter to be discussed at the said meeting, and the said meeting shall not discuss other matters not relating to said notice.

Section 6. At least four (4) members in good standing shall constitute a quorum at any regular or special meeting of the Post.

Section 7. Joint meetings with the Auxiliary Unit, SAL, or ALR may be called by the Post Commander at any time he or she deems it in the best interest of the Post and/or community.

ARTICLE IX – NOTICES

Section 1. Current Address Policy – Every member shall furnish the Post Adjutant with his/her address for mailing purposes. Notices sent to the last known address shall constitute sufficient legal notice.

Section 2. Annual Election Policy – The Post Adjutant shall cause written notice of the annual election to be given at least one (1) regular Post meeting prior to the election date, but in no event less than fifteen (15) days prior to the election date. Announcement of election should also be made public by posting said notice on the Post's bulletin board and website.

Section 3. Statement of Nondiscrimination – In its efforts to promote nondiscrimination, the Post does not discriminate on the basis of race, religion, color, national origin, gender, sex or disability in accordance with Title VI of the Civil Rights Act of 1964, as amended.

Section 4. Whistle-blower Protection Policy – Neither the Post Commander, Post officers nor Post Executive Committee shall unlawfully retaliate against any member for bringing a grievance or complaint under these By-Laws.

Section 5. Conflict of Interest Policy – No person in a position of authority over the Post, such as the Post Commander, Post Officers or members of the Post Executive Committee may financially benefit from a decision he or she made in regards to Post business. i.e. hire yourself to repair the AC unit or construct a building.

Section 6. Written Documentation Retention/Destruction of Sensitive Documents Policy – Any person that possesses or maintains such information is required to take reasonable measures to protect against unauthorized access to, or use of the information in connection with its disposal. In addition, Sarbanes-Oxley requires that records be retained for all audits and legal proceedings.

Section 6a. Record Types and Retention Periods:

- (1) Accounts Payable/Receivable Ledgers – 7 years
- (2) Audit Reports of Accounts – Permanently
- (3) Bank Statements – 7 years
- (4) Contracts and Leases – Permanently
- (5) Correspondence (Legal) – Permanently
- (6) Membership Applications – 3 years
- (7) Insurance Records – Permanently
- (8) Tax Returns – 7 years
- (9) Training Manuals – Permanently

Section 7. IRS Authority to Request Information (Public Disclosure Policy) – The Post must make available for public inspections IRS annual returns and applications for exemption, and must provide copies of such returns and applications to individual who request them. Copies usually must be provided immediately in the case of in-person requests, and within 30 days in the case of written requests. The tax-exempt organization may charge a reasonable copying fee plus actual postage, if any.

Section 8. IRS 990 Compliance Policy – The IRS Form 990 must be filed annually by the 15th day of the 5th month after the close of the tax year. The Pension Protection Act requires the IRS to revoke the tax-exempt status of any organization that fails to meet its annual filing requirement for three (3) consecutive years.

Section 9. Review of Form 990 by Executive Committee – The Post Finance Officer will create a timeline for compliance in the month of March following the previous tax year. Data will be gathered to complete the IRS Form 990 and shared with the Post Executive Committee no later than the Post Executive Committee's April meeting. The Post Executive Committee will review the completed IRS Form 990 annually before it is sent to the IRS.

ARTICLE X – RULES OF ORDER

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

ARTICLE XI – LIMITATIONS OF LIABILITIES

Section 1. This Post shall incur, or cause to be incurred, no liability, nor obligations whatsoever which shall subject to liability any other Post, subdivision, group of men or women, members of The American Legion, or other individuals, corporation, or organization.

ARTICLE XII – AMENDMENTS

Section 1. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) majority of the members in good standing as prescribed in Section IV of Article II in these By-laws and present on the meeting floor after they have been approved by the Post Executive Committee. Proposed amendment/s must be submitted in writing to the Post Executive Committee and approved by it; or if rejected in whole or in part, it may be taken to a regular Post meeting on a minority report; and 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 fifteen (15) days in advance of the date when such amendment is to be voted upon, notifying all said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

ARTICLE XIII – RENTAL OF POST BUILDINGS AND FACILITIES

. The following rules are to be strictly adhered to:

- a. WITHOUT EXCEPTION there will be no access to the Bar and/or facilities by individual/s, groups, businesses, clubs, organizations, leagues, etc... without the individual/s groups, businesses, clubs, organizations, leagues, etc... having fulfilled and complied not only with the requirements set forth by the Post's standard rental agreement, but also they shall have to fulfill and comply with the following stipulations:
 - a. The Bar is to be operated by a member of the Bar Committee or authorized Bartender.
 - b. The sale of beer, wine, sodas, and other items shall be the same price as the regular everyday price unless by majority vote of the Executive Committee to raise or lower the price.
 - c. No liquor is to be served over the Bar or stored on the premises.
 - d. The Bar includes, but not limited to, the beer/soda/water coolers in the Bar area and the walk-in cooler where the excess beer/soda/water are stored.
 - e. All State and local laws will be adhered to.
 - f. Rental and deposit will be completed prior to the event.
- g. The Post Commander shall appoint someone to inspect the facilities both before and after said event and when/if the renting party has complied with the rules as set forth in the rental agreement, (attachment #1) the deposit will be given back within 7 days of the event. Otherwise, the Post will retain the deposit for non-compliance with the rental agreement.

ARTICLE XIV – PROGRAMS

Section 1. The Post may provide sponsorship, but not limited to, the following organizations:

- i. Sons of the American Legion (SAL)
- ii. American Legion Riders (ALR)
- iii. Scouting Program
- iv. Local Sport Shooting Team
- v. Little League Baseball
- vi. Local Soccer Organization


Section 2. The Post Service Officer will evaluate both the current and any future sponsorship/s on an annual basis and will provide insight and recommendations to the Post Executive Committee during the October and April meetings.

POST CERTIFICATION

We, the following officers of American Legion Post 410 located in Lakehills Texas hereby certify that the foregoing Constitution and By-Laws, after due notice was given to all members, was adopted at a regular meeting of this Post held on the 22nd day of Sept, 2022, A. D.



POST COMMANDER



ATTESTED: POST ADJUTANT

DEPARTMENT CERTIFICATION

Passed on by the Department Judge Advocate on the 24th day of May, 2023, A. D., and Approved by the Department Executive Committee on the 24th day of May, 2023, A. D.



DEPARTMENT JUDGE ADVOCATE