



CONSTITUTION
OF THE
Captain Mark "Tyler" Voss POST 313
Boerne, TX 78006
"A Centennial Post"

PREAMBLE

For God and Country, we associate ourselves together for the following purposes: to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in all wars; to inculcate a sense of individual obligation to 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 good will on earth; to safeguard and transmit to posterity the principles of justice, freedom, and democracy; to consecrate and sanctify our comradeship by our devotion to mutual help.

ARTICLE I – POST NAME

This American Legion Post existing under this Constitution is to be known as Captain Mark "Tyler" Voss Post 313, Boerne, Texas. This Post has been designated "A Centennial Post," having been chartered during the Centennial Year of the founding of The American Legion (1919-2019).

ARTICLE II – AUTHORITY, PURPOSE AND MISSION

Section 1. This Post was chartered on May 16, 2019 by the National American Legion through its American Legion Department of Texas as an IRS Code 501(c)(19) Federal Non-Profit Veteran organization and thereby being exempt from taxes on Post "related income" under the American Legion Group Exemption Number (GEN) 0925.

Section 2. This Post received its Certificate of Formation from the Secretary of State of Texas on November 19, 2019 confirming the Post as a Domestic Non-Profit Corporation and thereby being exempt from payment of State Franchise Tax and State Sales Tax levied on purchases made on behalf of the Post, except for purchases of alcohol.

Section 3. The Purpose of this Post is to promote the principles and policies as set forth in the foregoing Preamble and the National American Legion and Department of Texas Constitutions and By-Laws.

Section 4. The Mission of this Post is to promote camaraderie among Post Legion members and improve the quality of life of our fellow veterans, their families, and our community.

ARTICLE III – THE FOUR PILLARS OF SERVICE

This Post is an integral part of the National American Legion, Department of Texas, and is involved in implementing all aspects of the Four Pillars of Service of The American Legion. These Four Pillars of Service embody the principled rationale for Post activities and programs on which the members of this Post expend their time, energy, service, and resources. The Four Pillars of Service committees are:

- a. Veterans Affairs & Rehabilitation. This committee assists veterans in pursuing claims, in understanding their rights, and in obtaining their benefits. Committee members also visit veterans who are sick, disabled, or residing in assisted living facilities, and provide comfort to members' families in illness and bereavement.
- b. Children and Youth. This committee ensures children of veterans in need of care and protection receive proper and timely service and aid; extends connections to verified organizations and facilities providing services for children and youth; and maintains programs that meet the needs of youth in the local community.
- c. Americanism. This committee seeks to inspire love of country and good citizenship through patriotic observances, flag etiquette, civic instruction in schools, the Americanization and assimilation of immigrants, community service, and youth activities such as Boys State, Boy Scouts, Trail Life, Oratorical Contests, School Award Medals, and American Legion Baseball.
- d. National Security. This committee engages in community emergency preparedness, promotes public safety, and supports local and national civilian defense projects.

ARTICLE IV – NATURE OF POST ORGANIZATION

Section 1. The American Legion Captain Mark "Tyler" Voss Post 313, Boerne, Texas is a tax exempt, non-profit civilian organization and membership therein does not affect or increase liability for active duty military, retired military or other honorably discharged military personnel.

Section 2. The American Legion and this Post are nonpolitical and Post meetings, formal or informal, shall not be used for advocating of partisan principles, dissemination of partisan materials, or for the promotion or preferment of the candidacy of any person seeking public office. Furthermore, this Post does not condone unpatriotic, impolite, disrespectful, or unethical behavior or crude speech of any candidate or officeholder.

Section 3. Military rank does not exist in The American Legion or in this Post. No member shall be addressed by his/her military title in any meeting, activity or function of this Post. Members are considered as comrades-in-arms and each member is valued for his/her military service and sacrifice.

ARTICLE V -- CHARTER MEMBERS

Members who joined this Post prior to May 16, 2019, the effective date of this Post's Permanent Charter, shall be known as "Charter Members" with all honors, rights and privileges as prescribed by the Post Executive Committee and approved by the Post membership.

ARTICLE VI- ELIGIBILITY AND MEMBERSHIP

Section 1. An individual is eligible for membership in The American Legion and this Post only if the individual has served in the Armed Forces of the United States at any time during the period of April 6, 1917 through November 11, 1918 or during any time period after December 7, 1941 to the present; OR who was a citizen of the United States when the individual entered and served on active duty in the armed forces of any government associated with the United States during any of said periods; AND was honorably discharged or honorably separated from that service; PROVIDED, HOWEVER, that no person shall be entitled to membership who, having refused to be in or having been in any such service during any of said periods, and refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service. (See the Legion Act of 2019, Public Law 116-35 effective July 30, 2019)

Section 2. There is no form or class of membership except active membership in The American Legion.

Section 3. No person may be a member at any one time of more than one Post in The American Legion. A member of any Post may transfer membership to another Post. Dues shall be paid annually or for life.

Section 4. Each Post shall be responsible for judging the conduct of its own membership, subject to the restrictions of the National and Departmental Constitution and By-Laws.

Section 5. A member in “Good Standing” means a member having a current American Legion membership card or being shown on the Post roster as being current on payment of dues. Any member of the American Legion in “Good Standing” transferring to this Post, to include members of National Headquarters Post 345, shall not be required to pay any additional dues. Dues already paid shall remain with the original Post and the transfer shall be complete upon issuance and receipt of a new American Legion Membership Card.

ARTICLE VII - MANAGEMENT OF POST AFFAIRS

Section 1. The daily administrative affairs of this Post, except as may be otherwise provided by the By-Laws, shall be entrusted to the Post Executive Committee which shall consist of twelve (12) (or more) Post Officers elected by the General membership at the annual post elections. Additionally, there are not more than seven (7) at large members. The twelve (12) Elected Post Officers and the (not more than) seven (7) at large members are the voting members of the Post Executive Committee.

Section 2. The twelve (12) Elected Officers of this Post shall include the Post Commander, 1st Vice Commander, 2nd Vice Commander, 3rd Vice Commander, Post Adjutant, Post Finance Officer, Post Judge Advocate, Post Historian, Post Chaplain, Post Sergeant at Arms, Post Service Officer, and Post Media/Public Relations Officer. Additional Officers may be appointed by the Post Commander if confirmed by two-thirds (2/3) vote of the Post Executive Committee and ratified by the Post membership. Post Officers shall hold their offices for one (1) year or until their successors, elected or appointed, are duly confirmed or installed.

Section 3. The (not more than) seven (7) at large members of the Post Executive Committee shall include the President of the Post’s American Legion Auxiliary Unit, the Commander of the Post’s Sons of the American Legion Squadron, the Director of the Post’s American Legion Riders Chapter, and the four (4) Chairpersons of the Four (4) Pillars standing committees. Each at large member of the Post Executive Committee shall serve on the Post Executive Committee until the next Annual Election of Post Officers at which time the Post Executive Committee will be reconstituted with the newly elected Post Officers and at large members of the Post Executive Committee. At large members of the Post Executive Committee

may continue to serve after the next Annual Election of Post Officers as long as he/she continues to be the President, Commander, or Director of one of the three American Legion sponsored organizations or the Chairman of a Four Pillars standing committee. Sponsored organization leaders who are members of the Post (or their appointed Post Liaisons) will serve as voting members of the Post Executive Committee.

Section 4. The Post Executive Committee shall at all times be responsive and accountable to the General membership of the Post and shall provide a written monthly report to the membership at a regular meeting on the activities of the Post for information or approval. Any Post member in “Good Standing” shall be entitled to be present at any Post Executive Committee meeting and speak to the Post Executive Committee members when recognized by the Commander or other person who is in charge of the meeting who may determine a time limit for speaking by a Post member. A Post member who is not a member of the Post Executive Committee meeting shall not be entitled to vote at any such meeting.

ARTICLE VIII -- RULES OF ORDER

All proceedings of this Post shall be conducted in accordance with Robert's Rules of Order, Newly Revised, unless otherwise provided herein. Post members may rely on the Post Judge Advocate for interpretation of these Rules as they might apply in any particular situation.

ARTICLE IX - ELECTION OF POST OFFICERS

Post Officers shall be elected in May by majority vote on written ballots at a regular membership meeting held not less than fifteen (15) days prior to the Department Convention. The newly Elected Officers shall be installed not later than the first regular meeting in October following their election. Only those Post members in “Good Standing” shall have the privilege of being a candidate or voting in the election of Post Officers.

ARTICLE X-- FINANCE

Section 1. The revenue of this Post shall be derived from annual membership dues, contributions, grants, and from other such sources or activities authorized by law, as may be approved by the Post Executive Committee and ratified by the Post membership.

Section 2. A raffle event may not be sponsored or conducted by this Post until the Post has existed for the preceding three (3) years. (See Texas Business Organizations Code, Section 2002.003 (b))

Section 3. The Post shall forward all initial or annual membership dues received to The American Legion National Headquarter through the American Legion Department of Texas within thirty (30) days of receipt thereof.

Section 4. The Post may pay all initial or annual dues collected to The American Legion by electronic funds transfer (EFT); however, all other transactions shall be made by check or debit card in accordance with the By-Laws of this Post.

Section 5. The Post will furnish an appropriate surety bond to any Post member who has or will have custody of Post funds.

Section 6. The Post may furnish Directors and Officer’s Liability Insurance for members of the Post Executive Committee who are also Officers or Directors of the Post Corporation.

Section 7. The Post Federal IRS and Texas Tax Fiscal Year (FY) is from January 1 through December 31. Filing of tax returns and tax payments are due on May 15 after the end of the FY.

Section 8. IRS Tax Form 900 (Return of Organization Exempt from Tax) or IRS Form 900-T (Exempt Organization Business Income Tax Return) is to be used for annual reporting of income related to Post business. Form 990-T, Schedule M, is to be used for unrelated business income of the Post.

Section 9. As an IRS Code 501 (c) (19) Non-Profit Organization, the Post is exempt from the payment of Federal Tax on Post Related Income and from State Franchise and Sales Taxes on purchases made on behalf of the Post, except for taxes on alcohol.

Section 10. A Tax Exempt Certificate will be provided to the seller when a purchase is made on behalf of the Post. If the seller will not accept the Tax Exempt Certificate, the Post should request a refund of the sales tax paid from the State Comptroller.

ARTICLE XI – RESOLUTIONS

All resolutions of State or National scope passed by a majority of the Post membership must first pass by two-thirds (2/3) vote of the Post Executive Committee, and shall constitute only the opinion or recommendation of this Post on the subject. A copy of the resolution shall be forwarded to the Department Headquarters for its review and approval before the nature of any content of the resolution is divulged publicly or any publicity is given or action taken other than passage by the Post.

ARTICLE XII -- AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of The American Legion National and Department Constitutions. Any amendment to National Constitution or Department Constitution which is in conflict with any provisions herein shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict. Anything not covered by this Post's Constitution shall be governed by the Constitutions of The Department of Texas or The National American Legion.

Section 2. This Constitution may be amended in whole or in part at any regular meeting by a two-thirds (2/3) vote of the members in "Good Standing" of said Post attending such regular meeting; provided the proposed amendment shall first have been approved by two-thirds (2/3) vote of the Post Executive Committee; and provided further the proposed amendment shall have been submitted in writing and read at the preceding regular meeting of the Post; and provided further, written notice shall have been given to all Post members in "Good Standing" at least fifteen (15) days in advance of the date when such amendment is to be voted upon, notifying such Post members that at such meeting a proposal to amend the constitution is to be voted upon and what the Amendment calls for.

ARTICLE XIII -- REAL PROPERTY

Section 1. Real property owned by the Post may be sold, leased or otherwise disposed of after first complying with the Department and National Constitution and By-Laws and following the procedures provided by the Department Adjutant. Approval shall be by a two-thirds (2/3) majority of the Post Executive Committee, a two thirds (2/3) vote of the majority of the Board of Trustees, if there is a Board of Trustees, and by a vote of two-thirds (2/3) of the Post members in attendance at a regular meeting. The proposal shall have been submitted in writing, and read at the preceding regular meeting of the Post. Written notice shall have been given all members at least fifteen (15) days in advance of the date when the proposal is to be voted upon. The notice shall also be given in the local press and radio and posted on the Post bulletin board at the same time prior to the membership being given notice the proposal is to be voted upon.

Section 2. No real estate owned by this Post or Trustee of this Post will be used as collateral for a loan without the approval of the Department Executive Committee or, where time is of the essence, the Department Commander, who shall report said action for ratification at the next meeting of the Department Executive Committee.

Section 3. If the Post owns real estate which becomes encumbered with a lien, the Post will notify the Department Adjutant of such action within 7 days of receiving notice of the lien.

ARTICLE XIV

SPONSORSHIP OF APPROVED ORGANIZATIONS OR PROGRAMS

Section 1. This Post sponsors organizations or programs whose mission supports The American Legion Four Pillars of Service. To be sponsored by this Post, an organization or program must be recognized and approved by The American Legion and must allow direct involvement in its activities by members of this Post. Unless otherwise specified by The American Legion, any such sponsored organization or program will retain its generic name (e.g., Boy Scout Troop) but add: to it "Sponsored by the Captain Mark "Tyler" Voss Post 313, Boerne, Texas". The President, Commander, Director or leader of any such sponsored organization or program must be a member in "Good Standing" of this Post.

Section 2. The Post may terminate its sponsorship of an organization or program for good cause such as failure to maintain a minimum membership or failure to function in a way not intended, or participating in activities considered illegal, immoral, or opposed to our form of Government or the American way of life. Termination of a sponsored organization or program shall be determined by a two-thirds (2/3) vote of the Post Executive Committee, and ratification by the Post membership at a regular meeting of the Post.

ARTICLE XV – SOCIAL MEDIA AND THE INTERNET

Section 1. All members of this Post and all participants in the organizations or programs of this Post are required to adhere to the Social Media Guidelines promulgated by the Department of Texas. (See Department of Texas Forms at <https://txlegion.org/forms/>.)

Section 2. Applicants for social media accounts and registrants of domain names for this post or its programs are serving as agents of this post and ownership of these accounts and domain names are vested in the post. Applicants or registrants should obtain approval from the Post Executive Committee to establish a domain name or social media account. Applicants or registrants shall, upon demand, transfer the account or domain name to another individual designated by the Post Executive Committee.

Section 3. All Post related email messages shall contain the following Confidentiality Notice:

CONFIDENTIALITY NOTICE

All post related e-mail messages, including any attachments, are for the sole use of the intended recipient(s) and may contain confidential or proprietary information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, immediately contact the sender by reply e-mail and destroy all copies of the original message.

If you respond to this Post related email, PLEASE USE ONLY THE "REPLY BUTTON." By doing so, you are replying only to the sender of the message, not to anyone else. If you wish to reply to additional members, please do so by manually entering the members email addresses.

**BY-LAWS
OF
CAPTAIN MARK "TYLER" VOSS POST 313
"A CENTENNIAL POST"
BOERNE, TX 78006**

ARTICLE I – POST NAME

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ARTICLE II – AUTHORITY, PURPOSE AND MISSION

Section 1. This Post was chartered on May 16, 2019 by the National American Legion through its American Legion Department of Texas as an IRS Code 501(c)(19) Federal Non-Profit Veteran organization and thereby being exempt from taxes on Post “related income” under the American Legion, Group Exemption Number (GEN) 0925.

Section 2. This Post was incorporated on November 19, 2019 by its Certificate of Formation from the Secretary of State of Texas, confirming the Post as a Domestic Non-Profit Corporation and thereby being exempt from payment of State Franchise Tax and State Sales Tax levied on purchases made on behalf of the Post, except for purchases of alcohol.

Section 3. The Purpose of this Post is to promote the principles and policies as set forth in the foregoing Preamble and the National American Legion and Department of Texas Constitutions and By-Laws.

Section 4. The Mission of this Post is to promote camaraderie among Legion members and improve the quality of life of our fellow veterans, their families, and our community.

ARTICLE III - MEMBERSHIP

Section 1. Application for membership shall be made in writing using the current American Legion Membership Application Data Form and given to any Post member who will give the completed application form to the Post Adjutant.

Section 2. A membership applicant or transferee must show proof of the applicant’s military service with an honorable discharge or separation. The DD Form 214 or any other approved document showing the same proof may be used for this purpose. (See other Military Service Verification Documents List at https://legion.org/documents/samsung/downloads/Military_Service_Verification_Documents_List.pdf). The Post IRS tax exempt status and the tax deduction for donor contributions depend on having this information on file. (See Publication 3386, IRS Tax Guide for 501(c)(19) Veterans Organizations).

Section 3. All applications for membership and transfers to this Post shall be acted upon at the next Post General Membership Meeting following the receipt of such application for membership or transfer, and shall, at such meeting, be accepted, rejected, or referred to the Post Executive Committee for further consideration. If a majority of the membership present at the Post General Membership Meeting cast their vote against the acceptance of such application or transfer, then such application or transfer shall be recorded as rejected.

Section 4. A member in “Good Standing” means possessing a current American Legion membership card or being shown on the Post roster as being current on payment of dues. Any member of the American Legion in “Good Standing” transferring to this Post, to include members of National Headquarters Post 345, shall not be required to pay any additional dues. Dues already paid shall remain with the original Post and the transfer shall be complete upon issuance of a new American Legion Membership Card. A member in “Good Standing” shall not, at any time, publicly or privately, verbally, electronically, or in writing, make or cause to be made defaming, disparaging, derogatory, misleading or false statements about American Legion Post 313, its members or the National American Legion Organization. Such statements will be cause for immediate referral for Post disciplinary proceedings to determine all facts pertaining to offending member’s behavior.

Section 5. No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post. Where such consent has been denied by an expelling Post, the person denied membership in another Post may appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post and shall be ineligible for membership until such permission is granted.

Section 6. A member of this Post may only be disciplined in accordance with The American Legion Department of Texas Uniform Code of Procedure for Disciplinary Actions, which may result in suspension or expulsion. (See Department of Texas Forms, <https://txlegion.org/forms/>)

Section 7. If a Post member is expelled as a result of a Post disciplinary proceeding, such member is suspended until a final appeal is made and a decision is rendered by the Department of Texas Executive Committee. If the member’s appeal is denied, such expelled member shall not be eligible for membership in this Post for one year from the date of expulsion, and then only if the application for reinstatement is approved in the manner in which memberships are approved by this Post.

Section 8. If the Post determines one of its members is not eligible for membership, resigns from membership, or is expelled by disciplinary proceeding (subject to final appeal), the Post Adjutant shall notify the Department Adjutant at once in writing so that his name can be forwarded to the National Headquarters for removal from the membership rolls. A member who will not furnish proof of eligibility within 30 days of a written request sent by certified mail, return receipt requested, will be deemed ineligible for membership in The American Legion or this Post.

ARTICLE IV – POST MANAGEMENT

Section 1. The management and supervision of the daily affairs of this Post shall be entrusted to a Post Executive Committee as prescribed in Article VII, Section 1 of the Post Constitution. The Post Executive Committee shall be responsible and accountable to the Post Membership as prescribed by the Constitution and By-Laws of this Post. Each Post Executive Officer shall also be an Officer or Director of the incorporated Post organization of the same name.

Section 2. The Post Executive Committee shall consist of not more than seven (7) at large members in addition to the twelve (12) elected Officers of this Post. The seven (7) at large members will include the Post Liaison to or the Elected Leader of the three approved organizations (the American Legion Family) sponsored by this Post, to wit: the President of the American Legion Auxiliary Unit, the Commander of the Sons of the American Legion Squadron, and the Director of the American Legion Riders; and the Chairmen of the Four Pillars Standing Committees. The Post Liaison to or the Elected Leader, if the Elected Leader is a Post member, of the three American Legion approved organizations sponsored by this Post shall be voting members of the Post Executive Committee.

Section 3. Post Officers shall be elected annually at the May General membership meeting as provided in Article IX of the Constitution, and shall be sworn in immediately by the outgoing Post

Commander, other Post Commander, or higher American Legion Commander who will administer the oath. The Post Adjutant will certify the newly elected and installed officers and provide this information to the Department of Texas as required.

Section 4. 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 fifteen (15) days after the initiation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the Post Commander at least once a month or as often as said Post Commander may deem necessary. The Post Commander shall call a special meeting of the Post Executive Committee upon the joint written request of three (3) or more members of said Post Executive Committee or five (5) members of the general membership. When required by these By-Laws, official actions approved by the Post Executive Committee shall be subject to ratification by the Post membership at the next regular membership meeting.

Section 5. The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all non-recurring expenditures; shall require adequate surety bonds for all persons having custody of Post funds; shall cause all funds received to be placed in the hands of the Post Finance Officer for deposit and accounting purposes; shall hear the reports of Post Committee Chairpersons; and generally, shall have charge of and be responsible for the daily management of the affairs of this Post, subject to approval by the Post membership as prescribed herein.

ARTICLE V -- DUTIES OF POST OFFICERS/DIRECTORS

Section 1. COMMANDER/PRESIDENT AND CHIEF EXECUTIVE OFFICER - 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 affairs of the Post, and such officer shall be the President and Chief Executive Officer of the Post. The Post Commander shall approve all formal Post meetings (Executive Committee and General Membership), Agendas, and Minutes, and all orders directing the disbursement of all funds. The Post Commander shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. The Post Commander shall see that the Post Constitution and By-Laws are observed by the Post members and Post Executive Committee as specified therein. The Post Commander will be the official Post Representative to all outside community agencies, and to those community agencies activities, events, meetings, unless the Post Commander delegates this responsibility to another Post Officer. The Post Commander shall perform such other duties as may be required to support the Post members and Post Executive Committee. The Post Commander shall ensure the annual Consolidated Post Report (CPR) is prepared and forwarded to the appropriate Departmental Office. The succession of Post Command will go from the Post Commander to the 1st Vice Commander, 2nd Vice Commander, and 3rd Vice Commander (if there is one) in that order.

Section 2. 1st VICE COMMANDER/1st VICE PRESIDENT - The Post 1st Vice Commander shall assume and discharge the duties of the office of Post Commander in the absence or disability of the Post Commander, or when called upon by the Post Commander. The 1st Vice Commander shall be fully involved in, and responsible for, all aspects of the Post membership and is the Chair for the Post Membership Committee. The 1st Vice Commander shall determine the membership potential in the community and is responsible for developing new methods of recruiting and assimilating new members into the Post committees. The 1st Vice Commander shall encourage and ensure membership participation in all Post activities and events throughout the year, including all social activities to engage current members and attract new members. The 1st Vice Commander shall be responsible for improving members training, morale, and leadership development. Additionally, the Post 1st Vice Commander will assist the Post Commander and Post Adjutant in preparing the annual CPR.

Section 3. 2nd VICE COMMANDER/2nd VICE PRESIDENT - The Post 2nd Vice Commander shall assume and discharge the duties of the office of Post Commander or 1st Vice Commander in the absence or disability of both, or when called upon by the Post Commander. The 2nd Vice Commander shall be fully involved in and responsible for all aspects of the Post's programs including community out-reach and fund-raising efforts. The 2nd Vice Commander is responsible for the Patriotic activities of the Post and is the Post Chair for the annual Veteran's Day, Memorial Day, Independence Day, Flag Day, and Vietnam Veterans Day activities committees. The 2nd Vice Commander is responsible for determining the status of sponsored organizations and proposing sponsorship of additional ones. The 2nd Vice Commander will be the Chairman of the annual Post Responsibility Audit (RPA) which measures the results of the Post programs and activities. Additionally, the 2nd Vice Commander will assist the Post Commander and Post Adjutant in preparing the annual CPR.

Section 4. 3rd VICE COMMANDER/3rd VICE PRESIDENT – The Post 3rd Vice Commander shall assume and discharge the duties of the office of the Post Commander in the absence or disability of the Commander, 1st Vice Commander, and 2nd Vice Commander or when called upon by the Post Commander and shall be fully involved in, and responsible for, all aspects of the Post's logistical and resource requirements for all Post events, activities and programs. The 3rd Vice Commander is in charge of all Post buildings and facilities and shall be responsible for locating and negotiating the rental and upkeep of all Post buildings and facilities (e.g., Post Home and Post Bar/Lodge). Additionally, the 3rd Vice Commander will assist the Post Commander and Post Adjutant in preparing the annual CPR.

Section 5. ADJUTANT/SECRETARY - The Post Adjutant shall have charge of and keep a full and correct written record of all proceedings and all meetings; keep such records as the Department and National Organizations may require; issue membership cards, handle certificates of transfer, render reports of membership at each Executive and General membership meeting. The Post Adjutant shall handle the drafting of all correspondence, meeting agendas and minutes of the Post Executive Committee meetings and General membership meetings, as well as other duties prescribed by the Post Commander or Post Executive Committee. The Post Adjutant will verify eligibility requirements of veterans applying for membership and will secure the new member's verification document (normally the Form DD 214 or other documents from the approved list of documents). The Post Adjutant will secure all eligibility documents of membership applicants in the Safety Deposit Box at the Post Depository. The Post Adjutant will not process requests for membership transfers unless dues are current. The Post Adjutant will notify the Post Finance Officer of all Post membership applications and dues payments processed online by the Adjutant or Post Officers. The Post Adjutant will prepare a list of qualified new members to be inducted into the Post and contact each of them to inform them to attend the General membership meeting at which they are to be inducted. The Post Adjutant will confer with the Post Finance Officer to monitor payment of membership dues and report to the Post Executive Committee and the General membership the status of delinquent dues of members for appropriate action. The Post Adjutant will ensure that all Agendas and Minutes for all Post meetings are recorded, written, approved by the Post Commander, disseminated to the Post Officers or General membership, when appropriate, in a timely manner each month and stored securely. The Post Adjutant will be the Chairman of the Post Officer Nominating Committee, verifying that each nominee is a member in "Good Standing." The Post Adjutant shall certify to Department Headquarters the names of the Post Officers elected or appointed for the ensuing year within ten (10) days of their election or appointment, together with a list of Delegates and Alternates elected to attend the Department Convention. The Post Adjutant will oversee all National and Department monthly or annual report requirements, membership goals, and deadlines and ensure they are met. Additionally, the Post Adjutant will assist the Post Commander in preparing the annual CPR.

Section 6. FINANCE OFFICER/TREASURER - The Post Finance Officer shall have charge of all finances and is to ensure that all funds are safely deposited in the bank. The Post Finance Officer 10

shall report once a month to the Post Executive Committee and to the Post membership, the condition of the finances of the Post, with such recommendations as The Post Finance Officer may deem expedient or necessary for spending or raising funds with which to carry on the activities of the Post. The Post Finance Officer shall sign all checks disbursing the money of the Post. All Checks over the value of \$150.00 dollar will require two signatures to be processed for Post expenditures and purchases. The Post Finance Officer and the Post Adjutant are primary signatories for all Post checks. The Post Commander may appoint on a temporary basis for any reason the Post 1st, 2nd or 3rd Vice Commander to be a co-signer of Post Checks. The Post Commander will be the only authorized user of the Debit Card, but the Post Commander may delegate temporary use of Post Debit Card to the Post 1st, 2nd or 3rd Vice Commander when the purchase cannot be made with a check or for other reason of necessity. When the Post Debit Card is used, the receipts of purchases made with the Debit Card should be given to the Finance Officer at the next Post Executive Committee meeting or next General membership meeting. The Financial Officer shall be responsible for preparation of the Post Annual Budget to be presented to the Post Executive Committee for review in October and approved in December by the general membership. The Post shall furnish such surety bonds as required for persons handling Post funds in such sum as shall be fixed by the Post Executive Committee. The Post Finance Officer is responsible for ensuring the Post Federal and State Income Tax returns are prepared and filed not later than May 15. The Post Finance Officer will be responsible to oversee any outside financial agencies (e.g., outside CPA firm) and to conduct annual financial reviews or financial audits as required. Additionally, the Post Finance Officer will assist the Post Commander and Post Adjutant in preparing the annual CPR.

Section 7. JUDGE ADVOCATE/COUNSEL - The Post Judge Advocate must be licensed to practice law in the State of Texas and shall provide professional legal advice to the Post Commander or Post Executive Committee in the conduct of Post business including whether to retain outside counsel. The Post Judge Advocate will review Post meeting minutes for legal sufficiency. The Post Judge Advocate shall be the Chairman of any committee concerning any amendments or revisions of the Post Constitution, By-Laws, State Incorporation or Tax Exemption documents, Post contracts, or any other Post documents or correspondence going to outside agencies. The Post Judge Advocate shall assist the Finance Review Committee in charge of the annual review of the Post financial accounts. The Post Judge Advocate shall be responsible for the orderly conduct of any Post disciplinary procedure. The Post Judge Advocate shall provide advice to the Post Commander and Post Executive Committee on the interpretation or application of Robert's Rules of Order, Newly Revised, or as amended, during Post meetings or other proceedings. The Post Judge Advocate will be the Post Chair for the conduct of any legal clinic for veterans in the area. Upon request, the Post Judge Advocate will provide legal advice or assistance to the Post's Auxiliary Unit, Sons of the American Legion Squadron, and American Legion Riders Chapter regarding their organizing documents or other activities. The Post Judge Advocate will assist the Post Commander and Post Adjutant in providing legal review of the annual CPR.

Section 8. HISTORIAN/DIRECTOR - The Post Historian shall be charged with the individual records and activities 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 Commander or Post Executive Committee. The Post Historian will be responsible for displaying the Post documents and awards at any meeting as directed by the Post Commander or Post Adjutant. The Post Historian will prepare an annual report of the activities and accomplishments of the Post and provide the Report to the Department Historian, state and local libraries and historical societies. The Post Historian will compile information for an annual Post Yearbook with photographs and descriptions of events and attendees. The Post Historian will assist the Sergeant at Arms in validating membership before general membership meeting and in setting up the meeting room. Additionally, the Post Historian will assist the Post Commander and Post Adjutant in preparing the annual CPR.

Section 9. CHAPLAIN/DIRECTOR - The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine, but non-sectarian service, in the event of dedications, funerals, public functions, etc., and will adhere to such ceremonial rituals as are recommended by the National or Department Headquarters. The Post Chaplain will be the Post liaison for all Veterans recognition days. The Post Chaplain will notify the membership on veteran members who are sick or deceased, and arrange for visitation, flowers, or cards, as appropriate. Additionally, the Post Chaplain will assist the Post Commander and Post Adjutant in preparing the annual CPR.

Section 10. SERGEANT AT ARMS/DIRECTOR - The Post Sergeant at Arms shall preserve good order and discipline at all times and meetings, ensure only members in “Good Standing” actively participate in a Post Executive Meeting or General membership meeting, and shall perform such other duties as may be from time to time assigned to the Post Sergeant at Arms by the Post Commander or Post Executive Committee. The Post Sergeant at Arms shall have charge of posting the Colors at general membership meetings and for training the Post Color Guard for posting of the colors at various Post activities, functions or ceremonies. The Sergeant at Arms shall not display or permit the Colors to be displayed without specific authority of the Post Commander. Additionally, the Post Sergeant at Arms will assist the Post Commander and Post Adjutant in preparing the annual CPR.

Section 11. SERVICE OFFICER/DIRECTOR -- The Post Service Officer shall be responsible for providing rights and benefits information to the Post membership and their dependents. The Post Service Officer will refer Post members to service providers available through The American Legion, Veterans Administration, or other Federal, State, or local Agencies and other charitable organizations in the area which assist veterans. The Post Service Officer shall keep a list of providers of such services within the County and surrounding Counties of the Post. The Post Service Officer will comply with the Service Officer's Manual, the Post Officers Guide of The American Legion along with the recommendations of National and Department Headquarters to address the needs of all community veterans and their families. The Post Service Officer will Chair and coordinate Post committees and activities supporting veterans in this area. Additionally, the Post Service Officer will assist the Post Commander and Post Adjutant in preparing the annual CPR.

Section 12. MEDIA/PUBLIC RELATIONS OFFICER/DIRECTOR – The Post Media/Public Relations Officer is responsible for ensuring the Public Image of the Post is highly favorable in the eyes of the community at large. The Post Media/Public Relations Officer is responsible for elevating the understanding and awareness in the veteran community and the community at large of the American Legion’s advocacy of critical issues affecting veterans and their families through local newspaper, radio, and television advertisements, and public service announcements which may be produced by National Headquarters or locally. The Post Media/Public Relations Officer shall develop relationships with editors, journalists, public officials, school officials, and religious and business leaders in the community and will promote the American Legion mission and values as well as local American Legion programs and activities which support the Four Pillars of Service of the American Legion. The Post Media/Public Relations Officer, using current media technologies, will update the Post Website, Post Newsletter, Post Facebook, and Post Bulletin Board as often as necessary to keep all Post constituencies advised of the Post’s programs and activities including all meetings, special news events, fundraisers, and campaigns of the Post and its sponsored organizations. The Post Media/Public Relations Officer will develop, present, and implement a communications/public relations plan which will enhance the image and perception of The American Legion and the local Post organization and demonstrate how its performance, through its programs and activities, benefits the veterans and their families living in this community.

ARTICLE VI – ELECTION OF OFFICERS/DIRECTORS

Section 1. Election of Post Officers will begin with a Nominating Committee being appointed by the Post Executive Committee and ratified by the Post Membership. Nominations will be made by members in writing to the Nominating Committee. A Post member may self-nominate. Members of the Nominating Committee may be nominated without resigning from the Nominating Committee. Members may be nominated to more than one position. However, an Elected Officer cannot hold more than one position; so if nominated to more than one office, the nominee must choose the office he/she wants to be elected to.

Section 2. The Nominating Committee shall ensure each nominee is a member in “Good Standing” and, by interview or personal knowledge, confirm the nominee’s willingness to serve and ascertain the nominee’s capability to serve in terms of time commitment, health restrictions, necessary computer skills, accounting skills, legal skills, communication skills, or organizational skills, if any such skills are an integral part of the duties of the office to which he/she is being nominated.

Section 3. The Nominating Committee shall decide by a two-thirds (2/3) vote on each nominee for each elective position. The Chairman of the Nominating Committee shall report the nominations for each position to the Post Executive Committee for their review. The Chairman of the Nominating Committee shall then report the nominations of the Nominating Committee to the Post membership at the regular monthly membership meeting preceding the annual election meeting. Nominations may also be made from the floor at the meeting when the Nominating Committee’s report is presented to the membership, and again at the annual election meeting. Nominations from the floor may be closed with a two-thirds (2/3) vote of those members in attendance.

Section 4. If a nomination is made from the floor at the meeting prior to the annual election meeting, the Nominating Committee will confirm the nominated member is in “Good Standing,” is willing to serve, and has the capability to hold office and, if deemed capable, will add the name of the nominated member to the election ballot. The same person may not be nominated from the floor at the annual election meeting if the same nominee was nominated from the floor at the prior membership meeting even though he/she is willing to serve but is not deemed capable to do so by the Nominating Committee.

Section 5. If nominations are made from the floor at the annual election meeting, the Commander will call for an “Executive Session” for the Nominating Committee to confirm the willingness of the nominee to serve and to ascertain the capability of the nominee to perform his/her duties as required by the office being nominated to. If deemed capable, the nominee will be added to the ballot. If there is only one nominee for any one elective position, the vote can be made by acclamation. If there is more than one nominee for an elective position, voting will consist of each member present writing the name of his/her choice of nominees on a blank slip. No proxy voting is allowed.

Section 6. If more than one person is nominated for an office, the nominee with a majority of the votes cast will be elected. If no nominee has a majority of the votes cast, there will be a run-off of the top two vote getters. Votes will be counted by the Nominating Committee and the winners announced by the Post Commander as soon as all votes for all offices are counted. The Post Adjutant will keep and preserve the votes in such manner so the vote may be verified by a recount if requested by a losing nominee.

Section 7. Post Officers will not hold their positions in perpetuity. There will be a limit of two consecutive terms for each officer position. The only exception to this limit is failure of the membership to elect a new officer to a position which shall be considered as a vacancy under the provisions of Article VIII below.

ARTICLE VII - REMOVAL OF POST OFFICERS OR AT LARGE MEMBERS

Section 1. Any duly installed Post Officer or at-large member of the Post Executive Committee may be removed for cause by the Post Executive Committee, with a two-thirds (2/3) vote of said Committee being necessary to effect such removal. Any Post member in "Good Standing" shall be entitled to be present at the Post Executive Committee meeting considering removal of a member of the Post Executive Committee without voice or vote. The removal decision by the Post Executive Committee of a Post Officer shall be subject to ratification by a majority of the Post membership at the next regular membership meeting where a quorum is present.

Section 2. The duties of Post Officers shall be those usually appertaining to such Offices and as further specified in these By-Laws or as may be directed by the Post Commander.

Section 3. Post Officers are expected to attend the regular membership meetings of the Post and the Post Executive Committee meetings. Failure of any Post Officer to attend three (3) successive regular membership meetings, without reasonable cause having been furnished the Post Adjutant or Post Commander, shall be cause for vacating or removal from office. The Post Executive Committee shall decide by a two-thirds (2/3) vote when an Officer's failure to attend three (3) successive regular meetings without reasonable cause having been furnished the Post Adjutant or Post Commander, shall be cause for vacating or removal from office, when to declare such office vacant, and when to call for an election to fill the vacancy. All such decisions made by the Post Executive Committee shall be ratified by the Post membership at the next regular membership meeting of the Post.

ARTICLE VIII --VACANCY OF ELECTED OFFICER POSITION

Section 1. In case of vacancy in an Elected Officer position for any cause, the vacancy may be temporarily filled by appointment by the Post Commander with a Post member in "Good Standing," approved by a two-thirds (2/3) vote of the Post Executive Committee, and ratified by a two-thirds (2/3) vote of the Post members present at the next regular membership meeting of the Post. The appointed officer shall serve until such office is filled by special or annual election and his/her successor installed.

Section 2. In the event of a Post Officer position vacancy not being filled by appointment or election, such Officer position shall remain vacant until such time as there is a member in "Good Standing" ready to accept the vacant Post Officer position.

ARTICLE IX – ELECTION OF DELEGATES

Section 1. Delegates and alternates to a Department, Division, or District Convention shall be elected by the Post at a regular meeting of the Post to be held prior to such convention. However, the Post, by two-thirds (2/3) vote of members present may authorize the Post Commander to appoint said delegates. The Post Commander shall, immediately upon their election or appointment, designate the chairman. Alternates for delegates shall have all the privileges of registered delegates except that of voting. A registered delegate is one who has received his/her credentials after his/her registration fee has been paid.

Section 2. Each duly registered delegate shall be entitled to one vote. At the time the delegates are elected, the Post will select either the Pro-Rata Rule or the Modified Unit Rule, as described below:

a. Modified Unit Rule: Each duly registered delegate shall be entitled to one vote, unless there are fewer delegates than votes. Under those circumstances, each delegate will cast one vote.

b. Pro Rata Rule: Each duly registered delegate shall be entitled to one vote, unless there are fewer delegates than votes. Under those circumstances, each delegate present will be entitled to a portion of the total number of votes allocated to the Post that is directly proportional to the percentage that the delegate represents of the total delegation present.

Section 3. The chairman of the delegation shall cast the entire delegate vote on any convention matter after first polling the delegates present, so as to reflect the vote of each delegate present.

Section 4. Delegates will be reimbursed for the registration fees charged to attend the Convention. Other costs of travel and lodging may be reimbursed but only up to \$500 per delegate with the prior approval of the Post Executive Committee, and ratified by the Post membership.

ARTICLE X -- DUES

Section 1. The amount of initial membership dues or annual dues shall be \$40.00 per member. This amount may be adjusted as determined by the Post Executive Committee and approved by the Post membership.

Section 2. Annual dues shall be payable on or before October 20th of each year for the fiscal year beginning on January 1st. A member whose dues for the current year have not been paid by the first day of January (January 1st) shall be considered as delinquent. If the member's dues are paid on or before the first day of February (February 1st), the member shall be automatically reinstated. If the member is still delinquent after February 1st, the member shall be suspended from all privileges. If the member is still under such suspension on the thirtieth day of June (June 30th) of such year, the member's membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by first making payment of current dues for the year(s) in which the reinstatement occurs. The reinstated member's membership must be approved by the Post Executive Committee and ratified by the Post membership.

Section 3. The Chairman of the Membership Committee may recommend to the Post Executive Committee the names of members whose renewal dues shall be paid for by the Post with reasons for such recommendation. The Post Executive Committee shall approve or reject such recommendations, subject to ratification by the Post membership.

ARTICLE XI -- COMMITTEES

Section 1. The Post Commander, immediately upon taking office each year, shall confirm the need for standing committees (permanent, temporary, or ad hoc) as the Post Commander deems necessary for the efficient operation of the Post. The Post Commander shall also establish or confirm the need for such other committees as the Post Commander finds necessary to actively advance the principles of the Four Pillars of the American Legion. All such committees will be approved by the Post Executive Committee and ratified by the Post membership. The Chairman of each such committee so designated by the Post Commander shall be approved by the Post Executive Committee and ratified by the Post membership.

Section 2. The duties and functions of the respective Post committees shall be in accordance with the current Post Officers Guide of The American Legion, the recommendations of National and Department Headquarters, these By-Laws, or as directed by the Post Commander.

ARTICLE XII – MEETINGS

Section 1. The regular membership meetings of the Post shall be held monthly at the day/time/location selected by the Post Commander.

Section 2. All regular or special meetings of the Post shall be open to all Post members in “Good Standing” and only such Post members will be allowed to speak to an Agenda Item or to vote. Only members of the Post Executive Committee may vote during the Post Executive Meetings. However, other Post members in attendance may address the Post Executive Committee when called upon by the Post Commander for a limited time as determined by the Post Commander. There shall be no proxy voting in any regular or special meeting of the Post members or the Post Executive Committee.

Section 3. The Post Commander may call for an “Executive Session” at any regular or special Post Executive Committee meeting or general membership meeting for the purpose of discussing personnel matters, real estate transactions, or disciplinary actions. An “Executive Session” should be included on each meeting agenda. No vote should be taken in the “Executive Session” as the purpose of the “Executive Session” is for discussion only. A recommendation for action or to make a motion to vote on the matter must be made in open session. An “Executive Session” will include, at a minimum, the Post Commander, 1st, 2nd, and 3rd Vice Commanders, the Post Adjutant, and Post Judge Advocate. The Post Commander may select other members of the Post Executive Committee to sit in on the “Executive Session” as he deems appropriate.

Section 4. The Post Commander or three (3) or more members of the Post Executive Committee shall have power to call a Special meeting of the Post Executive Committee or the Post general membership. Notice for this Special meeting shall be sent to the Post membership and shall contain the date, time, and location of the meeting and the subject matter to be discussed at said meeting. Other matters not relating to the subject matter stated in said notice will not be discussed at this meeting.

Section 5. A Special meeting may also be called upon the written request of five (5) or more of the Post members in “Good Standing” and not a member of the Post Executive Committee, delivered to the Post Commander. The Post Commander shall call the requested special meeting within not less than seven (7) days nor more than fourteen (14) days after receipt of the said petition. The request shall state the purpose for which the meeting is being requested. Notices shall be given to the Post membership stating the date, time and location of said Special meeting and the subject matter to be discussed. Matters not pertaining to said purpose of the meeting shall not be discussed at such meeting.

Section 6. At least four (4) members in “Good Standing” shall constitute a quorum at a Post Executive Committee meeting. At least ten (10) members in “Good Standing” will constitute a quorum at a General membership meeting. Proxy voting at a Post Executive Committee meeting or a General membership meeting is not permitted except as provided in Section 8 below.

Section 7. Joint meetings between the Post membership and the Post Auxiliary Unit, the Post Sons of the American Legion Squadron, the Post American Legion Riders Chapter, or any other Post sponsored or approved group may be called by the Post Commander at any time he/she deems it in the best interest of the Post or the community.

Section 8. Electronic meetings are authorized by Robert’s Rules of Order for use by the Post when such authorization for electronic meetings is included in these By-Laws. The following Special Rules have been adopted for holding electronic meetings deemed necessary for Post Executive Committee meetings and Post Membership meetings; and for electronic meetings called by any Chairman of a Committee (or Sub-committee) meeting, or a Commander’s Call:

a. If the Post Commander or, in his or her absence, the 1st Vice Commander, decides that a regularly scheduled Post Executive Committee cannot be held due to an anticipated or actual occurring natural or man-made emergency or disaster, or public health emergency or disaster; or for other good cause, and a decision requiring the approval of the Post Executive Committee cannot be delayed until the next regularly scheduled meeting of the Post Executive Committee, the Post Commander or, in his absence, the 1st Vice Commander, may call a Special Meeting of the Post Executive Committee using any electronic means available such as Email, Telephone Conferencing or Video Teleconferencing modalities, including, but not limited to, “Go to Meet,” to conduct such meeting. Any such electronic meeting must allow all meeting participants to speak to one another (Telephone Conferencing) or to speak to and see one another (Video Teleconferencing) when participants are speaking, deliberating, making motions, or voting. When using Teleconferencing or Video Teleconferencing, adequate security of the phone line or video transmission will be provided by the Post.

1. The members of the Post shall be given notice of such meeting by email, telephone, or regular mail at least 24 hours in advance of the meeting date and time. Any Post member may attend and speak on any Agenda item when called upon by the Chair of the Meeting.

2. The Agenda shall include only those items included in the notice.

3. Any decision made by the Post Executive Meeting at such meeting shall first determine a Quorum is present and such decision will be made with a vote passed by a majority or two-thirds vote of those present, as specified in these By-Laws.

4. Any such decision made by the Post Executive Committee must be ratified by the general membership at the next regular membership meeting with a Quorum present, by a majority vote or a two-thirds vote of those present, as specified in these By-Laws.

5. Only members of the Post Executive Committee can vote on issues requiring a vote at this meeting. No proxy voting will be allowed for any purpose at this meeting.

b. If the Post Commander or, in his or her absence, the 1st Vice Commander decides that a regularly scheduled Post Membership Meeting cannot be held due to an anticipated or actual occurring natural or man-made emergency or disaster, public health emergency or disaster; or for other good cause, and a decision requiring the approval of the Post membership cannot be delayed until the next regularly scheduled meeting of the Post membership, the Post Commander, or in his absence, the 1st Vice Commander, may call a Special Meeting of the Post Membership using any electronic means available such as Email, Telephone Conferencing, or Video Teleconferencing modalities including, but not limited to, “Go to Meet,” to conduct such meeting. Any such meeting must allow all meeting participants to speak to one another (Telephone Conferencing) or to speak or see one another (Video Teleconferencing) when participating by listening, speaking, deliberating, or voting. When using Teleconferencing or Video Conferencing, adequate telephone or internet security must be provided by the Post.

1. The members of the Post shall be given notice by email, telephone, or by regular mail, as appropriate, for each Post member in “Good Standing” and thereby qualified to vote, as determined by the Post Adjutant, at least five (5) days in advance of the electronic meeting date and time.

2. The Agenda may include only those items included in the notice.

3. Any decision made at such electronic meeting shall be made in accordance with the provisions of these By-Laws for other like meetings and agenda items of a regular Post membership meeting, including but not limited to establishing a quorum and a vote being passed by a majority or two-thirds vote of those present, as specified in these By-Laws.

4. Proxy voting is authorized for those Post members who cannot be notified by email (only by phone or regular mail) or those members who have indicated in writing to the Post, he or she cannot attend meetings due to physical or mental disabilities, but do want to be able to vote. Any such meeting notice sent by regular mail will include a Proxy Vote form for the member to use if the member so chooses. Any such proxy vote must be in writing, signed by the Post member, and given to another Post member who will be in attendance electronically; provided any such written proxy is mailed, faxed, or hand-delivered to the Post Commander, Post 1st Vice Commander, or Post Adjutant prior to any vote being taken at the meeting.

c. Electronic meetings of Committee members (or Sub-committee members) of any Committee authorized or appointed pursuant to these By-Laws may be scheduled and noticed at any time by the Chairman of any such Committee (or Sub-committee) by use of any electronic means available. The Chairman shall include notice of the meeting to the Post Officer responsible for oversight of the Committee or Sub-committee. These electronic meetings shall be limited to what is included in the notice and shall be for the purpose of discussion only for the making of recommendations to the Post Executive Committee for its further consideration, decision, or action on the matter being discussed. Any such electronic meeting of a Committee or Sub-Committee must have at least three members present to discuss the issue or matter at hand. The Chairman of any committee or sub-committee calling such meeting must ensure the phone line or video transmission being used is secure.

d. Electronic meetings are authorized for use by the Commander or 1st Vice Commander in calling for a Commander’s Call, by any electronic means available. These meetings normally include the Commander, the 1st, 2nd, and 3rd Vice Commanders, along with any other member of the Post Executive Committee who is invited to attend because he/she may have relevant information or valuable input relating to the subject matter of the meeting. These meetings are for discussion only of sensitive or urgent topics related to Post business including, but not limited to: transactions, documents, events, activities, member concerns, personnel, or other pressing issues or problems, but not for making decisions which are within the purview of the Post Executive Committee and Post membership. The Commander or 1st Vice Commander must ensure the phone line or video transmission being used is secure.

ARTICLE XIII – NOTICES

Section 1. Every Post member shall furnish the Post Adjutant with his/her contact information, if available, including the member’s American Legion number, home phone or cell phone number, email address, and physical address, for the purpose of furnishing notices of Post actions or Post meetings or proposed Post actions or Post meetings. Notices sent to the last known address shall constitute sufficient legal notice. Member contact information shall remain confidential and will not be furnished

to anyone outside the Post without prior written permission of the member providing the information unless such information is required to be furnished by law.

Section 2. The Post Adjutant shall provide written notice (email or U.S. Mail) to the Post membership of Post Executive Meetings, regular and special meetings, at least three (3) days prior to any meeting date, together with the Agenda for said meeting.

Section 3. The Post Adjutant shall provide written notice (email or U.S. Mail) of the annual election to be given at least one (1) regular general membership meeting prior to the election date, but not less than fifteen (15) days prior to the election date. Notice of the upcoming annual election shall also be made by posting said notice on the Post's bulletin board and website.

ARTICLE XIV- FINANCIAL MATTERS

Section 1. At no time shall any Officer or member of the Post be allowed to acquire a credit card in the name of the American Legion. Post expenditures and purchases will normally be made via the Post's bank checking account by Check. However, when purchases cannot be made by Check, a Debit Card may be used. Checks for Post expenditures and purchases over the value of \$150.00 will require two signatures.

Section 2. The Post Finance Officer and the Post Adjutant are the primary signatories for all Post checks requiring two signatures. When necessary, the Post Commander may direct the Post 1st Vice Commander, 2nd Vice Commander, or 3rd Vice Commander to be a co-signer on Post checks requiring two signatures. The Post Commander will be the only authorized user of the Post Debit Card, but he may delegate temporary use of Post Debit Card to the Post 1st Vice Commander, 2nd Vice Commander, 3rd Vice Commander, or Post Adjutant. .

Section 3. Any expense incurred by a Post member on a project or program which is included in the annual budget may be reimbursed if prior approval is given for the expenditure by the Commander, 1st Vice Commander, 2nd Vice Commander, or Adjutant, and deemed an appropriate expenditure. Expenditures on non-budgeted items must be approved in advance by the Post Executive Committee and ratified by the Post membership.

Section 4. The Post Fiscal Year (FY) is from January 1 through December 31. Filing of Federal or State tax returns and payment of taxes, if owed, are due on May 15 after the end of the FY.

Section 5. IRS Tax Form 900, Return of Organization Exempt from Tax, or IRS Form 900-T, Exempt Organization Business Income Tax Return, is to be used for annual reporting of income related to Post business. Form 990-T, Schedule M, is to be used for unrelated business income of the Post.

Section 6. As an IRS Code 501 (c) (19) Non-Profit Organization, the Post is exempt from the payment of Federal Tax on Post Related Income and from State Franchise and Sales Taxes on purchases made on behalf of the Post, except for taxes on alcohol.

Section 7. A Tax Exempt Certificate will be provided to the seller when a purchase is made on behalf of the Post. If the seller will not accept the Tax Exempt Certificate, the Post should request a refund of the sales tax paid from the State Comptroller.

Section 8. A Financial Review Committee shall be appointed by the Post Executive Committee to conduct a complete review of Post financial records at least once a year, to take place within 30 days prior to the Annual Election of Officers in May. The findings of the Financial Review Committee or other Financial Auditor shall be reported to and approved by the Post Executive Committee and ratified by the Post membership.

ARTICLE XV -- POLICIES

Section 1. Nondiscrimination -- In its efforts to promote nondiscrimination, this Post does not discriminate on the basis of race, color, religion, national origin, sex, age, or disability in accordance with Title VI of the Civil Rights Act of 1964, as amended.

Section 2. Whistleblower Protection -- Neither the Post Commander nor the Post Executive Committee shall unlawfully retaliate against any Post member for bringing a grievance or complaint under these By-Laws. Any such grievance or complaint must be in writing and signed by the complainant and addressed to the Post Executive Committee. The complaint will be considered by the Post Executive Committee and a response provided the complainant within 30 days of receipt of the complaint by the Post Executive Committee. The complainant may request or be requested to appear before the Post Executive Committee.

Section 3. Conflict of Interest -- No person in a position of authority over the Post, such as the Post Commander, Post Officers or other members of the Post Executive Committee may financially benefit from a decision he or she made in regard to Post business (e.g., hire yourself to repair the AC unit or construct a building). Any potential conflict of interest may be resolved through a written and complete disclosure of the potential conflict of interest to the Post Executive Committee and an approval to proceed or not to proceed by a two-thirds (2/3) vote of the Post Executive Committee. The conflicted person may request or be requested to appear before the Post Executive Committee.

Section 4. Documentation Retention/Destruction of Confidential and Sensitive Documents -- Any person that possesses or maintains such information is required to take reasonable measures to protect against unauthorized access to, or use of, the information in connection with its storage or disposal. In addition, all records will be retained, as required by law or these By-Laws for all audits and legal proceedings.

Section 5. Record Types and Retention Periods:

Accounts Payable/Receivable Ledgers — 7 years
Audit Reports of Accounts — Permanently Bank Statements — 7 years
Contracts and Leases — Permanently
Correspondence (Legal) — Permanently
Membership Applications — 3 years Insurance Records — Permanently
Tax Returns — 7 years
Training Manuals — Permanently

Section 6. Public Disclosure of Records — The Post must make available for public inspection Post IRS annual returns and applications for tax exemption, and must provide copies of such returns and applications to any authorized individual who requests them. Requests for these records should be in writing. Copies should be provided to the requestor within 30 days from receipt of a written request. The Post may charge a reasonable copying fee plus actual costs for shipping or postage, if any.

Section 7. Private Information -- Personal/Private information provided to the Post Adjutant and/or other Post Officers by Post Members, such as contact information, including Legion number, e-mail, phone number(s), home or business address, financial records, disciplinary actions, etc., is for official Post business only, and not for any other use. Post members give permission to the Post Executive Committee to use their personal/private information solely for Post Business reasons. Such information will not be furnished to anyone outside the Post except authorized personnel of the 21st District, 4th Division, Texas Department, and/or National American Legion or as required by law. Furthermore, this policy protects your personal/private information from being posted on the Post Newsletter, Post Website, Post Facebook Page, Post Twitter Page, or any other digital means of communication or publicity.

Section 8. Severability – In the event that one or more of the provisions, articles or sections of the Constitution or Bylaws are held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remainder of these Bylaws shall not in any way be affected, diminished or impaired thereby.

ARTICLE XVI -- RULES OF ORDER

All proceedings of this Post shall be conducted in accordance with Robert's Rules of Order, Newly Revised, unless otherwise provided herein. Post members may rely on the Post Judge Advocate for interpretation of these Rules as they might apply in any particular situation.

ARTICLE XVII – AMENDMENTS

These By-Laws may be amended at any regular Post meeting with a quorum present by a two-thirds (2/3) vote of the members who are in “Good Standing” and present on the meeting floor. Proposed amendments must be first submitted in writing to and approved by the Post Executive Committee with a quorum present by a two-thirds (2/3) vote of the members present. If rejected in whole or in part, the amendment may be taken to a regular Post meeting on a minority report. Any proposed amendment shall have been submitted in writing and read at the preceding regular meeting of this Post. Written notice shall have been given to all Post members at least fifteen (15) days in advance of the date when such amendment is to be voted upon, notifying all Post members that at such meeting a proposal to amend the By-Laws is to be voted upon and stating what the amendment calls for.

ARTICLE XVIII-- RENTAL OF POST BUILDINGS AND FACILITIES

Section 1. The Post Commander shall appoint the 3rd Vice Commander or other Post member to be the Chairman of the Post Bar/Lodge Committee and to oversee the Post Bar/Lodge operations including the Post Bar/Lodge Manager who will effectively manage all bar/lodge operations and functions. The 3rd Vice Commander will be the Chair of the Bar/Lodge Committee, which will consist of the members of the Post Executive Committee.

a. At all times, the Bar shall be attended by a member of the Bar/Lodge Committee. Members of the Post Auxiliary Unit, Sons of the American Legion Squadron, American Legion Riders Chapter, or any

member in “Good Standing” with the Post may be authorized to attend the Bar by the Bar/Lodge Committee. The Post may hire a professional bartender for special events if approved by the Post Executive Committee and the expense is within the Post Budget approved by the Post membership.

b. If the Bar/Lodge Committee deems it necessary to hire an employee to staff the Bar/Lodge, the employee shall have a personal interview with the Bar/Lodge Committee.

Recommendations for these employees shall then be made to the Post Executive Committee for its approval and ratified by the Post membership.

c. Any employee of the Bar/Lodge should be a current member in “Good Standing” of the Post, the Post Auxiliary Unit, the Post Sons of the American Legion Squadron, or the Post American Legion Riders Chapter.

d. Salary or hourly pay for such employees must be approved by the Post Executive Committee and shall be in accordance with current Federal and State hiring/employment policies and practices.

Section 2. The following rules are to be strictly adhered to:

a. WITHOUT EXCEPTION, there will be no access to the Bar/Lodge facilities by individuals, groups, businesses, clubs, organizations, leagues, etc., without the individuals, groups, businesses, clubs, organizations, leagues, etc., having fulfilled and complied not only with the requirements set forth by the Post's standard rental agreement, but also with the following stipulations:

1. The Bar is to be attended by a member of the Bar/Lodge Committee, another Post member approved by the Bar/Lodge Committee, or an authorized Bartender.

2. The sale of beer, wine, sodas, and other items shall be at the same price as the regular everyday price unless, by majority vote of the Post Executive Committee, the price is raised or lowered.

3.No liquor is to be served over the Bar or stored on the premises.

4.The Bar includes, but is not limited to, the beer/soda/water coolers in the Bar area and the walk-in cooler where the excess beer/soda/water are stored.

b. All Federal, State and local laws will be adhered to by those working at the Bar/Lodge.

Section 3. The Post Commander shall appoint a Post member to inspect the Bar facilities both before and after an event and determine if the renting party has complied with the rules as set forth in the rental agreement. If the renting party has fully complied, the deposit will be refunded within 10 working days of the event. Otherwise, the Post will retain the deposit for non-compliance with the rental agreement and send a notification to the renting party of the reasons for retaining the deposit.

ARTICLE XIX — SPONSORSHIPS

Section 1. The Post may provide sponsorship, but is not limited, to the following approved American Legion organizations and programs:

American Legion Auxiliary (ALA)

American Legion Boy and Girl Scouts

Sons of the American Legion (SAL)

American Legion Explorer Scouts

American Legion Riders (ALR)

American Legion High School JROTC

American Legion Baseball
American Legion Boys and Girls State/Nation
Civil Air Patrol (CAP)

American Legion Youth Marksmanship Club
American Legion Youth Oratorical Contest
American Legion Mentorship in Leadership

Section 2. If sponsored, the above organizations will allow Post 313 involvement in the creation of their rules and regulations. The leader of any such sponsored organization should be a member in “Good Standing” of the Post. If the leader is not a member in “Good Standing” of the Post, the Post Commander will appoint a Post Liaison who is a member of the Post who will represent the interests of the sponsored organization at Post Executive Meetings and General membership meetings and cast votes on behalf of the sponsored organization.

Section 3. Except as provided in Sections 4, 5, and 6 below, the 2nd Vice Commander will coordinate both current and potential future sponsorships with the Post Executive Committee, as requested by the organization or as required by these By-Laws. The 2nd Vice will provide recommendations to the Post Executive Committee and the General Membership for information or approval, as appropriate, regarding the initiation and status of these sponsorships.

Section 4. This Post shall recognize and sponsor an American Legion Auxiliary organization to be known as the American Legion Auxiliary Unit of Captain Mark “Tyler” Voss Post 313, Boerne, Texas (“Auxiliary Unit 313”). Membership in Auxiliary Unit 313 shall be as prescribed by its own Constitution and By-laws which will coincide with the National Constitution and Bylaws of The American Legion Auxiliary. The President of The American Legion Auxiliary Unit 313 or the Post Liaison to the American Legion Auxiliary Unit 13, if the President is not a member of the Post, shall be a voting member of the Post Executive Committee.

Section 5. This Post shall sponsor an American Legion Sons of the American Legion Squadron (SALS) which shall be called Sons of the American Legion Squadron 313, Captain Mark "Tyler" Voss Post 313 (SALS 313), Boerne, Texas. Membership in SALS 13 shall be as prescribed by its own Constitution and By-Laws which shall not be in conflict with the rules and regulations set up for the Sons of The American Legion by the National Executive Committee of The American Legion. The Commander of the Sons of The American Legion Squadron 313 or the Post Liaison to the Sons of the American Legion Squadron 313, if the Commander is not a member is not a member of the Post, shall be a voting member of the Post Executive Committee.

Section 6. This Post shall sponsor an American Legion Riders Chapter which shall be called The American Legion Riders Chapter 313, Captain Mark “Tyler” Voss Post 313 (ALR 313), Boerne, Texas. Membership in the ALR 313 shall be as prescribed by its own Constitution and By-Laws. The Director of the American Legion Riders Chapter 313 or the Post Liaison to the American Legion Riders Chapter 313, if the Director is not a member of the Post, shall be a voting member of the Post Executive Committee.

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POST CERTIFICATION

We, the following officers of American Legion Captain Mark "Tyler" Voss Post 313 located in Boerne, Texas, hereby certify that the foregoing American Legion Captain Mark "Tyler" Voss Post 313 Constitution and By-Laws, after due notice was given to all members, was adopted at a regular General membership meeting of this post on the 13th day of April, 2020 A.D to be effective on the same date.

Charles Cecchini
POST COMMANDER

Date: _____

ATTEST:

William Simmons
POST ADJUTANT

Date: _____



DEPARTMENT CERTIFICATION

Reviewed by the Department Judge Advocate on the ___ day of _____ , 2020 A.D

DEPARTMENT JUDGE ADVOCATE

Approved: Department Executive Committee on the ___ day of _____ , 2020 A.D.

CHAIRMAN, DEPARTMENT EXECUTIVE COMMITTEE

ATTEST:

DEPARTMENT ADJUTANT