

POST BYLAWS

Revised October 2020

CHULA VISTA POST 434

THE AMERICAN LEGION

DEPARTMENT OF CALIFORNIA

BYLAWS

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 all 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: CHULA VISTA POST #434, THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA, hereafter referred to as, "Post."

Section 2. The mailing address shall be: 47 Fifth Avenue, Chula Vista, California, 91910.

ARTICLE II – OBJECTS

Section 1. The objects and purpose 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 as established by the Bylaws of the Department of California, The American Legion and the National Organization 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 title in any meeting of the 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. No candidate of nomination or election to or incumbent of any remunerative elective office shall hold any elective office or any appointive remunerative office in the Post, provided however that this provision shall not affect membership of the Post, District Area, Department or National standing or special committee.

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 no form nor class of membership except active membership.

Section 3. Candidates for active membership in this Post shall make application upon a form prescribed by the American Legion; shall pay therewith the dues for the current fiscal year; and shall furnish official evidence of eligibility.

Section 4. All applications for membership shall be referred to the First Vice Commander, who shall at each regular meeting of the Post, report upon all applications received during or after the previous regular meeting. Persons holding membership in another Post of the American Legion desiring to become members of this Post will be required to complete a formal application for transfer as provided by the Bylaws of the American Legion utilizing forms provided by that organization.

Section 5. No person who has been expelled by another Post shall be admitted to membership in this Post without the consent of the expelling Post. In cases where such consent has been asked for and denied by another Post, the applicant may appeal to the California Department Executive Committee for review and Judge Advocate. to be admitted to membership in the 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, First Vice-Commander, Second-Vice Commander, Adjutant, Finance Officer, Chaplain, Judge Advocate, Service Officer, Historian, Sergeant-At-Arms and Junior Past Commander.

Section 2. The elective officers of the Post shall be: Commander, First Vice-Commander, Second-Vice Commander, Finance Officer, Sergeant-At-Arms, Chaplain, Historian, Service Officer and members of the Post Executive Committee.

Section 3. Any officer other than the Commander and Vice-Commanders may hold two or more of the above offices.

Section 4. The Adjutant will make announcements of pending nominations at the March business meeting and in the March Post bulletin.

Section 5. Nomination of elective officers and members of the Executive Committee shall be held during the first regular meeting in April of each year and announcement thereof shall be made by the Adjutant for second round of nominations and elections at the regular meeting in May.

Section 6. All Post officers shall be elected or appointed for a term of one year at a regular meeting in May and shall be impressively installed, preferably 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 year, but not to exceed three years, provided that at least one-third (1/3) of the said Executive Committee shall be elected in each Legion year.

Section 7. All elections for opposed positions shall be by written secret ballot and a majority of all votes cast shall be required for the election of commander and vice-commanders. The other elected officers, if any, may be elected by a plurality vote as the post may determine. Secret ballots shall be retained for thirty (30) days by the Post Adjutant.

Section 8. Every member of this Post in good standing shall be eligible to hold office in this Post. There shall be no limiting qualifications such as the length of time in the Post.

Section 9. The duties of officers and the Executive Committee shall be those as provided for in these Bylaws.

Section 10. In the event that any Post Officer or member of the Post Executive Committee shall be absent for three consecutive meetings of the Post and/or the Executive Committee without being excused by the Post Commander or Executive Committee, such office may be declared vacant by a majority vote of those present and voting at a regular Post meeting. The vacancy so created shall be filled by election or appointment at the next general post meeting by the same process as prescribed by the original election or appointment of that position.

ARTICLE VI – FINANCE

Section 1. No appropriations shall be made without first referring the same to the Finance Committee for report therefrom. This does not preclude any member's right make a motion on the floor of a post meeting for any expenditures relating to post business.

Section 2. The Executive Committee shall prescribe the form in which the financial records shall be kept.

Section 3. The fiscal year of the Post shall be from July 1st through June 30th of each year.

Section 4. All Post expenditures, regardless what conveyance or prior approval by the membership has taken place, shall require (2) signatures of the Commander's pre-designated Post Officers.

Section 5. Emergency Expenditures, as defined by "those unanticipated expenditures for the benefit of the purposes of the American Legion and/or Post 434 and directed by Post Commander and pre-approved by at least two other Post Executive Committee" will not exceed \$500.00. All emergency expenditures shall be disclosed to the general membership at the next regular business meeting.

ARTICLE VII – THE AMERICAN LEGION AUXILIARY

Section 1. The Post recognizes an Auxiliary organization to be known as the Chula Vista Unit #434, American Legion Auxiliary, Department of California. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion.

Section 2. The Post shall provide a suitable meeting place for the Auxiliary without charge.

ARTICLE VIII – THE SONS OF THE AMERICAN LEGION

Section 1. The Post recognizes an ancillary organization to be known as the Chula Vista Squadron #434, Sons of the American Legion (S.A.L.'s), Detachment of California. Membership in the S.A.L.'s shall be as prescribed by the National Constitution of the American Legion.

Section 2. The Post shall provide a suitable meeting place for the S.A.L.'s without charge.

ARTICLE IX – PROCEDURE

Section 1. All procedures of this Post shall be in conformance with those outlined in the Manual of Ceremonies issued by the National Headquarters, The American Legion.

Section 2. Robert's Rules of Order, Revised, shall govern the conduct of all meetings of this Post.

ARTICLE X – EXECUTIVE COMMITTEE.

Section 1. The Post Executive Committee (P.E.C.) shall consist of all Post Officers as defined in Section 1, Article V, plus five (5) members of the P.E.C.

Section 2. The Commander, Vice-Commanders and Adjutant shall be chairman, vice-chairmen and secretary, respectively, of the P.E.C.

Section 3. The P.E.C. shall consider all matters affecting the Post and shall make recommendations to the Post membership, which thereafter shall be approved by the Post membership before becoming effective. The P.E.C. may approve for payment by the Finance Officer, Post obligations not exceeding One Hundred Dollars (\$100).

Section 4. No current employee of the Post may serve as an officer of the P.E.C.

ARTICLE XI – MEETINGS

Section 1. The regular meetings of this Post shall be held once each month at the Legion Hall on a day to be specified by the P.E.C.

Section 2. Special business meetings may be called by the Commander or by the P.E.C., and must be called upon with written request of any twelve (12) Post members. No special meeting shall be called unless announced by the Commander at the regular meeting preceding or unless notice be mailed or emailed to each member five (5) 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 P.E.C.

Section 4. A quorum at all Post business meetings shall consist of a minimum eight (8) members.

Section 5. The P.E.C. shall hold regular meetings at least once between business meetings of the Post at a time and place designated by the P.E.C. A majority shall constitute a quorum. It may hold such special meetings as necessary or as the Commander may deem advisable.

Section 6. No member shall take part in any Post meeting or election unless that member is in good standing at the Post.

Section 7. No member shall be represented or shall vote by proxy. There shall be no voting by absentee balloting.

Section 8. Unless otherwise specified, all notices required to be given by these Bylaws shall be in writing.

Section 9. The Post has the option to meet by electronic means using either phone, internet, or other electronic means in order to conduct Post business and/or elections as scheduled or otherwise any business required by these Bylaws. The Post membership must be notified by either mail or electronic mail at least 10 (ten) days prior to said meeting and the same quorum as for all other meetings will be required to conduct business.

ARTICLE XII – DUTIES OF OFFICERS

Section 1. Duties of the 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.

The Post Commander shall be the Chief Executive Officer of the Post and shall perform such other duties as may be directed from time to time, by the Post membership.

Section 2. Duties of the First Vice-Commander.

The First Vice-Commander shall assume and discharge the duties of the office of the Post Commander in the absence or disability of that officer. The First Vice-Commander shall be the Post entertainment Chairman and shall perform such other duties under this purview as may be directed from time to time by the Commander. The First Vice-Commander shall be responsible for the issuance of membership cards.

Section 3. Duties of the Second Vice-Commander.

The Second Vice-Commander shall assume and discharge the duties of the First Vice-Commander in the absence or disability of, or when called upon by that officer, and shall perform such other duties under this purview as may be directed from time to time by the Commander.

Section 4. Duties of the Adjutant.

The Adjutant shall have full charge of and keep full and correct record of all proceedings of all meetings under the direction of the Post Commander, and 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. They shall keep its accounts and report thereon at business meetings of the Post. They shall receive all funds of the Post and pay all bills approved by the Post. Prior approval need not be obtained for paying of all valid monthly-procured bills upon presentation.

Section 6. Duties of the Historian.

The Historian shall be charged with preserving the individual records and incidents of the Post and Post members and shall perform such other duties as directed by the Post Commander.

Section 7. Duties of the Post Judge Advocate.

The Judge Advocate shall advise Post officers on the construction and interpretation of the Post Bylaws and to perform such other duties as are usually incident to the office. They shall act as the Post Parliamentarian.

Section 8. Duties of the Post Chaplain.

The Chaplain shall be charged with the spiritual welfare of the Post membership and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc. In the

performance of such services, they will adhere to such ceremonial rituals as are recommended by the National or Departmental Headquarters, the American Legion.

Section 9. Duties of the Sergeant-at-Arms.

The Sergeant-at-Arms and Assistant, when applicable, shall preserve order at all meetings. Conduct the setting up and tearing down of all meeting accouterments. The Sergeant-at-Arms shall be responsible for safeguarding of Post and National Colors, both inside the facility and in the surrounding environs of the Post and shall perform such other duties as may be assigned to him from time to time by the Post Commander.

Section 10. Duties of the Service Officer.

The Service Officer shall be responsible for advising, educating and informing all veterans and their dependents of the rights and benefits granted them by law. They must know how to utilize the expert services available through the American Legion, as well as those of other supporting agencies within the community.

ARTICLE XIII – DUES, FEES AND FUNDS

Section 1. The annual dues shall be approved by the Post membership.

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

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

Section 4. A member whose dues for the current year have not been paid by December 31st shall be classed as delinquent. If their dues are paid on or before February 1st, they shall be automatically reinstated. If they are still delinquent after February 1st, they shall be suspended from the American Legion and forfeit all privileges inherent with membership in that organization. If they have not paid by June 30th, their membership shall be forfeited. A member so suspended, or whose membership has been so forfeited, may be reinstated to active membership in good standing by payment of outstanding years' dues, plus current dues for the year in which the reinstatement occurs.

ARTICLE XIV – 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 and submitted 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 at least one regular meeting in advance of the election.

ARTICLE XV – APPOINTMENTS

Section 1. The Post Commander, upon taking office each year will appoint members to fill those appointive positions outlined in Section 1b, Article V. In addition, he will appoint a Finance Committee, Ways and Means Committee and such other committees as the P.E.C. may deem necessary.

- a. Finance Committee – Chaired by the Finance Officer, this committee of three (3) will be responsible for preparation and submission for approval of the budget for each year, for establishment of bookkeeping procedures to insure proper recording of revenue and expenses of the Post.
- b. Ways and Means Committee – Chaired by the Second Vice Commander, this committee will be responsible for supervising all fund-raising activities of the Post and will determine the best ways to raise funds for the Post functions.

Section 2. The Commander shall appoint a three (3) person audit team to perform the annual audit of the Post's financing books. No member of this committee shall be a Post officer or a Post member charged by the Post Bylaws with the responsibility of handling Post funds. The committee shall certify to the Department Adjutant, at such a time as required by the Department Adjutant, that such an audit has been made and is on file with the Post Adjutant.

ARTICLE XVI – LIMITATIONS OF LIABILITY

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

ARTICLE XVII – ADMINISTRATIVE HEARINGS

Section 1. Members of their Post shall be subject to disciplinary action as provided in the Department Administrative Hearing Manual 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.

Section 2. Upon completion of a served suspension, the member in question shall submit in writing, a letter addressed to the Post Commander requesting readmission to the Post.

ARTICLE XVIII – 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 purposes of recalling an elective Post officer or a member of the P.E.C. may be filed at any time with the Post Adjutant. The Post Adjutant shall, within five (5) days after filing said petition, compare the signatures on said petition with signatures on the applications of the respective signers on file in the Post records. The Adjutant shall deliver the said petition and their report on the correctness of the signatures to the P.E.C. at its next meeting.

Section 2. If it shall appear from the report of the Adjutant that ten (10) percent of the membership have signed said petition, the P.E.C. 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 nor more than six (6) weeks after the meeting of the P.E.C. If the report of the Post Adjutant shall show less than ten (10) 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 (10) days thereafter to obtain the required number of valid signatures, and re-file said petition with the Adjutant who shall recheck with their records and resubmit the same to the P.E.C. 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 3. 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.

- a. All recall elections shall be concluded by written secret ballot.
- b. At the election, the ballot shall read as follows:

“Shall (Name of Officer or Member of the Executive Committee) be recalled?”

Yes _____

No _____

Section 4. 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 P.E.C. 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 the election. The person recalled shall not be eligible as a candidate for election to fill the vacancy.

ARTICLE XIX – AMENDMENTS

Section 1. Proposed amendments of these Bylaws must be submitted in writing at a regular meeting of the Post, and read at the next regular meeting, or subsequently if postponed, the proposed amendment(s) may be adopted by a two-thirds (2/3) affirmative vote of those present and voting.

Section 2. These Bylaws shall be amended to conform to any changes in the National and Department Constitution and Bylaws no later than 90 days following the close of the National Convention of the American Legion. Failure of the Post to adopt the required amendments shall not delay or modify the effect of such changes.

Section 3. Any amendment initiated by the Post shall not be in final force or effect until approved by the Bylaws Commission of the Department of California, the American Legion.

We hereby certify that the above Bylaws were read at two meetings of the Post and adopted on April 15, 2021, a quorum being present, and by a two-thirds (2/3) vote of those present and voting.

First reading, November 12, 2020.

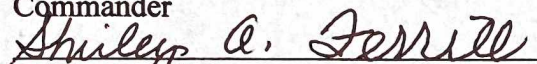
Second reading and adoption, April 15, 2021.

Signed by



John W. Paisley

Commander



Shirley Ferrill

Adjutant

THE ARTICLES OF INCORPORATION FOR THIS POST ARE ON FILE WITH THE CALIFORNIA SECRETARY OF STATE.