



American Legion
Department of California
1601 7th. St.
Sanger, CA 93657



26 April 2018

To Whom,

I am submitting a copy of the approved bylaws for Mare Island Navy Yard Post550 for entry into the DOC record.

Please let me know if you have any questions.

Thanks,

Mark L. Rice, Commissioner
Area 1, DOC
Motorbones53@gmail.com
(916) 204-8151

FILE COPY



The American Legion
 Department of California
 1601 7TH Street
 Sanger, CA 93657-2801

Post No. 550
 District No. 5
 Area 1

Direct to: Post _____
 Dept. File _____
 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	_____ <i>MR</i> _____	_____
() 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 instructions below and submit **TWO copies** of same to Department Headquarters at the address on the top of this page. Thank you.

DATE: 26 APR 18

[Handwritten Signature]

Mark L. Rice
 Constitution & By-Laws
 Commissioner, AREA 1

**THE AMERICAN LEGION
DEPARTMENT OF CALIFORNIA**

BY-LAWS OF MARE ISLAND NAVY YARD POST 550

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 the incidents of our associations in the Great wars; to inculcate a sense of individual obligation to community, state and nation; to combat autocracy of both the classes and the masses; to make right the master of might; to promote peace and goodwill 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 the organization shall be: Mare Island Navy Yard, Post 550, Inc, The American Legion, Department of California, located at: Vallejo, California. Hereafter referred to as "Post".

The mailing address of the post is: 420 Admiral Callaghan Lane Vallejo CA 94591-3605.

The physical address of the post is: 420 Admiral Callaghan Lane, Vallejo CA.

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 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 or her military or naval title in the 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 or her full duty as a citizen.

ARTICLE IV – MEMBERSHIP

Section 1. Eligibility to 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.

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

Section 3. Candidates for membership in this Post shall submit an application using a form prescribed by the National organization, pay any initiation fee prescribed by the Executive Committee plus dues for the current calendar year, and shall furnish official eligibility documents such as a DD-214.

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 last previous regular meeting of the Post. A majority vote of those members present, and voting shall accept or reject a candidate. No person shall be accepted for membership in the Post who is a member of another 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 permission of the expelling Post, except where such consent has been asked for and denied by such Post, he or she may appeal to the Department Executive Committee for permission to be admitted to membership in this Post and shall be ineligible until such permission is granted.

ARTICLE V – OFFICERS

Section 1.

- a. The officers of this Post shall be the Commander, Vice Commanders, Adjutant, Finance Officer, Historian, Sergeant-at-Arms, Chaplain, Service Officer, and Judge Advocate.
- b. The elective officers of this Post shall be the Commander, Vice Commanders, Finance Officer and three members of the Executive Committee.
- c. The following officers of the Post shall be appointed by the Commander: Adjutant, Historian, Chaplain, Service Officer, Judge Advocate, and Sergeant-at-Arms.
- d. Any Officer other than the Commander and Vice Commanders may hold two or more of the above offices.
- e. A majority of all votes shall be necessary to elect the Commander and Vice Commanders. All other officers shall be by a plurality vote.

Section 2.

- a. At the first regular meeting in March the Commander shall appoint a nomination committee for the purpose of making recommendations to the post membership for officer nominations. Nominations shall be held during the first regular meeting in April and May, with the election held at the May regular meeting of the Legion year and announcement thereof shall be by the Adjutant.
- b. No member shall be nominated or elected to an office in his or her absence, unless he or she has a letter on file with the Adjutant stating that he or she will accept the nomination and if elected fulfill the duties of the office.

Section 3. Finance Committee: Three members shall be appointed by the Commander for a term of three years, with not less than one-third to be appointed each Legion year.

Section 4. All Post Officers shall be elected for a term of one year at the 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 5. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 6. The duties of Officers, Executive Committee and Finance Committee shall be those usually pertaining to such officers and committee members and as further provided for in these By-Laws.

Section 7. In the event that any Post Officer or member of the Executive Committee shall resign or be absent for three consecutive meetings of the Post or Executive Committee without being excused by the Commander, such office may be declared vacant by a majority vote of those present at a regular meeting of the Post. In the event the office of the Commander or First Vice Commander should become vacant, the vacant office shall be filled by succession and the vacant office of Second Vice Commander filled if recommended by the Executive Committee and approved by vote of the Post membership at the next membership meeting. All other vacancies so created shall be filled by election or appointment as the same was originally filled.

ARTICLE VI – FINANCE COMMITTEE

Section 1. The Finance Committee shall consist of four members, three appointed by the Commander and the Finance Officer. The Committee shall elect a Chairman at its' first meeting after appointment. The Chairman shall be bonded under a blanket bond to be procured from the Department Headquarters and paid for by the Post.

Section 2. No appropriation shall be made without first referring the same to the Finance Committee for a report. The Executive Committee shall prescribe the form in which the financial records shall be kept.

Section 3. The Finance Committee shall be charged with the administration of the financial preparation of the annual budget with recommendations and for the supervision of receiving, disbursing and accounting of all Post funds. The annual budget must be approved by a vote of the Post Membership.

Section 4. All bills, expenses, refunds and salaries shall be paid by check which shall be signed by either the Commander, First Vice Commander, The Finance Officer or the Chairman of the Finance Committee; these four signatures to be on the bank card certified by the Adjutant as to being authentic. Any check written for an amount greater than one thousand dollars (\$1000.00) shall require two (2) signatures. All expenditures will be reported to the Post Membership.

ARTICLE VII – THE AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Mare Island Navy Yard Post 550, The American Legion, and Department of California.

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

ARTICLE VIII – 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, 1921, with subsequent amendments adopted and approved by later conventions.

Section 2. Roberts Rules of Order, newly revised, shall govern the conduct of all meetings except as may be otherwise provided by these By-Laws.

ARTICLE IX – EXECUTIVE COMMITTEE

Section 1. The Executive Committee shall consist of three elected members, in addition to the Post Commander, First Vice Commander, Second Vice Commander, Adjutant and the Junior Past Commander.

Section 2. The Executive Committee shall consider all matters affecting the Post and shall make recommendations to the Post, which thereafter shall be approved by the membership at a regular meeting.

Section 3. The Commander, First Vice Commander and Adjutant shall be Chairman, Vice Chairman and Secretary, respectively of the Executive Committee.

ARTICLE X – MEETINGS

Section 1. The regular meeting of the Post shall be held on the first Wednesday of each month and convene at a time set by the Executive Committee, at a place determined by the Executive Committee and approved by the membership. When said day falls on a legal holiday the Post shall decide on the date at the previous meeting.

Section 2. Special meetings may be called by the Commander or the Executive Committee, or shall be called by the written request of twenty members. No special meeting will be called unless announced by the Commander at the regular meeting preceding or notice is mailed to each member ten 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 matters irrespective of whether such matters have been previously considered by the Executive Committee.

Section 4. A quorum at all Post meetings shall consist of five members, in addition to the Commander or one Vice Commander.

Section 5. The Executive Committee shall regularly meet at least once between meetings of the Post at a time and place designated by said Committee. A majority shall constitute a quorum. Said Committee may hold such special meetings as said Committee or Chairman may deem advisable, notice thereof being telephoned to each member at least three days before stating the time and place of the meeting and the subject matter to be considered.

Section 6. The Finance Committee shall regularly meet at least once between meetings of the Post at a time and place designated by said Committee. A majority shall constitute a quorum. Said Committee may hold such special meetings as said Committee or Chairman may deem advisable, notice thereof being telephoned to each member at least three days before stating the time and place of the meeting and the subject matter to be considered.

Section 7. No member shall take part in any Post meeting or election unless he or she is in good standing.

Section 8. No member shall be represented or shall vote by proxy. There shall be no voting by absentee balloting.

Section 9. Unless otherwise specified all notices required to be given by these By-Laws shall be written notices.

ARTICLE XI – DUTIES OF OFFICERS

Section 1.

- a. 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, and such officer shall be the Chief Executive Officer of the Post. He or She shall perform such other duties as may be directed by the Post. He or She shall be bonded under a blanket bond to be procured from the Department Headquarters and paid for by the Post.
- b. The Post Commander, immediately upon taking office each year shall appoint the Adjutant, Historian, Service Officer, Judge Advocate, Chaplain, Membership Committee, Finance Committee and such other Committees as shall be found to be necessary. Standing Committees shall consist of such members as may be determined by the Post.

Section 2.

- a. 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 or disability of or when called upon by the Post Commander. He or She shall also serve as Chairman of the Membership Committee. He or She shall be bonded under a blanket bond to be procured from the Department Headquarters and paid by the Post.
- b. 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 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 such officer, and shall perform such other duties as directed by the Post. He or She shall also have charge of all Post entertainment.

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. At the end of the Post year all minutes shall be filed. He or She shall receive such salary as provided by the Post. He or She shall be bonded under a blanket bond to be procured from the Department Headquarters and paid 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 and serve on the Finance Committee. He or She shall receive all funds of the Post and pay all bills approved by the Post. He or She shall receive such salary as provided by the Post. He or She shall be bonded under a blanket bond to be procured from the Department Headquarters and paid by the Post.

Section 6. Duties of the 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 Board of Directors.

Section 7. Duties of the Post Judge Advocate – The Post Judge Advocate duties shall be to advise the Post Officers on construction and interpretation of the Post's By-Laws and to perform such other duties as are incident to the office.

Section 8. Duties of the Post Chaplain – The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine non-sectarian service in the event of dedications, funerals, public functions, etc., adhering to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

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 action within said times or any general or special extension thereof, shall be deemed a delinquency and the delegates of the 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 2. The Executive Committee shall select the licensed accountant.

ARTICLE XV – LIMITATIONS OF LIABILITIES

Section 1. The Post shall not incur, nor cause to be incurred any liability or obligation 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 Trials 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 PROVISIONS

Section 1. A petition by ten percent of the membership in good standing requesting the holding of an election for the purpose of recalling an elective officer or member of the Executive Committee may be filed at any time with the Adjutant. The Adjutant shall, within Five days after filing said petition, compare the signatures on the application with the respective signers on file in the Post records. The Adjutant shall deliver the said petition and his or her report on the correctness of the signatures to the Executive Committee at its' next meeting. It shall appear from the report of the Adjutant that ten percent of the membership have signed said petition which date shall be fixed for a regular meeting of the Post to be held not less than two weeks or more than six weeks after the meeting of the Executive Committee. 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 have ten days thereafter to obtain the required number of valid signatures, and file said petition with the Adjutant who will recheck with his or her records and resubmit the same to the Executive Committee at its next meeting hereafter with his or her 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 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 Executive Committee)

YES _____

NO _____

A "YES" vote shall be counted as for the recall, and the "NO" vote shall be counted as against the recall. Only members in good standing shall be entitled to vote at such election.

Section 9. Duties of the Post Service Officer – The duties of the Post Service Officer shall be generally of processing claims and protecting the rights and privileges of all veterans, their dependents and survivors, and to handle such other matters as may properly be considered service work.

Section 10. Duties of the 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 to him or her by the Post.

ARTICLE XII – DUES, FEES, FUNDS

Section 1. The annual dues for this Post shall not be less than the combined amount of Department and National per capita dues, payable annually in advance. This amount may be changed by recommendation of the Executive Committee, upon being read at two regular meetings, a quorum being present and adopted by a two-thirds (2/3) majority of those present and voting.

Section 2. All Honorary Life Members voted by the Post, shall have their dues paid by the Post.

Section 3. Membership initiation fee shall not be required.

Section 4. From such dues and fees, the Post shall pay Per Capita Taxes and such other expenditures as the Post may approve.

Section 5. A member whose dues for the current year have not been paid by January 1st shall be classified as delinquent. If his or her dues are paid on or before February 1st, he or she shall be automatically reinstated. If he or she is still delinquent after February 1st, he or she shall be suspended from all privileges. If he or she is still under suspension on June 30th of such year, his or her 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 the 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 the section nomination of officers in the month of May. Elected delegates to said convention shall be reimbursed at a rate to be determined by the Executive Committee and must be approved by the post membership. Said reimbursement shall be based on the financial status of the Post prior to said convention.

Section 2. Representatives of this Post to the District Council shall be appointed or elected as prescribed by District By-Laws and serve for a term of one year.

ARTICLE XIV – AUDIT

Section 1. Audit – The Post shall keep books on account and shall cause said books to be examined by a licensed accountant. Such examination shall be made Prior to October 1st following installation of Post Officers, and for the period of the preceding fiscal year of the Post, said fiscal year shall be July 1st through June 30th. The Post shall certify to the Department Adjutant prior to November 15th of each year that such an examination has been made and file the original thereof with the Department before said date with a copy to the District Commander, of the District of said Post. The Department Commander, the Post Commander or the Executive Committee may order an audit of the books of the

Section 5. If the officer or a 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 election. The person recalled shall not be eligible as a candidate for the 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, read at the next regular meeting, or subsequently if postponed, the proposed amendment may be adopted by a two-thirds affirmative vote of those present.

Section 2.

- a. 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. No vote of the Post members is required.
- b. 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.

CERTIFICATION

The signatures of the Commander and Adjutant, certify to the following.

“We hereby certify that the By-Laws were read at two meetings, adopted on 3 January 2018, a quorum being present, and by two-thirds vote of those present and voting.


First Reading 6 December 2017

Second Reading and Adoption 3 January 2018

Signed


Robert J. Smith
Post Commander

Signed


Gary C. Blackburn
Post Adjutant

THE ARTICLES OF INCORPORATION FOR THIS POST ARE ON FILE WITH THE SECRETARY OF STATE, UNDER THE DATE DECEMBER 6TH 1954. MARE ISLAND NAVY YARD POST 550, INC. CORPORATE NO. 187363