

Wilmington Veteran's American Legion Post # 49

By-laws



CONSTITUTION

WILMINGTON VETERANS POST 49, INC.

Preamble to the Constitution of the American Legion

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 the great 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 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*

Wilmington Veteran's American Legion Post # 49

By-laws

ARTICLE I - NAME

Section 1. The name of this organization shall be "Wilmington Veterans Post No. 49, Inc.", American Legion, Department of Ohio.

ARTICLE II - OBJECTS

Section 1. The objects and purposes of this post shall be to promote the principles and policies set forth in the foregoing preamble, and the national, department, and district Constitutions 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.

Section 2. This organization shall be absolutely nonpolitical and shall not be used for dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Rank does not exist in The American Legion; no member shall be addressed by his/her military or naval title in any meeting of the post.

ARTICLE IV - MEMBERSHIP

Section 1. Eligibility to membership in this post shall be prescribed by the National Constitution of the American Legion.

Section 2. There shall be no form or class or membership except an active membership, and dues shall be paid annually or for life.

Section 3. No person shall be a member of this post and at the same time be a member of another American Legion post.

Wilmington Veteran's American Legion Post # 49

By-laws

Section 4. No person who has been expelled by a post shall be admitted to membership in this post without the consent of the expelling post. When such consent has been asked for and denied by a post, the decision may then be appealed to the Department Executive Committee of the expelling post. The person shall be ineligible for membership in this post until permission is granted.

Section 5. Application for membership shall be made in writing under such regulation as may from time to time be prescribed by the Post Executive Committee. All applications for membership shall be acted upon at the next post meeting following the making of such application, and shall, at such meeting, be accepted, rejected or held for further investigation and consideration.

Section 6. Any member of this post may be expelled for cause after written charges under oath are preferred and a fair trial held upon same, in the manner provided in Article VIII of the By-Laws.

Section 7. A member who has been expelled from this Post for cause may be reinstated to active membership, in good standing, by a majority vote of the members of this Post present at a regular Post meeting at which such reinstatement is acted upon. Reinstatement is contingent on payment of current dues for the year in which reinstatement occurs.

Section 8. The Executive Committee shall have the jurisdiction for reprimanding, suspending or expelling any member or guest from the Social Room due to his or her conduct unbecoming a member or officer of the American Legion. This shall in no way impair their membership in the American Legion.

By-laws

ARTICLE V - OFFICERS

Section 1. The officers of this Post shall be a Commander, a First and Second Vice-Commander, an Adjutant, a Finance Officer, a Post Historian, a Post Chaplain, a Service Officer, a Judge Advocate, a Sergeant-at-Arms, and three Trustees, and such other officers as may be deemed necessary by the Post membership.

Section 2. All officers shall be elected annually for a term of 1 year, except one (1) trustee shall be elected for a three (3) year term.

The term of office for the members of the Executive Committee shall coincide with the term of the Post office held.

Section 3. All elective officers of this Post shall be installed on the third Saturday in the month of May and in no other month. Within one week after such installation, the Post Adjutant shall notify the State Department Headquarters of the names and addresses of all officers of this Post.

Section 4. The duties of the Post Officers and Executive Committee persons shall be those usually appertaining to such officers and Executive Committee persons and as further provided in the By-Laws.

Section 5. The Finance Officer and Trustees of this Post of the American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of the Post Executive Committee.

Section 6. This Post, in its By-Laws, may provide for such other standing committees as the business of the organization may require.

Wilmington Veteran's American Legion Post # 49

By-laws

ARTICLE VI - FINANCE

Section 1. The revenue of this Post shall be derived from membership or initiation fees, from annual membership dues, and from such other sources as may be approved by the Post Executive Committee.

Section 2. The amount of such membership or initiation fees and the amount of such annual dues shall be fixed and determined by this Post. Dues are payable on and after July 1 for the succeeding calendar year.

Section 3. The Post shall pay to Department Headquarters, the National and Department annual membership dues for each member of this Post. Furthermore, the Post shall pay District annual membership dues for each member of the Post to the District Finance Officer.

Section 4. Any dues increase by National Department, or District, to the Post, shall result in the annual Post dues being increased by this same amount, rounded up to the nearest dollar. The Post Executive Committee shall notify the membership of the increase at the first Post meeting after notification of such increase. Such dues increase shall be effective starting with the next calendar year dues.

ARTICLE VII - AMENDMENTS

Section 1. The Constitution is adopted, subject to the provisions of the National Constitution of the American Legion, and of the Department Constitution of the Department of Ohio The American Legion. Any amendment to said National Constitution or Department Constitution which may conflict with any provision herein contained, shall be deemed as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Wilmington Veteran's American Legion Post # 49

By-laws

Section 2. This Constitution may be amended at any regular Post meeting by a two-thirds vote of the members of this Post in attendance at such regular meeting, provided the following guidelines have been met.

- (a) The proposed amendment or amendments shall have been submitted in writing and read at a regular meeting of the Post.
- (b) Written notice, or notice by publication in the Post newsletter or local newspaper shall have been given to all members at least two (2) weeks in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.
- (c) Amendments to the Constitution and By-Laws shall become effective after adoption by the Post upon vote as herein provided, and further, accepted and approved by the Department of Ohio Judge Advocate. These By-Laws shall be updated every five (5) years or as directed by the commander.

Wilmington Veteran's American Legion Post # 49

By-laws

ARTICLE I - NAME AND OBJECT

Section 1. The Post existing under these By-Laws shall be known as "Wilmington Veterans Post No. 49 Inc.", The American Legion, Department of Ohio.

Section 2. The objects of this Post are those set forth in the Post Constitution, Article II Section 1.

ARTICLE II - MANAGEMENT

Section 1. The Post officers shall consist of the Post Commander, First Vice-Commander, Second Vice-Commander, Adjutant, Finance Officer, Judge Advocate, Service Officer, Historian, Chaplain, Sergeant-at-Arms and three Trustees.

Section 2. The government and management of this Post shall be entrusted to a committee known as the "Executive Committee", excepting however, such powers and authority granted the Board of Property Trustees as provided in these By-Laws.

Section 3. The Executive Committee shall consist of the Post Commander, First Vice-Commander, Second Vice-Commander, Adjutant, Finance Officer, Judge Advocate, Service Officer, Historian, Chaplain, Sergeant-at-Arms and three (3) Trustees.

Section 4. Nomination of all elective officers will be made at the 2nd regular meeting of the Post in the month of April each year, and such nominations shall be closed one (1) week prior to the date designated for the election of officers. The election of all elective officers shall be conducted on the day of the 1st regular meeting of the Post in the month of May each year. Nothing herein contained shall be construed as impairing, invalidating or abrogating the right of any member present for the election, to write in the name of any

Wilmington Veteran's American Legion Post # 49

By-laws

qualified member for the office to be filled by election thereto.

Section 5. The Election Committee shall provide absentee ballots for the election to members of the Post who, because of health conditions or emergencies beyond their control, cannot get to the polls for voting. All elections of officers shall be by ballot, and the candidate that receives the highest number of votes shall be elected to the respective office for which he or she is a candidate.

Section 6. No one shall be permitted to be a candidate for more than one office. Members who are regularly employed by the Post and are receiving a salary shall be prohibited from holding office in this Post.

Section 7. Polls for the election of all elective officers will be open in the Post Home at 8:00 o'clock a.m. and will remain open until 7:30 p.m. of the date of the election. The membership of the Post shall be notified at least seven (7) days prior to the date of the election of the time and place of said election at regular Post meetings or by mail. Supervision of all elections shall be under the direction of the Post Executive Committee, which shall formulate rules governing such elections. These rules shall be presented to the membership at a regular meeting of the Post, prior to the date of the election.

Section 8. All vacancies in the Executive Committee or in any office of the Post from any cause other than the expiration of the term of office shall be filled by a majority vote of the remaining members of the Executive Committee. A person so appointed shall hold office for the un-expired part of the term.

Section 9. The resignation of a Post Officer or Executive Committee member shall be in one of three ways:

- (1) Written notice presented to the Commander.
- (2) Verbal resignation to the members in a regular Post meeting.
- (3) The absence from an elected office or position for three consecutive meetings without prior notification and approval by the Commander or Executive Committee.

Wilmington Veteran's American Legion Post # 49

By-laws

ARTICLE III - EXECUTIVE COMMITTEE

Section 1. The Post Executive Committee shall meet for organization and such other business as may come before it, at the call of the Post Commander, within ten (10) days after the installation of new officers, at which time all officers will receive a copy of the current By-Laws. Thereafter, the Executive Committee shall meet at the call of the Post Commander as often as may be deemed necessary, but not less than one (1) meeting shall be held in each calendar month. The Post Commander shall call a meeting of the Executive Committee upon written request of three or more of said members. Seven (7) members of the Executive Committee shall be present to constitute a quorum.

Section 2. The Post Executive Committee shall require adequate bonds from all persons having custody of Post funds, shall hear reports of all Post Committee Chairpersons, and generally, shall have charge of and be responsible for the management of the affairs of the Post.

Section 3. The Commander must recognize when an Executive Committeeperson has a conflict of interest on an issue before the committee and ask that person to be excused from a final vote on said issue.

ARTICLE IV - DUTIES OF POST OFFICERS

Section 1. Duties of Post Commander

(a) 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 and other affairs of the Post, and shall have full authority to see that harmony is preserved and that the laws of the Post are enforced.

(b) The Post Commander shall not entertain any motion that may entail the expenditure of any portion of this Post's money without verification that the funds are available.

Wilmington Veteran's American Legion Post # 49

By-laws

(c) He/She shall make an annual report covering the business for the year of his/her office.

(d) He/She shall brief the incoming Commander on ongoing Post business.

Section 2. Duties of First Vice-Commander

(a) 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.

(b) He/She shall be responsible for membership.

(c) The First Vice-Commander shall be appointed as chairperson of the Membership Committee as covered in Article VII, Section 2.

Section 3. Duties of Second Vice-Commander

(a) The Second Vice-Commander shall assume and discharge the duties of the office of Commander in the absence or disability of the Commander and First Vice-Commander.

(b) He/She shall be responsible for the social activities of the club and the upstairs hall.

(c) The Second Vice-Commander shall be appointed as chairperson of the Entertainment Committee as covered in Article VII, Section 3.

Section 4. Duties of Post Adjutant

(a) The Post Adjutant shall have charge of and keep a full and correct record of all Post and Executive Committee meetings.

(b) Shall audio record all Executive and membership meetings and retain until read and approved at a regular membership meeting.

(c) He/She shall read the minutes of the previous meeting and the previous Executive Committee meetings at all Post meetings.

(d) He/She shall keep such records as the Department and National organizations shall require, shall render reports of membership annually or when called upon a meeting.

Wilmington Veteran's American Legion Post # 49

By-laws

(e) Under the direction of the Post Commander shall handle all correspondence of this Post.

Section 5. Duties of Finance Officer

(a) The Finance Officer shall be responsible for all money, bonds and other securities under his/her control. He/She shall also have charge of all money taken in, in the Social Room or from any other sources.

(b) Shall make such recommendations, as he/she may deem expedient or necessary for raising funds with which to carry on the activities of the post.

(c) He/She shall furnish such surety bond in such sum as shall be fixed by the Executive Committee.

(d) He/She shall make a monthly financial report at a regular membership meeting, including Profit and loss Statement and Balance Sheet, to the Post of all monies in his/her possession and of the expenditures and debts to the Post.

(e) The Finance Officer, Commander, and their designees shall be authorized to sign checks.

(f) The Finance Officer shall be appointed as chairperson of the Finance Committee as covered by Article VII, Section 4.

Section 6. Duties of Post Historian

The Post Historian shall be charged with the individual records and incidents of this Post and Post members, and shall perform such other duties as may properly pertain to the office as may be determined by the Post or the Executive Committee.

Section 7. Duties of Post Chaplain

(a) The Post Chaplain shall be charged with the spiritual welfare of the Post comrades, and shall offer religious, but non-sectarian services in the event of dedications, funerals, public functions, etc., adhering to such ceremonial rites as are recommended by the National or Department Headquarters from time to time.

Wilmington Veteran's American Legion Post # 49

By-laws

(b) The Post Chaplain shall be appointed as co-chairperson of the Service Committee as covered in Article VII, Section 7.

Section 8. Duties of Sergeant-at-Arms

(a) The Sergeant-at-Arms shall preserve order to all meetings and shall perform such other duties as may from time to time be assigned to him/her by the Executive Committee.

(b) He/She shall have oversight of the Color Guard and Firing Squad.

Section 9. Duties of Judge Advocate

(a) The Judge Advocate shall advise the Executive Committee of all possible or pending litigation. He/She shall act as liaison between such legal counsel and the Post as may be required.

(b) He/She shall interpret the Post By-Laws and Constitution.

(c) The Judge Advocate shall be appointed as chairperson of the Constitution and By-Laws Committee as covered in Article VII, Section 9.

Section 10. Duties of Service officer

(a) The Service Officer shall be responsible for reporting to the membership, Post members who are in sickness or distress, or the widow or children of any veteran.

(b) He/She shall work with the County Veterans Administration to keep the membership informed of any changes to veteran's benefits and other such duties as the Executive committee shall direct.

(c) The Service Officer shall be appointed as co-chairperson of the Service Committee as covered in Article VII, Section 7.

ARTICLE V - BOARD OF PROPERTY TRUSTEES

Section 1. Term

The Board of Property Trustees shall consist of three (3) members. There shall be one (1) Trustee elected each year, for a three (3) year term.

Wilmington Veteran's American Legion Post # 49

By-laws

Section 2. Meetings

- (a) The Board of Property Trustees shall meet each year within ten (10) days after installation of Post Officers.
- (b) The Board of Property Trustees shall meet as often as may be deemed necessary, but not less than one (1) meeting shall be held in each calendar month.
- (c) Two (2) members of the Board of Property Trustees shall be present to constitute a quorum.
- (d) The Board of Property Trustees shall report at each regular Post Executive Board meeting.

Section 3. Responsibility

- (a) The Board of Property Trustees shall manage the property of the Post, both real and personal, and may enact and enforce rules governing the use of Post property by its members.
- (b) The Board of Property Trustees shall have authority to make necessary repairs to maintain said property in good condition, to insure said property against loss by fire or liability and may pay any expenses thereof, after verifying with the Finance Officer that funds are available. They may not, however, authorize an expenditure of more than \$ 500.00 without prior approval of the Executive Committee.
- (c) The Board of Property Trustees shall be responsible for the operation of the Post Social Room. These duties shall include:
 - i. Employ and discharge employees.
 - ii. Meet with the Executive Committee and get prior approval of any pay increases, or benefits for employees that may affect the Post finances.
 - iii. Establish and enforce house rules, and post in a conspicuous location.
 - iv. Report to the membership, at regular Post meetings, the financial status of the Social Room and condition of post property.

Wilmington Veteran's American Legion Post # 49

By-laws

Section 4. Building, remodeling or projects.

The Board of Property Trustees shall work with any building, remodeling or project committee, so appointed by the Post Commander. No contract for such building, remodeling or project shall be effective until plans thereof shall have been referred to the Post for approval in a regular Post membership meeting. All building, remodeling or projects of the Post shall have a minimum of two (2) contractor's bids for the Post's consideration. The action of the Post shall not be taken until after notice has been given at a preceding regular meeting of the intention of said business and notice thereof mailed to all members, or notice thereof be given by publication in the Post newsletter or local daily newspaper, at least seven (7) days in advance of the date of the meeting at which such plans are to be considered. A vote of two-thirds of the members present shall be necessary to approve said building, remodeling or project plans.

Section 5. Handling of monies

The Board of Property Trustees shall turn over all monies collected or hereafter to be collected, to the Post Finance Officer for deposit in the Post funds.

ARTICLE VI - DELEGATES

Section 1. Delegates and alternates to the District Conference shall be elected from the floor by the members of the Post during the 1st regular meeting in May, following the election of officers. Provided however, the outgoing and the incoming Post Commander(s) shall, by virtue of the office, be automatically named and designated as delegates without an election thereon by the members of the Post. The outgoing and incoming Post Commander(s) shall co-chair the Delegation. In the absence of both co-chair persons, an appointed delegate will assume the chair.

Wilmington Veteran's American Legion Post # 49

By-laws

Section 2. Delegates and alternates to the District Convention shall automatically serve as delegates and alternates to the Department Convention.

Section 3. A delegate or alternate elected must attend the district Convention, in order to qualify as a delegate or alternate to the Department Convention, on the date thereof, unless his/her absence is due to sickness, death or other good and valid cause, and a showing made thereof.

Section 4. A delegate or alternate's attendance at the Department Convention is mandatory, unless excused by the Chairperson, to qualify for the payment of any expense money.

ARTICLE VII - APPOINTMENTS

Section 1. Standing Committee

(a) The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Membership, Finance, Entertainment, Publicity, Service, Americanism, Auditing, Constitution and By-Laws and such other committee as may be necessary and expedient.

(b) Such standing committees shall consist of three (3) persons or more, and a chairperson thereof, as shall be designated by the Post Commander.

Section 2. Membership Committee

(a) The membership committee shall have charge of all matters, reinstatements and eligibility of members.

(b) The Post Commander shall appoint the First Vice-Commander as chairperson of this committee.

Section 3. Entertainment Committee

(a) The Entertainment Committee shall be charged with the promotion of post social activities. This committee shall direct and supervise the social and entertainment activities of the Post.

(b) The Post Commander shall appoint the Second Vice-Commander as chairperson of this committee.

Wilmington Veteran's American Legion Post # 49

By-laws

Section 4. Finance Committee

(a) The Finance Committee shall be charged with the administration of the finances of the post, and the preparation of an itemized yearly budget which shall be prepared as soon as the committee is appointed.

(b) The Finance Committee shall consist of three (3) members, including the Finance Officer, who shall be chairperson. The other members shall be appointed by the Post Commander each year for a one (1) year term, with the approval of the Executive committee.

(c) The Finance Committee shall meet within ten (10) days after installation of new officers. Thereafter the Finance Committee will meet at the call of the Finance Officer as often as may be deemed necessary. The Finance Officer shall call a meeting of the Finance Committee upon the request of the Post Commander, the Executive Committee or two (2) members of the Finance Committee.

(d) Two (2) members of the Finance Committee shall be present to constitute a quorum.

(e) The Finance Committee shall conduct an in-house audit to be reported to the Executive committee within ninety (90) days after installation of new officers.

(f) The Post Commander shall appoint the Finance Officer as chairperson of this committee.

Section 5. Auditing Committee

(a) The Auditing Committee shall audit all reports of all committees for gain, and shall immediately audit the books and financial accounts of any office becoming vacant during the year.

(b) All Post property, books, minutes, cancelled checks, bank books, excepting money, shall be turned over to the Auditing Committee seven (7) days after the election of officers, who in turn shall examine the same and have then ready to turn over to the new officers the day they are installed.

Wilmington Veteran's American Legion Post # 49

By-laws

Section 4. Finance Committee

(a) The Finance Committee shall be charged with the administration of the finance of the post, and the preparation of an itemized yearly budget which shall be prepared as soon as the committee is appointed.

(b) The Finance Committee shall consist of three (3) members, including the Finance Officer, who shall be chairperson. The other members shall be appointed by the Post Commander each year for a one (1) year term, with the approval of the Executive committee.

(c) The Finance Committee shall meet within ten (10) days after installation of new officers. Thereafter the Finance Committee will meet at the call of the Finance Officer as often as may be deemed necessary. The Finance Officer shall call a meeting of the Finance Committee upon the request of the Post Commander, the Executive Committee or two (2) members of the Finance Committee.

(d) Two (2) members of the Finance Committee shall be present to constitute a quorum.

(e) The Finance Committee shall conduct an in-house audit to be reported to the Executive committee within ninety (90) days after installation of new officers.

(f) The Post Commander shall appoint the Finance Officer as chairperson of the committee.

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(b) All Post property, books, minutes, cancelled checks, bank books, excepting money, shall be turned over to the Auditing Committee seven (7) days after the election of officers, who in turn shall examine the same and have then ready to turn over to the new officers the day they are installed.

(c) An outside audit shall be performed a minimum of every three (3) years or when requested by the Executive committee or when there is a change in Finance Officer.

Wilmington Veteran's American Legion Post # 49

By-laws

Section 6. Publicity Committee

The Publicity Committee shall be charged with the promotion of public support of the Legion's programs by the establishment of proper contact with the American Legion Monthly, Department and National news service, and by local publicity of Post activities.

Section 7. Service Committee

- (a) The Service Committee is charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals.
- (b) The Service Officer and Chaplain shall be appointed co-chairs of this committee.

Section 8. Americanism Committee

The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanism of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

Section 9. Constitution and By-Laws Committee

The Constitution and By-Laws Committee shall interpret the meaning of any portion of the Constitution and By-Laws and its addenda in case of conflict or dispute as to the meaning of any articles or parts thereof.

By-laws

ARTICLE VIII - DISCIPLINE OF POST MEMBERS

Section 1. Reprimand, Suspension, Expulsion or Removal from Office.

(a) Members of this Post may be reprimanded, suspended or expelled from The American Legion and officers may be reprimanded, removed from office, suspended or expelled from membership, only upon a proper showing of cause. Charges shall be based upon disloyalty, neglect of duties, dishonesty and conduct unbecoming a member or officer of The American Legion. All charges must be made in writing (dated and signed) by an accuser and presented directly to the Post Commander or to the Executive Board at a regular Executive Board meeting. No member in good standing or officer shall be reprimanded, suspended or expelled until given a fair trial as herein provided.

(b) Situations involving the Social Room only will be under the jurisdiction of the Post Executive Committee following the procedures outlined in the "Guidelines For Disciplinary Action".

Section 2. Procedure

(a) When charges are preferred against a member of the Post or officer thereof, the Executive committee of the Post shall appoint a trial board consisting of seven (7) members and two (2) alternates in good standing in The American Legion within seven (7) days from the receipt of written charges against the accused. The trial board shall have a minimum of three (3) members outside of the Executive Committee.

(b) Said trial board shall commence the taking of testimony on said charges within ten (10) days after its appointment. The decision of the trial board, which may be an acquittal, reprimand, removal from office, suspension or expulsion, shall be reported to the Post at its next regular meeting after its decision.

(c) If the trial board suspends or expels the accused, or removes him/her from office, he/she may appeal such decision to the Department Executive committee. The decision of the Department Executive Committee shall be final, if appeal is made, otherwise, the decision of the Post shall be final.

Wilmington Veteran's American Legion Post # 49

By-laws

Section 3. Delinquent

- (a) A member whose dues for the current year have not been paid by January first shall be classified as delinquent.
- (b) If his/her dues are paid on or before February first, he/she shall be automatically reinstated.
- (c) If he/she is still delinquent after February first, he/she shall be suspended from all privileges.
- (d) If he/she is still under such suspension on June thirtieth of such year, his/hers membership in The American Legion shall be forfeited.
- (e) A member so suspended or whose membership has been 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 IX - MONIES

Section 1. Bonding

- (a) All Post officials handling any American Legion monies shall be properly bonded with a good and solvent bonding and surety company, in an amount double the average amount of money handled in a single year.
- (b) The bonds shall be provided at the expense of the post and such bonds shall be approved by the Post Executive Committee.

ARTICLE X - RESOLUTIONS

Section 1.

All resolutions of state or national scope presented to this post by a member or reported to this post by a committee shall merely embody the opinion of this post on the subject. A copy of same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by the post is taken.

Wilmington Veteran's American Legion Post # 49

By-laws

ARTICLE XI – MEETINGS

Section 1. Post Meetings

(a) The regular meetings of this Post shall be held on the second and fourth Tuesday of each month at 7:30 p.m., at which may be transacted such business as may properly be brought up for action.

(b) Such meetings may be cancelled when deemed advisable by a majority of the Executive Committee present.

Section 2.

The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

Section 3.

Seven (7) Post members and seven (7) of the Post Executive Committee shall constitute a quorum. This number must be present before any business can be legally transacted.

ARTICLE XII – NOTICES

Section 1.

Every member shall furnish the Post Adjutant with his/her correct address for mailing purposes

ARTICLE XIII - RULES OF ORDER

Section 1.

All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order Newly Revised, except as herein otherwise provided.

ARTICLE XIV - AMENDMENTS

Section 1.

These By-Laws may be amended in the manner provided for and contained in Article VII, section 2, of the foregoing Constitution.

Wilmington Veteran's American Legion Post # 49

By-laws

Respectfully submitted this 2nd day of February, 2007

THE CONSTITUTION AND BY-LAWS COMMITTEE

Chairman, Cliff Morning star

Commander, Gary Shattuck

Richard Oxley

BobKeene

John (Jack) Rose

Wilmington Veteran's American Legion Post # 49

By-laws

GUIDE LINES FOR DISCIPLINARY ACTION

These disciplinary procedures are in accordance with the Post by-laws Article VIII. Section 1 and the Post Rules as established by the Legion Trustees.

These procedures are to assist the Executive Committee with disciplinary action of any member of the organizations of Post 49 and their guests. The Executive Committee believes that a clearly written discipline policy will serve to promote fairness and equality in the Post and will minimize objectionable behavior on the premises. All incidents will be given immediate attention and discipline and shall be applied uniformly and consistently. Each incident will be dealt with as objectively as possible.

When an incident occurs in the Social Room, the bartender/barmaid has the right to eject this person from the premises until this person is contacted by the trustees. The bartender/barmaid needs to contact a trustee as soon as time permits and make them aware of the situation. The trustees should meet after notifying the commander, and if they feel it is necessary, contact the person or persons involved and suspend their social room privileges until the next Executive Committee Meeting. The Commander reserves the right to call a special meeting if he/she so desires.

Prior to the Executive Committee Meeting, the Commander will notify all persons who are involved by certified mail to attend this meeting. These persons may bring witnesses or legal representation if they feel it is necessary. Each person shall be heard separately by the committee. After all persons have been interviewed, they will leave the room. The committee will discuss all phases of the testimony and will make a decision as to the severity of the incident and the appropriate discipline for these persons. This procedure will be handled by appropriate motions from members of the committee. The committee reserves the right to give probationary periods, or periods of expulsion from the Social Room at their discretion.

Upon the decision of the committee. The Commander may issue such decision at this time to all persons involved if they are still on the premises with a follow up letter to be sent by certified mail. The letter should contain the Executive Committee's decision and if expelled from the Social Room, be given the dates this is to take place. Upon any expulsion, they are not to visit the Social Room at any time during the period set forth. They may attend official meetings. The decision of the Executive Board will be final.

This procedure is accepted and is in effect upon approval of the Executive Board on the following date. July 11, 2000

Prepared by the Judge Advocate and committee:

Jack Rose
Dennis Mitchell
Paul Butler