

Post 552 By-Laws



THE AMERICAN LEGION DEPARTMENT OF CALIFORNIA

Pacific Beach California Post # 552

BY-LAWS

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 this organization shall be: Pacific Beach Post No. 552, The American Legion, Department of California, hereafter referred to as "Post."

Section 2. The Post is located in San Diego, California.

Section 3. The mailing address shall be: 853 Turquoise St, San Diego, CA 92109.

ARTICLE II – OBJECTS

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 Constitution of the American Legion. Post 552 is a Non-profit 501(c)(19) Veterans Organization.

ARTICLE III – NATURE

Section 1. This Post is a civilian organization and membership therein does not affect or increase liability for military or police services. 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.

Section 3. Each member shall perform their full duty as a citizen.

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. Dues shall be paid annually by members except for paid-up-for-life members. The post can grant Honorary Life membership to those members with distinguished membership in the American Legion. The annual dues will be paid by the post for the Honorary Life members as long as they remain a member of the post.

Section 3. Candidates for membership in this Post shall make application upon a form prescribed by the National Organization; shall pay therewith the established Post dues; and shall furnish official evidence of eligibility, such as a DD-214.

Section 4. All applications for membership shall be referred to the Adjutant, who will verify the evidence of eligibility, if not previously provided by the Commander or a Vice Commander. At the next regular meeting of the Post, the applications of eligible candidates will be provided for a vote of acceptance. A majority vote of those present shall accept or reject a candidate. No member shall be accepted as a member in this Post who is a member of any other Post of the American Legion. No limitations may be placed on re-application of membership. (e.g. turned down today, they 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 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 permission is granted.

ARTICLE V – OFFICERS

Section 1.

a). The officers of this Post shall be the Commander, 1st Vice Commander, 2nd Vice Commander, Adjutant, Finance Officer, Chaplain, Judge Advocate, Service Officer, Historian, and Sergeant-At-Arms.

b). The elective officers of the Post shall be: Commander, both Vice-Commanders, and members of the Executive Committee. (see Article IX)

c). The following officers of the Post shall be appointed by the Commander: Adjutant, Finance Officer, Historian, Chaplain, Judge Advocate, Service Officer, and Sergeant-At-Arms.

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

Section 2. Nomination for post elected offices shall be made at regular meetings in March and April; notice of nominations shall be given at the previous regular meeting. Written notice of the nomination meetings will be sent to each member at least ten (10) days prior to nominations. Nominations are open until the time of election.

Section 3.

a). All Post officers shall be elected or appointed for a term of one year at the May regular meeting and shall be impressively installed, preferably by a ritual team, in accordance with the prevailing National Manual of Ceremonies, not later than June 30 of each year. The Executive Committee will be elected for a term of two years. All members attending the May meeting are eligible to vote.

b). 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, Vice-Commanders and Executive Committee. Unopposed positions can be elected by acclamation. Secret ballots shall be retained for thirty (30) days by the Post Adjutant.

Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post. There shall be no limiting qualifications (e.g.-length of time in the Post).

Section 5. The duties of officers and the Executive Committee shall be those as provided for in these By-Laws. They will be as defined by National, the Department of California, and these By-Laws.

Section 6. 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 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 the original election or appointment for that position.

ARTICLE VI – FINANCE

Section 1. No appropriations shall be made without first receiving the approval of the membership. This does not preclude any member's right to 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 1 to June 30 of the next year.

Section 4. All Post expenditures, regardless what conveyance or prior approval by the membership has taken place, shall require the Commander's approval. Expenses provided in the approved Post budget summary need no further membership approval. All expenses outside the budget summary must be voted on by the membership. Initial budget approval for the next fiscal year shall be approved no later than July 1.

Section 5. Emergency Expenditures, as defined by those unanticipated expenditures (up to the amount of \$500) for the benefit of the purposes of the American Legion or Post, can be made by the Commander. All emergency expenditures will be disclosed to the general membership at the next regular business meeting.

ARTICLE VII – THE AMERICAN LEGION AUXILIARY AND SONS OF THE AMERICAN LEGION

Section 1. The Post recognizes an auxiliary organization to be known as the "Auxiliary Unit of Pacific Beach Post No. 552, The American Legion, Department of California". The Post also recognizes the Sons of the American Legion Squadron 552.

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. The rules contained in the current edition of Robert's Rules of Order Newly Revised will govern the Post 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.

ARTICLE IX – EXECUTIVE COMMITTEE

Section 1. The Executive Committee shall consist of a minimum of one member in addition to the Commander, Vice Commanders and Adjutant.

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 by a simple majority vote before becoming effective.

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

By-Laws, Post 552 (12/22)

ARTICLE X – POST AND EXECUTIVE COMMITTEE MEETINGS

Section 1.

a). The regular meetings of this Post shall be held on the third Thursday of each month. This can be changed by the Post Executive Committee with the approval of the attending membership.

b). Regular meetings may be rescheduled upon notification in writing to all members prior to the beginning of the month in which the meeting has been changed.

Section 2. Special meetings may be called by the Commander or by the Executive Committee or must be called upon the written request of a minimum of seven (7) members of the Post. No special meeting shall be called unless announced by the Commander at the regular meeting preceding, or unless notice is emailed to each member ten (10) days prior to said meeting stating the time and place of the meeting and the subject to be considered. Only those items for which the meeting was called may be discussed at a special meeting.

Section 3. The Post, at any meeting, may consider and pass upon any matters irrespective of whether these matters have been previously considered by the Executive Committee.

Section 4. A quorum at all general membership meetings shall be four (4) members.

Section 5. The Executive Committee should regularly meet at least once between regular meetings of the Post at a time and place designated by said Committee. A simple majority shall constitute a quorum. Said Committee may hold such special meetings as said Committee or the Commander may deem advisable; notice thereof being emailed to each member at least seventy-two (72) hours before the time and place of the meeting and the matter to be considered.

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

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

Section 8. 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 XI – DUTIES OF OFFICERS

Section 1. Duties of the Commander. It shall be the duty of the Commander to preside at all meetings of the Post and to have general supervision over the business affairs of the Post. The Commander is Chief Executive Officer 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 Commander in the absence of, disability of, or when called upon by the Post Commander, and shall perform such other duties as directed by the Post. The First Vice
By-Laws, Post 552 (12/22)

Commander will develop a membership campaign and procedures for the Post including Buddy Checks.

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 of, disability of, or when called upon by the Post Commander, and shall perform such other duties as directed by the Post.

Section 4. Duties of the Adjutant. The Adjutant shall have charge of and keep full and correct record of all proceedings of all meetings and, under the direction of the Commander, 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. He shall keep its accounts and report thereon at regular meetings of the Post. He shall receive all funds of the Post and pay all bills approved by the Post. The Finance Officer and any other officers with the responsibility of handling Post funds should be bonded.

Section 6. Duties of the Historian. The 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 the Post Judge Advocate. The Post Judge Advocate's duties shall be to advise the Post officers on the construction and interpretation of the Post By-Laws and to perform such other duties as are usually 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 but non-sectarian service in the event of dedications, funerals, public functions, etc., and shall 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 him by the Post. The Sergeant-at-Arms will make arrangements for proper room layout and seating at Post meetings.

Section 10. The duties of the Service Officer. The Service Officer shall be generally prosecuting claims and protecting the rights and privileges of all veterans, their dependents, and survivors and to handle such other matters as may be properly considered service work.

ARTICLE XII – DUES, FEES AND FUNDS

Section 1. The proposed annual dues for this Post shall be established by the Executive Committee. Proposed changes will be presented at a regular Post meeting and voted upon with 2/3 majority required to approve.

Section 2. The membership initiation fee, if any, shall be a fixed amount and approved by the Executive Committee.

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

Section 4. A member whose dues for the current year have not been paid by January 1st 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 all privileges. If they are still under suspension on June 30th of such year, their 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 current dues for the year in which the reinstatement occurs. Continuous membership privileges and benefits may be affected by any break in continuous membership.

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 and results submitted at least twenty (20) days before the Department convention convenes. The time and place for holding the election must be announced by the Commander at least one regular meeting in advance of the election.

Section 2. Delegates of the Post to the Area Council and the representatives to the District Council shall be appointed or elected as prescribed by Area Council and District By-Laws and shall serve a one (1) year per term.

ARTICLE XIV – APPOINTMENTS

Section 1. The Commander, immediately upon taking office each year, may 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 Commander.

Section 2. Audit. The Post will keep financial records and shall cause said records to be examined by a licensed accountant or a committee of three (3) competent persons, none of whom will be the Commander, Adjutant, Finance Officer or any other person charged with the responsibility of handling Post funds. Such examination will be made prior to October 1st. The Post shall certify to the Department Adjutant prior to November 15th each year that such an examination has been made and send a copy of the findings to the District Commander.

Section 3. Membership Committee. A Membership Committee can be appointed with the First Vice Commander taking the lead. The Committee will determine and implement membership procurement plans.

ARTICLE XV – LIMITATIONS OF LIABILITY

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

ARTICLE XVI – ADMINISTRATIVE HEARINGS

By-Laws, Post 552 (12/22)

Section 1. Members of the Post may 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 Commander and Adjutant, shall be forwarded to the Department Adjutant.

ARTICLE XVII – 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 officer or a member of the Executive Committee may be filed at any time with the Adjutant. The Adjutant shall verify that all signatures are from current members and meet the ten percent threshold. Certification will be provided to the Executive Committee who will establish a recall election at the next Post meeting.

Section 2. Notice of the date, time and place of holding the recall election shall be provided by email to each member of the Post in good standing at the email address provided in the 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 _____ be recalled?
(Name of Officer or Member of the Executive Committee)

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 Bylaws or Amendments must be read at a regular meeting of the Post. At the following regular meeting the proposed Amendment will be reread and may be adopted by a two-thirds (2/3) affirmative vote of those present. Changes of amendments to the Post constitution and Bylaws shall be certified in writing by the Commander and Adjutant before submission to the Constitution and Bylaws Commission through the American Legion Department of California.

Section 2.

a). These By-Laws shall be amended to conform to any changes in the National and Department Constitution and By-Laws 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.

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.

#

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

See certification by the Post Commander and Adjutant below

CERTIFICATION

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

“We hereby certify that the above By-Laws were read at two meetings of the Post and adopted on _____, a quorum being present, and by a two-thirds (2/3) vote of those present and voting.”

First reading, _November 17, 2022.

Second reading and adoption, December 15, 2022

Signed by,

Commander

Adjutant

Note-

Certification of all subsequent amendments are required.

By-Laws, Post 552 (12/22)

