



The American Legion
Department of California
1601 7th Street, Sanger CA 93657
559-875-8387

Post No. 10

Direct to: Post _____

District No. 18

Dept. File _____

Area 6

Date: _____

9921 Alesia St. South El Monte Ca. 91733-3111 U.S.A.

(Mailing Address)

Your articles, as submitted have been reviewed and disposed of as follows, by this Commission:

ARTICLES RECEIVED:

APPROVED

DISAPPROVED

- () Cost. & By-Laws
- () By-Laws
- () Amendment

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Article _____ Section _____

Article _____ Section _____

Article _____ Section _____

Article _____ Section _____

Article _____ Section _____

Article _____ Section _____

REMARKS:

If the Constitution & By-Laws, By-Laws or the Amendments have been marked "**Not approved**", please correct your submission by regular Post procedure, to comply with instructions below and submit **TWO copies** of same to Department Headquarters at the address on the top of this page. Thank you.

DATE: 7 Feb. 20

M. W. Stahl

Constitution & By-Laws
Commissioner AREA 6

Address will be:
9921 Alesia St.
South El Monte, Ca 91733-3111 USA

THE AMERICAN LEGION
DEPARTMENT OF CALIFORNIA
BY-LAWS OF SOUTH EL MONTE POST 10

The following STANDING RULES will be used to govern the functioning of South El Monte Post 10. These STANDING RULES will be adhered to as if indeed they were the By-Laws of South El Monte Post 10. In event that a standing rule is in conflict with the By-Laws of South El Monte Post 10, the By-Laws will nullify to the STANDING RULES. The standing rules shall be approved, at a regular meeting of the membership, by two-third majority vote of members previously notified, in good standing, attending the meeting and voting.

Additional STANDING RULES may be added by being introduced as motions at Executive Committee Meetings or Regular Membership Meetings and approved by a two-third majority vote of members attending the meeting and voting.

PROPOSED STANDING RULES

1. During the Nominations of Officers for South El Monte Post 10, a member of good standing who wishes to have his name placed in nomination for elective office and cannot attend the nomination meeting, must notify the Commander of the Post, in writing, of his intentions. This document must be in the Commanders possession at the time that the nominations are taking place and the member name will be entered as a nominee.
2. South El Monte Post 10 , may incur dues of those Comrades that are incapacitated, at the discretion of the Executive Board.

3. All Mail addressed to South El Monte Post 10 will be opened by the Commander and or the Adjutant before this mail is distributed.
4. Any person guilty of using obscene language or gestures, improper behavior, physical or verbal abuse of another person within the Post facilities will have their use of the total facilities terminated for the remainder of the day or evening in question. A second infraction of this standing rule shall result in the automatic 45 day suspension of all Post privileges. Any subsequent infractions may result in action being taken by a Trial Board of the American Legion which could result in the termination of membership, under the specification pertaining to Action Injuries to the American Legion.
5. Any person guilty of stealing property or funds belonging to South El Monte Post 10 shall result in termination of their membership, under the specification pertaining to Action Injuries to the American Legion and may be prosecuted in a court of law.
6. Our Logo cannot be used in conjunction with any other organization in soliciting funds unless the Post is the prime leader of the function.
7. South El Monte Post 10 shall incur those debits that are budgeted and voted by the membership only. Any loans or bail-outs will be at risk of not being refunded no matter how well meaning they tend to be.
8. When entering or leaving a meeting while the colors are in place a salute must be given.

THE AMERICAN LEGION
DEPARTMENT OF CALIFORNIA

BY-LAWS

BY-LAWS, South El Monte Post 10, Incorporated, American Legion,
Department of California

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 association 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: South El Monte Post 10, Incorporated, American Legion, 18th District, Department of California, California. Hereafter referred to as Post.

ARTICLE II – OBJECTS

Section 1.

The objects and purposes of this Post shall be to promote the principles and policies as set forth in the forgoing preamble, the Articles of Incorporation, the National and Department Constitutions of the American Legion.

ARTICLE III – NATURE

Section 1.

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

Section 2.

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

Section 3.

Each member shall perform his full duty as a citizen. No candidate for nomination or election to, or no incumbent of, any remunerative elective public office shall hold any elective office or appointive remunerative office in this Post, provided, however that this provision shall not affect membership on Post, Department or National standing or special committees.

ARTICLE IV – MEMBERSHIP

Section 1.

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

Section 2.

There shall be neither form nor class of membership except active membership.

Section 3.

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

Section 4.

All applications for membership shall be referred to the Membership Committee, which shall, at a regular meeting of the Post, report on all applications received during or after all next previous regular meeting. A majority vote of those present and voting shall elect or reject a candidate. No member shall be elected to membership in this Post who is a member of any other Post of the American Legion. No limitations may be placed on reapplication of membership (e.g. turned down today, he/she can reapply tomorrow.)

Section 5.

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

ARTICLE V – OFFICERS

Section 1.

The officers of this Post shall be the Commander, the Jr. Past Commander, the First Vice Commander, the Second Vice Commander,

the Adjutant, the Finance Officer, the Historian, the Sergeant-at-Arms, the Chaplain, the Judge Advocate, the Service Officer, and the Executive Committee.

Section 1b.

The elective officers of the Post shall be Commander, First Vice Commander, Second Vice Commander, and the Executive Committee.

Section 1c.

The following officers shall be appointed by the Commander; the Adjutant, Finance Officer, Service Officer, Judge Advocate, Sergeant-At-Arms, Historian and Chaplain.

Section 2.

Nomination for elective officers and members of the Executive Committee shall be held during the regular meetings of April and May each year.

Section 3.

The elective Post Officers and the Executive Committee shall be installed prior to the first day of August of that year. All election shall be by written, secret ballot and a majority of all votes cast shall be necessary to elect the Commander. The other elective officers and members of the Executive Committee shall be elected by a plurality vote.

Section 4.

Every member of this Post in good standing shall be eligible to hold office in this Post as provided in Article III, Section 2.

Section 5.

The duties of Officers and the Executive Committee shall be those usually pertaining to officers or directors and as further provided for in these By-Laws.

Section 6.

All vacancies in elective officers shall be filled by the Post in the manner as set forth in Article V, Section 3, at one of the two regular meetings next following the vacancy; provided, that notice thereof be given to all members, prior to the election meeting.

Section 7.

The office of Finance Officer and any other offices and/or positions charged by the Post Constitution and By-Laws with the responsibility of handling Post funds shall be bonded under a blanket bond to be purchased from Department Headquarters or a Commercial Insurance Company and be billed to the respective Post at cost.

Section 8.

That in the event that any Post Officer or member of the Post Executive Committee shall be absent for three consecutive meetings of the Post or Executive Committee combined without being excused by the Post Commander, or Executive Committee, such office may be declared vacant by a majority vote of those present at a regular Post meeting held after a written notice to all members that such a vote will be taken. The vacancy so created shall be filled by election or appointment as the same was originally filled.

ARTICLE VI – FINANCE

Section 1.

No appropriations over \$50.00 (Fifty Dollars), excluding all items previously approved on the regular budget, shall be made without referring the same to the Finance Committee for report therein and

approved by the membership at a regular meeting. Expenditures of \$100.00 or more must be approved by two-thirds majority of the membership eligible to vote and present at a regular meeting. The Board of Directors shall prescribe the form in which the financial records shall be kept.

Section 2.

A budget shall be presented by the Finance Committee, at the first regular meeting of the following month, following the installment of new officers. The Finance Committee shall be composed of three members, one being appointed every year by the new Commander for a period of three years and approved by two-thirds of those members present at the next regular meeting.

ARTICLE VII – 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 National Convention of the American Legion in Kansas City in 1921, with subsequent amendments adopted 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 by these By-Laws.

Section 3.

The order of business shall be;

1. Opening ceremonies (National Manual of procedure).
2. Roll call of officers.
3. Reading of the minutes of previous meetings.
4. Initiation of new members (according to National Manual).

5. Introduction of guests.
6. Nomination, election, or installation of officers.
7. Application for membership.
8. Balloting upon application for membership.
9. Communication and notices (sick call and relief)
10. Report of the Executive Committee.
11. Report of Adjutant.
12. Report of Finance Officer.
13. Report of standing committees.
14. Report of special committees.
15. Unfinished business.
16. New business.
17. Good and welfare of the Legion.
18. Thirty seconds' silence in honor of our departed comrades.
19. Closing ceremonies (National Manual of procedure).

ARTICLE VIII – BOARD OF DIRECTORS

Section 1.

The Board of Directors shall consist of three Executive Committee members in addition to the Commander, Vice Commanders, Adjutant, Finance Officer, and Jr. Past Commander.

Section 2.

The Board of Directors 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 3.

The Commander, the Vice Commanders, and the Adjutant shall be chairman, vice-chairman, and secretary, respectively, of the Board of Directors.

ARTICLE IX – MEETINGS

Section 1.

The regular meeting of this Post shall be held on the fourth Thursday of each month or date set by the Post, at a place to be designated by the Post.

Section 2.

Special meetings may be called by the Commander or by the Board of Directors and must be called upon the request of nine members or more. No special meetings shall be called unless announced by the Commander at a regular meeting preceding or unless notices be mailed to each member five days prior to said meeting, stating the time and place of the meeting and the subject to be considered.

Section 3.

The Post, at any meeting, may consider and pass upon any matters irrespective of whether such matters have been previously considered by the Board of Directors.

Section 4.

A quorum at the general membership meetings shall consist of a minimum of five (5) members of the Executive Committee and a minimum of four (4) additional members.

Section 5.

The Board of Directors shall regularly meet the second Thursday of each month or day at a time and place designated by the Post. A majority shall constitute a quorum. It may hold such special meetings as it or the Commander deem advisable, notice thereof being mailed to each member at least seventy-two hours before the time and stating the place of the meeting and the matter to be considered.

Section 6.

No member shall take part in any Post or election unless he is in good standing.

Section 7.

No member shall be represented or shall vote by proxy.

Section 8.

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

ARTICLE X – DUTIES OF OFFICERS

Section 1.

Duties of Post 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 affairs of the Post, and such officer shall be the chief executive officer of the Post.

Section 2.

Duties of the First Vice-Commander – The First Vice-Commander shall assume and discharge the duties of the office of the Commander in the absence of, or when called upon by, the Post Commander, and shall head the Membership Committee.

Section 3.

Duties of the Second Vice-Commander – The Second Vice-Commander shall assume and discharge the duties of the office of the First Vice-Commander, in the absence of such officer, and shall perform such duties as directed by the Post.

Section 4.

Duties of Post Adjutant – The Adjutant shall have charge of and keep a full and correct record of all proceedings at all meetings and under the direction of the Post Commander handle all correspondence of the Post.

Section 5.

Duties of the Finance Officer – The Finance Officer shall be charged with the custody of the funds of the Post. He shall receive all funds of the Post and pay all the bills approved by the Post. He shall be bonded under a blanket bond to be procured from Department Headquarters or Commercial Insurance Company and paid by the Post.

Section 6.

Duties of the 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 directed by the Post or the Board of Directors.

Section 7.

Duties of the Post Judge Advocate – The Post Judge Advocate's duties shall be to advise the Post Officers on the Post Constitution and By-Laws, and to perform such duties as are usually incident to the office.

Section 8.

Duties of the Post Chaplain – The Post Chaplain shall be charged with the spiritual welfare of Post comrades, and will offer divine but non-sectarian service in the event of dedication, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by National or Department Headquarters from time to time.

Section 9.

Duties of Sergeant-At-Arms – The Sergeant-At-Arms shall preserve order at all meetings and shall perform such duties as may be, from time to time, assigned by the Post.

Section 10.

Duties of the Service Officer – The Service Officer shall look after the general welfare of any Post member who is in distress and can be aided by the Post. He will act as liaison between said member and the Post. He can call upon individual Officers or upon the membership body as a whole to aid him in his duties.

ARTICLE XI – DUES, FEES AND FUNDS

Section 1.

The annual membership dues shall be amount \$5.00 more than National per capita fees.

Section 2.

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

ARTICLE XII – 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 members of the Post by vote of those present and voting. The election shall be held at least twenty (20) days before the Department Convention convenes. The time and place for holding the election must be announced by the Post Commander one regular meeting in advance of the election.

Section 2.

Delegates of this Post to the Los Angeles County Council shall be appointed by the Commander within ten days of his installation and shall serve for a term of one year.

Section 3.

Delegates to the District Council shall be the same Delegates that represent the Post at Department Convention.

Section 4.

Post Delegates may arrive at a vote in such manner as they choose, but shall announce it in terms of full units and not in terms of fractional part of a vote. The vote of any Delegate absent and not represented by an Alternate Delegate shall be cast by the majority of the Delegates present from the Post.

Section 5.

The Post Commander shall be Chairman of Delegation. In the event of his absence, the Delegate with the majority of votes shall be Chairman.

ARTICLE XIII – APPOINTMENTS

Section 1.

The Post Commander, immediately upon taking office each year, shall appoint the Adjutant, Finance Officer, the Judge Advocate, Service Officer, the Sergeant-At-Arms, Historian, Chaplain, and a member of the 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 Post Commander.

Section 2.

Audit – Each Post shall keep books of account and shall cause said books to be examined, covering a fiscal period ending any date

including December 31, of the previous calendar year up to and including the date of examination. Said examination shall be made within ninety (90) days following the annual installation of officers each year by a licensed accountant or a committee of three (3) competent persons, none of who shall be a Commander, Adjutant, Finance Officer, or any other member of the Post charged by the Post Constitution and By-Laws with the responsibility of handling Post funds. Each Post shall certify to the Department Adjutant prior to December 1 each year that such examination has been made and file the original thereof with the Department Adjutant before said date, with a copy thereof to the District Commander of the district of said Post. The Department Commander, the Post Commander or the Post Executive Committee may order the audit of the books of account 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 extensions thereof, shall be deemed a delinquent and the delegates of such Post shall not be entitled to be seated at 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 – The 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, subject to the approval of the Post.

Section 4.

Finance Committee – The Finance Committee shall be charged with the administration of financial policy, preparation of the annual budget with recommendations, and supervision, disbursing and accounting of all Post funds.

ARTICLE XIV – LIMITATION OF LIABILITIES

Section 1.

This Post shall not incur, nor caused to be incurred any liability or obligation what so ever which shall subject, the Post to liability to other individuals, corporations or organizations.

ARTICLE XV – TRIALS

Section 1.

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

ARTICLE XVI – 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 active officer or a member of the Board of Directors may be filed at any time with the Adjutant. The Adjutant shall, within five (5) days after filing said petition, compare the signature of said petition, with the signatures on the application of the respective signers on file in the Post records. The Adjutant shall deliver the said petition and his report on the correctness of the signatures to the Board of Directors at its next meeting. If it shall appear from the report of the Adjutant that ten percent of the membership have signed said petition, the Board of Directors shall fix the date for the recall election, which 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 Board of Directors. If the report of the Adjutant shall show less than ten percent of the

membership have signed said petition, the petition shall be forthwith returned to the member who filed the same with the Adjutant who shall then have ten days thereafter to obtain the required number of valid signatures, and re-file said petition with the Adjutant who shall recheck with his records and resubmit the same to the Board of Directors at its next meeting thereafter with his report. If the petition is then found being sufficient, the recall election shall be fixed as set forth above.

Section 2.

Notice of the date and place of holding of the recall election shall be mailed to each member of the Post in good standing at his address as the same appears in the Post record, 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 be recalled?

YES -----

NO -----

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

Section 5.

If the office or member of the Board of Directors shall be recalled, the Post, at its next regular meeting, shall elect a successor to fill the unexpired term. Nomination shall be held the same night as election.

The person recalled shall not be eligible as a candidate for election to fill the vacancy.

We hereby certify that the above By-Laws were adopted on a quorum being present, and by two-thirds vote of those present and voting. Similar certification in the event of any subsequent amendments is required.

COMMANDER: Heliodoro Duarte Jr. *HD* 1-23-20
ADJUTANT: Heliodoro Duarte Jr. *HD* 1-23-20

The American Legion
Department of California
1601 7th Street
Sanger, Ca 93657-2801
Post 10 District 18 Area 6

CERTIFICATION

Above the signatures of the Commander and the Adjutant, certify to the following:

We hereby certify that the above By-Laws were read at two meetings and were adopted on January 23, 2020, a quorum being present, and approved by two-thirds majority vote of those present and voting.

First Reading: December 19, 2019
Second Reading: January 23, 2020

Signed: Post Commander: *HD*
Signed: Post Adjutant: *HD*

Certification in the event of any subsequent amendments is required. These By-Laws or any Amendments thereto, must be sent in Duplicate to Department Headquarters, as one copy is kept by Department and the Original is returned to the Post.