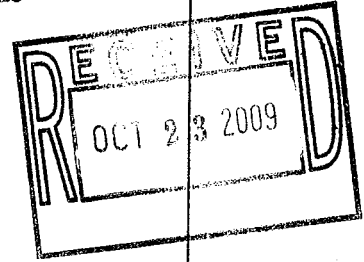


**THE AMERICAN LEGION
DEPARTMENT OF CALIFORNIA**

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



Post No. 222 Direct To: Post _____
 District 29 File X
 Area 5 Date _____

(Mailing Address)

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

ARTICLES RECEIVED:

	Approved	Disapproved
() Const. & By-Laws	_____	_____
(X) By-Laws	_____X_____	_____
() Amendment	_____	_____

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 the instructions below and submit **TWO copies** of same to Dept. Headquarters at the address on the top of this page. Thank you.

DATED 10/21/09

John Bohm Falk

 Constitution & By-Laws
 Commissioner AREA 5

**THE AMERICAN LEGION
DEPARTMENT OF CALIFORNIA
BY-LAWS FOR PLACENTIA POST 277**

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 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 1- NAME

Section 1. The name of this organization shall be the Placentia Post No. 277, THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA, located at 230 South Bradford Avenue, Placentia, California 92870, 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 and By-laws 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 services. Rank does not exist in the Post. No member shall be address by 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 or for the promotion of the candidacy of any person seeking public office or preferment.

Section 3: Each member shall perform his/her duty fully 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.

Section 2. There shall be form or 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 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 regular meeting. A majority vote of those present and voting shall elect or reject a candidate. No members shall be elected to membership in this Post who is a member of any other Post of the American Legion. No limitations may be place 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. 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 Sergeant-At-Arms, Chaplain, Service Officer, the Judge Advocate and the Junior Past Commander. 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, Finance Officer, Judge Advocate and Sergeant-At-Arms.
- c) The following officers may be appointed by the Commander: Adjutant, Chaplain, Service Officer and Historian.
- d) Any other officer other than the Commander and Vice Commanders may hold two or more of the above offices.

Section 2. Nomination for elective officers and members of the Executive Committee shall be held during the regular meeting in April and the regular meeting in May of each year and announcement thereof shall be made by the Adjutant at the previous regular meeting.

Section 3. a) All Post officers shall be elected for a term of one year at a regular meeting in May and at least twenty (20) days prior to the opening of the Annual Department Convention. They shall assume office after they have been impressively installed by a ritual team, in accordance with the prevailing National Manual of Ceremonies, prior to the first day of September of that year. The Executive Committee may be elected for a term of one (1) year, but not to exceed three (3) years, provided that at least one-third of the said Executive Committee shall be elected in each Legion year.

b) All elections shall be by written, secret ballot and a majority of all votes cast shall be necessary to elect the Commander and Vice-Commanders. The other Officers and Executive Committeemen 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 IV, Section 2, and there shall be no limiting qualifications, i.e. length of time in Post.

Section 5. The duties of officers and the Executive Committee shall be those usually pertaining to such officers or Executive Committee and as further provided for in these By-Laws.

Section 6. All vacancies in the elective offices shall be filled by a secret ballot at a regular meeting following the vacancy; provided that the notice of the election be given at the meeting preceding the election. If a vacancy occurs in the last quarter of said term, the Commander or the Executive Committee may appoint a replacement.

Section 7. The office of Finance Officer and any other offices and/or position 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 the Department Headquarters and billed to the respective Post at cost.

Section 8. In the event that any Post Officer or member of the Post Executive Committee shall be absent for three (3) consecutive meetings of the Post or the 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 shall be made without first referring the same to the finance committee for report there from. The Executive Committee shall prescribe the form in which the financial records shall be kept and in accordance with good accounting practices.

ARTICLE VII – ADDITIONAL ORGANIZATIONS

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of the Placentia Post No. 277, THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA.

Section 2. Membership in the Auxiliary shall be prescribed by the National Constitution of the American Legion.

Section 3. This Post recognizes a SALs Squadron to be known as the Sons of the American Legion Placentia Squadron No. 277.

Section 4. Membership in the Squadron shall be prescribed by the National Constitution of the American Legion.

ARTICLE VIII – PROCEDURE

Section 1. Opening and closing of meeting, 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, 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 in these By-Laws.

ARTICLE IX – EXECUTIVE COMMITTEE

Section 1. The Executive Committee shall consist of five members in addition to the Commander, Vice-Commanders, the Adjutant, Junior Past Commander and the Finance Officer.

Section 2. The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall hear the reports of Post Committee Chairmen; and generally shall have charge of and being responsible for the management of the affairs of the Post. The Executive Committee shall recommend 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-Chairmen and Secretary, respectively, of the Executive Committee.

ARTICLE X – MEETINGS

Section 1. The regular meeting of this Post shall be on the second Wednesday of the month at the Placentia Post or a place to be designated by the Post.

Section 2. Special meetings may be called by the Commander or by the Executive Committee and may be called by the written request of two-thirds of the 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 stating date, time and place, seventy two (72) hours prior to said meeting and the subject to be considered.

Section 3. A quorum at all meetings shall consist of one of the following: Commander, 1st Vice-Commander, and 2nd Vice-Commander. It must also include four regular members.

Section 4. The Executive Committee shall regularly meet at least once a month between meetings of the Post at a time and place designated by said Committee.

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 ballot.

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

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 Post Commander in the absence of, disability of or when call 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 the 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 the Post Adjutant: The Adjutant shall charge of and keep a full and correct record of all proceedings of all meetings, and under direction of the Commander handle all correspondence of the Post. He shall receive such salary as provided by 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 keep its accounts and report thereon at regular meeting 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 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 may be properly pertain to the office as may be determined by the Post or the Executive Committee.

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 officer.

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, and 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 Service Officer: The Service Officer is responsible for providing service and to bring to the attention of all Veterans, their families or survivors who seek assistance, the rights and benefits granted them by law. He is to advise and counsel the claimant and assist in preparation of forms and in securing the necessary supporting evidence to be forwarded to the Department Service Officer.

ARTICLE XII – DUES, FEES AND FUNDS

Section 1. The dues of this Post shall be paid annually in advance. The amount shall be set by recommendation of the Executive Committee and being read at two regular meetings, a quorum present and adopted by a two-thirds (2/3) vote of those present and voting.

Section 2. 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 3. The dates for delinquency, suspension and expulsion from this Post for non-payment of dues shall be those dates set forth in Article IV, Section 4 of the By-Laws of the National Constitution and By-Laws of the American Legion. A member so suspended, or whose membership has been 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 – DELEGATGES 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 on (1) regular meeting in advance of the election.

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 – Each 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 person charged with the responsibility of handling Post funds. Such examination shall be made within ninety (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 1st each year that such an examination has been made and file the original thereof with the Department Adjutant before the 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 Adjutants 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 approval of the Post.

Section 4. The Finance Committee shall be charged with the administration of the financial policy, preparation of an annual budget with recommendations, and supervision 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 whatsoever which shall subject liability, any other individual, corporation or organization.

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 the Post Adjutant, shall forthwith be forwarded to the Department Adjutant.

ARTICLE XVII – RECALL PROVISIONS

Section 1. A petition, signed by ten (10) 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 and the 1st Vice-Commander, shall, within five (5) days after filing said petition, compare the signatures on said petition with the signatures on two acceptable pieces of identification, one of which must be a valid California identification (Drivers License or California I.D.), the other to be a current American Legion membership card. The Adjutant shall deliver the said petition and his report on the correctness of the signatures to the Executive Committee at its' next meeting. If it shall appear from the report of the Adjutant and the First Vice-Commander that ten (10) percent of the membership have signed said 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 (2) weeks, or more than six (6) weeks after the meeting of the Executive Committee. If the report of the Adjutant and the First Vice-Commander shall show that less than ten (10) 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 (10) days thereafter to obtain the required number of valid signatures, and re-file said petition with the Adjutant who shall recheck with his records, with the assistance of the First Vice-Commander, and resubmit same to the Executive Committee at its' next meeting thereafter with their report. If the petition is then found to be 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 address, as 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?”

Yes _____ No _____

A “yes” vote shall be counted as for the recall, 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 Executive Committeeman 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 thereat. At the next regular meeting, or subsequently, if Postponed, the proposed amendment may be adopted by a two-thirds (2/3) affirmative vote of those present voting.

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

The articles of Incorporation are on file with Secretary of State under the date of September 24, 1928.

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 regular meetings and adopted on October 14, 2009 a quorum being present, and approved by two-thirds majority vote of those present and voting.”

First reading September 9, 2009

Second reading and adopting October 14, 2009

Signed: David Lucero
Commander David Lucero

Signed: Richard Ybarra
Adjutant Richard Ybarra

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.

ARTICLES OF INCORPORATION FOR THIS POST ARE ON FILE WITH THE SECRETUARY OF STATE UNDER THE DATE OF 9/24/28.

CORPORATE NUMBER A417629
POST NAME IS PLACENTIA AMERICAN LEGION NO. 277