

THE AMERICAN LEGION  
DEPARTMENT OF CALIFORNIA

401 Van Ness, Rm 117  
San Francisco, CA 94102-4587



Post No. 222

Direct to:

Post

District 29

File

X

Area

5

Date

5/14/97

P.O. Box 517, Laguna Beach, CA 92652-0517  
(MAILING ADDRESS)

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

ARTICLES RECEIVED:

( ) Constitution & By-Laws Approved \_\_\_\_\_ Disapproved \_\_\_\_\_

(2) By-Laws X Approved X Disapproved \_\_\_\_\_

( ) Amendment \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_

Article \_\_\_\_\_ Section \_\_\_\_\_

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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 the instructions below and resubmit TWO copies of same to DEPARTMENT HEADQUARTERS at the address on the top of this page. Thank You.

DATED 24 May 1997  
Received 970524

A. L. Woodard  
CONSTITUTION & BY-LAWS  
COMMISSIONER AREA 5

THE AMERICAN LEGION  
DEPARTMENT OF CALIFORNIA

BY-LAWS

BY-LAWS OF LAGUNA BEACH POST NO. 222

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 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 : LAGUNA BEACH POST NO. 222, THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA, located at LAGUNA BEACH, CALIFORNIA, hereinafter 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 foregoing Preamble, and in the Articles of Incorporation of this Post, and in the National and Department Constitution of The American Legion.

ARTICLE III - NATURE

Section 1. This Post is a civilian organization and membership therein does not affect or increase liability for military or police service. Rank does not exist in the Post. No member shall be addressed by his military or naval 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 nor 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.

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 as amended. This Post shall require official evidence of eligibility with application for membership. A person merely "discharged from the draft" shall not be considered as having served on active duty.

Section 2. There shall be no 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 initiation fee and 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 each regular meeting of the Post, report upon all applications received during or after the 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.

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.

a. The officers of this Post shall be the Commander, the First Vice Commander, the Second Vice-Commander, the Adjutant, the Finance Officer, the Historian, the Service Officer, the Sergeant-at-Arms, Chaplain and the Judge Advocate. The Post may also have a Third Vice-Commander, Assistant Adjutant and an Assistant Sergeant-at-Arms.

b. The elective officers of the Post shall be the Commander, First Vice-Commander, Second Vice-Commander, Adjutant, Finance Officer, and Sergeant-at-Arms.

c. The following officers may be elected or appointed by the Commander: Chaplain, Historian, Judge Advocate, and Service Officer.

d. Any other officer than the Commander and Vice-Commanders may hold two or more of the above offices.

Section 2. Nominations for elective offices and members of the Board of Directors shall be held during the first regular meeting in May of each year and announcement thereof shall be made by the Adjutant at the next previous regular meeting.

Section 3. All Post Officers, Board of Directors and Delegates shall be elected by a secret written ballot for a term of one year at the regular meeting in May. They shall be impressively installed, preferably by a ritual team, in accordance with the National Manual of Ceremonies prior to the first day of September of that year.

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 Board of Directors shall be those usually pertaining to such officers or directors and as further provided for in these By-Laws.

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, Vice-Commanders and Adjutant shall be Chairman Vice-Chairman and Secretary respectively of the Board of Directors.

#### ARTICLE X - MEETINGS

Section 1. The regular meeting of this Post shall be held on the second Thursday of each month at the Veteran's Memorial Community Center in Laguna Beach or at another place 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 written request of ten 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 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 all meetings shall consist of five or more members.

Section 5. No member shall take part in any Post meeting or election unless he 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 XI - 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. He shall perform such other duties as directed by the Post.

Section 2. Duties of First Vice-Commander - The First Vice-Commander shall assume and discharge the duties of the office of Commander in the absence of disability of, or when called upon by the Post Commander.

Section 3. Duties of Second Vice-Commander - The Second Vice-Commander shall assume and discharge the duties of the office of First Vice-Commander in the absence or disability of such officer, and shall perform such other 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 of all meetings, and under the direction of the Post Commander handle all correspondence of the Post. He shall receive such salary as provided by the Post.

Section 5. Duties of Finance Officer - The Finance Officer shall be charged with the custody of the funds of the Post. He shall keep its accounts and report thereon at regular meetings of the Post. He shall receive all funds of the Post and pay all bills approved by the Post. He shall be bonded under a blanket bond to be procured from the Department Headquarters and paid for by the Post.

Section 6. Duties of Post 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 Post Judge Advocate - The Post Judge Advocate's duties shall be to advise the Post Officers on the construction and interpretation of the Post's By-Laws and to perform such other duties as are usually incident to the office.

Section 8. Duties of Post 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 Departmental 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 other duties as may be from time to time assigned to him by the Post.

Section 10. Duties of the Post Service Officer will be to look out for the welfare and assist all members of the Post, their survivors and veterans in general.

#### ARTICLE XII - DUES, FEES AND FUNDS

Section 1. The annual dues shall be set by the Post, payable annually in advance.

Section 2. The membership-initiation fee shall be fixed by the Post.

Section 3. From such dues and fees the Post shall pay all per capita taxes or assessments and such other expenditures as the Post may approve.

Section 4. A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent. If his dues are paid on or before February 1st he shall be automatically reinstated. If he is still delinquent after February 1st, he shall be suspended from all privileges. If he is still under suspension on June 30th of such year, his 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 XIII - 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 Conventions convene. 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 and Alternates of this Post to the District shall be the same as those elected for Department Conventions and shall serve for a term of one year.

## ARTICLE XIV - APPOINTMENTS

Section 1. The Post Commander, immediately upon 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 Post Commander.

Section 2. Audit - This Post shall keep books of account, and shall cause said books to be examined by a licensed accountant or a committee of three (3) competent persons, none of whom shall be the 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, said fiscal year shall be determined by the Post. Each Post shall certify to the Department Adjutant prior to December 1 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 District of said Post. The Department Commander, the 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 such Post shall not be entitled to be accredited 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 - 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 the financial policy, preparation of an annual budget with recommendations, and supervisions of receiving, disbursing, and accounting of all Post funds.

## ARTICLE XV - LIMITATIONS OF LIABILITIES

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

## ARTICLE XVI - 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 XVII - 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 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 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 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 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 Board of Directors. If the report of the Adjutant shall show less than ten percent of the membership have signed, said 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 refile 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, time and place of holding 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 records, at least ten (10) 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  
(Name of Officer or member of the Board of Directors)

YES \_\_\_\_\_

NO. \_\_\_\_\_ "

A "Yes" vote shall be counted as 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 Board of Directors shall be recalled, the Post, at its next regular meeting, shall elect a successor to fill the unexpired term. Nominations shall be held the same night as election. The person recalled shall not be eligible as a candidate for election to fill the vacancy.

#### ARTICLE XVIII - 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 may be adopted by a two-thirds affirmative vote of those present and voting.

Section 2a. These By-Laws shall be amended to conform to any changes in the National or Department Constitution and By-Laws. Failure of the Post to adopt the required amendments shall not delay or modify the effect of such changes.

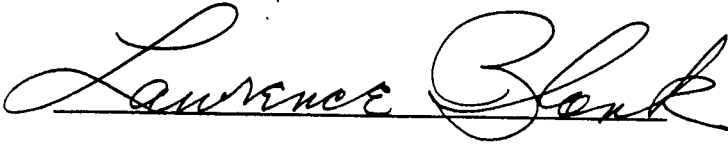
b. Any amendment initiated by the Post shall not be in final force or effect until approval by the Constitution and By-Laws Commission of the Department, but shall be temporarily enforced pending action thereon if not in conflict with the Constitution and By-Laws or adopted policy of The American Legion, or the Department of California, The American Legion.

CERTIFICATION

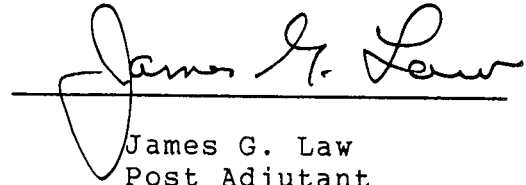
We hereby certify that the above By-Laws were read at two meetings and adopted on May 8, 1997, a quorum being present, and by a two thirds vote of those present and voting.

First reading - May 1, 1997.

Second reading and adoption - May 8, 1997



Lawrence Blank  
Post Commander



James G. Law  
Post Adjutant

THE ARTICLES OF INCORPORATION FOR THIS POST ARE ON FILE WITH THE SECRETARY OF STATE UNDER THE DATE OF JULY 20, 1928.

POST NAME - LAGUNA BEACH POST 222. CORPORATE NO. - 129820

APPROVED  
24 May 1997



A.L. WOODARD  
5th. Area Commissioner  
Constitution & By-Laws