

By-Laws

Laguna Woods Post 257

ARTICLE I - NAME

Section 1. The Post existing under these By-Laws shall be known as LAGUNA WOODS POST NO. 257, THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA.

Section 2. The objectives of this Post are set for in ARTICLE II of the Post Constitution.

ARTICLE II - PROCEDURE

Section 1. Opening and closing of meetings, initiation of new members and installation of officers shall be conducted as prescribed and approved by the Third Annual National Convention in Kansas City, Missouri on November 1921, with subsequent amendments and approved by later conventions.

Section 2. Roberts rules of Order, revised, shall govern the conduct of all meetings except as may be otherwise provided in this Constitution and By-Laws.

ARTICLE III - MANAGEMENT

Section 1. The administration, governing and management of this Post shall be entrusted to a committee to be known as the "Executive Committee".

Section 2. The Executive Committee shall consist of five (5) members in addition to the Commander, the three Vice Commanders and the Adjutant and other members that have viable positions in the Post, that the Executive Committee may appoint. Every member in good standing is eligible to hold office.

Section 3. The Executive Committee shall consider all matters affecting the Post and shall make recommendations to the Post, which thereafter shall be approved by the Post before becoming effective.

Section 4. The Commander, Vice Commanders and the Adjutant shall be chairman, vice-chairman and secretary, respectively, of the Executive Committee.

ARTICLE IV - MEETINGS

Section 1. The regular meetings of this Post shall be held on the fourth Thursday of each month at 1800 hours at any Clubhouse designated by Laguna Woods Village or by the Post. Exception to the time and place would be by the discretion of the Post.

Section 2. Special meetings may be called by the Commander or by the Executive Committee and must be called upon the written request of ten (10) members. No special meeting shall be called unless announced by the Commander at the regular meeting preceding, or unless notice be mailed to each member ten (10) days prior to said meeting, stating the date, time and place of the meeting and the subject to be considered.

Section 3. A quorum at all regular meetings shall consist of fifteen (15) members.

Section 4. The Executive Committee shall meet regularly at least once between each regular meeting of the Post, at a time and place designated by it; usually a Thursday of each month at 1800 hours at any Clubhouse in Laguna Woods Village designated by the Post. A majority of five (5) shall constitute a quorum. It may hold such special meetings as it or the Commander may deem advisable, notice thereof being communicated to each member at least seventy-two (72) hours before the time of the meeting, giving time and place of meeting and the matter to be considered.

Section 5. No member shall take part in any Post meeting or election unless he/she is in good standing.

Section 6. No member shall be represented or shall vote by proxy. There shall be no voting by absentee balloting.

Section 7. Unless otherwise specified, all notices required to be given by these By-Laws shall be written notices.

ARTICLE V - DUTIES OF OFFICERS

Section 1. Duties of Post Commander: To preside at all meetings of the Post and to have general supervision over the business affairs of the Post. He or she shall be the Chief Executive Officer and shall perform such other duties as directed by the Post.

Section 2. Duties of the First Vice Commander: To assume and discharge the duties of the office of the Commander in the absence of, disability of or when called upon by the Post Commander. Traditionally, the First Vice Commander is responsible for MEMBERSHIP and RECRUITING of members.

Section 3. Duties of the Second Vice Commander: to assume and discharge the duties of the First Vice Commander in the absence of, or disability of, such officer and shall perform such other duties as directed by the Post Commander. Traditionally, the Second Vice Commander is responsible for PROGRAMS for the regular meetings, subject to approval by the Executive Committee.

Section 3a. Duties of the Third Vice Commander: Traditionally, the Third Vice Commander is responsible for PUBLICITY and other duties as designated by the Executive Committee.

Section 3b. Duties of the Immediate Past Commander shall be as an Advisor to the Post Commander and Executive Committee.

Section 4. Duties of the Post Adjutant: To have charge of and keep a full and correct record of MINUTES of all proceeding of all meetings, and under direction of the Post Commander, handle all CORRESPONDENCE of the Post, and other duties as required by the Post.

Section 5. Duties of the Finance Officer: Charged with the custody of the funds of the Post. Keeps

accounts and reports thereon at regular meetings of the Post, and pays all bills approved by the Finance Committee. Shall be bonded under a blanket bond to be procured from the Department Headquarters and paid for by the Post.

Section 6. Duties of the Post Historian: Charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as directed by the Post Commander or Executive Committee.

Section 7. Duties of the Judge Advocate: To advise the Post Officers on the construction and interpretation of the Post Constitution and By-Laws and to perform such other duties as are usually incidental to the office.

Section 8. Duties of the Post Chaplain: Charged with the spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the events, dedications, funerals, public functions, etc. and adhere to such ceremonial rituals as are recommended by the National or Departmental Headquarters from time to time.

Section 9. Duties of the Sergeant-at-Arms: To preserve order at all meetings and shall perform such other duties as may be from time to time assigned to him or her by the Post.

Section 10. Duties of the Post Service Officer: Responsible for bringing to the attention of all veterans and their dependents the rights and benefits granted them by law. Assists claimants in the preparation of forms and in securing necessary supporting evidence. To be guided by the official Manual for Post Service Officers, and will work with the Orange County Veterans Service Office and the Department Service Officer.

Section 11. Officers other than the Commander and Vice Commanders may hold two or more offices and it takes a majority to elect the Commander and Vice Commanders, the rest can be a plurality.

ARTICLE VI - DUES, FEES AND FUNDS

Section 1. The annual dues shall be \$25.00, payable annually in advance. (Amended 1975 & 1981), effective September 1, 2006.

Section 2. From such dues, the Post shall pay all per capita taxes or assessments, and such other expenditures as the Post may approve.

Section 3. A member whose dues for the current year have not been paid by February first shall be classed as DELINQUENT. If the dues are paid on or before April first, the member will be automatically reinstated. If the dues are still delinquent after April first, the member will be suspended from all privileges. If the member is still under suspension on May eight of such year, 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 year in which the reinstatement occurs.

ARTICLE VII - DELEGATES AND REPRESENTATIVES

Section 1. The delegates and alternates to represent the Post at Department Conventions shall be elected at a regular meeting of the membership by vote of those present and voting. The election shall be held at least twenty (20) days before the Department Conventions convene. The time and place for holding the election must be announced by the Commander one regular meeting in advance of the election.

Section 2. The delegates of this Post to the 29th District and 5th Area Meetings shall be appointed or elected as prescribed by Executive Committee By-Laws and shall serve for a term of one year.

ARTICLE VIII - APPOINTMENTS

Section 1. The Post Commander, immediately after taking office each year, shall appoint a Finance Committee and such other committees as shall be found necessary. Standing committees shall consist of such members as may be determined by the Post and the Chairman thereof shall be designated by the Commander.

Section 2. Audit - Each Post shall keep books of account and shall cause such books to be examined by a licensed accountant or a committee of three (3) competent persons, non of whom shall be the Post Commander, Adjutant, Finance Officer or any other person charged with the responsibility of handling Post funds. Such examination shall be made within 90 days following installation of Post officers, and for the period of the immediate preceding fiscal year of the Post. Such fiscal year shall be determined by the Post. The Post shall certify to the Department Adjutant prior to December firsts each year that such an examination has been made and file the original thereof with the Department Adjutant before said date, with a copy thereof to the District Commander of the Twenty-Ninth District. The Department Commander, Post Commander or the Post Executive Committee may order an audit of the books of account at such other times during the current year as may be deemed advisable. Failure of the Post to meet any of the requirements of this Section within said times or any general or special extension thereof shall be deemed a delinquency and the delegates of said Post shall not be entitled to be accredited to the Department Convention. The certification to the Department Adjutant and the examination may be put on forms furnished by the Department Adjutant's office.

Section 3. Membership Committee - Shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatement and eligibility of members. They shall also ensure that no more than 10% of the members live outside of Laguna Woods Village, to comply with accredited club regulations of Laguna Woods Village.

Section 4. Finance Committee - Shall be charged with the administration of the financial policy, preparation of an annual budget with recommendations, and supervision and receiving, disbursing and accounting of all Post funds.

ARTICLE IX - LIMITATION OF LIABILITIES

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

ARTICLE X - TRIALS

Section 1. Members of this Post shall be subject to disciplinary action as provided in the Trial Manual of the Department of California. A copy of the verdict, certified by the Post Commander and Post Adjutant, shall forthwith be forwarded to the Department Adjutant.

ARTICLE XI - RECALL PROVISION

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

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

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

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

"Shall (name of officer or Executive Committee Member) be recalled? YES _____ NO _____."

A "YES" vote shall be counted for the recall and a "NO" vote shall be counted as against the recall. Only members in good standing shall be entitled to vote at such election.

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

ARTICLE XII - AMENDMENTS

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

Section 2. These By-Laws shall be amended to reflect any changes in the National or Departmental Constitutions and By-Laws. Failure of the Post to adopt the required amendments shall not delay or

modify the effect of such changes.

Section 3. Above the signatures of the Commander and Adjutant, certify to the following:
“We certify that the above Constitution and By-Laws were read at two meetings and adopted on 22 June 2006, a quorum being present, and by a two-thirds vote of those present and voting.”

First reading: 25 May 2006

Second reading: 22 June 2006

Signed: Mike Evans
Mike Evans - Post Commander

Date: August 26, 2006
8-26-2006

Signed: Edward Brockett
Edward Brockett - Post Adjutant

Date: August 26, 2006