



# **AMERICAN LEGION POST 432**

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## **CAMBRIA, CA**

### **THE AMERICAN LEGION DEPARTMENT OF CALIFORNIA BY-LAWS CAMBRIA POST NO. 432 February 20, 2024**

#### **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 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 the organization shall be CAMBRIA POST NO. 432 THE AMERICAN LEGION, Department of California, located at: Cambria, California, 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, the Articles of Incorporation, and 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 their military 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 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 any 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 committees.

## ARTICLE IV – MEMBERSHIP

Section 1. Any person shall be eligible for membership in The American Legion who was a member of the Army, Navy, Marine Corps, Coast Guard, Air Force, Space Force, or Merchant Marine of the United States or any other Command as approved by Department of Defense. Eligibility for this Post should be those dates and conditions set forth in Article 4 Section I of the National Constitution and By-Laws.

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

Section 3. Candidates for membership in this Post shall make an application upon a form prescribed by the Executive Committee of this Post; and shall 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 previous regular meeting. A majority vote of those present and

voting shall elect or reject a candidate. No member shall be elected to membership in this Post who is a member of any other Post in The American Legion.

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. Where such consent has been asked for and denied by such Post, the applicant may then appeal to the Department Executive Committee for permission to be admitted to membership in this Post but shall not be eligible 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, the Chaplain, the Judge Advocate, the Executive Committeeman, and the Service Officer.

b. The elective officers of the post shall be the Commander, First Vice-Commander, Second Vice-Commander, Finance Officer, Historian, Sergeant-at-Arms, Chaplain, Judge Advocate, Executive Committeeman, and Service Officer.

c. The elected and appointed officers of the post, also called the Executive Committee, will operate and oversee the running of the Post Clubroom and Bar. The Executive Committee will hire a manager to handle the day-by-day operation of the Club and Bar.

d. The following officer shall be appointed by the Commander: the Adjutant.

Section 2. Nomination for elective officers shall be held during the first regular meeting in April of each year and announcement thereof shall be made by the Adjutant at the next general meeting.

Section 3. The elective Post officers shall be elected for a term of one year at the first meeting in May and shall be installed at the first general meeting of September of that

year. All elections shall be done using Roberts Rules of Order as stated in the American Legion Officers Guide.

Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post as provided in Article III, Section 2.

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

Section 6. All vacancies in the elective offices shall be filled by a majority vote at a regular meeting following the announcement of said vacancy provided that adequate notice of the need for election is given.

Section 7. The office of the Finance Officer and any other offices and/or positions charged by the Post Constitution and By-Laws with the responsibility of handling Post funds shall be bonded.

Section 8. In the event that any Post Officer shall be absent for three consecutive meetings of the Post or the Executive Committee without being excused by the Post Commander, 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 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. The Executive Committee shall prescribe the form in which the financial records shall be kept.

## ARTICLE VII – THE AMERICAN LEGION AUXILIARY, THE SONS OF THE AMERICAN LEGION, AND THE AMERICAN LEGION RIDERS

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Cambria Post No. 432. The American Legion, Department of California.

Section 2. Membership in and governing the Auxiliary shall be prescribed by the National Constitution of The American Legion and the rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by the Department of California.

Section 3 This Post recognizes a squadron of the Sons of the American Legion to be known as the Sons of the American Legion, Squadron 432, attached to Cambria Post No. 432, American Legion, Department of California.

Section 4. Membership in and governing the Sons of the American Legion, Squadron 432 shall be prescribed by the National Constitution and By-Laws of the Sons of the American Legion and the rules and regulations of the Detachment of California.

Section 5. This Post recognizes a chapter of the American Legion Riders to be known as the American Legion Riders, Chapter 432, attached to Cambria Post No. 432, American Legion, Department of California.

Section 6. Membership in and governing the American Legion Riders, Chapter 432 shall be prescribed by the National Constitution and By-Laws of the American Legion and the rules and regulations of the American Legion Riders – Department of California.

## 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, Revised, shall govern the conduct of all meetings except as may be otherwise provided in these By-Laws.

#### ARTICLE IX – EXECUTIVE BOARD

Section 1. The Executive Committee shall consist of the Commander, Vice-Commanders, Adjutant, Finance Officer, Jr. Past Commander, Judge Advocate, Sergeant-at-Arms, Chaplain, Service Officer, Historian, and Executive Committee Person.

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 Post before becoming effective.

Section 3. The Commander, Vice-Commanders, and Adjutant shall be chairman, vice-chairman and secretary, respectively, of the Executive Committee.

#### ARTICLE X – MEETINGS

Section 1. The regular meetings of this Post shall be held the first Wednesday of each month at 7 PM at the Cambria Veteran's Memorial Building or a time and or place to be designated by the Commander. A virtual meeting may be deemed by Commander as needed.

Section 2. Special meetings may be called by the Commander or by the Executive Committee and must be called upon at the written request of five (5) Post members. No special meeting shall be called unless announced by the Commander at the regular meeting preceding or unless notice is communicated to each member five 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 Executive Committee, except that requests for donations exceeding \$200 must first be considered by the Executive Board.

Section 4. A quorum at all Post meetings shall consist of seven (7) members.

Section 5. The Executive Committee shall regularly meet at least once between meetings of the Post at a time and place designated by it. A majority shall constitute a quorum. It may hold such special meetings as it or the Commander may deem advisable, stating the place of the meeting and the matter to be considered. Voting via e-mail, from the respective board members, shall be permitted.

Section 6. No members shall take part in any Post meeting or election unless they are in good standing.

Section 7. No member shall be represented or shall vote by proxy. There shall be no voting by absentee balloting. Voting via e-mail is allowed with the concurrence of all the members of the Executive Committee but only for routine items that require immediate action.

Section 8. Unless otherwise specified, all notices required to be given by these By-Laws shall be written notices.

#### 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. The Commander shall perform such duties as directed by the Post and the current Officer's Guide.

Section 2. Duties of First Vice-Commander: The First Vice-Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by, the Post Commander and other duties as directed in the current Officer's Guide.

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 perform such other duties as directed by the Post Commander and the current Officer's Guide.

Section 4. Duties of 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.

Section 5. Duties of the Finance Officer: The Finance Officer shall be charged with the custody of funds of the Post. The Finance Officer shall keep accounts and report thereon at regular meetings of the Post and whenever called upon by the Executive Committee. The Finance Officer shall receive all funds of the Post and pay all bills approved by the Post and Executive Committee. The Finance Officer shall be bonded. and the bond shall be paid for by the Post.

Section 6. Duties of 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 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 Constitution and By-Laws and to perform such other duties as are usually incident to the office.

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 the 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 the Sergeant-At-Arms by the Post.

## ARTICLE XII – DUES, FEES, AND FUNDS

Section 1. Annual Post dues will be set by the membership from time to time. An initiation fee to provide a Post cap and protective cover may also be assessed.

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. A member whose dues for the current year have not been paid shall be classed as delinquent. Dates for delinquency suspensions and expulsions from this Post for non-payment of dues are set forth in Article 4, Section 4 of the National Constitution and By-Laws.

## 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 least twenty (20) days before the Department Conventions convene. The time and place for holding the election must be announced by the Post Commander one 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:

a.) Post shall keep books of account using standard accounting practices and shall cause said books to be examined, covering the Post fiscal period ending any date, including December 31, of the previous calendar year up to and including the date of the examination. Said examination shall be made by 1 October each year per Department Bylaws and will be by a reputable bookkeeper, certified public accountant, or a Committee of three (3) competent persons, none of whom shall be the Commander, Adjutant, Finance Officer or other person charged with the responsibility of handling Post funds.

b.) The Post Financial Audit shall be submitted to the Department Adjutant prior to November 15<sup>th</sup> with copy sent by the Department to the respective District Commander and District Adjutant. Failing to submit the certification by deadline shall cause a Post to be placed on probation and not accreditable for the Department Convention until submission has been verified by the Department Adjutant

c.) In Years where the Post's gross annual revenue reaches or exceeds \$50,000, the Post shall have their books examined by a reputable licensed bookkeeper or certified public accountant and attach a copy of their report to the Post Financial Audit Certification to be sent to the Department Adjutant.

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The Department Commander, Department Executive Committee, District Commander, 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.

Section 3. Membership Committee: The 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 4. Finance Committee: The Finance Committee shall be charged with the administration of the financial policy, preparation of an annual budget with recommendations, and the supervision of receiving, disbursing, and accounting of all Post funds.

#### ARTICLE XV – LIMITATION OF LIABILITES

Section 1. The Post shall not incur, nor cause to be incurred any liability or obligations which shall be subject to liability of 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 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 Post Adjutant, shall forthwith be forwarded to the Department Adjutant.

#### ARTICLE XVII – RECALL PROVISION

Section 1. A petition, signed by ten percent of the membership in good standing requesting the holding of an election for the purposes of recalling an elected officer or a member of the Executive Committee, may be filed at any time with the Adjutant. The Adjutant shall deliver the said petition to the Executive Committee at its next meeting. If it shall appear that ten percent of the membership have signed said petition, the Executive Committee shall fix the date for recall election, which date shall be fixed for a regular meeting of the Post to be held not less than two weeks nor more than six weeks after the meeting of the Executive Committee. If less than ten percent of the membership have signed said petition, it 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 re-file said petition with the Executive Committee at its next meeting. If the petition is then found to be sufficient, the recall election shall be fixed as set forth above.

Section 2. Notice of said date, time, and place of holding the recall election shall be mailed to each member of the Post in good standing at the address as the same 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 (Name of 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 XVIII – AMENDMENTS

Section 1. Proposed amendments to these By-Laws must be submitted in writing at a regular meeting of the Post and read there at. At the next regular meeting, or subsequently if postponed, the proposed amendment may be adopted by a two-thirds affirmative vote of those present and voting.

Section 2. 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.

a. Any amendment initiated by the Post shall not be in force or effect until approved by the constitution and By-Laws Commission of the Department.

Section 3. Above the signatures of the Commander and the Adjutant, certify to the following:

We hereby certify that the By-Laws of Cambria Post 432, as amended, where due notice having been given, first read at the regular Post meeting of 3 January 2024. At the meeting of 7 February 2024<sup>5</sup> July 2017, whereupon, a quorum being present, said By-Laws containing the amendments as shown in the Minutes of said meetings and adopted as aforesaid, were verified by the Post Executive Committee prior to the submission to the Constitution and By-Laws Commission, Department of California, this date.

Dated:

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David Ehlers, Commander

Michael D. Silvas, Adjutant