



CONSTITUTION
AND
BY-LAWS
OF
EARL GRAHAM
POST 159
BRYAN, TX

THE AMERICAN LEGION
DEPARTMENT OF TEXAS

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 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 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

The name of this organization shall be Earl Graham Post No. 159, The American Legion. The charter of incorporation was filed in the office of the Secretary of State of Texas under Charter No. 059948 - 1. _

ARTICLE II DEFINITIONS

The meanings of the following terms shall be as listed herein in throughout this document and the By-Laws.

Department shall mean The American Legion Department of Texas

They shall be used as a pronoun to describe both male and female.

Theirs shall be the possessive for both male and female.

National shall mean The American Legion National

Regular meeting shall mean the regularly scheduled monthly Post General Membership Meeting.

[This Post and The Post shall mean Earl Graham Post No. 159, The American Legion.](#)

[Written Notice or Notice shall mean the written word in English provided in any of the following formats: on paper by mail, local newspaper, or posting in the Post Home; electronically by fax, email or social media of the day; by posting on a prespecified website.](#)

ARTICLE III PURPOSE

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.

ARTICLE IV 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-Post](#) shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles [or 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 [their/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 THE AMERICAN LEGION who was a member of the Army, Navy, Marine Corps, Coast Guard, or Air Force 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 December 31, 1946; June 25, 1950, to January 31, 1955; February 28, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984;

December 20, 1989, to January 31, 1990; August 2, 1990, to the cessation of hostilities as determined by the government of the United States; all dates inclusive, or who, being a citizen of the United States at the time of ~~their~~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 ~~in this Post~~ shall be only through ~~this~~ 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~~regular ~~m~~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 ~~Post General Membership Meeting~~regular meeting cast their vote against the acceptance of such application, then such 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, ~~they~~he/she 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 ~~not~~ be ineligible for membership until such permission is granted.

Section 7. ~~Each~~This Post shall be the judge of its own membership,

subject only to the restrictions of the National and Department Constitutions and By-Laws.

Section 8. Transfers. Any member of The American Legion in good standing in another American Legion Post, to include members of Headquarters Post 345, moving or transferring to thisa Post near their home shall be transferred using The American Legion Member Data Form, completed by the new this Post, without additional payment of dues. Thise 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 previous original Post and the transfer shall be complete upon issuance ancee of a new membership card.

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

Section 10. If a member is expelled in a disciplinary proceeding, theirhis/her membership is suspended until theirhis/her final appeal is heard and a decision is rendered, and if he/she isthey are expelled by the decision, theyhe/she shall not be eligible for membership in this Post for one year from the date of expulsion, and then only in the event theirhis/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 thisa Post determines one of its members is not eligible for membership, thise Post shall notify the Department Adjutant at once in writing so that histe members/her 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 VI OFFICERS

Section 1. The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the By - LawsBy-Laws, be under the supervision of a Post Executive Committee, which shall consist of a minimum of twenty-one (21) members; the Post Officers, the immediate

year's Past Commander and at least ten (10) At-large members. The term of office for members of the Post Executive Committee shall be for one (1) year. This Post, in accordance with ~~its~~ By-Laws, will provide for such standing committees as the business of the organization may require.

Section 2. The officers of this Post shall be a Commander, a First ~~Vice Commander~~ Vice Commander, a Second 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 at the regular ~~monthly~~ meeting in May. Nominations may also be made from the floor at such meeting and again at the meeting for the annual election.

Section 4. All Post Executive Committee members shall be elected annually, by a majority vote ~~on written ballots~~, at the regular meeting in June of each year and shall be installed at the regular ~~Post~~ meeting in August following their election. Written ballots shall be used when there are multiple candidates for the same officer position. Only those members holding current calendar year membership cards shall have the privilege of vote in the election. They Post Executive Committee members shall hold office until their successors are duly installed or as otherwise provided. Except that Post Commanders shall not succeed themselves after serving three (3) consecutive years. The Post Executive Committee may remove any Post Executive Committee member for cause, a ~~two-third~~ two-thirds (2/3) vote of said Committee being necessary to ~~effect~~ affect 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 meeting where a quorum is present.

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

Section 6. Post Executive Committee members are expected to attend the regular meetings of ~~this~~ the Post and the Post Executive Committee meetings.

Failure of any Post Executive Committee member to attend three (3) successive regular meetings or three (3) successive Post Executive Committee meetings, without reasonable cause having been furnished to the Post Adjutant or Post Commander, shall be cause for forfeiture of said office. The Post Executive Committee shall decide when a Post Executive member's failure to attend three (3) successive regular ~~business~~ meetings or three (3) successive Post Executive Committee meetings, without reasonable cause having been furnished to the Post Adjutant or Post Commander, shall have occurred. The Post Executive Committee shall decide, when a Post Executive Committee member has forfeited their 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 a vacancy in any office, for any cause, the said vacancy shall be filled at any regular meeting provided at least ~~five (5)~~fifteen (15) days notice of such election has been given to the members.

ARTICLE VI FINANCE

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

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. ~~This~~ 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 VIII CHARTER MEMBERS

Section 1. Members who joined this Post prior to the issuance of its 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 Earl Graham Post No. 159, The American Legion.

[Section 2. Membership in the Auxiliary shall be as prescribed by the National and Department of Texas Constitutions and By-Laws of the American Legion Auxiliary](#)

ARTICLE ~~VIII~~ AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National and Department Constitutions of The American Legion. Any amendment to said National Constitution or Department Constitution, which is in conflict with any provision 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 ~~this~~ 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 the Post~~; and provided further, that written notice shall have been given to all members at least ~~five (5)~~fifteen (15) days in advance of the date when such amendment is to be voted upon, notifying said members that at such regular 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 ~~IX~~ REAL PROPERTY

Section 1. Real property owned by ~~this~~ Post may be sold, (after first complying with Article VII, Section 1, all provisions in the current Department

and National Constitutions and by-laws pertaining to the conveyance of real property by posts), leased, or otherwise disposed of, where control of said property is involved, at any regular meeting by a vote of ~~two-thirds~~ 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, and further after approval by a majority of the Post Board of Trustees, and read at the preceding regular meeting of the Post, and provided further that 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.

Comment [OB1]: This does not align with current mailing time of Post newsletters and does not allow the use of electronic writing

Section 2. No real estate owned by or held in trust by for 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. ~~If Should this Post, whose~~ real estate belonging to this Post becomes encumbered with a lien, this Post will notify the Department Adjutant within seven (7) days of receiving notice of the lien.

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

ARTICLE XII PROGRAMS

Section 1. This Post may sponsor a Sons of The American Legion Squadron. Such Squadron, once formed, shall be subject to the rules, regulations and supervision of this Post as may be promulgated by the Post Executive Committee and ratified by the Post Membership, and which shall not be in conflict with the rules and regulations set up for the Sons of The American Legion by the National Executive Committee, The American Legion.

Section 2. Said Sons of the American Legion Squadron 159 may adopt its own Constitution and By-Laws, subject to approval of same by the Post

Executive Committee. Until [Sons of the American Legion](#) Squadron 159 adopts its own Constitution and By-Laws, it shall be governed by this Post rules and regulations, and by the recommended Constitution and By-Laws of a [Sons of the American Legion](#) Squadron as has been approved by the Department Executive Committee, [Department of Texas](#).

Section 3. Once created, this Post may cease its sponsorship of [Sons of the American Legion](#) Squadron 159 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 may sponsor a Legion Riders Chapter. Such Chapter, once formed, shall be subject to the rules, regulations and supervision of this Post as may be promulgated by the Post Executive Committee and ratified by the Post Membership.

Section 5. Said Legion Riders Chapter 159 may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until Legion Riders Chapter 159 adopts its own Constitution and By-Laws, it shall be governed by Post 159 rules and regulations.

Section 6. Once created, this Post may cease its sponsorship of Legion Riders Chapter 159 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 Legion Riders Chapter must be a Legionnaire of this Post.

BY-LAWS

ARTICLE I NAME

Section 1. The Post existing under these By-Laws is to be known as Earl Graham Post No. 159, The American Legion.

Section 2. The objects and purposes 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 which shall consist of a minimum of twenty-one (21) members; the Post Officers, the immediate year's Past Commander and at least ten (10) At-large members. They shall be elected annually as provided in Article V, Section 4 of this Constitution, and shall take office immediately upon installation.

Section 2. 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)~~ fourteen (14) days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the Post Commander at least once a month and as often as said Post Commander may deem necessary. The Post Commander may email time sensitive items to the Post Executive Committee for email discussion and vote so long as a time and date are set for ending discussion and vote and a quorum of Post Executive Committee members respond with a vote. Copies of all emails should be attached to the minutes of the next Post Executive Committee meeting and taken to the membership as are all other items. The Post Commander shall call a meeting of the Post Executive Committee upon the joint written request of five (5) or more members of said Post Executive Committee. A majority of the members of such committee shall constitute a quorum thereof.

Comment [OB2]: Changed to reflect current scheduled meeting dates

Section 3. The Post Executive Committee shall hire and terminate such employees as may be necessary; shall approve all committee chairperson

appointments, shall authorize and approve all expenditures within the constraints of the approved budget; shall require adequate bonds ~~from for~~ all persons having 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 Chairpersons and generally, shall have charge of and be responsible for the management of the affairs of this Post. All proposed expenditures of Post funds, not governed by already existing By-Laws, budget or policy, exceeding five hundred dollars (\$500.00) shall be approved by members at a regular meeting prior to the expenditure. The Post Executive Committee may approve up to three thousand dollars (\$3,000.00) for emergency repairs without prior approval of the membership, such emergency expenditures shall be brought to the next regular meeting for ratification. - _

At the end of each fiscal year, an audit committee shall be appointed with the Post Judge Advocate as Chairperson to conduct a complete audit of Post records before turning them over to the Post Finance Officer or before starting the new fiscal year. Except for hiring and firing of employees, all actions of the Post Executive Committee shall be submitted for approval to the membership at the next regular ~~membership~~ meeting.

ARTICLE III DUTIES OF OFFICERS

Section 1. 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 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 ~~July~~ May meeting with a copy thereof immediately forwarded to the Department Adjutant. The Post Commander shall see that this Constitution and By-Laws are observed. The Post Commander shall perform such other duties as are directed by the Post.

Comment [OB3]: Changed to May so Consolidated Post report will serve here and is due to Dept by June 1

Section 2. The Post First Vice Commander shall assume and discharge the duties of the office of Post Commander in the absence or disability of the Post Commander, or when called upon by the Post Commander and shall be fully involved in, and responsible for, all aspects of Post Membership.

Section 3. The Post Second Vice Commander shall assume and discharge the duties of the office of Post First Vice Commander when called upon to do so. The Post Second Vice Commander shall chair the House and Entertainment Committee.

Section 4. The Post Adjutant shall have charge of and keep full and correct records of all proceedings of all meetings, keep such records as the Department and National Organization 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. In the absences of either the Post Commander or the Post Finance Officer, the Adjutant shall sign all checks disbursing Post funds. The Post Adjutant shall comply with Article V, Section 5, Department Constitution.

Section 5. Post Finance Officer:

a) The Post Finance Officer shall have charge of all finances and see that they are safely deposited in a local bank or banks and shall report once a month to the Post Executive Committee and the Post, 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 written report shall be in triplicate with one copy going to the Post Adjutant, one copy to the Post Commander and one copy retained by the Post Finance Officer. The Post Finance Officer shall sign all checks disbursing the moneys of the Post, such checks to be countersigned by the Post Commander or Post Adjutant, in the absences of the Post Finance Officer, checks shall be signed by the Post Commander and Post Adjutant as authorized by the Post Executive Committee. All disbursement of funds by the Post Finance Officer shall be substantiated by an itemized statement of charges and shall be approved by the Post Executive Committee. The Post Finance Officer shall report all disbursements at the next regular meeting of the Post Executive Committee, as well as all receipts from all sources. The Post shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee. The Post Finance Officer shall chair the Post Finance Committee.

b) In May, the Post Finance Officer shall submit to the Post Executive

Committee a recommended budget for the next fiscal year. The Post Executive Committee shall approve and submit a budget to the Post at the regular ~~scheduled~~ meeting in July for approval. The approved budget shall be the basis for all expenditures by the Post for the fiscal year.

- c) The Post Finance Officer shall be qualified to hold the position by virtue of education and experience. All financial records shall be maintained by approved accounting systems in place at the time of assuming the office. The Post Executive Committee and the membership shall approve changes in the accounting system.
- d) The budget may be amended at any regular ~~Post~~ meeting by a vote of two-thirds (2/3) of the members of the 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.

Section 6. 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 Chairperson of any committee concerning the amendment of the Post Constitution or By-Laws. The Post Judge Advocate shall be in charge of the annual audit of the Post financial accounts as set out in ~~Section 3~~, Article II, Section 3 of these By-Laws. The Post Judge Advocate shall be responsible for the orderly conduct of disciplinary procedures.

Section 7. 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 Historian shall prepare and keep an annual scrapbook to be submitted to the Post Commander prior to the Department convention each year.

Section 8. The Post Chaplain shall be charged with the spiritual welfare of the Post ~~comrades-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 Department Headquarters from time to time. The Post Chaplain shall chair the Veterans Administration and Voluntary Services (V.A.V.S.) Committee.

Section 9. The Post Sergeant-At-Arms shall preserve order at all times and at all meetings, and shall perform such other duties as may be, from time to time, assigned 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. The Post Sergeant-At-Arms shall chair the Welcome Committee.

Section 10. The Post Service Officer shall comply with the Services Officer's Manual and Post Officers Guide of the American Legion, and recommendations of National and Department Headquarters, and the needs of the Post. The Post Service Officer shall chair the Veterans Affairs and Rehabilitation (VA & R) Committee.

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 not less than fifteen (15) days prior to the date of 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 chairperson. Alternates for delegates shall have all the privileges of registered delegates except that of voting. A registered delegate is one who has received [their/his/her](#) credentials after [their/his/her](#) registration fee has been paid.

Section 2. Each duly registered delegate shall be entitled to one vote. The Post will use the Pro-Rata Rule as the method of voting for those delegates who do not attend the convention.

a. 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 December 31st of each year for the succeeding calendar year. A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent. If ~~their~~his/her dues are paid on or before February 1st, ~~they~~he/she shall be automatically reinstated. If ~~they are~~he/she is still delinquent after February 1st, ~~they~~he/she shall be suspended from all privileges. If ~~he/she is~~they are still under such suspension on June 30th of such year, ~~their~~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 fiscal year, 1 August - 31 July, shall end with the installation of the newly elected officers, and the new fiscal year shall begin as the new officers assume their duties.

Section 3. The newly elected Post Officers shall be installed at the regular ~~Post~~ meeting in August of each year, but not later than the first regular ~~Post~~ meeting in October, following their election, and according to Article VI, Section 4, of this Constitution.

Section 4. The chairperson 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.

ARTICLE VI STANDING COMMITTEES

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 those listed in the Post Officers Guide; 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. A member of any Standing committee may be removed for cause by the Post Commander, subject to the approval of the Post 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 publicity is given or action other than mere passage by the Post is taken.

ARTICLE VIII MEETINGS

Section 1. The regular and special meetings of the Post shall be held at the premises of the Post, or as otherwise designated by the Post Commander, at which place may be transacted such business as may properly be brought up for action, approve the minutes of the previous meeting and minutes of all Post Executive Committee meetings since the last regular meeting: such meetings may be converted to entertainment meetings as may be deemed advisable by the officers of the Post. Procedure at regular meetings shall comply with the current Manual of Ceremonies.

Section 2. The regular ~~business~~-meeting of the Post shall be held the first Thursday of each month or as directed by the Post Commander or the Post Executive Committee. 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 a majority of the Post Executive Committee shall have the power to call a special meeting of the Post at any time.

Section 4. Upon the written request by signed petition of not less than fifteen (15) 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 5. At least thirty (30) members ~~(30)~~ in good standing shall constitute a quorum at any regular or special meeting of the Post.

ARTICLE IX NOTICES

Section 1. Every member shall furnish the Post Adjutant with ~~their~~his/her current address for mailing purposes. Notices sent to the last known address shall constitute sufficient legal notice. Should the Post provide notices via electronic mailing or by postings on its websites members will be notified by mail at the time such notification methods are begun.

Section 2. The Post Adjutant shall cause written notices of the annual election to be given at least thirty (30) days prior thereto by publication in the monthly Post newsletter, which may be mailed or posted on the Post's website.

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 LIABILITY

Section 1. This Post shall incur, or cause to be incurred, no liability, nor obligation 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) of the members of the 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 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 ~~five (5)~~ 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 BOARD OF TRUSTEES

Section 1. This Post shall have a Board of Trustees to consist of five (5) members of the Post, ~~and the current Post Commander, with right to vote.~~ One member of said Board of Trustees shall be elected each year for a term of five (5) years on nomination by the Post Commander and election by the Post Executive Committee. No member of the Board, ~~other than the Post~~

~~Commander~~, shall hold any other elected office in the Post or shall be eligible to succeed themselves.

Section 2. At the first regular meeting of the Board of Trustees in each year, the Board shall elect a Chairperson and a Vice Chairperson who ~~shall may~~ serve ~~for a term of one (1) year and shall not be eligible to succeed themselves up to three (3) consecutive years in those positions.~~ The ~~Post Commander~~, Post Finance Officer, Post Judge Advocate, and Post Adjutant shall serve the Board in their respective capacities but shall not be granted the privilege of vote on any question coming before the Board of Trustees. The members of the Board shall meet at such time and place as deemed necessary by the Chairperson or on call of three (3) members thereof.

Section 3. A majority shall have power to act and to exercise all the authority of the Board. The members of the Board shall serve without pay. Each member shall be bonded with a solvent surety company as surety in the penal sum of not less than Five Thousand and NO/100 (\$5,000.00) Dollars, the premium thereon to be paid out of the income from such property as they may hold in Trust for the Post. Said bond shall be approved by the Post Judge Advocate before such Trustee shall be qualified.

Section 4. Vacancies in the Board of Trustees shall be filled by election by the Post Executive Committee of the Post, upon nomination by the Post Commander.

Section 5. Duties and Functions:

- a. The Board of Trustees shall ~~be to~~ take charge of all Trust Funds and all properties, real, personal, or mixed, the legal title to which is now vested or may hereafter vest, in the Post, or which may be offered to and accepted by the Post. Real Property ~~owned by the Post may be sold (after first complying with Article VII, Section 1, Department Constitution), leased, or otherwise disposed of, where control of said property is involved, at any regular meeting of the Post by a vote of two-thirds (2/3) of the members of the Post attending such regular meeting; provided that the proposal shall have been submitted in writing and read at a meeting of the Post Executive Committee and approved by a majority of the Post Executive Committee present and voting, and further provided that the proposal shall have been~~

~~submitted in writing and read at a meeting of the Board of Trustees and approved by a majority of those present and voting; provided further that the proposal shall have been submitted in writing and read at the first regular meeting of the Post following action by the Board of Trustees; provided further that notice shall have been given to all members by mail at least fifteen (15) days in advance of the date when such proposal is to be voted upon, provided further that notices of the proposal have been given publication in the Post News Letter, notifying the said members that at such a meeting a proposal to sell, lease, or otherwise dispose of said property is to be voted upon shall be handled as prescribed in Article XI, Section 1 of this Constitution.~~

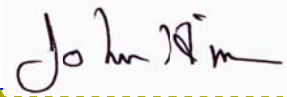
Comment [OB4]: 15 days means an extra month or change of timing of the newsletters

- b. No changes, alterations or additions to the real property of the Post shall be made without the prior approval of the Board of Trustees; final approval after recommendations by the Board of Trustees shall be vested in the Post Executive Committee and the Post membership.
- c. The Post Board of Trustees shall have the authority to expend up to \$20,000.00 for emergency repairs to real property of the post. Such emergency repair expenditures must be presented to the Post Executive Committee and the Post membership for ratification.
- d. The disposal of control of real property of the Post can only be amended by the same procedure as set forth in the ~~above Article XI, Section 15(a)~~ for the disposal of control of real property.

Section 6. The Board of Trustees shall oversee the long-term use and rental of said property, and/or otherwise handles use of said property, subject to final approval of the Post Executive Committee. The Post Executive Committee may assign such other duties to the Board of Trustees, as it deems advisable.

POST CERTIFICATION

We, the following Officers of Earl Graham Post No. 159, The American Legion, Department of 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 ~~2nd~~-6th day of June 2017~~4~~, A.D.



~~Steve Kim~~ John Hince
Post Commander

Attest:



~~Garrett C. Martin~~ Thomas Marty
Post Adjutant

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DEPARTMENT CERTIFICATE

Passed on by the Department Judge Advocate on the ____ day of _____, 2017⁴ A.D., and Approved by the Department Executive Committee on the ____ day of _____, 2017⁴ A.D.

Department Judge Advocate

DRAFT