

**S. AL WILCOX POST 234
DEPARTMENT OF WASHINGTON
THE AMERICAN LEGION**

CONSTITUTION AND BYLAWS

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**CONSTITUTION OF S. AL WILCOX POST 234
MOUNTLAKE TERRACE, WA
DEPARTMENT OF WASHINGTON**

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 per cent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and goodwill on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Article I – Name

Section 1. The name of this organization shall be S. Al Wilcox Post 234, The American Legion, Department of Washington and it shall be incorporated under the laws of the State of Washington.

Article II – Objects

Section 1. To purchase, lease or otherwise acquire real property, leaseholds or other interests or rights to real property wherever situated, and to hold, own, operate, manage, maintain, improve, sell, convey, lease, mortgage, encumber, exchange and dispose of and deal in and trade in the same.

Section 2. To purchase or otherwise acquire, own, sell and dispose of personal property of any kind or description.

Section 3. To borrow money for its corporate purposes, and for money so borrowed, or in payment of money acquired, or for any other lawful object and purpose of the corporation, to make, execute, accept, endorse, issue and deliver bonds, notes, bills of exchange or other obligation, secured or unsecured.

Section 4. To do everything necessary, suitable and proper for the accomplishment of any of the purposes or attainments of any of the objects, or in the furtherance of any of the powers herein set forth; ether alone or in association with other corporations, firms or individuals, and to do every other act or acts, thing or things incidental or appurtenant to or in connection with the aforesaid Preamble, objects or purposes, or any part or parts thereof; and to have all the rights, powers, privileges, now or hereafter conferred by the laws of the State of Washington in reference to fraternal societies, or any act amendatory thereto or supplemental thereon or in substitution therefore.

Article III – Nature

Section 1. This post is a civilian organization and membership does not affect or increase liability for military or police service.

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

Section 3. Rank does not exist in The American Legion; no member shall be addressed by a military title in any meeting of this post.

Article IV – Membership

Section 1. Eligibility to membership in this post shall be as prescribed by the national constitution of The American Legion.

Section 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the post executive committee.

Section 3. All applications for membership shall be acted upon at the next post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for investigation and consideration. If a majority of the members cast their vote against the acceptance of said application, then such application shall be recorded as rejected.

Section 4. Any member of this post may be expelled for cause by a two-thirds vote of the executive committee after charges are preferred under oath in writing, and no member in good standing shall lose membership until given a fair trial in such manner and form as the department executive committee shall approve. A copy of the charges shall be given to the member concerned and the member shall be given an opportunity to be heard upon the charges at a meeting of the executive committee. A vote of two-thirds of the members present at such meeting shall be required to expel the member concerned.

Section 5. A member who has been expelled or suspended from this post for any cause may be reinstated to membership by a two-thirds vote of the membership present in post meeting, and the payment of current dues for the year in which the reinstatement occurs.

Section 6. No person who has been expelled by a post shall be admitted to membership in this post, without the consent of the expelling post, except that where such consent has been asked for and denied by such post, that person may then appeal to the state executive committee of the department of the expelling post for permission to apply for membership in this post, and shall be ineligible for membership until such permission is granted.

Article V – Officers

Section 1. The administrative affairs of this post of The American Legion shall, except as may be otherwise provided by the Bylaws, be under the supervision of an executive committee which shall consist of two members, in addition to the officers of the post. The term of office of members of the executive committee shall be for one year. This post, by its Bylaws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this post shall be a commander, a 1st vice commander, a 2nd vice commander, an adjutant, a finance officer, a post historian, a post chaplain, a post service officer and a sergeant-at-arms, and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election.

Section 3. All officers and executive committee members shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committee member may be removed for inefficiency by the executive committee, a two thirds vote of said committee being necessary to effect such removal.

Section 4. If an office of this organization is not filled during the normal election process the executive committee will appoint a member of the post to fill the term of the vacant office.

Section 5. Every member of this post in good standing shall be eligible to hold office in this post.

Section 6. The duties of officers and the executive committee members shall be those usually appertaining to such officers or committee members and as further provided in the Bylaws.

Article VI – Finance

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

Section 2. The amount of such membership or initiation fees and the amount of such annual post dues shall be fixed and determined by this post.

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Section 3. The post shall pay to departmental headquarters the national and departmental annual membership dues for every member of the post.

Article VII - Charter Members

Section 1. Members who joined this post prior to December 8, 1951 shall be known as charter members.

Article VIII - American Legion Auxiliary

Section 1. This post recognizes an auxiliary organization to be known as the Auxiliary Unit 234 of S. Al Wilcox Post 234, Department of Washington, The American Legion.

Section 2. Membership in the auxiliary shall be as prescribed by the national constitution of The American Legion Auxiliary.

Article IX – Amendments

Section 1. This constitution is adopted subject to the provisions of the national constitution of The American Legion and of the department constitution of the Department of Washington, The American Legion. Any amendment to said national constitution or department constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this constitution to the extent of such conflict.

Section 2. This constitution may be amended at any regular post meeting by vote of two-thirds of the members of said post attending such regular meeting, providing that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post, and providing, further, that written notice shall have been given to all members at least 30 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 constitution is to be voted upon.

Section 3. The Bylaws of this organization may be amended at any regular post meeting by vote of two-thirds of the members of said post attending such regular meeting providing that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post; and providing further, that written notice shall have been given to all members at least 30 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 Bylaws is to be voted upon.

Notice of proposed revision of constitution provided to all members: July 26, 1998

1 Reading at post: August 10, 1998

2 Reading at post: September 14, 1998

3 Reading at post October 12, 1998

Adopted at post: October 12, 1998

Commander, S. Al Wilcox Post 234

Adjutant, S. Al Wilcox Post 234

Mailed to Department Headquarters:

Original: November 14, 1951 | Revised: July 26, 1998

**BYLAWS OF S. AL WILCOX POST 234
MOUNTLAKE TERRACE, WA
DEPARTMENT OF WASHINGTON**

Article I

Section 1. The post existing under these bylaws is to be known as S. Al Wilcox Post 234, The American Legion, Department of Washington and is located at 22909 56th Avenue West, Mountlake Terrace, Washington.

Article II – Management

Section 1. The government and management of the post is entrusted to a committee of 11 members, to be known as the “executive committee.”

Section 2. The executive committee shall consist of two members of the post in addition to the officers of the post as set forth in the post constitution, Article V, Section 2. They shall be elected annually. Nominations of officers will be held at three consecutive post meetings commencing in March of each year. The election of officers will occur at the regular meeting in the month of June of each year. Installation of officers shall be conducted in June and the new officers will take office at the first meeting after installation. All elections of officers and executive committee members shall be by ballot and the candidate receiving the highest number of votes shall be elected to the respective office for which they are a candidate.

Section 3. All vacancies existing in the executive committee, or in any office of the post from any cause other than the expiration of the term, shall be filled by a majority vote of the members of the post present at the first meeting after such vacancy occurs, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer whom he/she succeeds. A vacancy shall exist when a member or officer is absent from his/her post for a continuous period of three consecutive meetings unless excused by the executive committee.

Section 4. Proper safeguards shall be in place to maintain security of member records and other information pertaining to members, both physical and digital. Outdated records or records of expired members must be shredded for disposal. Member information is to be used for Post business only. All officers of the Post are expected to comply with proper safekeeping procedures.

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 days after the installation of the new officers. Thereafter the post executive committee shall meet at the call of the commander at least quarterly and as often as said commander shall deem necessary. The commander shall call a meeting of the post executive committee upon the joint written request of three or more members of said executive committee. Six members of the committee shall constitute a quorum thereof.

Section 2. The post executive committee shall act as a general advisory board to the post commander. The post executive committee shall hire such employees as may be necessary, shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of post funds, and generally shall have charge of and be responsible for the management of the affairs of this post.

Section 3. The post executive committee is authorized to make any emergency expenditures necessary for security or safety purposes. The Commander, with advice and consent of the Executive Committee, may authorize expenditures when deemed “for the good of the legion”. Such expenditures will be reported to the membership of the post at the next scheduled meeting. Reimbursement requires a receipt and must be submitted within 30 days of expense.

Section 4. The post commander shall appoint an auditing committee of three members of the post whose duty shall be to audit the accounts of the financial records of the post annually and report its findings to the post executive committee and to the membership. This report shall include a statement of receipts, expenditures and monies on hand.

Section 5. The minutes of the executive committee shall be made available to any post member in good standing upon request and any exception by such member to any action of the executive committee shall be cause for review of this action by the membership of the post.

Article IV - Duties of Officers

Section 1. Duties of post commander: 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 chief executive officer of the post. The post commander shall perform such other duties as directed by the post.

Section 2. Duties of the 1st vice commander: 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 1st vice commander will oversee the annual membership renewal drive.

Section 3. Duties of the 2nd vice commander: The 2nd vice commander shall assume and discharge the duties of the office of commander in the absence or disability of both the commander and 1st vice commander. The 2nd vice commander will oversee the post entertainment programs.

Section 4. Duties of the post adjutant: The adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the department and national organization may require, render reports of membership annually or when called upon at a meeting, and under direction of the commander handle all correspondence of the post.

Section 5. Duties of the finance officer: The finance officer of the post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report to the executive committee and post, the condition of the finances of the post, with such recommendations as the finance officer may deem expedient or necessary for raising funds with which to carry on the activities of the post. The finance officer shall keep a record of all receipts of monies and all disbursement of monies and shall identify the purpose of each. The finance officer shall, at all times, keep the records in readiness for auditing by the post auditing committee. All checks will be countersigned by at least two of the following officers of the post: the finance officer, the commander or the adjutant of the post. Surety bonds payable to S. Al Wilcox Post 234 shall be obtained for the finance officer, commander and adjutant to such sum as shall be fixed by the post executive committee. Premium on said bonds shall be paid out of the treasury of the post.

Section 6. Duties of the post 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.

Section 7. Duties of the post chaplain: 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., adhere to such ceremonial rituals as are recommended by the national or department headquarters from time to time.

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Section 8. Duties of sergeant-at arms: The sergeant-at-arms shall preserve order at all meetings and shall perform such other duties as may be from time to time be assigned by the post executive committee or the post commander.

Section 9. Duties of the post service officer: The duties of the post service officer shall be to assist the members in completion and filing of all claims with the government and shall have charge of all problems relating to the welfare of members in this post. When appropriate the service officer will refer needy veterans to the Veteran's Service Officer at the Snohomish County Community Services office in Everett.

Article V – Delegates

Section 1. Delegates and alternates to a department convention shall be elected by ballot by the post at a regular meeting of the post to be held at least 20 days prior to the date of such convention.

Article VI – Appointments

Section 1. The post commander, upon taking office each year, shall appoint committees as needed.

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

Section 1. The regular meeting of the post shall be held at a regularly appointed time at the post hall on the second Monday of each month. At the regular meeting such business may be transacted 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.

Section 3. Upon written request of 3 members, the executive committee shall call a special meeting of the executive committee.

Section 4. A special meeting of the post shall be called upon the written request of ten members of the post. As much notice as possible shall be given before any special meeting is convened.

Section 5. Present members at a meeting of the post shall constitute a quorum for a meeting of the post.

Article IX – Notices

Section 1. Every member shall furnish the post adjutant an address for mailing purposes, a current phone number, and email address if applicable.

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

Article X – Rules of Order

Section 1. All proceedings of this post shall be conducted under and pursuant to Robert's Rules of Order, except as herein otherwise provided.

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Article XI – 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, group of men or women members of The American Legion or other individuals, corporations or organizations.

Article XII – Dues

Section 1. The annual dues for membership in Post 234 shall be as determined by the Executive Committee and as stipulated by the American Legion.

Section 2. The annual dues shall be payable upon receipt of the billing from national headquarters of The American Legion and shall be for the succeeding calendar year.

Section 3. If dues are not paid by March 1 of each calendar year the member shall become delinquent. If dues are not paid by June 1 of each calendar year the member shall be suspended with no privileges. If dues have not been paid by June 30 of each calendar year the member will be dropped from the rolls by constitutional mandate and membership is forfeited.

Section 4. A member may be reinstated between March 1 and June 30 by a vote of the post and payment of dues.

Section 5. Members who have a Paid Up for Life membership are not required to pay any additional annual dues.

Article XIII – Order of Business

Section 1. The order of business for post meetings shall be as prescribed in the Post Officers Guide.

Article XIV – Application for Membership

Section 1. A prospective member may be voted into the post at a regular meeting of the post upon presenting written application, a copy of evidence of eligibility under national guidelines (ex. Military discharge records, DD214, or a current military ID), and one year's dues.

Section 2. A majority vote of members present at the regular meeting will approve membership.

Article XV – Amendments

Section 1. These bylaws are adopted subject to the provisions of the national bylaws of The American Legion and of the department bylaws of the Department of Washington, The American Legion. Any amendment to said national or department bylaws which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of these bylaws to the extent of such conflict.

Article XVI – Deeds, Mortgages and Contracts

Section 1. Deeds, Mortgages, Contracts or other instruments affecting real or personal property, or purporting to convey or encumber any interest therein shall be purchased or disposed of by selling or other means upon the recommendation of a majority of the executive committee with approval by a majority vote of the general membership present at a properly scheduled meeting.

Article XVII – Hall Manager

Section 1. The Hall Manager shall be responsible for the maintenance and repairs to the grounds and building of the American Legion S. Al Wilcox Post 234, located at 22909 56th Avenue West, Mountlake Terrace, Washington.

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Section 2. The Hall Manager shall be responsible for the leasing of said building to the public for weddings, receptions, banquets, etc. for a fee as recommended by the Executive Committee and approved by membership and will strive to ensure that enough monies are received from leases to cover operation, maintenance, insurance, taxes and any other normal overhead (such as utilities) of the building. The Hall will not be rented to any individual or group for political purposes or purposes contrary to the mission and values of the American Legion as stated in the Preamble and Constitution.

Section 3. The Hall Manager will maintain a listing of repairs and replacements needed to the building and will obtain approval of the post executive committee and post membership before spending any sum in excess of \$300.00 for any individual repair or replacement project.

Section 4. Monies received from hall rentals may be used for any projects such as tuition for Boys State, food baskets, Christmas toy drives, donations, etc. as approved by the membership of the post.

Section 5. The availability of the post building for special post/auxiliary functions shall be coordinated with the Hall Manager with the idea in mind that the lucrative rental days and nights (Friday, Saturday and Sunday) should be available for rental to the public to insure that post operating costs are covered.

Section 6. The Hall Manager shall be paid according to contract with the Post and the Hall Manager. The contract is subject to approval by the Executive Committee and membership at a general meeting. This money will be paid from the hall rental receipts.

Section 7. The Hall Manager will submit a financial/rental report at each post meeting and will provide a summary of rental activity at the end of each calendar year.

Notice of proposed revision of Bylaws provided to all members: July 11, 2016

1st Reading at post: March 14, 2106

2nd Reading at post: April 11, 2016

3rd Reading at post: May 9, 2016

Adopted at post: May 9, 2016

Commander, S. Al Wilcox Post 234: _____

Adjutant, S. Al Wilcox Post 234: _____

Mailed to Department Headquarters: _____

Original: November 14, 1951 | Revised: July 26, 1998 | Revised: May 9, 2016