

Post By-Laws

**By-Laws of Fuquay-Varina Post 116,  
Inc. Department of North Carolina, AMERICAN LEGION Article I**

Section 1. The Post existing under these By-Laws is to be known as Fuquay-Varina Post 116, The American Legion, Department of North Carolina.

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 an Executive Committee of (18) Eighteen members, to be known as the "Executive Committee."

Section 2. The Executive Committee shall consist of the (18) eighteen elected officers of the Post and the immediate Past Commander as a voice but is a non-voting member. Officers shall be elected annually at a Post meeting held not more than 45) forty-five days prior to the Department Convention and installed in their respective offices not more than (30) thirty days after the adjournment of the Department Convention. Normally the election will be held at the June membership meeting, and take office at the meeting next following that of the election. However, based on the actual date of the Department Convention, the Commander shall ensure that the Adjutant causes notification to all members of the date of the annual nomination and election meeting, no later than 15 days from said meetings. All officers shall be nominated by the nominations committee and members of the post, additional nominations from the floor will be accepted at the meeting preceding the annual election. The Sergeant at Arms and Adjutant shall verify that only members in good standing of Post 116 are allowed to cast ballots. All elections of officers shall be 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.

Section 3. All vacancies existing in the Executive Committee from any cause other than the expiration of the *term*, shall be filled by a majority vote of the remaining members of the Executive Committee, 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 Executive Committee.

Section 4. The Executive Committee shall make recommendations concerning policy, programs and finances of the post and property, subject to the approval of the membership.

**Article III-Post 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 (10) ten days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the Commander at least every month. The Commander shall call a meeting of the Post Executive Committee upon the joint written request of three (3) or more members of said Post Executive Committee. Nine (9) members of the committee shall constitute a quorum thereof.

Section 2. The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures within the limits of the annual budget; 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. **Post Commander.** It shall be the duty of the Post Commander to preside at all meetings of the Post. The Commander shall be aware of all orders directing the disbursement of funds and shall direct an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be presented to the Membership at the March membership meeting and a copy thereof immediately forwarded to the Department Adjutant. Shall appoint committee Chairs and preside as the Chair at executive committee meetings. The Commander shall perform such other duties as directed by the Post. **The Post commander will serve for no more than 2 consecutive terms and not be eligible for any executive position but act in a non-voting advisory role for the year immediately following the end of their term. After the completion of the 1-year advisory role the past Commander will be eligible to run for any Executive committee position.**

Section 2. **1st 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. Serves as the Chair of the . Post Membership Committee.

Section 3. **2nd Vice-Commander.** In the absence of the 1st 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. The 2nd Vice-Commander is charged with the ceremonial aspects of Legion Meetings and Activities and general morale of the Post. Serve as the point of contact and as liaison between the executive committee and Chairperson of the Recreational Room Committee

Section 4. **Adjutant.** The Adjutant shall have charge of and keep a full and correct record of all proceedings of all Executive Committee and general Membership 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 official correspondence of the Post to include but not limited to awards submission and all other duties included in post adjutant manual.

Section 5. **Finance Officer.** The Finance Officer of the Post shall have charge of all finances including supervisory authority and oversight of all major accounts as listed in Article IX of this document ,and see that they are safely deposited in the bank and shall provide monthly and an annual finance report to the Executive Committee and to the membership. The Finance Officer shall sign all checks and cosign all loans. Serves as Chair of the Finance Committee and ensures tax returns are filed in accordance with applicable laws. Shall provide all financial documentation as requested by members and committees.

Section 6. **Chaplain.** The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., and adhere to such ceremonial rituals as are recommended by the National or Department headquarters from time to time.

Section 7. **Historian.** The Post Historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as may properly pertain to the office as may be determined by the Post or the Executive Committee. There should be close and effective cooperation between the Adjutant, who works with the records on matters of current interest and the Historian, who works with matters of historical interest.

Section 8. **Service Officer.** The Post Service Officer is responsible for bringing to the attention of all veterans and their dependents the rights and benefits granted them by law. Must know how to utilize the expert services available through Legion channels as well as those of other agencies in their community. Be able to get information to the full-time professionals to make certain that veterans and their dependents are adequately represented. Serves as the Chair of the Veterans Affairs and rehabilitation Committee.

Section 9. **Judge Advocate.** The primary duty of the Judge Advocate is to supply advice in the conduct of post business or to procure proper counsel. Serves as the guardian of the constitutional form of Post government and as designated by the Current Officers Manual

Section 10. **Sergeant-at-Arms.** The Sergeants-at-Arms shall preserve order at meetings and shall perform such duties as may be assigned by the Post Executive Committee and or Post Commander. Should be well versed in flag etiquette, and manual of ceremonies in regards to meeting room set-up, visitor/guest/new member escort and announcements

Section 11. **Officer-at-Large (6).** Provides support in various roles as assigned by the executive committee. Primary roles could include chairmanship of standing committee(s) as listed in Article VI. assistance to other officers as needed and special projects.

Section 12. Any member holding a post executive position will not be eligible to serve as a director/commander of any subordinate programs (SAL, Riders, Cruisers) they will however be eligible to participate and act as chair of any committee as directed

#### **Article V-Delegates**

Section 1. Delegates and alternates to a Department convention shall be elected by vote by the Post before a meeting of the Post to be held at least 20 days prior to the date of such convention.

#### **Article VI-Committees and Appointments**

The Post Commander, immediately upon taking office each year, shall, unless the Chair is otherwise noted, appoint the Chairpersons for the following standing committees as noted in Section VI 1-19. The Chairs shall solicit volunteers to fully staff the committees: Americanism and Youth Programs, Audit, Bingo, Building and Grounds, Ceremonial and Memorial, Entertainment, Finance, Membership, Public Relations, Recreational Room, Rentals, Sons of The American Legion, Veterans Affairs and Rehabilitation, Ways and Means, Information Technology, Quartermaster, and Scholarship. It is recommended that no one individual member should be the chair person for more than one committee.

Each standing committee shall operate in accordance with a standard operating procedure as it pertains to their functions.

The Commander may make recommendations for additional committees to further the goals of the Post. These recommendations shall be approved by the membership prior to staffing of the new committee.

**Section 1. Americanism and Youth Program 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. The Committee will foster and coordinate actions related to baseball, Fast Pitch Softball, Junior Shooting Program, boy's *state*, oratorical, *scouts*, and other Americanism programs. One member of this committee shall be trained and serve as the Charter Organization Representative (COR) to the Scouting program. The committee shall maintain a separate account for the specific purposes and objectives of this committee IAW all budgetary and reporting requirements as established in Article IX Fiscal Policy. It is highly encouraged that each Post Family entity and program be represented on this committee.

**Section 2. Audit Committee:** The Audit Committee shall perform with consideration of guidelines of the Post Operations Manual and coordinate an annual audit of all Post financials, including as a minimum all major accounts listed in Article IX Fiscal Policy, ensuring compliance with individual standard operating procedures, following the close of the fiscal year, and the audit report shall be submitted to the Executive Committee at their October meeting and to the post at the October meeting. The Audit Committee is encouraged and authorized to conduct no-notice interim audits of any account throughout the year. The Finance Officer and all account managers will provide all documentation to this committee as requested. In the event that there is no Audit Committee or they are unable to perform their duty, the Commander is responsible for procuring an outside third-party audit of the Post financials.

**Section 3. Bingo Committee:** The Bingo Committee shall be responsible for the operations of Bingo at the post home. It shall maintain such records as is required by all Federal, state, and local laws. In the event the Post does not conduct bingo, the committee and its related account are not required. The committee shall maintain a separate account for the specific purposes and objectives of this committee IAW all budgetary and reporting requirements as established in Article IX Fiscal Policy. It is highly encouraged that each Post Family entity and program be represented on this committee.

**Section 4. Building and Grounds:** The Building and Grounds Committee shall be responsible for the appearance and maintenance of the Post buildings and grounds to include the lake and the interior and exterior of buildings. Will coordinate annual maintenance contracts and periodic maintenance projections through a budget process and once approved, will oversee the contracts and coordinate payments with the Finance Officer. It is highly encouraged that each Post Family entity be represented on this committee.

Section 5. **Ceremonial and Memorial Honor/Color Guard Committee:** The principal duty of the Ceremonials Committee is providing Honor Guard or Color Guard duties and assistance in placement of flags in national cemeteries. The committee concerns itself with proper presentation of rituals outlined in the Manual of Ceremonies-such as burial detail and the wearing of Legion regalia.

Section 6. **Entertainment Committee:** The Entertainment Committee is responsible for planning social activities, dinners, dances and other events that will encourage our members to participate in Post activities. It is highly encouraged that each Post Family entity be represented on this committee.

The Chair should serve as member of the Rec Room committee to ensure close coordination with the two groups.

Section 7. **Finance Committee:** The Finance Committee shall be charged with the administration of the financial policy, preparation of budget and solving problems related to finance. The Committee shall follow guidelines as listed in Article IX Fiscal Policy and the Finance SOP. The Finance Officer shall serve as Chair.

Section 8. **Membership Committee:** The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatements and eligibility of members. The 1st Vice Commander shall serve as Chair.

Section 9. **Public Relations Committee:** The Public Relations 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, and internal publications and media.

Section 10. **Recreational Room Committee:** The Recreation Room Committee shall have charge of and will operate the Recreation Room IAW the Post Operations Manual. The committee shall maintain a separate account for the specific purposes and objectives of this committee IAW all budgetary and reporting requirements as established in Article IX Fiscal Policy.

Section 11. **Rentals Committee:** The Rental Committee shall utilize all opportunities to rent the meeting spaces in both buildings and shall maintain a calendar of all building and property rentals. The committee Chair shall ensure that all Post entities and committees can view the Rentals calendar and have contact info to coordinate their needs for meeting space and alleviate the potential for scheduling conflicts. The committee may maintain a separate account for the specific purposes and objectives of this committee, audit, and other requirements as established in Article IX.

Section 12. **Sons of The American Legion Supervisory Committee:** The Post has chosen to have the Post Executive Committee to act as the SAL Supervisory Committee, shall supervise the activities of the squadron. The committee shall exercise the Post's approval authority as specified in the SAL National, Detachment and Squadron Constitution and By-Laws

Section 13. **Veterans Affairs and Rehabilitation Committee.** The Veterans Affairs and Rehabilitation committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state government, employment, and relief. The Service Officer shall serve as Chairperson.

Section 14. **Ways and Means Committee.** The Ways and Means Committee shall develop and maintain a long-range Post improvement plan, and provide project guidance based on strict adherence to ensuring that means (assets) are available prior to undertaking any project. Shall review and make recommendations on all Capital Improvement Plans, including equipment/appliance purchases, in excess of \$1000, and as needed shall secure professional services to enter into contracts, to ensure that the Post is protected from unforeseen cost overruns. All cost associated with this committee shall be included in the cost of the project. The short-term goal of this committee is to propose and support any and all avenues to generate funds for the sustainment of the Post.

Section 15. **Information Technology:** The Information Technology Committee serves as an advisory committee on all matters of information technology. This includes, but is not limited to, hardware, software, telecommunications, and internet presence. The committee recommends information technology policies, procedures, and standards; reviews and recommends priorities for hardware and software upgrades; and represents the post in matters involving information technology. It is highly encouraged that each Post Family entity and program be represented on this committee.

Section 16. **Quartermaster:** The Quartermaster Committee shall serve as the focal point for the requisitioning of food and supplies for functions involving the post. This includes, but is not limited to, the contracting of a supply company so that needed items can be purchased in large quantities in order to mitigate costs. All other committees and entities associated with the post should endeavor to obtain supplies through the Quartermaster Committee. The long-term goal of this committee is to maintain a stock of non-perishable supplies on hand as well as provide a single point of contact for obtaining perishable items such as foodstuffs. This shall not include the purchasing of alcohol for the bar.

Section 17. **Scholarship:** Provided funding is available, the Scholarship Committee shall provide guidance and stipulations regarding the award of annual scholarships to those who qualify. Scholarship applications will be accepted during a time period governed by the Scholarship Committee. The Scholarship Committee shall consist of a chair person and a minimum of 2 other members of the Post. The number of scholarships awarded each year and the amount of each scholarship will be determined during the budget process based on available. Awardees shall be announced at a designated membership meeting.

Section 18. **Elections:** Post Commander will appoint a nomination committee chair Ninety (90) days prior to elections at the General Meeting. The elections committee will consist of a minimum of two Legionnaires who will receive nominations for elected positions sixty (60) days prior to post election. No Nominations from the floor will be accepted on the date of elections. There will be no write in nominations. The committee will design ballots and conduct all nomination and election business IAW the Officers Guide and the Post Operations manual as published by the National Headquarters.

**Section 19 Legislative:** The Legislative committee shall provide information to the membership pertaining to the local, state, and federal legislations affecting the community, veterans, or other programs of the American Legion. This body shall be comprised of a minimum of four members including a chairperson. This body shall not present political candidates' platforms or agendas, excepting when they provide information for all available candidates running for that office. The committee shall not attempt to influence or provide commentary on potential or existing legislation, and is solely tasked with informing the membership of legislative activities within the scope of the American Legion

## **Article VII-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 and 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.

## **Article VIII-Meetings and Dues**

Section 1. The regular meeting of the Post shall be held in the meeting room on the second Thursday 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 officers of the Post.

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, provided that notification to all members is made not later than ten (10) days prior to the meeting.

Section 3. Upon the written request of 15 members, the Commander shall call a special meeting of the Post, provided that notification to all members is made not later than ten (10) days prior to the meeting.

Section 4. A quorum shall exist at a special or regularly scheduled meeting when no less than 5% of the Post's current paid members are present.

Section 5. The amount of the annual dues shall be determined by the Executive Committee of the post, subject to the approval of the membership.

## **Article IX-Fiscal Policy**

Section 1. Annual Budget: The period July 1 through June 30, inclusive each year, shall constitute the fiscal year of the Post. The annual budget will be approved by the membership at the May meeting. Any major accounts that do not have an approved budget by June 30th shall have the account frozen until approved. Any budget changes will be approved by the Executive Committee. The Executive Committee may approve emergency budget expenditures of up to \$12,500 annually to maintain core operations of the post. This includes HVAC, roofing, legal, and other emergency expenditures

Section 2. Financial Structure: All persons having direct control of post funds and assets shall be adequately bonded. Each account will maintain two account managers. The Finance Officer shall have supervisory and signature authority on all accounts. The Account Managers shall be identified on each annual Committee budget request.

The financial structure of the Post may include the following Major Accounts. These accounts are subject to change by majority vote of the Executive Committee.

1. General Fund, Entertainment, Quartermaster, Chaplain, Buildings and Grounds, Ceremonial and Money Market maintained by the Executive Committee;
2. The Bingo Account maintained by the Bingo Committee;
3. Youth Programs and Americanism Account maintained by the Americanism Committee;

4. Recreational Room Account maintained by the Recreational Room Committee;
5. Rental Account maintained by the Rental Committee
6. SAL, ALR and ALC maintained by the respective program committee
7. Public Relations maintained by the Public Relations Committee

Section 3. Account managers will maintain funds in their account only as needed for their operational and budget requirements. Each submitted budget shall establish a monthly maximum limit approved by the Executive Committee. All income above this level will be transferred to Money Market or General Fund. Account managers are responsible for paying routine bills approved in the budget without additional approval. Account managers will maintain a cash receipt book for all funds received and record all expenditures by receipt or canceled check. Each account manager will submit a monthly report to the Finance Officer no later than the monthly Executive Committee meeting.

Section 4. A Commander's Contingency Fund of \$500 per year will be maintained within the General Fund. The Commander can approve expenditures for un-programmed items up to a cost of \$500 from this account. Each use of this Contingency Fund shall be reported at the next General Membership meeting. Membership vote of 2/3 at a General Membership meeting shall have the authority to replenish this account for future use. If not replenished, only the remaining funds would be available until exhausted for that fiscal year.

#### **Article X-Notices**

Section 1. Every member shall furnish the Post Adjutant with an email and/or physical address for mailing. All Officers and Committee Chairs shall also furnish their phone numbers.

Section 2. The Post Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

#### **Article Xi-Rules of Order**

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

#### **Article XII-Delinquency, Resignation and Transfers Delinquency**

1. Legion membership is annual, the Legion year being from January 1 to December 31.
2. If dues are not paid by January 1 of each calendar year, the member becomes delinquent. If dues have not been paid by February 1, the member is suspended, but nevertheless a member with no privilege except that of reinstatement by vote of the post and payment of dues; and dues not being paid, such membership continues for a period of five months, to June 30, at which time the member is dropped from the roll by constitutional mandate and the membership forfeited.

#### **Resignation**

1. A member may resign from the post at any time while dues are paid and can thereafter join another post as a new member, in which event the continuity of Legion membership is broken, and upon resignation the post is not required to rebate any part or portion of the member's dues.

## **Transfer**

1. The only method of transferring from one post to another so the continuity of the membership in the Legion is not broken is by formal transfer, which is available only to members in good standing.
2. A member of a post may not move the membership to another post and retain continuous membership without the formality of a Being a member of more than one post at one time is a violation of the constitution.
3. The right to transfer does not carry the right to be accepted by any post.
4. On transfer there shall be no transfer of funds derived from dues, The accepting post shall recognize the fact of dues having been paid to the post from which the transfer is effected and shall make no charge therefore, excepting only if the dues of the post accepting the member are in excess of those from which the transfer is sought; then the accepting post may collect from the transferring member the excess dues prorated from the date of the acceptance to the end of the current year.
5. In all instances where a member of The American Legion during a current year transfers from one post to another after payment of the current year's dues, the transferring post shall retain said dues and shall have credit for such membership during the remainder of such year for which said dues were collected, but said transferred member shall be entitled to all of the benefits and assume all of the responsibilities of membership in the post to which transfer is made, after such transfer is affected.

## **Article XIII-Limitations of Liabilities**

Section 1. The Post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other Post, subdivision, members of The American Legion, or other individuals, corporations or organizations.

## **Article XIV-Standard Operating Procedures**

Section 1. Standard Operating Procedures (SOP) shall be established to provide specific guidance in the execution of the duties and responsibilities as mandated by this document. The SOPs shall not conflict with the Post Constitution and By-laws, nor the Department or National Constitution and By-laws. The SOPs constitute a basic outline of the responsibilities of the committees and will serve as an addendum to this document as deemed appropriate by the Executive Committee. Development and changes to SOPs require Executive Committee approval and all procedures contained and all amendments shall be reported at the next membership meeting, following adoption.

## **Article XV-Amendments**

Section 1. These By-laws may be amended at any Post meeting by a vote of two-thirds of the members of the Post attending such meeting; Provided that the proposed amendment shall have been submitted in writing and read at the next preceding meeting of said Post; and, provided, further, that written notice shall have been given to all members at least 15 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, and provided further, it may be amended by unanimous vote at any General meeting without notice.

These By-Laws are adopted by the vote of the membership of Post 116, Fuquay-Varina at the April 11 2019 membership meeting and signed into effect by the Post Commander and Post Adjutant. With adoption and filing with Department, this document supersedes all previous versions.

Article XVI

During NEW BUSINESS – The commander says, “Is there any new business to come before the meeting?”

Communications and motions calling for action by the organization may then be presented from the general membership for necessary action taken. It will be the chair’s responsibility to determine if the motion can be acted on at that time as routine general business or be sent to a designated committee for review and recommendations, if sent to committee the recommendations are to be brought to the executive committee and then general membership for final disposition within a specified time. Once a recommendation is ready for disposition, it will be placed on the agendas of both the executives and general membership meetings for awareness and comments prior to the general meeting that the recommendations will be voted on.

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Derric Grimes, Post 116 Commander

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Richard Stancel, Post 116 Adjutant