

**BY-LAWS OF
MATHEW B. JUAN POST NO. 35
OF THE AMERICAN LEGION
DEPARTMENT OF ARIZONA**

ARTICLE 1

- Section 1 The Post existing under these by-laws is to be known as Mathew B. Juan Post No. 35 of the American Legion, Department of Arizona.
- Section 2 The objects of this Post are set forth in the constitution.

**ARTICLE II
MANAGEMENT**

- Section 1 The government and management of the Post are entrusted to an Executive Committee of eleven (11) members, to be known as the Executive Committee.
- Section 2 The Executive Committee shall consist of the six (6) executive committee members, the Commander, immediate Past Commander, Senior Vice Commander, Junior Vice Commander and the Finance Officer. Nomination and elections shall be as follows (excluding the immediate past commander): nominations for the (4) Post Officers and the seven (6) executive committee members shall be made from the floor at the general membership meeting of the post on the third Wednesday in April and shall take office on the 1st of July of that year. The Commander will identify to the membership the “Standard Procedures for Nominations and Campaign Rules”. Elections will be by ballot. Names of nominees will appear on the ballot in alphabetical order. If a person is nominated for more than one office, his/her name will appear on the ballot for the first office so nominated, unless said nominee states his/her preference to the Commander in writing before the printing of ballots. All officers and executive committee members candidates receiving the highest number of votes shall be elected to the respective office for which they are candidates. In the event that the immediate Past Commander, who is entitled to an automatic seat on the executive committee following the completion of his or her term of office, is elected as an officer in another position, therefore creating an automatic vacancy of the executive committee, the incoming Commander shall initiate action to fill said vacancy in the next executive committee meeting. The incoming Commander shall appoint the next eligible immediate Past Commander in line of procession. In the event that the office is not accepted, or there is no eligible immediate Past Commander available, then, as listed in Section 4, all vacancies in the Executive Committee, or in any office of the post from any cause other than expiration of term of office, shall be filled by a majority vote of the remaining Executive Committee members on which the vacancy occurs.
- Section 3 Annual Post Elections: Will be held at least thirty-one days prior to the Department Convention. Polls will open twelve (12) o’clock noon until seven (7:00) P. M. on designated day with Post general membership meeting to follow. Election will be conducted by an election committee appointed by the Post Commander. Size of the committee is at the discretion of the Commander; however, at least two current elected officers of candidates for elected office may not serve on this committee. The Post Commander will appoint a separate Tally committee of at least three (3) members. A Tally Committee shall preferably be from another Post of the American Legion. The Tally Committee shall count and announce the votes at the Election Day meeting.

- Section 4 All vacancies in the Executive Committee, or in any office of the Post from any cause other than the expiration of term, shall be filled by a majority vote of the remaining members of the committee on which the vacancy occurs, except that the Executive Committee shall fill the vacancy of any Post Officer, and a person appointed shall hold office for the unexpired term of the officer or the member of the Committee whom he/she succeeds. A vacancy shall exist when a member of any committee, or any officer of the Post is absent from three consecutive Regular or Executive Committee meetings of the Post without a reasonable excuse being presented to the Post Commander prior to the third consecutive Regular or Executive Committee meeting, and a vacancy shall exist after the resignation of a Post Officer or Committee members, or if his or her absence from the community will prevent such member from handling the duties of the position to which elected or appointed.
- Section 5 The Executive Committee shall have general charge of all affairs and business of the Post; shall adopt all rules and regulations necessary for the affairs and conduct of the Post; shall authorize all expenditures and contracts necessary in the conduct of the affairs of the Post; and shall receive and disburse all monies derived there from or pertaining thereto, and in general shall constitute the ruling and governing power of the Post for the purpose aforesaid, as well as in all matters affecting policy, finance, discipline, decorum and harmony except as hereinafter provided.
- Section 6 A Board of Trustees shall be established to have complete charge of all buildings and real property belonging to the Post and shall engage in any activity to raise funds for building and land improvements or any other purpose not covered in the budget. They shall supervise the operations of the Post Club Management and enforce the rules established by the Executive Committee. The Trustees shall have the responsibility of employing or terminating the club manager and any club employees, subsequent to approval from the executive committee. They shall also prescribe the rules for the use of the Post Headquarters, Club and any other building used by the Post, and may modify or revoke the same. They shall fix penalties for the violation of the rules and have proper power to enforce the same, and may also remit such penalties. Nothing contained herein shall in any way conflict with the provisions herein before stated as pertains to the Executive Committee. The Board of Trustees shall review the policies and procedures (Club Rules) every 2 years. The trustees shall submit to the Executive Board the results of their review and all recommended changes.

ARTICLE III POST EXECUTIVE COMMITTEE & BOARD OF TRUSTEES

- Section 1 The Post Executive Committee shall meet for organization and other business as may come before it at the call of the Post Commander within ten days after the installation of the new office. Therefore, the Post Executive Committee shall meet at the call of the Commander at least every month and as often as said Commander may deem necessary. The Commander shall call a meeting of the Executive Committee upon the joint written request of three or more members of said Post Executive Committee; six members of the Committee shall constitute a quorum thereof.

Section 2 The Post Executive Committee may from time to time as needs of the Post may require, appoint such assistants to officers named herein as they may deem necessary; and shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having custody of Post funds; and shall have charge of and be responsible for the management of the affairs of the Post, except as otherwise provided in these by-laws.

Section 3 The Board of Trustees shall meet on the first Saturday of each month or on the call of the Chairperson (Senior Trustee), or Post Commander. The Chairperson and/or representative will attend the regular meetings of the Executive Committee. The Board of Trustees shall (collectively) have one vote on the Executive Committee. They shall have the authority to make purchases of any equipment necessary for maintenance and operations of the Club and Post premises. They shall establish rules and regulations governing all activities within the Club and Game rooms including, but not limited to conduct, foul or profane language, admission of guests, and responsibility of sponsoring member. They shall prescribe penalties for violation of the rules with the severity of the infraction and are responsible for the enforcement of said rules. They shall establish bar prices based on the recommendations and advice of the club staff, and kitchen staff and in general be the ruling and governing body over the Club and Game rooms operation and activities subject to the approval of the Executive Committee. They shall manage the job performance of the Post Employees.

ARTICLE IV DUTIES OF OFFICERS

Section 1 Duties of the Post Commander – It shall be the duty of the Post Commander to preside at all post meetings, meetings of the Executive Committee and to have general supervision over the business and affairs of the Post, and such Officer shall be Chief Executive Officer of the Post.

Section 1.1 He/she shall approve all orders directing the disbursements of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof forwarded to the Department Adjutant.

Section 1.2 He/she shall perform such other duties as directed by the Post; shall execute jointly with the Post Adjutant, without personal liability, all contracts, bonds and other instruments in writing provided and required by the Executive Committee.

Section 1.3 The Post Commander, upon election to office, will appoint a three (3) member committee, under the direction of the new Post Commander, to audit the Post's financial accounts. The audit reports results shall be read into the minutes at the general membership meeting on the third Wednesday of July.

Section 1.4 The Post Commander shall serve a limit of (2) consecutive terms. After one (1) year the individual may run again for Post Commander.

Section 2 Duties of the Senior Vice-Commander – The Senior 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. He/she shall also act as chairperson of the Membership Committee.

- Section 3 Duties of the Junior Vice-Commander – The Junior Vice Commander shall assume and discharge the duties of the office of the Commander in the absence or disability of the Commander and Senior Vice-Commander or when called upon by the Post Commander. He/she shall supervise, coordinate and administer functions related to kitchen operation, post functions and post entertainment.
- Section 4 Duties of the Adjutant – The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, and keep such records as the Department or National Organizations may require, render reports of membership annually or when called upon at a meeting; shall have general charge of books and accounts of the Post, save those in custody of the Post Financial Officer; shall submit a statement of his/her accounts and proceedings monthly to the Executive Committee; shall render an annual account to the Post; and shall perform such other duties and acts as shall be required by the Executive Committee and, under the direction of the Commander, handle all correspondence of the Post. The Adjutant shall post or make available all meeting minutes to come before the general meeting an hour before the start of the general meeting.
- Section 5 Duties of the Service Officer – The Service Officer shall supervise all matters pertaining to the needs of ex-service persons in dealings with the United States Veterans Bureau or any other bureau or department of the United States Government or any agency of the State of Arizona affecting any dealings with ex-service person. He/she shall also have supervision over the employment of needy Legion members in outside work and shall supervise the giving of relief to indigent, the funerals of members and the care of families of ex-service persons. He/she shall also act as chairperson for the Veterans Affairs and Rehabilitation Committee.
- Section 6 Duties of the Finance Officer – The Finance Officer of the Post shall have charge of all finances and see that all funds are safely deposited in some local national bank or banks which are members of the Federal Reserve System and shall report once a month to the Executive Committee the condition of the finances of the Post, with such recommendations as he/she may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He/she shall sign all checks disbursing all monies of the Post. He/she shall also act as chairperson for the Finance Committee.
- Section 7 Duties of the 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 Commander or the Executive Committee.
- Section 8 Duties of the Post Chaplain – The Post Chaplain shall be charged with the spiritual welfare of the Post Comrades and will offer divine service in the event of dedications, funerals, public functions, etc., and adhere to ceremonial rituals as are recommended by National or Department Headquarters from time to time.
- Section 9 Duties of the Sergeant-at-Arms – The Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may from time to time be assigned to him/her by the Post Executive Committee. The Sergeant-at-Arms shall direct the activities of the Color Guard and Honor Guard at Post meetings, funerals, parades, and any special ceremonies.
- Section 10 Duties of the Post Judge Advocate – The Post Judge Advocate shall advise the Post Officers and Executive Committee on the interpretation of the Post Constitution and by-laws and on parliamentary procedures in accordance with Roberts Rules of Order.

ARTICLE V REMOVAL FROM OFFICE

Section 1 The Post shall have the power of vacating the place of any member of the Executive Committee or of any officer, for good cause shown, by the vote of three-fourths of the members present at a special meeting of the Post called for that purpose.

ARTICLE VI DELEGATES

Section 1 Delegates and alternates to a Departmental Convention shall be elected by the Post at a regular meeting to be held at least ten days prior to the date of such convention.

ARTICLE VII COMMITTEES

Section 1 Appointments – The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Membership, Program and Entertainment, Finance, Public Relations, Americanism, Children and Youth, Veterans Affairs and Rehabilitation, National Security, Sons of the American Legion and American Legions Riders.

Section 2 Committee Members – Such standing committees shall consist of such members and the chairperson thereof, as shall be designated by the Post Commander.

Section 3 Membership Committee – The Membership Committee shall have supervision over the procuring of new members, reinstatement of members and eligibility of members. The Membership Committee shall function under the Senior Vice Commander.

Section 4 Program and Entertainment Committee – The Program and Entertainment Committee shall have charge of all entertainments, dances, club shows and performance, and shall supervise the activities of all other entertainments. The Program and Entertainment Committee shall function under the Junior Vice Commander.

Section 5 Finance Committee – The Finance Committee shall have general supervision over the finances of the Post, shall devise ways and means of raising finances and shall arrange for the authorization thereof, supervise expenditures, and prepare the budget. The Finance Committee shall function under the Finance Officer.

BUDGET

Section 5.1 The budget so prepared shall cover the period to the end of the current year and shall allot the proportion of the income of the Post, or state the source of the funds, which may be used for any given purpose. The budget so prepared shall be submitted to the Executive Committee for approval or amendments. The Executive shall then submit the approved or amended budget to the Post where any changes or additions or deductions may be made. When the budget has been adopted by the Post, it shall become a part of these by-laws for the period covered thereby and may not be varied from, altered or changed except in the manner provided for the amendment of these by-laws.

- Section 5.2 The Finance Officer shall keep a set of books showing distribution of receipts and disbursements of the Post crediting receipts and charging disbursements of the proper items of the budget.
- Section 5.2 No disbursements shall be made by the Finance Officer from any other funds on hand when the funds allocated by the budget for a certain purpose are exhausted.
- Section 5.3 Nothing contained herein shall prevent the Post from engaging in any proper activities to raise fund for a special purpose not provided for by the budget or for the purpose of increasing the funds allocated by the budget for a particular purpose, nor shall in any way conflict with the provisions herein before stated as pertaining to the Board of Trustees.
- Section 6 Americanism Committee – The Americanism Committee shall have jurisdiction over the counteracting of anti-American activities and the education of both the native and foreign born as pertaining to the community, state and nation; and to attend to the enforcement of all laws, national and state, and of city ordinances in any way affecting Veterans. This committee shall be guided by the Americanism Pillar of The American Legion.
- Section 7 Public Relations Committee – The Public Relations Committee shall be charged with the promotion of public support of the Legion’s program by the establishment of proper contact with the American Legion Magazine, Department and National Legion news service and by local publicity of Post programs and activities.
- Section 8 Children and Youth Committee – The Children and Youth Committee shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community, laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the need child of a veteran in obtaining the fulfillment of the Legion’s pledge that “no child of a war veteran shall be in need of the necessities of life” and “square deal for every child”. This committee shall be guided by the Children and Youth Pillar of The American Legion.
- Section 9 Veterans Affairs and Rehabilitation Committee – The Veterans Affairs and Rehabilitation Committee shall supervise all matters pertaining to service to comrades in the prosecution of all claims against the United States and state governments, employment, relief, etc. This Committee shall function under the Service Officer. This committee shall be guided by the Veterans Affairs Pillar of The American Legion.
- Section 10 National Security Committee – The National Security Committee shall supervise all matters as defined under the National Security Pillar of The American Legion, such as disaster relief, blood drives, and Homeland Security/First Responder relations.
- Section 11 Sons of the American Legion Committee – The Sons of the American Legion Committee shall have supervision over the operations of the Post’s squadron of The Sons of the American Legion.
- Section 12 American Legion Riders Committee – The American Legion Riders Committee shall have supervision over the operations of the Post’s American Legion Riders.

ARTICLE VIII RESOLUTIONS

Section 1 All resolutions of state or national scope presented to the Post by a member or reported to the Post by a committee shall merely embody the opinion of the Post on this 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 IX MEETINGS

Section 1 The regular meetings of the Post shall be held at the Post home on the third Wednesday night of each month at which time may be transacted any business as may properly be brought up for action. The first Wednesday night of each month may be reserved for either entertainment or other functions as may be deemed advisable by either Post Officers or Executive Committee.

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

Section 3 Upon the written request of twenty (20) members, the Executive Committee shall call a special meeting of the Post.

Section 4 Fifteen (15) members shall constitute a quorum.

Section 5 A quorum must exist prior to the conduct of any official business. If a quorum is not present, another meeting will be scheduled within fifteen (15) days. If a quorum is still not present, the members present may suspend the quorum by a two-thirds (2/3) vote and proceed with the business of the meeting. The suspension will be effective for the one (1) meeting only.

ARTICLE X MAILING LIST

Section 1 Every member of the Post shall furnish the Post Adjutant with his or her current contact information such as street address, phone number and, if available, email address.

ARTICLE XI PROCEEDINGS

Section 1 All proceedings of the Post shall be conducted pursuant to Roberts Rules of Order Revised except as herein otherwise provided.

Section 2 The Post Commander shall appoint a Judge Advocate to advise on all questions of procedure that may arise.

ARTICLE XII GUESTS

- Section 1 Only bona fide guests will be admitted to the Post of Club Room. A bona fide guest is considered to be a non-member friend or relative of a current Legionnaire, Auxiliary member or member of the Sons of the American Legion.
- Section 2 Guests must be escorted into the Post or Club Room by the sponsoring member and shall leave when his or her sponsor leaves.
- Section 3 The conduct and behavior of all guests shall be the responsibility of the sponsoring member and legally accountable.
- Section 4 Visits by individual guests shall be kept to a reasonable number for any time period after which every effort should be made to sign them up as a member.

ARTICLE XIII LIMITATION OF LIABILITIES

- Section 1 Neither this Post nor any individual member shall either incur or cause to be incurred either any liability or obligation which shall subject to liability any other Post, sub-division, group of people, either members of the American Legion (members of this Post or otherwise) or other individuals, corporations or organizations.
- Section 2 Only the Post Commander, Adjutant and the Finance Officer may sign any binding contracts for the Post.

ARTICLE XIV HONORARY LIFE MEMBERSHIPS

- Section 1 Honorary Life Memberships may be bestowed a legionnaire who has displayed meritorious service to the post for a number of years. This service may or may not include holding office within the post, In the granting of an Honorary Life Membership the post assumes the monetary responsibility of the member's continuing membership at Post 35.
- Section 2 No more than two Honorary Life Memberships will be bestowed in any one fiscal year.
- Section 3 Candidates for an Honorary Life Membership must be approved by the Executive Board of the post to ascertain eligibility and fiscal impact to the post.
- Section 4 Approved candidates for Honorary Life Membership will be presented to the General Membership Meeting and must be approved by a two-thirds (2/3) majority of the legionnaires in attendance.
- Section 5 An Honorary Life Membership is not transferable. Upon transfer the Honorary Life status is terminated. An Honorary Life Member must remain within good standing of the post.

**ARTICLE XV
AMENDMENTS**

Section 1 This constitution may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such meeting, providing that the proposed amendment(s) shall have been submitted in writing and read at a preceding meeting of said Post, and providing further that written notice shall prominently posted on the Legion bulletin board and electronically on the Post website at least fourteen (14) days in advance of the date when such amendment is to be voted upon, notifying said membership that at such meeting a proposal to amend the constitution is to be voted upon.

Section 2 The by-laws shall be reviewed and amended as required at each passing of two (2) years.

**ARTICLE XVI
ENACTING CLAUSE**

Section 1 These by-laws to the Constitution of Mathew B. Juan Post No. 35, the American Legion, Incorporated, Department of Arizona approved and adopted by two thirds (2/3) affirmative vote of the Post members present at a meeting held this day of 20 December 2017 and supersedes any and all previously enacted similar documents.

Jeffrey Varga, Commander

Joy Hickok, Adjutant

Date: December 20, 2017