

**BY-LAWS TO
THE CONSTITUTION OF
THE AMERICAN LEGION
DEPARTMENT OF COLORADO
WESTCLIFFE POST 170**

ARTICLE I -NAME

Section 1. The Post existing under these By-Laws is to be known as Westcliffe Post 170, The American Legion, Department of Colorado.

Section 2. The objectives of this Post are as set forth in the Constitution.

ARTICLE II – MANAGEMENT

Section 1. The government and management of the Post are entrusted to and Executive Committee consisting of at least nine (9) members, to be known as the "Executive Committee" (EC). Members of the EC will keep files containing important documentation generated in the course of their duties and members will provide continuity files to their replacements to enable an orderly transition of duties following elections.

Section 2. The EC shall consist of at least four members at large in addition to all Post Officers. All members of the EC are voting members. Each EC member may cast one vote regardless of the number of positions they may represent. The officers of this Post, with the exception of the at large EC members, shall be elected for one-year terms annually during the regular Post meeting in the month of May. The at large EC members shall be **appointed** for two-year terms. The at large member terms shall be staggered so that half of the at large committee members shall be appointed each year with the Post officers in May. Each year, in June, the Honor Guard will meet before the June Post EC meeting. At this meeting, an Honor Guard OIC and Assistant OIC(s) will be selected by the Honor Guard and referred to the Post Commander for appointment as a member of the EC as Member at Large (only one of the appointed **OIC** members of the Honor Guard need attend the monthly EC meetings). That appointment will be announced at the June Post EC meeting. All elections of officers shall be by ballot and the candidate receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates. The Post Sergeant-At-Arms is responsible for counting the ballots and will select Post members to assist as needed in that effort. The results of the election will be announced by the Sergeant-At-Arms during the May meeting.

Section 3. All new officers will be installed during the monthly meeting in June. Following their installation, the new officers will take charge of the June meeting and immediately render to the membership, their written Annual Post Plan that covers the overall direction for the Post during the upcoming year to include major objectives for the Post along with associated timelines to accomplish the objectives. Financial goals and major purchases will be included in the plan. The outgoing and incoming officers will work together during the month of May following the election to develop the Annual Post Plan.

Section 4. If an EC member at large must vacate their position either voluntarily or involuntarily prior to their term expiring then the Post Commander shall appoint a new EC at large. If a Post officer must vacate their position prior to their term expiring either voluntarily or involuntarily, the EC will then fill the vacancy through a two-thirds vote of the remaining EC members present

during an EC meeting. Persons elected to fill such vacancies will do so until the next regular scheduled Post election.

ARTICLE III - POST EXECUTIVE COMMITTEE

Section 1. A joint EC (outgoing and incoming members) shall meet at the regular scheduled EC meeting in June. Thereafter, the EC shall meet at least once every month. The Commander shall call a special meeting of the EC upon the joint request of three or more members of the EC. A majority of the EC shall constitute a quorum and is required to have a recognized EC meeting. All members of the EC must try to be contacted (phone or email), which shall be documented by the Adjutant or another appointed EC member before a vote is taken so as to allow all EC members to have input. The EC may require committee chairs, members and/or other guests to attend designated EC meetings as subject matter dictates. The Post Adjutant will take minutes during EC meetings and record the results of all motions and voting results.

Section 2. The Post EC shall hire such employees as may be necessary, may require adequate bonds from all persons having the custody of Post funds, shall hear the reports of Post committees, and shall be responsible for the management and affairs of this Post.

Section 3. The EC, other committees or Post officers shall not spend any funds of The American Legion Post 170 without the approval of Post membership as follows:

- a. Single expenditures between \$500-\$1,500 require a majority vote of approval by the EC.
- b. Single expenditures of \$1,501 or more require a majority vote of approval of the EC, and then a majority vote of approval from the membership in attendance at a regular scheduled Post meeting.

Exceptions:

- a. Budget expenses in support of approved Post fund raisers require only the approval of the fund raising committee.
- b. Annual liability insurance payments.
- c. Regular monthly bills and recurring expenses.

Section 4. Members of the Executive Committee are expected to attend every EC and every Post meeting. However, circumstances sometimes justify missing a meeting. EC members will notify the Commander or the Adjutant in advance, of the reason and their expected absence from a meeting. During the Post year of 1 June - 30 May, four un-communicated absences from scheduled EC and Post meetings will result in forfeiture of that member's EC position. Also, if it is determined by a majority vote of the EC that an EC member is not fulfilling the duties of that office, the EC may ask that EC member to vacate their position. In the event of an EC member's resignation or removal, the Commander will appoint a replacement with the majority vote of the EC. The Post Adjutant will maintain records of attendance at all EC and all Post meetings.

ARTICLE IV - DUTIES OF OFFICERS

Section 1. Duties of the Post Commander: The Commander shall preside at all meetings of the Post, have general supervision over the business and affairs of the Post, and shall be the

Chief Executive Officer of the Post. The Commander shall make an annual State of the Post report to the membership during the May Post meeting, covering the operations of the Post for the preceding year as they relate to that year's Post Annual Plan, the financial status of the Post, and include general recommendations for the upcoming year. A copy of the State of the Post report will be immediately forwarded to the Department Adjutant upon request. The Commander shall perform other duties as directed by the Post EC.

Section 2. Duties of the Senior Vice Commander: The Senior Vice Commander is the primary officer to assume the duties of the office of Commander in his/her absence. The Senior Vice Commander shall concentrate his/her efforts in the area of membership and will chair the Post Membership Committee. In addition, the Senior Vice Commander is responsible to insure the Post maintains a viable and active public affairs program. The Senior Vice Commander will chair the EC meetings when required by the Commander.

Section 3. Duties of the Junior Vice Commander: The Junior Vice Commander shall assume the duties of the office of Commander in the absence of both the Commander and the Senior Vice Commander. The Junior Vice Commander shall assume the duties of the Senior Vice Commander in his/her absence and as directed by the Commander. The primary responsibility of the Junior Vice Commander shall be the general welfare of the Post to include the planning and execution of Post social programs and is responsible for the Ceremonies Committee and the execution of all ceremonies.

Section 4. Duties of the Post Adjutant: The Adjutant is responsible for recording and filing accurate records of all proceedings and meetings, to keep such records as the Department and National Organizations may require, rendering reports of membership annually or when called upon at a meeting, and under the direction of the Commander to handle all correspondence of the Post. The Adjutant is responsible for the proper processing of all membership applications, renewals and member data forms to Department in a timely manner. The Adjutant shall ensure that the correct per capita dues are submitted to the Department with each membership report. The Adjutant will coordinate input from the EC and prepare the agenda for each regular membership and EC meeting, unless the Commander performs this duty as part of his office. The Adjutant will keep minutes of all Post and EC meetings, and record in the minutes all motions and the results of voting on the motions. The Adjutant will maintain files that document major actions and use such files to provide input to the Post Historian for historical files. The Post Historian will keep the Annual Post Plan and Annual State of the Post reports on permanent file.

Section 5. Duties of the Post Finance Officer: The Finance Officer is responsible for all Post finances and will insure that they are safely deposited in a local bank. The Finance Officer will provide a financial report once each month to the EC covering the assets and liabilities of the Post along with recommendations regarding disposition of the funds. The Finance Officer will also provide a monthly financial report to the general membership. The Finance Officer has primary oversight for fund raising activities of the Post, with support from the rest of the EC. Checks disbursing Post monies require two signatures for the amount greater than or equal to \$500.00. The Commander, Finance Officer, Adjutant and both Vice Commanders are the only authorized signors. No other Post officers are authorized to sign checks. For Post monies less than \$500.00, the Finance Officer may sign a check as a single signor. If and only if the Post Finance Officer is not readily available and or incapacitated, another authorized Post officer as previously stated may sign checks for less than \$500.00.

Section 6. Duties of the Post Historian: The Historian is responsible for the individual records and activities of the Post and Post members. As such, the Historian will work closely with the

Adjutant to insure significant records such as annual reports and plans are logically cataloged and kept in historical files. This may include written records, DVDs, CDs and/or photographs.

Section. 7 Duties of the Post Chaplain: The Chaplain is responsible for the spiritual welfare of the Post members and will offer non-denominational services at activities such as Post meetings, dedications, funerals, public functions etc. The Chaplain will follow the ceremonial guidance that is recommended by the National or Department Headquarters. The Chaplain shall report all cases of death, injury or illness of members to the EC.

Section 8. Duties of the Post Sergeant-At-Arms: The Sergeant-At-Arms shall preserve order at meetings. The Sergeant-At-Arms will act as the Post greeter and will welcome all new members, prospective members and guests. He/she will inform the Commander prior to the meeting opening of all those present who are not Post members. The Sergeant-At-Arms will assist the Post Commander in following the proper guidelines found in Robert's Rules of Order to insure that meetings are conducted orderly and the voting process done properly. When an infraction has occurred, the Sergeant-At-Arms will raise a "point of order" with the Commander to insure the infraction is corrected. The Sergeant-At-Arms is also responsible to insure all voting ballots are properly counted at meetings and the results announced to the membership. The Sergeant-At-Arms is responsible for the Colors, service flags and banners, of the Post.

Section 9. Duties of the Post Service Officer: The Service Officer will assist members and others as designated, in completing and submitting veteran's claims/requests for support. The Service Officer will work closely with the Department Service Officer to resolve claims. In addition to claims, the Service Officer will offer assistance with veteran's employment and social services programs. Also, he/she assists next of kin of deceased veterans in obtaining the following (1) burial flag, (2) certifications, (3) grave marker. The Service Officer frequently works with the County Veterans Service Office in assistance to veterans and their families in all areas deemed necessary.

Section 10. Duties of the Post Judge Advocate: The primary duty of the judge advocate is to supply advice in the conduct of the Post business or to procure proper counsel. He/she is the guardian of constitutional form of Post government. The Judge Advocate can supply valuable assistance to other Post committees and officers. That officer should be available to the Service Officer for legal advice and to the Americanism committee on matters relating to education and naturalization laws. Any Post committee can benefit from the Judge Advocate's contacts with the office holders of local government. The Judge Advocate is charged by the suggested Post constitution with the duty of auditing Post financial accounts. This should be done annually just before the election of officers or more frequently at their discretion.

Section 11. Duties of the Honor Guard Officer-in-Charge (OIC)/Assistant Honor Guard OIC(s): The Honor Guard OIC and Assistant OIC(s) are responsible for the command and training of the Post Ceremonial Unit and are ultimately responsible for ceremonial weapons and ammunitions of the Post and shall designate an **Honor Guard Armorer** who is responsible for the maintenance, security, records and reporting in all matters concerning Post arms and ammunition. The Honor Guard OIC and Assistant OIC(s) shall assist the Junior Vice Commander and Ceremonies Committee Chairman in coordinating, planning, and conducting of all formal military ceremonies, and will:

- develop and update a ceremonies standard operating procedure which includes conduct of ceremonies and uniform of the honor guard;
- train Honor Guard members in drill and protocol as deemed necessary for ceremonies.

The OIC/Assistant OIC(s) of the Honor Guard will report to the Chair of the Ceremonies Committee and will be a voting member of the EC as a Member at Large.

Section 12. Duties of the most recent Past Commander: Provides continuity to the Post and

EC. Helps the current Post Commander in affairs of the Post and what's expected in the command position.

Section 13. Duties of the Post Auxiliary President: Encouraged to attend EC meetings and provide input from the Auxiliary. This position will not have a vote at EC meetings, but will have the same respect as other EC officers in attendance.

Section 14. Duties as Assigned: All Post officers may have additional duties assigned to them by the EC. If the duties become permanent, the EC will define the duties in writing and may include them in revised By-Laws. Temporary additional duties may be assigned by the EC verbally.

ARTICLE V- DELEGATES

Section 1. Delegates and alternates to a Department Convention shall be selected at a regular scheduled meeting of the Post, at least twenty days prior to the date of the convention.

ARTICLE VI – APPOINTMENTS

Section 1. Appointed Committees: Immediately upon taking office each year, the Post Commander shall meet with the EC, and together appropriate standing committees shall be appointed. Guidance found in the "Officer's Guide" and other related documents will be used to assist in this effort. The standing committees selected will be tailored to the needs of this Post, but this Post will normally have the standing committees listed below in Article VI. Duties assigned to the committees are generally listed below. The duties may be tailored by the EC as needed to fit the needs of this Post. In addition, the EC may appoint ad hoc committees to handle requirements that are not permanent in nature.

Section 2. Americanism Committee: Is charged with the inspiration of patriotism and good citizenship to include arrangements for proper observance of patriotic occasions; encouraging patriotic and civic phases of instruction in schools; Americanization of aliens; education of the general public in American ideals and history, and participation in activities for community betterment. This committee is responsible for the **Flags for Main Street Post 170 Program** and shall develop a standard operating procedure that provides guidance on reporting to an OIC and/or if needed OIC(s) along with key issues such as flag maintenance, team members, storage, events, disposal, and federal and state half-staff proclamations.

Section 3. Children and Youth Committee: Shall focus on providing aid and service to children of the community. In so doing will coordinate with established agencies in the community to assist them in supporting veteran's children and gain their assistance for similar Post efforts. 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 4. Finance Committee: Will consist of the Finance Officer, Adjutant, Jr Vice Commander and the chair of each fund raising activity. Finance Committee members will submit reports to the Finance Officer as needed. Meetings of the Finance Committee will be called by the Finance Officer as needed.

Section 5. House Committee: Is charged with the management of all physical assets of the

Post.

Section 6. Entertainment Committee: Works with the Junior Vice Commander to assist in the planning and execution of social activities.

Section 7. Membership Committee: Will support the Post Senior Vice Commander in all matters pertaining to membership of the Post, including the procuring of new members, determining eligibility of members, and reinstatement of members. The Membership Committee is normally chaired by the Sr Vice Commander. Other standing members of the committee will be the Commander, the Adjutant and members of the Post appointed by the committee as appropriate.

Section 8. Veteran's Affairs and Rehabilitation Committee: Will support the Service Officer in all matters involving support to members as they submit claims to the U.S. government, state government, local agencies and other social services organizations.

Section 9. Ceremonies Committee: Will support the Junior Vice Commander in scheduling, planning, advertising, training and conducting formal (military or Legion) ceremonies to include but not limited to parades, memorials, Post, District and Department opening and closing ceremonies. Will provide full military funeral honors as required for veterans and other funeral services as deemed necessary for Auxiliary Unit members and Sons of The American Legion Squadrons as per the Post Honor Guard.

ARTICLE VII - RESOLUTIONS

Section 1. All resolutions which have state or national implications presented to this Post by a member or a committee shall represent the opinion of this Post on the subject. Copies of all Post approved resolutions will be presented to the District EC for approval before being forwarded to the Department Headquarters. The Post will not take any action related to the resolution or give it publicity until it is approved by the Department Headquarters. Refer to The American Legion Officer's Guide for further direction.

ARTICLE VIII - MEETINGS

Section 1. The regular meeting of this Post shall be held at a time and location as directed by the EC. Wherever possible, meetings will be held at the same time, day during the month and location to ease scheduling. The subject matter and format of the meeting will be determined by the EC. A majority vote of the membership present is required to pass most motions. However, amendments to the constitution and by-laws require a two-thirds vote of the membership present at the meeting.

Section 2. The Commander or a majority of the EC shall have power to call a special meeting of the Post at any time. In such cases, maximum notice will be given to the membership.

Section 3. A majority of the EC shall constitute a quorum at EC meetings and a majority vote of EC members present during EC meetings is required to pass motions.

ARTICLE IX - NOTICES

Section 1. Every member shall furnish the Post Adjutant with an address for mailing, a valid telephone number and an email address if one exists.

Section 2. The Adjutant will notify all members that annual elections will occur at least three weeks prior to the elections. The Adjutant may provide notification at a regular meeting for those attending and then contact those absent by mail, phone or email.

ARTICLE X - RULES OF ORDER

Section 1. All proceedings of this Post shall be conducted according to Roberts' Rules of Order. The Post Commander may modify such proceedings to simplify the conduct of the meeting but the voting procedures and motion actions related may not be modified. The Sergeant-At-Arms will assist the Post Commander during meetings to insure proper order is followed according to Robert's Rules of Order.

ARTICLE XI - LIMITATIONS OF LIABILITIES

Section 1. The Post, its elected officers, and any member operating in a capacity to represent the Post will not incur any liabilities or obligations that impact other Posts, subdivisions, members of The American Legion, other individuals, corporations or organizations. Moreover, duly elected officers of this Post, committee members and others serving in official capacities representing this Post will not be held personally liable for their actions which are taken in the due course of their duties as they execute their proper, official responsibilities.

Section 2. Contractual Obligations: Under no circumstances shall the EC, other committees, any Post officer or Post member enter into any contract or agreement that creates a financial obligation of over \$1,501 by the Post or the management or operations of the Post without the majority vote of approval of first the EC, and then the majority vote of approval by the general membership in attendance at a regular scheduled Post meeting. This applies to both written and verbal contracts and agreements.

ARTICLE XII – AMENDMENTS

Section 1. Proposed amendments to these By-Laws will be provided in writing to all Post members at least three weeks in advance of the date when the proposed amendment will be voted upon by the general membership. In addition, the proposed amendment(s) will be read during the monthly Post membership meeting that immediately precedes the meeting at which the amendment(s) will be voted upon. This reading normally provides for the three-week notification period. The amendment is then approved if at least two-thirds of the members present during the meeting vote in favor of the amendment.

Original: Submitted to and ratified by Westcliffe Post 170 this 18th day of February in the year 2005

Amended: Submitted to and ratified by Westcliffe Post 170 this 4th day of March in the year 2008

Amended: Submitted to and ratified by Westcliffe Post 170 this 4th day of November in the year 2008

Amended: Submitted to and ratified by Westcliffe Post 170 this 3rd day of November in the

By-Laws to the Constitution Westcliffe Post 170, The American Legion, Inc.

year 2009

Amended: Submitted to and ratified by Westcliffe Post 170 this 5th day of October in the year 2010

Amended: Submitted to and ratified by Westcliffe Post 170 this 3rd day of November in the year 2015.

Amended: Submitted to and ratified by Westcliffe Post 170 this 7th day of February in the year 2017.