

Ballico Post No. 668  
11303 Ballico Avenue  
Ballico, California 95303  
PO Box 68 Winton, California 95388-0068

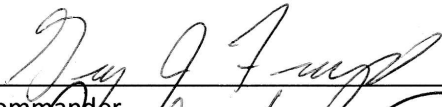
CERTIFICATION


We hereby certify that the above bylaws were read at two meetings of the Post and adopted on April 27, 2020, a quorum being present, and by a two-thirds (2/3) vote of those present and voting.

First reading, March 10, 2020

Second reading and adoption, April 27, 2020

Signed by,

  
\_\_\_\_\_  
Commander

  
\_\_\_\_\_  
Adjutant

Note - Certification of all subsequent amendments are required.

These constitution and bylaws were revised and approved at a regular meeting held on March 10, 2020, electronic mail with a RSVP by April 26, 2020 and supersede all preceding constitution and bylaws.

The Articles of Incorporation for this Post are on file with the California Secretary of State under date of March 22, 1949.

THE AMERICAN LEGION  
DEPARTMENT OF CALIFORNIA  
Ballico Post No. 668  
Bylaws

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 one hundred percent Americanism; to preserve the memories and incidents of our association in all wars; to inculcate a sense of individual obligation to Community, State and Nation; to combat the autocracy of both the classes and 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 Ballico Post 668, The American Legion, Department of California. Hereafter referred to as "Post".

Section 2. The Post is located in Ballico, Merced County, California.

Section 3. The mailing address shall be: Ballico Post No. 668, PO Box 68, Winton, California 95388-0068.

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 of this Post, and in The National and Department Constitutions of the American Legion.

### ARTICLES 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 or for the promotion of the candidacy of any person seeking public office or preferment. No candidate for nomination or election to, or no incumbent of, any remunerative elective public office, shall hold elective office or any appointive remunerative office in this Post, provided, however that this provision shall not affect membership on Post, Department or National Standing or special committee.

Section 3. Each member shall perform his duties as a citizen according to his own conscience and understanding.

### ARTICLE IV – MEMBERSHIP

Section 1. The post being the basic unit of function in the American Legion, have the primary responsibility of managing their own membership. The criteria for this are guided by the National Bylaws Article IV, Sections 1-4. This is the bottom line for membership eligibility. The recently signed Legion Act passed by Congress and signed by the President authorizes all veterans who served on or after December 7th, 1941, to be eligible for membership in the American Legion. This is now in effect.

Section 2. There shall be no form or class of membership except active membership.

Section 3. Candidates for membership in this Post shall pay their dues for the current fiscal year; shall make application upon a form prescribed by the Executive

Committee of this Post; and shall furnish official evidence of eligibility such as a DD-214.

Section 4. All applications for membership shall be referred to the Membership Committee which shall, at each regular is a member of any other Post of the American Legion. No limitations may be placed on re-application of membership. (e.g. meeting of the Post, report upon all applications received during or since the previous regular meeting. A majority vote of these and voting shall elect or reject a candidate. No member shall be elected to membership in this Post who 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. They may then appeal to the Department Executive Committee for permission to be admitted to membership in the Post and shall be ineligible for membership until such permission is granted.

Section 6. Upon the death of a past or present member of American Legion Post 668, the Post shall donate \$100 (one hundred dollars) to a charity of the deceased family choice or to Hinds Hospice.

#### ARTICLE V - OFFICERS

Section 1. The officers of this Post shall be the Commander, First Vice Commander, Second Vice Commander, Adjutant, Finance Officer, Chaplain, Historian, Post Judge Advocate, Post Service Office and the Sergeant at Arms. Every member in good standing shall be eligible to hold office in this Post and there shall be no limiting qualifications.

Section 2. Nominations for elective officers and members of the Executive Committee shall be held at the first meeting in March of each year and announced thereof shall be made by the Adjutant at the next regular meeting.

Section 3. The elective post officers and members of the Executive Committee shall be elected for a term of one year at the first meeting in April and be installed prior to the **first day of convention**. All uncontested positions shall be automatically



elected to that office. Any contested position requires a written ballot. Candidate with the most votes shall be elected to that office. Written ballots shall be kept for thirty days.

Section 4. Every member of this Post in Good standing shall be eligible to hold office in this Post unless otherwise provided for herein.

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

Section 6. In 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 held after a written notice to all members that such vote will be taken. 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. The Executive Committee shall prescribe the form in which the financial records shall be kept.

Section 2. The fiscal year of the Post shall be from January 1<sup>st</sup> to December 31<sup>st</sup> of each year.

Section 3. 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. Emergency Expenditures, as defined by "those unanticipated expenditures for the benefit of the purposes of the American Legion and/or Post 668 and directed by Post Commander and pre-approved by at least two other Post Executive Committee members will not exceed \$500 dollars". All

emergency expenditures shall be disclosed to the general membership at the next regular business meeting.

#### ARTICLE VII - AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Ballico Post 668, the American Legion, Department of California.

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

#### ARTICLE VIII - PROCEDURES

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. Robert's Rule of Order, revised, shall govern the conduct of all meetings except as may be otherwise provided in these By-Laws.

Section 3. The other business shall be:

1. Opening ceremonies (National Manual of Procedure).
2. Roll Call of Officers.
3. Reading of minutes of previous meeting.
4. Initiation of New Members (according to Nation Manual Procedures).
5. Introduction of guests.
6. Nomination, election or installation of officers.
7. Application for membership.
8. Balloting upon applications for membership.
9. Communications and notice (Sick call and relief).
10. Report of the Executive Committee
11. Report of Adjutant and Finance Officers.
12. Report of standing committees.
13. Report of special committees.
14. Unfinished business.

15. New business.
16. Good and welfare of the Legion.
17. Thirty seconds of silent in honor of our departed comrades.
18. Closing ceremonies (National Manual of Procedure).

#### ARTICLE IX - MEETINGS

Section 1. The regular meeting of this Post shall be on the second Tuesday of each month except in July and August at the Ballico Legion Hall, or a place to be designated by the Post. **Electronic notification is permitted.**

Section 2. Special meetings may be called by the Commander or by the Executive Committee and must be called upon the written request of one third 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 five days prior to said meeting, Stating the time and place of the meeting and the subject to be considered. **Electronic meeting is permitted.**

Section 3. A quorum at all meeting shall be consist of Five members.

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

#### ARTICLE X - DUTIES OF THE OFFICERS

Section 1. Duties of the Post Commander - It shall be the duty of the Post Commander to preside of all meetings of the Post and to have general supervision over the business affairs of the Post. He shall perform such other duties as directed by 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 absence or disability of, or when called upon by the Post Commander.

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

absence or disability of such officer and shall perform such duties as directed by the Post.

Section 4. Duties of the 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 may be provided by a two-thirds vote of the Post at a regular meeting.

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 reports 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 the 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 in charge with the individual records and incidents of the Post and Post members and shall perform such other duties as directed by the Post or Post Commander.

Section 7. Duties of the Sergeant at Arms - The Sergeant at Arms shall preserve order at all meetings and shall perform other such duties as may be from time to time assigned to him or her by the Post.

Section 8. Duties of 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, etc., adhere to such ceremonial rituals as are recommended by the National or Departmental Headquarters from time to time.

Section 9. Duties of the Post Judge Advocate: To interpret the constitution and bylaws of your Post and may at any time be called upon by the Commander, other officers, and members of the Post to rule on legality of their action and decisions insofar as they affect the good pf the American Legion.

Section 10. Duties of the Post Service Officer: The responsibility of looking out for the welfare of all concerned. The duties are highly important and create the most vital link to a national network of American Legion service to American Veterans.



## ARTICLE XI - DUES, FEES AND FUNDS

Section 1. The annual dues shall not be less than National and State Per Capita.

Section 2. The membership dues 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 approve.

Section 4. A member whose dues for the current year have not been paid by January first (1) shall be classed as delinquent. If their dues are not paid on or before February first (1), the member is suspended, but nevertheless a member with no privilege except that of reinstatement by post vote and payment of dues.

## ARTICLE XII - DELEGATES AND REPRESENTATIVES

Section 1. The delegates and alternates to represent the Post at Department Conventions shall be elected at the regular meeting in April by vote of those present. Election results shall be submitted to the District and Department not less than twenty days before Department Convention. (It would be best to submit the results the day after the election so not to forget).

Section 2. Representatives of this Post to the District Council shall be appointed by the Commander within ten days of installation and shall serve for a term of one year.

## ARTICLE XIII - 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 chairperson there of shall be designated by the Post Commander

Section 2. Audit of the books of the Finance Officer shall be audited by October 1 and submitted to the Department no later than December 1.

Section 3. Membership Committee – The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring 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 XIV - LIMITATIONS OF LIABILITIES

Section 1. This Post shall not incur, or cause to be incurred, any liability nor obligation whatever which shall subject to liability any Post, subdivision, group of men or women, of the American Legion, Department of California, the National organization, and other individuals, corporations or organizations.

#### ARTICLE XV - TRIALS

Section 1. Members of this Post shall be subject to disciplinary action as provided in the **hearing** manual of the Department of California as adopted, and as the same may be amended from time to time thereafter. A copy of the verdict, certified by the Post Commander and Post Adjutant, shall forthwith be forward to Department Adjutant.

#### ARTICLE XVI - 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 Post Adjutant. The Post 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



Executive Committee at its next meeting. If it shall appear from the report of the Adjutant that ten (10) percent of the membership has 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 nor more than six (6) weeks after the meeting of the Executive Committee. 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 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 Executive Committee at its next meeting thereafter with his 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 address as the same appears in Post records, at least ten (10) days before the election.

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

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

“Shall (the Officer or member of the Executive Committee) be recalled.”

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 Executive Committee 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 XVII - AMENDMENTS

Section 1. Proposed amendments to these bylaws 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 (2/3) affirmative vote of those present and voting. Changes of amendments

to the Post constitution and bylaws shall be certified in writing by the Post Commander and Adjutant before submission to the American Legion Department of California.

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 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.

#### ARTICLE XVIII - BUILDING

Section 1. No keys to Ballico Legion Building to be issued to any non-veteran organization.

Section 2. Ballico Fire Department shall have a key for emergency entrance into the building.

Section 3. Groups that rent the hall will have access to the hall and will return the key at the end of the rental time period or lose their deposit money.