



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

CERTIFICATION OF CONSTITUTION, BYLAWS AND AMENDMENTS  
CONSTITUTION AND BYLAWS COMMISSION, DEPARTMENT OF CALIFORNIA

Post Articles                       District Articles                       \_\_\_\_\_ Articles

Post No.: NA

District No.: 10

Area: 2

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Alameda County, CA  
(Location)

**Your articles, as submitted have been reviewed and by this Commission for entry into the Department Record. A copy of this form should be kept with your Post Records**

**ARTICLES RECEIVED:**

- Const. & By-Laws
- By-Laws
- Amendment

**REMARKS:** If the Constitution & By-Laws, By-Laws or the Amendments are ever changed or amended after the date of this form, the changes or revisions shall be submitted to the Constitution and Bylaws Commission - Department of California for review and approval. All Articles of any Bylaws must remain in compliance with the American Legion National Constitution and Bylaws as well as the American Legion – Department of California Constitution and Bylaws. It is the responsibility of the Post or District to always keep them current. **SPECIAL NOTE: In Article XI, Section 5, The Department OF California does not Bond District Finance Officers**

Thank you.

DATE: February 3, 2023,

Mark L. Rice  
Mark L. Rice  
Chairman and Commissioner, Area 1  
Constitution and Bylaws Commission, DOC



# The 10th District The American Legion

## DEPARTMENT OF CALIFORNIA

The 10th District of The American Legion, Department of California, comprising of Posts within Alameda County, do hereby adopt these Bylaws of the 10th District to read as follows.

### **ARTICLE I - NAME**

The Name of the organization shall be: The 10th District, The American Legion, Department of California, hereafter referred to as District.

### **ARTICLE II - PURPOSE**

The objective and purposes of the 10th District are expressed as follows: 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 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 III - POWER**

This organization is a constituent part of and subject to the Department of California, The American Legion, and the National organization of The American Legion. This District shall have the right and power to transact in regular meetings assembled, all the necessary business of the District and such other powers that are delegated to it by the Department of California, through the Bylaws of the Department or by other acts or actions of the Department.

## **ARTICLE IV - ELIGIBILITY**

**MEMBERSHIP:** All Posts in Alameda County now in existence shall be members of the 10th District and all Posts hereafter organized which shall apply for and be granted membership in the District, shall be members of the District organization. All Posts and its membership shall adhere and abide with Article II, Sections 1-3 the Department Bylaws.

## **ARTICLE V - REPRESENTATION**

Section 1. Each Post in the District shall be represented in all regular meetings of the District, including the meeting provided for by, Article IX, Section 21 of the Department Bylaws by the duly elected delegates or alternates as representing for each Post at the last Department Convention.

Section 2. Any delegate may demand a roll call vote. Should a roll call vote be requested, then the vote of each Post shall be cast by the Post Commander or the Chairman of the delegation, as the case may be. The roll call must be called by the District Commander and tallied by the District Adjutant.

Section 3. All Past District and Department Commanders by virtue of having been a District or Department Commander, present at a meeting and who are a paid-up member in good standing of a Post in the 10th District, shall have a vote at all District Meetings except at the annual meeting of the District. The annual meeting will be which conducted in accordance with to Article IX, Section 21, of the Department Bylaws.

## **ARTICLE VI - OFFICERS**

Section 1. The officers of the District shall be:

- |                          |                                |
|--------------------------|--------------------------------|
| 1. Commander             | 7. Chaplain                    |
| 2. First Vice Commander  | 8. Judge Advocate              |
| 3. Second Vice Commander | 9. Historian                   |
| 4. Adjutant              | 10. Service Officer            |
| 5. Assistant Adjutant    | 11. Sergeant At-Arms           |
| 6. Finance Officer       | 12. Assistant Sergeant At-Arms |

Section 2. The Executive Committee: The Executive Committee of the District shall be composed of seven (7) voting members as follows: Commander, two (2) Vice Commanders, Adjutant, Finance Officer, Junior Past-Commander, and one additional At-Large member appointed by the District Commander from the delegates to the District.

Section 3. The Judge Advocate, shall be a member of the Executive Committee with voice and no vote. The Adjutant shall be the secretary of the committee.

## **ARTICLE VII - NOMINATION, ELECTION, AND APPOINTMENT OF OFFICERS**



Section 1: The following persons shall be elected by delegates from the District Posts: The District Commander, First Vice Commander, Second Vice Commander, as well as any Committee Delegates, and Alternates to the National Convention.

Section 2. The Adjutant, Finance Officer, Chaplain, Sergeant-At-Arms, Judge Advocate, Historian, one Executive Committee Member and Service Officer shall be appointed by the District Commander and shall serve at his/her pleasure.

Section 3. First nominations of Candidates for the elective offices shall be made at the meeting of the District preceding the annual meeting of the District as provided by the American Legion Department of California Bylaws. Second nominations shall be made at the Annual Meeting immediately before the election of officers.

Section 4. The time of Election shall be designated by the District Commander and will be held immediately after the appointment of a Tally Committee as the second order of business at the Annual District Meeting.

- (a) The Chairman of each Post delegation shall receive from the District Adjutant, the total number of votes their Post is entitled to cast. For the election of Officers of the District, National Delegates, and Alternates for each Post; each Post being entitled two (2) delegates and two (2) alternates plus one additional Delegate and Alternate for every fifty (50) members, or major fraction thereof, paid up forty-five (45) days prior to the date of the opening of the Department of California Convention, in accordance with the Department of California Bylaws, Article IX, Section 3. Each Post delegation shall determine at the time of voting how its absentees vote, if any shall be cast.
- (b) When the Post Delegate Chairmen have cast their votes, the District Commander shall declare the election closed. The Tally Committee shall tally the votes, and the results being announced to the District by the District Commander immediately after the votes are tallied and the results determined.
- (c) Any elected or appointed Officer of the District who is absent for two (2) consecutive meetings of the District (Executive Committee Meetings included) without being excused by the District Commander, the Office which such Officer occupies may be declared vacant by a majority vote at a Regular Meeting of the District by a vote of the Delegates present and voting. If a vacancy should occur in an elected office of the Executive Committee or Finance Committee, whether such vacancy occurs through death, resignation, or inability to act as a District Officer, said vacancy shall be filled at the next regular meeting of the District, said vacancy shall be filled at that District Meeting. In case of a vacancy in the office of District Commander or District Vice Commander(s), the District Adjutant shall call the Executive Committee of the District, to a special meeting of the District in accordance with Article X, Section (b) of the District Bylaws to fill such vacancy.
- (d) The term of the office of the District Officers shall correspond with those of the elective Department Officers elected at the following Annual Department Convention.
- (e) The term of the officers of the District Finance Committee member elected will be for three (3) years.



## ARTICLE VIII - DUES AND ASSESSMENTS

Section 1. To defray the necessary expenses of the District Organization, each member Post shall pay to the District Finance Officer, upon receipt of notice that the same is due, assessments and dues established by the Executive Committee and approved by a 2/3 majority vote of the Delegates at a regular Meeting of the District. The dues and assessments are to be based on the current year's budget.

Section 2. From the funds so collected and any additional monies coming into the hands of the District Finance Officer not otherwise allocated shall pay the current expenses of the District, including the expenses of the District Officers as budgeted. At the close of each fiscal year a minimum of seventy-five dollars (\$75.00) shall be left in the District Treasury for operating expense of the succeeding District Fiscal Year. Any other allocation not used shall revert to the District Treasury for inclusion for the following year's General Fund.

- (a) Any potential fund drive approved by the Delegates at a Regular Meeting of the District shall be self-supporting and no District Funds shall be allocated for this purpose.
- (b) Any expenditure of monies from the General Fund for other than emergency purposes shall be approved in advance by the majority vote of the Delegates at a regular District Meeting.
- (c) In an emergency, declared by the District Commander, monies from the General Fund may be expended on approval of the District Executive Committee, acting on behalf of the District, with such action being reported at the next Regular Meeting of the District. In no event shall the emergency expenditure exceed one-fourth (1/4) of the actual amount available in the General Fund at that time.
- (d) The Fiscal Year of this District shall conform to the Fiscal Year of the Department: July 1<sup>st</sup> of one year to June 30<sup>th</sup> of the following year. A budget for the ensuing year will be generated, as noted in Article XI section 12, and presented for approval at the first district meeting of the new year. The budget should cover the anticipated expenses for the department programs and expenses for officers.
- (e) New Posts entering the District during the year shall pay to the District, dues and assessments based on the number of Charter Members as shown in the application for Charter. If a Post is already in existence, shall be transferred into the District, it shall pay the District dues and assessments based on the Membership of the Post for the preceding year. Should a Post be transferred out of the District after it has paid its assessments for the year, its assessments for the year shall be forfeited.
- (f) The District shall keep Financial Records of Account in a method prescribed by the District Executive Committee and shall have said records audited by three (3) competent persons, none of whom shall be any persons charged with the responsibility of handling funds of the District. Said examination shall be reported to the delegates at the first fiscal Quarterly Meeting of the District.

(g) No Committee, except Baseball, shall operate on their own Financial Funds. All monies from Committees shall be turned in to the District Finance Officer. Baseball Committee may operate on their own Financial Funds in accordance with the Bylaws established by the District. All funds are subject to audit at any time but must be audited once a year by the District Finance Committee. Persons handling funds of the District MUST be bonded by Department.

## **ARTICLE IX - PROCEDURE**

Section 1. Opening and closing of the meetings and Installations of Officers shall be conducted as prescribed and approved by the National Convention of the American Legion in Kansas City, October 31 – November 2, 1921, with subsequent amendment adopted and approved at later conventions.

Section 2. The rules contained in the current edition of Robert's Rules of Order Newly Revised will govern The 10th District in all cases to which they are applicable and in which they are not inconsistent with these Bylaws, any special rules of order the Department may adopt, and Federal, State and Local regulations

Section 3. The order of business shall be conducted as shown in the most recent American Legion Officers Guidebook.

## **ARTICLE X - MEETINGS**

Section 1. The Regular Meetings of the District shall be held at such places and at such dates as the District Commander may designate. All Posts in the District shall be notified in writing by the District Adjutant on the time and place of each regular meeting, at least fifteen (15) days prior to the meeting date by either regular mail or electronic mail.

Section 2. A quorum shall be a simple majority of Posts within the District.

Section 3. Special Meetings may be called by the Commander or may be called, upon the written request of Delegates of five (5) different Posts within the District. No Special Meeting shall be held unless the members are notified in writing at least ten (10) days prior to the time of holding the Meeting, giving the time and place of the meeting and the matter to be considered; said notice to be mailed physically or electronically by the District Adjutant. Only those matters for which the meeting was called may be discussed at the meeting.

Section 4. No person shall take part in the District Meeting or Election, unless he/she is a duly accredited Delegate of their Post or Alternate to the District Meeting.

Section 5. When the District Executive Committee or District is unable to meet at a physical location for regular and/or special meetings and no other suitable location is available, by order of the District Commander, the Executive Committee and/or District Membership may meet by electronic means using either phone, internet, or other electronic means in order to conduct District business and/or elections as scheduled or otherwise any business required by these Bylaws. The District officers, Executive Committee members and Post representatives to the District 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.

Section. 6. The Executive Committee shall meet no sooner than five (5) days prior to each District meeting. Additional meetings may be called for, upon notice by the District Commander. A special meeting may be called by the Commander and must be called upon the written request of three (3) members of the Executive Committee. All members shall be notified at least ten (10) days prior to the additional or special meetings by the District Adjutant, giving the time and place of the meeting. Only the subject matter for which the meeting was called for may be discussed at the special meeting. Written notification to District members may include electronic mail.

## **ARTICLE XI - DUTIES OF OFFICERS**

All of the officer positions below are further outlined in The American Legion publication titled 'Officer's Guide and Manual of Ceremonies', as amended.

Section 1. Duties of the Commander: It shall be the duty of the Commander of the District to preside at all meetings of the District and to have general supervision over the business affairs of the District. District Commanders shall ensure that all the Posts in their District are compliant with the requirements stated in Article V, Sections 17 and 23 of the American Legion, Department of California By-Laws. Posts failing to submit these properly executed reports prior to June 1st shall be placed on probation until submission has been verified by the Department Adjutant.

Section 2. Duties of the First Vice Commander: The First Vice Commander shall assist the District Commander and act as Commander in the absence of or by the request of The District Commander and serve as an alternate for the District Commander on the Department Executive Committee. He/she shall be chairman of the Membership Committee.

Section 3. Duties of the 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 assist the Commander, and in the absence of the Commander and First Vice Commander, act as Commander, and in the absence of the Commander and First Vice Commander shall serve on the Department Executive Committee.

Section 4. Duties of the Adjutant: The Adjutant shall have charge of and shall keep a full and correct report of proceedings of all meetings and under direction of the Commander, shall handle the correspondence of the District, and shall tally the vote on all roll calls and perform such other duties as may be directed by the District Commander.

Section 5. Duties of the Finance Officer: The Finance Officer shall have custody of funds of the District, except the funds of the Baseball Committee operating on its own Financial Funds and will deposit the funds of the District in a reputable Bank. There will be three (3) signatures on the accounts: Commander, Finance Officer, and Adjutant. Two (2) signatures will be required for any withdrawal. The Finance Officer shall keep the accounts of the District and report at each District Meeting and shall be bonded by the Department of California. The financial records shall be audited at the conclusion of the fiscal year by the Finance Committee.



Section 6. Duties of the Chaplain: The Chaplain shall be charged with the spiritual welfare of the members comprising the Posts in the 10th District and shall offer divine but non-sectarian services at the meetings of the District and at such other events where called upon to officiate, adhering to such ceremonial rituals as recommended by the National Organization from time to time.

Section 7. Duties of Sergeant-At-Arms: The Sergeant-At-Arms shall preserve order of all District Meetings and shall perform such other duties as may from time to time be assigned by the District Commander.

Section 8. Duties of the Judge Advocate: The Judge Advocate shall assist the presiding officer by ruling on disputed questions of parliamentary procedure when requested by the Presiding Officer.

Section 9. Duties of the Historian: The Historian shall keep a record of important events in the District and shall keep the history of the District up to date at all times.

Section 10. Duties of the Service Officer: The Service Officer shall keep the members in the District posted on affairs of the various problems in the field of Veteran Affairs, advise, and counsel upon request.

Section 11. Duties of the Executive Committee: The Executive Committee shall consider all matters affecting the District and shall make recommendations to the District, which thereafter shall be approved by the District before becoming effective.

Section 12. Duties of the Finance Committee. The Finance Committee will assist the Finance Officer in preparing the proposed budget each year, to audit the books of account of the District at least once a year and to audit the books of account of the Baseball fund any time during the Legion year.

Section 13. Duties of the District Committees operating on an Established Budget. All funds are subject to audit at any time but must be audited once a year by the District Finance Committee at the conclusion of the fiscal year.

## **ARTICLE XII - COMMISSIONS AND COMMITTEES**

Section 1. The District Commander shall appoint members of the Commissions and Committees of the District in accordance with Department, which Commissions and Committees are created by a resolution adopted at a District Meeting and subsequent amendments thereto.

Section 2. The District Commander shall Designate the Chairman of each Commission or Committee who shall serve at the pleasure of the Commander.

Section 3. The District Commander may appoint Special Committees and members to serve during the term of the commander and shall designate the Chairman.

## **ARTICLE XIII - AMENDMENTS**

Section 1. Proposed amendments to these bylaws must be submitted in writing at a regular meeting of the District and read thereto. There shall be a written notification (which may include electronic

mail) to all commanders and adjutants of the posts who are members of the District at least 10 days prior to the meeting when the second reading will be done and voted on. A 2/3 majority vote is required to pass any bylaws or amendments.

Section 2. These Bylaws shall be amended to conform to any changes in the National or Department Constitution and Bylaws. Failure of the District to adopt the required amendments shall not delay or modify the effect of such change(s).

Section 3. Any Bylaw changes or amendments shall be submitted to Department for review and approval by a member of the Constitution and Bylaws Commission. Once approved by the District, they will be in temporary effect until approved by Department.

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Above the signatures of the District Commander and Adjutant, certify to the following:

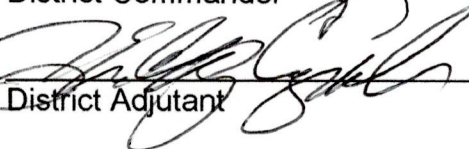
"We hereby certify that the above By-Laws were read at two meetings of the District and adopted on February 16<sup>th</sup>, 2022, a quorum being present, and by a two-thirds (2/3) vote of those present and voting."

First reading, January 19<sup>th</sup>, 2022.

Second reading and adoption February 16<sup>th</sup>, 2022.

Signed by,

  
\_\_\_\_\_  
District Commander

  
\_\_\_\_\_  
District Adjutant

Note-  
Certification of all subsequent amendments are required.