

# **By-Laws of Mechanicsville Post 175, Inc. The American Legion, Department of Virginia**

## **ARTICLE I POST NAME**

### **Section 1. Post Name**

The Post existing under these By-Laws is to be known as Post 175, Inc., The American Legion, Department of Virginia, Inc.

### **Section 2. Objectives of Post**

The objectives of this Post are as set forth in the Constitution.

## **ARTICLE II MANAGEMENT**

### **Section 1. The government and management of the Post**

The government and management of the Post is entrusted to an Executive Committee of fifteen members, to be known as the "Executive Committee (ExCom)".

### **Section 2. The Executive Committee**

The ExCom shall consist of the following elected officers: Commander, 1stVice Commander, 2ndVice Commander, Adjutant, Finance/Audit Officer, Judge Advocate, Sergeant-At-Arms, and appointed officers: Chaplain, Service Officer, Historian, Buildings and Grounds, Special Events, Americanism, At-Large - Legion Riders and Communications/Media. Elected officers shall be elected annually and take office at the meeting next following that of the election. All elections for the elected Executive Committee members must be passed by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates. Appointed ExCom members are appointed by the Commander and approved by the ExCom as soon as practicable after the election of the ExCom.

### **Section 3. Vacancies existing in the Executive Committee**

All vacancies existing in the ExCom, or in any office of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the ExCom, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who succeeded. A vacancy shall exist when a member or officer is absent from the Post for a continuous period considered detrimental to the interest of the Post by the ExCom.

## **ARTICLE III EXECUTIVE COMMITTEE**

### **Section 1. Executive Committee shall meet for organization**

The ExCom shall meet for organization and such other business as may come before it at the call of the Commander within 10 days after the installation of the new officers. Thereafter the ExCom shall meet at the call of the Commander at least every month and as often as said Commander may deem necessary. The Commander shall call a meeting of the ExCom upon the joint written request of three or more members of said ExCom. Six (6) members of the committee shall constitute a quorum thereof.

**Section 2. The Executive Committee shall hire employees**

The ExCom shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall hear the reports of Post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of this Post.

**ARTICLE IV  
DUTIES OF OFFICERS**

**Section 1. Duties of 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 and affairs of the Post, and such officer shall be the chief executive officer of the Post. The Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be submitted to the incoming Commander preceding July meeting and a copy thereof immediately forwarded to the Department Adjutant. The Commander may approve up to \$1,000.00 for disbursement without ExCom approval. The Commander shall perform such other duties as directed by the Post in attending District and Departmental meetings. The Commander may provide comments, suggestions, and guidance, but does not have a vote on ExCom deliberations or motions except to break ties. The Commander shall not handle or oversee any funds related to any Post or other entities of the Post, i.e., Sons of The American Legion, The American Legion Riders.

**Section 2. Duties of First Vice-Commander.** The 1st Vice-Commander is responsible for all aspects of membership, including the procuring of new members, reinstatements, and eligibility of members, as well as, providing membership status at the ExCom and general membership meetings. He/she shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Commander.

**Section 3. Duties of Second Vice-Commander.** The 2nd Vice-Commander shall assume and discharge the duties of the office of Commander in like succession if the 1st Vice-Commander in the absence or disability of, or when called upon by the Commander. He/she shall oversee all entertainment associated with Post activities, Post Hall rentals, all Patriotic Activities of the Post, as well as the key custodian of the building.

**Section 4. Duties of Adjutant.** The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National organizations may require, render reports of membership annually or when called upon at a meeting, and under direction of the Commander handle all correspondence of the Post.

**Section 5. Duties of the Finance/Audit Officer.** The Finance/Audit Officer shall have charge of all finances and see that they are safely deposited in a local bank or banks and shall report once a month to the ExCom the condition of the finances of the Post, with such recommendations as may deem expedient or necessary for raising funds with which to carry on the activities of the Post.

The Post Finance officer, or other authorized signatory, shall issue/sign checks for payment of Post expenses to include reimbursement checks to Post members for personal expenditures in support of Post administration and operations.

For personal expense reimbursement, the individual must submit a signed 'Request for Reimbursement' form along with proof of the expenditure (receipts, etc.) . The Commander or designee, after reviewing the request, must approve the reimbursement.

The Post Finance officer, or other authorized signatory, will provide second-level review of the request before payment is issued. In total, there will be at least three signatures on the Reimbursement form: Requester, Commander, second-level reviewer, and/or official making the disbursement.

Under no circumstances shall a requester also be a reviewer (approver) on the Reimbursement form or be the individual making the disbursement (signing the check). All reimbursements for personal expenses shall follow this procedure.

For personal reimbursements of one thousand (\$1,000.00) dollars or greater, expenditure of funds must be approved by the membership at the next available general membership meeting. Creating 'multiple' (smaller or incremental) disbursement amounts to avoid the membership approval process is not authorized.

The Finance/Audit Officer shall furnish such surety bonds in such sum as shall be fixed by the ExCom.

**Section 6. Judge Advocate.** The Judge Advocate renders professional advice in the conduct of Post business or to procure proper counsel. This officer is the guardian of the constitutional form of Post government. The judge advocate can also render valuable assistance to other Post committees and officers and should maintain contact with local government officials. The Judge Advocate commonly has the duty, with others, of auditing Post financial accounts. This is done annually, usually before the election of officers, or more frequently at their discretion. The Judge Advocate conducts inquiries and serves as "prosecutor" in disciplinary cases brought against individual Post members.

**Section 7. Duties of Sergeant-at-Arms.** The Sergeant-at-Arms shall preserve order at meetings and shall perform such other duties as may be from time to time assigned by the ExCom.

## **ARTICLE V DELEGATES**

**Section 1.** Delegates and alternates to a District, Department or National convention shall be elected by ballot at a regular meeting of the Post to be held at least 30 days prior to the date of such convention.

**Section 2.** Expenses will be available pending approval for delegates only and shall be in a reasonable amount for registration, mileage, and lodging and incidental fees up to \$250.00 per day. Proper documentation for reimbursement shall be receipts, credit card statements, etc. If expenses are to exceed \$250.00 per day for lodging, meals and incidentals the greater amount shall be approved by the ExCom.

**Section 3.** Reimbursement of funds for District or State Officers that are members of the Post will not be available unless elected by the Post to attend.

## **ARTICLE VI APPOINTMENTS**

**Section 1.** The Commander, immediately upon taking office each year, shall appoint the following positions/standing committees as appropriate to the Post: Chaplain, Service Officer, Americanism, Ceremonials, Children and Youth, Finance/Audit, House and Entertainment, Legislative, Public Relations, National Security and Quartermaster (QM). Such standing committees shall have a Chair appointed by the Commander.

**Section 2.** Chaplain. The Chaplain shall be charged with the spiritual welfare of the Post members and will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Department headquarters from time to time. The Chaplain is also charged with visiting and comforting members and their families when sick or bereaved, and with visiting service personnel in hospitals

**Section 3.** Service Officer. The Service Officer shall be certified and provide the necessary forms and guidance to assist all veterans regarding benefits, and other affairs related to health and human services issues. The Service Officer shall supervise all matters pertaining to service to veterans in the prosecution of all just claims against the United States or State government, employment, relief, etc.

**Section 4.** 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; Americanization 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 5. Ceremonials Committee.** The Ceremonials Committee shall have the principal duty of ensuring all new members are properly initiated. The committee also concerns itself with proper presentation of other rituals outlined in the Manual of Ceremonies—burial detail and the wearing of Legion regalia.

**Section 6. Children and Youth Committee.** The Child and Youth Committee shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community, laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "no child of a war veteran shall be in need of the necessities of life" and "a square deal for every child."

**Section 7. Finance/Audit Committee.** The Finance/Audit Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing, and accounting of all Post funds.

**Section 8. House and Entertainment Committee.** The House and Entertainment Committee shall promote the club advantages and facilitate arrangements for social activities.

**Section 9. Legislative Committee.** The Legislative Committee needs to have a knowledge of what is going on in Congress—what we favor or oppose and should be ready to initiate action in support of our position when requested by the National or Department organization.

**Section 10. Communications and Media Committee.** The Communications and Media 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 Magazine, Department and National Legion news service and by local publicity of Post programs and activities

**Section 11. Security Committee.** The Security Committee shall work with and coordinate Legion efforts with the local Civil Defense Council on matters pertaining to national, civilian and home defenses. It shall assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home

**Section 12. Quartermaster (QM).** The QM shall maintain kitchen and bar operations supply inventory and records for the Post. The QM shall maintain contact with suppliers/vendors to ensure the most cost-effective procurement of Post supplies for kitchen and bar operations.

## **ARTICLE VII RESOLUTIONS**

**Section 1.** All resolutions of National or Department 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 and copy of same shall be forwarded to the Department headquarters for approval before any publicity is given or action other than mere passage by the Post is taken.

## **ARTICLE VIII MEETINGS**

**Section 1.** The regular meeting of the Post shall be held at the Post home on the fourth Tuesday of each month, at which may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the ExCom.

**Section 2.** The Commander or a majority of the ExCom shall have power to call a special meeting of the Post at any time.

**Section 3.** Upon the written request of twenty members, the ExCom shall call a special meeting of the Post.

**Section 4.** Twenty-three members shall constitute a quorum for a general membership meeting.

## **ARTICLE IX NOMINATION, ELECTION, AND INSTALLATION**

**Section 1.** The nominating committee shall be appointed during the month of March by the current Commander and shall consist of at least three members. The nominating committee shall come up with a slate of officers for the new year.

**Section 2.** The nomination of officers shall be at the regular monthly meeting in April of each year.

**Section 3.** At the regular monthly meeting in April, the nominating committee shall submit to the organization the names of nominees proposed for office. Following the report of the nominating committee, the presiding officer shall call for nominations from the floor.

**Section 4.** When no further nominations are presented, and the presiding officer is sure that every opportunity has been given for nominations, the presiding officer may declare the nominations closed or entertain a motion to close nominations. It is for any member to move to close nominations; the motion requires a 2/3 vote. A motion and a majority vote may reopen nominations.

**Section 5.** The report of the nominating committee is never adopted. Voting is the act of adopting. A second is not required for a nomination.

**Section 6.** The membership of the organization may be informed of the names of proposed nominees before the meeting at which the committee submits its report.

**Section 7.** Being nominated to office does not put a person in office. Nominees must be elected. To be elected to office involves member voting at the May general membership meeting. The newly elected officers shall serve for one (1) year or until their successors are chosen.

1. The presiding officer officially announces the result and declares the election.

**Section 8.** The installation of officers shall take place at the next regularly scheduled general membership meeting following their election. The installation of officers must occur before the Department Convention. New Officers will assume their duties immediately following the formal installation.

## **ARTICLE X MEMBERSHIP**

**Section 1.** Eligibility for membership in the Post shall be governed by the membership eligibility of the National Constitution of The American Legion.

**Section 2.** Any person who desires to become a member of this Post shall fill out an official application form. The application shall bear the applicant's signature and must be countersigned by one (1) Post member in good standing as voucher.

1. When submitted, the application form must be accompanied by one year's dues payment and proof of membership eligibility (DD214).

2. Once submitted, the application form will be forwarded to the 1st Vice Commander for review and recommendation. The dues payment will be forwarded to the 1st Vice Commander or Finance/Audit Officer for processing.

3. The application shall be presented at the next regular meeting of the Post and when the applicant has been reported on favorably by the 1st Vice Commander, the Commander shall ask whether there are any known reasons why the applicant shall not be admitted to membership. If no objections are voiced, the Post shall proceed to vote upon them.

**Section 3.** In the event an application is rejected, the one year's dues payment shall be reimbursed immediately to the applicant. A rejected application shall not again be proposed. However, the Post may reconsider the application at the next regular meeting after rejection if the majority of the members present at the regular meeting feel an injustice has been done to the applicant or the Post.

**Section 4.** A majority vote in favor of the candidate shall be necessary for admission to membership. If elected, the candidate may be initiated the same night. In the event the candidate is not present, the Adjutant or the 1st Vice Commander shall notify them of their election.

**Section 5.** It is the responsibility of the members to keep the 1st Vice Commander or Adjutant informed of their current and correct contact information. Contact information can include physical residence address, P.O. Box number, email address, text number, landline or cell phone number.

**Section 6.** Each member shall pay to the 1st Vice Commander the sum of the current established amount for annual dues.

**Section 7.** All matters not addressed by these Bylaws shall be addressed by the Constitution of The American Legion Post 175, Mechanicsville, VA., Inc.

## **ARTICLE XI NOTICES**

**Section 1.** The Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto, in accordance with Article X, Section 5.

## **ARTICLE XII RULES OF ORDER**

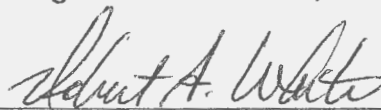
**Section 1.** All proceedings of this Post shall be conducted under and pursuant to Roberts' Rules of Order, except as herein otherwise provided.

## **ARTICLE XIII AMENDMENTS**

**Section 1.** These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting; Provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post; and, provided, further, that written notice shall have been given to all members at least ten days 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 By-Laws is to be voted upon.

Approved by the General Membership in meeting on November 26, 2024.

ATTESTED, Robert "Bob" White, Adjutant



ATTESTED, Warren Rice, Commander

