

The American Legion
Department of California
21st District
Idyllwild Post 800



Post By-Laws

Revised and Adopted 6 May 2023

Post Commander: Paul A. White

Post Adjutant: Jackey Queen

INCORPORATION

Idyllwild Post 800 is incorporated under the laws of the State of California. The Articles of Incorporation, dated November 18, 1949, Corporation Number CO240455, are on file with the California Secretary of State.

TABLE OF CONTENTS

| <u>Article/Section</u> | <u>Page</u> |
|---|-------------|
| Preamble ----- | 1 |
| Article 1 - Name ----- | 1 |
| Article II - Objects ----- | 1 |
| Article III - Nature ----- | 1 |
| Article IV - Membership ----- | 1 |
| Section 1: Eligibility ----- | 1 |
| Section 2: Classes of Membership ----- | 1 |
| Section 3: Applications ----- | 2 |
| Section 4: Election to Membership ----- | 2 |
| Section 5: Applicability ----- | 2 |
| Section 6: Applicants Expelled from Other Posts ----- | 2 |
| Article V - Auxiliary ----- | 2 |
| Section 1: Recognition ----- | 2 |
| Section 2: Membership ----- | 2 |
| Article VI - Officers and Appointed Officers, and Members-at-Large ----- | 2 |
| Section 1: Elected and Appointive Officers and Members at Large ----- | 2-3 |
| Section 2: Nominations and Elections ----- | 3 |
| Section 3: Terms of Office ----- | 3 |
| Section 4: Filling of Vacancies ----- | 3 |
| Section 5: Eligibility for Office ----- | 3 |
| Section 6: Removal for Absenteeism ----- | 4 |
| Article VII - Duties of Officers ----- | 4 |
| Section 1: Commander ----- | 4 |
| Section 2: First Vice-Commander ----- | 4 |
| Section 3: Second Vice-Commander ----- | 4 |
| Section 4: Third-Vice Commander ----- | 4 |
| Section 5: Post Adjutant ----- | 4 |
| Section 6: Finance Officer ----- | 5 |
| Section 7: Sergeant-at-Arms ----- | 5 |
| Section 8: Judge Advocate ----- | 5 |
| Section 9: Historian ----- | 5 |
| Section 10: Chaplain ----- | 5 |
| Section 11: Service Officer ----- | 5 |
| Section 12: Flag Officer ----- | 5 |
| Section 13: Communication Officer ----- | 6 |
| Section 14: Conflict of Interest ----- | 6 |
| Article VIII - Executive Committee ----- | 6 |
| Section 1: Composition ----- | 6 |
| Section 2: Authority ----- | 6 |
| Section 3: Duties of Members ----- | 6 |
| Section 4: Supervision of Committees ----- | 6 |
| Section 5: Meetings ----- | 6-7 |
| Section 6: Open Meetings ----- | 7 |
| Section 7: Appropriation Authority ----- | 7 |

TABLE OF CONTENTS (Continued)

| <u>Article/Section</u> | <u>Page</u> |
|--|-------------|
| Article IX - Committees ----- | 7 |
| Section 1: General ----- | 7 |
| Section 2: Finance Committee ----- | 7 |
| Section 3: Membership Committee ----- | 7 |
| Section 4: Audit Committee ----- | 7 |
| Section 5: Emergency Committee ----- | 7-8 |
| Section 6: Special Committees----- | 8 |
| Section 7: House Committee ----- | 8-9 |
| Section 8: Committee Meetings ----- | 9 |
| Section 9: Reporting Requirements ----- | 9 |
| Section 10: Supervisory Authority ----- | 9 |
| Article X - Procedure ----- | 10 |
| Section 1: Ritual----- | 10 |
| Section 2: Robert's Rules of Order ----- | 10 |
| Article XI - Administration ----- | 10 |
| Section 1: Mailing Address ----- | 10 |
| Section 2: Records ----- | 10 |
| Section 3: Official Publication ----- | 10 |
| Article XII - Meetings ----- | 10 |
| Section 1: Meeting Time and Place ----- | 10 |
| Section 2: Special Meetings ----- | 11 |
| Section 3: Matters Considered at Meetings----- | 11 |
| Section 4: Quorum ----- | 11 |
| Section 5: Participation in Meetings and Elections----- | 11 |
| Article XIII - Post Assets ----- | 11 |
| Section 1: Safeguarding ----- | 11 |
| Section 2: Disposal of Assets ----- | 11 |
| Article XIV - Finance ----- | 12 |
| Section 1: Fiscal Year----- | 12 |
| Section 2: Expenditure Authorization ----- | 12 |
| Section 3: Financial Records ----- | 12 |
| Section 4: Books of Accounts ----- | 12 |
| Section 5: Account Audits----- | 12 |
| Section 6: Loans and Encumbrances ----- | 13 |
| Article XV - Dues, Fees and Funds ----- | 13 |
| Section 1: Annual Dues----- | 13 |
| Section 2: Initiation Fee ----- | 13 |
| Section 3: Use of Dues and Fees ----- | 13 |
| Section 4: Membership Delinquency and Dues Non-Payment ----- | 13 |
| Section 5: Post paid for life membership ----- | 13 |
| Article XVI - Delegates and Representatives ----- | 14 |
| Article XVII - Trials ----- | 14 |
| Article XVIII - Limitations and Liabilities ----- | 14 |

TABLE OF CONTENTS (Continued)

| <u>Article/Section</u> | <u>Page</u> |
|---|-------------|
| Article XIX - Recall Provision ----- | 14 |
| Section 1: Petition Filing ----- | 14 |
| Section 2: Notice of Election ----- | 14 |
| Section 3: Conduct of Recall Elections ----- | 14 |
| Section 4: Replacement of Recalled Officer or Member at Large ----- | 15 |
| Article XX - Amendments ----- | 15 |
| Section 1: Amendments by the Post ----- | 15 |
| Section 2: Other Amendments ----- | 15 |
| Section 3: Certification of Amendments or By Laws Revision ----- | 15 |
| Section 4: Approval ----- | 15 |

Page intentionally blank

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 helpfulness.

ARTICLE I - NAME

The name of this Post shall be Idyllwild Post 800, The American Legion, Department of California. The Post is located at 54360 Marian View Drive, Idyllwild, Riverside County, California.

ARTICLE II - OBJECTIVE

The objective of this Post shall be to promote the principles and policies as set forth in the forgoing Preamble, the by-laws of this Post and in the American Legion's National and California Departmental constitutions and by-laws.

ARTICLE III - NATURE

Section 1. This Post is a civilian organization. Membership herein does not affect or increase liability for military service. Rank does not exist in this Post. No member shall be addressed by his military title in any meeting of this Post.

Section 2. This Post shall be absolutely non-political and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Each member shall perform his full duty as a veteran.

ARTICLE IV - MEMBERSHIP

Section 1: Eligibility. The eligibility for membership in this Post shall be those dates and conditions set forth in Article IV, Section 1, of the National Constitution of the American Legion.

Section 2: Classes of Membership. There shall be no form or class of membership except active membership.

Section 3: Applications. Candidates for membership in this Post shall make application on a form prescribed by the Executive Committee of this Post; shall pay therewith the dues for the current calendar year; and shall furnish a clear, unaltered copy of official evidence of eligibility. The Adjutant shall retain such copy of the official document showing eligibility as long as the individual remains a member of the Post. No application will be considered complete until all the foregoing provisions have been complied with.

Section 4: Election to Membership. All completed applications for membership in this Post shall be referred to the Membership Committee. At each general meeting of the Post the Committee shall report on all completed applications received during or after the last general meeting. A majority vote of those present and voting shall elect or reject a candidate. No member can be elected to membership in this Post who is a member of any other Post in the American Legion, unless the member is requesting transfer to this Post.

Section 5: Applicability. All of the foregoing requirements for membership in this Post apply to persons requesting transfer from another Post except that if the applicant has already paid dues for the current membership year to his or her current Post, no further dues are required.

Section 6: Applicants Expelled from Other Posts. No person who has been expelled by another Post shall be admitted to membership in this Post without the consent of the expelling Post. An exception may be allowed when consent has been requested and denied by such Post and the person appeals to the Department of California Executive Committee for permission to be admitted to membership in this Post. In such cases, the applicant remains ineligible for membership until such permission is granted. Furthermore, in such cases, all other requirements for membership set forth above apply.

ARTICLE V - AUXILIARY

Section 1: Recognition. This Post recognizes an auxiliary organization to be known as The Auxiliary Unit of Idyllwild Post 800, the American Legion, Department of California.

Section 2. Membership in the Auxiliary shall be as set forth in the National Constitution of the American Legion.

ARTICLE VI - OFFICERS AND MEMBERS-AT-LARGE

Section 1: Elected and Appointed Officers and Members-at-Large.

- A. The officer staff of Post 800 shall be the Commander, First Vice-Commander, Second Vice-Commander, Third Vice-Commander, Post Adjutant, Finance Officer, Sergeant-at-Arms, Chaplain, Judge Advocate, Historian, Service Officer, Chaplain, Flag Officer, and Communication Officer. The Post may also have an Assistant Adjutant, an Assistant Financial Officer, and an Assistant Sergeant-at-Arms.

- B. The elected officers of the Post shall be the Commander, the Vice-Commanders, Post Adjutant, and three Members-at-Large [also referred to as the House Committee.]
- C. The Commander shall appoint the Finance Officer, Sergeant-at-Arms, Judge Advocate, Service Officer, Chaplain, Historian, Flag Officer, and Communications Officer. The Commander may also appoint an Assistant Adjutant, an Assistant Finance Officer, and an Assistant Sergeant-at-Arms.
- D. The Commander and Vice-Commanders may not hold any of the other above offices in the Post. Other officers may hold two (2) or more of the above offices except that no member may hold the offices of both Adjutant and Finance Officer.
- E. Three Members-at-Large [House Committee] will be elected to serve as members of the Post's Executive Committee and may not hold any of the above offices during their terms.

Section 2: Nominations and Elections. First nominations for elective Officers and Members-at-Large will be made at the general meeting in April of each year. Second nominations and elections will be held at the general meeting in May of each year. All elections for opposed positions shall be by secret written ballot. At the May meeting, the Adjutant will announce any nominations made during the April meeting prior to the second nominations and elections. The Commander and Vice-Commanders shall be elected by majority vote of those present and voting. Members attending by electronic media are not eligible to vote by secret ballot. All other offices may be elected by a plurality of those present and voting. In order to be elected, any nominee must either be physically present at the May meeting or have indicated in writing his/her willingness to serve in the position to which nominated, to the Post Adjutant, prior to the May meeting.

Section 3: Terms of Office. All Post officers shall be elected or appointed for a term of one year. They shall be impressively installed, preferably by a ritual team, in accordance with the prevailing National Manual of Ceremonies, prior to the first day of September of that year. The three Members-at-Large [House Committee] shall be elected, one each year, for a term of three years. If, for any reason, an elected Member-at-Large does not complete his or her full three year term, a successor shall be nominated and elected for the remainder of the term in accordance with the procedure outlined in Section 4, below.

Section 4: Filling of Vacancies. Except as provided for in Article XIX - Recall Provision, vacancies in elective offices, including Members-at-Large [House Committee] will be filled by nomination and secret written ballot, if opposed, at a regular meeting following the vacancy, provided that notice of the election is given at the preceding general meeting.

Section 5: Eligibility for Office. Every member of this Post in good standing is eligible to hold office in this Post.

Section 6: Removal for Absenteeism. In the event that any Post Officer or Member-at-Large is absent from three consecutive general Post meetings and/or Executive Committee Meetings, without being excused by the Commander, such office may be declared vacant by a majority vote of those present and voting at a general meeting held after written notice is given to all members that such a vote will be taken.

ARTICLE VII - DUTIES OF OFFICERS

Section 1: 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. He or she shall be the Chief Executive Officer of the Post and shall serve as Chairman of the Post's Executive Committee. The Commander shall perform such other duties as directed by the Post.

Section 2: First Vice-Commander. The First 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 or she shall chair the Post's Membership Committee and perform such other duties as directed by the Post.

Section 3: Second Vice-Commander. The Second Vice-Commander shall be second in line to assume and discharge the duties of Commander in the absence or disability of the Commander. He/she shall be in charge of special events and perform such other duties as directed by the Post.

Section 4: Third Vice-Commander. The Third Vice-Commander shall be third in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. He/she shall coordinate the Post's Children and Youth Activities and Community Relations Activities. He or she shall act as the Post's liaison with the Sons of American legion Squadron 800 and perform such other duties as directed by the Post.

Section 5: Post Adjutant. The Adjutant shall be fourth in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. The Adjutant shall have charge of and keep a full and correct record of all proceedings of all general, special and Executive Committee meetings, keep such records as the Department of California and National Organizations may require, render reports of membership annually and when called upon at a meeting, and under the direction of the Commander, handle all correspondence of the Post. He or she shall perform such other duties as directed by the Post. An assistant Post Adjutant may be appointed whose duty is to assist the elected Post Adjutant.

Section 6: Finance Officer. The Finance Officer shall be fifth in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. The Finance Officer shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Executive Committee and the Membership the condition of the finances of the Post. He or she shall be bonded in compliance with Department directive, at cost and paid for by the Post. He or she shall perform such other duties as directed by the Post. An assistant Finance Officer may be appointed whose duty is to assist the appointed Finance Officer.

Section 7: Sergeant-at-Arms: The Sergeant-at-Arms shall be sixth in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. He or she shall preserve order at all meetings and shall perform such other duties as directed by the Post. An assistant Sergeant-at-Arms may be appointed whose duty is to assist the appointed Sergeant-at-Arms.

Section 8: Judge Advocate. The Judge Advocate shall be seventh in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. The Judge Advocate shall advise the Post officers on the construction and interpretation of the Post By-Laws and perform such other duties as directed by the Post.

Section 9: Historian. The Historian shall be eighth in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. He or she shall be charged with keeping a historical record of the Post's activities, officers and members, and shall perform such other duties as directed by the Post.

Section 10: Chaplain. The Chaplain shall be ninth in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. He or she shall be charged with the spiritual welfare of the Post's members and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., and shall adhere to such ceremonial rituals as are recommended by Department of California or National Headquarters. He or she shall perform such other duties as directed by the Post.

Section 11: Service Officer. The Service Officer shall be tenth in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. The duties of the Service Officer shall be as provided for in the American Legion Officer's Guide and Service Officer's Manual. He or she shall perform such other duties as directed by the Post.

Section 12: Flag Officer. The Flag Officer shall be eleventh in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. The duties of the Flag Officer shall be to provided for the flag and banner requirements of the Post. He or she shall perform such other duties as directed by the Post.

Section 13: Communication Officer. The Communication Officer shall be twelfth in line to assume and discharge the duties of Commander in the absence or disability of the Post Commander. The duties of the Communication Officer shall be to coordinate the Post 800 Newsletter in accordance with Article XI, Section 3, of these by-laws. He or she shall perform such other duties as directed by the Post.

Section 14: Conflict of Interest. No elected or appointed Officer or Member-at-Large shall be paid for, or receive financial interest in, work performed for the Post, except that personal expenses incurred in such work may be reimbursed if properly documented and approved by the Executive Committee.

ARTICLE VIII - Executive Committee

Section 1: Composition. The Executive Committee of this Post shall consist of the Commander, the three Vice-Commanders, the Adjutant, the Finance Officer, and the three Members-at-Large described in Article VI of these by-laws. With the exception of the Finance Officer, all members of the Executive Committee must be elected in accordance with the provisions of Article VI of these by-laws. Persons appointed Pro-Tem to perform duties of elected offices that become vacant for any reason may not act as members of the Executive Committee unless and until they are elected in accordance with Article VI of these by-laws.

Section 2: Authority. The Executive Committee is charged with the governing and managing of the Post. The Executive Committee shall consider all matters affecting the Post and report all actions and recommendations to the Post membership. Failure to report any actions by the Executive Committee at the next general Post meeting will render actions null and void. Except as provided within these by-laws, the Post has the final determination in any matter, irrespective of the Executive Committee's decision on the matter.

Section 3: Duties of Members. The Commander, Vice-Commanders and Adjutant shall be Chairman, Vice-Chairmen and Secretary, respectively, of the Executive Committee.

Section 4: Supervision of Committees. The Executive Committee shall exercise supervisory authority over all standing and ad hoc committees of the Post, including the House Committee.

Section 5: Meetings. The Executive Committee shall meet regularly at least once between general meetings of the Post at a time designated by the Executive Committee. A quorum shall consist of a majority of the Executive Committee members elected or appointed in accordance with Article VI of these by-laws. The Executive Committee may hold such special meetings as the Commander or majority of the Executive Committee deems advisable, provided each member of the Executive Committee is notified orally or in writing at least 24 hours prior before the meeting, stating the purpose and the time and place of the meeting. A letter mailed at the Idyllwild Post Office at least 48 hours in advance of such special meeting shall be considered 24 hour written notice.

All Executive Committee meetings will be held at the Post facilities at 54360 Marian View Drive, Idyllwild, California, unless the Post facilities are determined to be unsafe by reason of fire, flood, and earthquake, declared infectious pandemic or other disaster. Under these emergency conditions Executive Committee meetings may be conducted using conference electronic media or conference telephone service. Meeting procedure by electronic media or telephone conference shall be in accordance with Article X of these by-laws.

Section 6: Open Meetings. Any Post member in good standing may attend Executive Committee meetings. Exceptions to this policy may be made at the discretion of the Executive Committee when personnel matters involving Post employees or litigation involving the Post are under consideration. In such cases, the Executive Committee may go into closed session for consideration of these matters, only.

Section 7: Appropriation Authority. The Executive Committee may appropriate up to \$1,000 for any single non-recurring expenditure without the approval of the Post. Any non-recurring expenditure in excess of \$1,000 must be referred to the Post for approval at its next general meeting. Items within a purchase intended for a single purpose may not be separated for the purpose avoiding the \$1,000 spending limit.

ARTICLE IX - COMMITTEES

Section 1: General. The Commander, after taking office, shall appoint a standing Membership Committee, a standing Finance Committee and such ad hoc committees as may be necessary to the operation of the Post. Except as otherwise provided herein, the Commander shall designate the committee chairperson. In the absence of committee members the Commander may refer to Executive Committee Directors to populate any committee to meet the needs of the moment.

Section 2: Finance Committee. The Finance Committee shall consist of three regular members and one alternate, at minimum, and shall be charged with oversight of the Post's financial policy, preparation of an annual budget, and supervision of the receiving, disbursing and accounting of Post funds subject to guidance from the Executive Committee.

Section 3: Membership Committee. The Membership Committee shall consist of three members and one alternate, at minimum, and shall have charge of all matters pertaining to Post membership subject to the provisions of these by-laws.

The Membership Committee shall ensure that all applicants for membership in the Post including new members, transfers and reinstatements are eligible for Membership in the American Legion regardless of current or past membership in another Post.

Section 4: Audit Committee. The audit committee shall consist of three members in good standing, none of whom shall be the Commander, Vice Commanders, Adjutant, Finance Officer or any other person charged with the responsibility of handling Post funds.

The Audit Committee will examine the Post's books and records of account in accordance with Article XII, Section 2, except that at the discretion of the Commander and approval of the Post, a licensed accountant may be requested to perform such an audit.

Section 5: Emergency Committee. In an emergency, so declared by the Commander or Acting Commander, an Emergency Committee consisting of at least two Officer members of the Executive Committee (Vice Commanders, Adjutant and Finance Officer), two of the three Members-at-large, and two previously appointed members of the Finance Committee.

Emergency Committee appointees may not include officers appointed pro-tem. Any other member of the Executive Committee who is available will automatically become a member of the Emergency Committee. The Commander or Acting Commander shall chair the Committee and shall have a tie-breaking vote, only. The Committee shall give written authorization to the Finance Officer for the disbursement of funds in the form of a letter signed by all members of the Committee stating the nature of the emergency, the action taken by the Committee, and the funding appropriated. The letter shall be read at the next general meeting and shall comprise the full report of the Committee.

Section 6: Special Committees. Special committees may be appointed at the discretion of the Commander, the Executive Committee or the Post to oversee or investigate special situations or actions. Reports of the special committees can be made verbally or in writing at the discretion of the entity appointing the committee.

Section 7: House Committee.

A. The House Committee shall consist of the three Members-at-Large elected to the Executive Committee in accordance with Article VI of these by-laws. The senior member by virtue of longest continuous membership on the committee shall serve as Committee Chairman.

B. The House Committee shall be responsible for recommending to the Executive Committee any Post changes, additions or deletions to the physical plant (buildings and grounds), equipment and personnel. When either contractors or volunteer workers are performing work on the physical plant, the Committee will oversee the satisfactory completion of such work.

C. The House Committee shall be responsible for regularly inspecting the Post buildings and grounds to determine what, if any, maintenance or repairs are required and for initiating action to accomplish such maintenance and repairs. If the cost of any individual maintenance or repair project exceeds \$1,000, the project must be submitted to the Executive Committee for approval prior to incurring the cost.

D. The House Committee shall be responsible for recommending to the Executive Committee the Post rules and policy for the operation of the bar and kitchen. Such rules and policy must be approved by a majority of the Post membership present and voting at a general meeting.

Among the rules to be recommended by the House Committee will be those regulating the conduct of members and guests while present on the Post's buildings and grounds to be entitled "House Rules." Once the Post approves "House Rules", the Committee may discipline for infractions of the Rules. Such discipline is restricted to suspension of privileges in the social aspects of the Post and may not restrict the right of a member to enter the premises to attend regular Post meetings. Disciplinary problems judged to be more serious by this committee shall be dealt with as provided for in Article XVI - Trials.

E. Under the guidance of the Executive Committee, the House Committee shall supervise the operation of the Bar and Kitchen operations on a day-to-day basis.

F. If a bar and/or kitchen manager is authorized by the Executive Committee, these employees shall report to the House Committee on an as-required basis.

G. The House Committee shall be responsible for completing an inventory of all physical assets of the Post by January and July of each year. The results of the inventory will be reported to the Executive Committee at its regular January and July meetings, respectively, in a form approved by the Executive Committee. If, for some reason, the Executive Committee does not meet in January or July, the report will be submitted to the Executive Committee at its next meeting. The report will specifically note any items missing from the last report.

H. The House Committee will conduct an inventory of bar stock on a monthly basis and report the results to the Finance Officer and to the Executive Committee at their next meeting.

Section 8: Committee Meetings. Meetings conducted by any committee will be held at the Post facilities at 54360 Marian View Drive, Idyllwild, California, unless the Post facilities are determined unsafe by reason of fire, flood, earthquake or other disaster. Any Post member in good standing may attend the meetings of any committee. Such members may not speak at the meeting unless recognized by the chairman of the committee holding the meeting. Only committee members may vote on matters before any particular committee.

Section 9: Reporting Requirements. If any committee fails to report to the Post at a general Post meeting any action taken at a committee meeting, such action taken by that committee shall be null and void.

Section 10: Supervisory Authority. The Executive Committee shall have supervisory authority over all committees.

ARTICLE X - PROCEDURE

Section 1. Opening and closing of meetings, initiation of new members, and installation of officers shall be conducted as prescribed in the current edition of the American Legion's Manual of Ceremonies published as part of the American Legion's Officer's Guide.

Section 2. Robert's Rules of Order, as currently revised, shall govern the conduct of all meetings of this Post, except as may be otherwise provided for within these by-laws.

ARTICLE XI - ADMINISTRATION

Section 1: Mailing Address. The mailing address for this Post shall be PO Box 800, Idyllwild, California 92549-0800. All official mail for the Post will be directed to this address. If action of the U.S. Postal Service changes the above address, such change will automatically become the Post's official mailing address.

Section 2: Records. All Post records, membership rosters, membership cards, files, computers, and computer storage and program disks, shall be maintained at the Post premises at 54360 Marion View Drive, Idyllwild, California, unless required as evidence at a legal proceeding.

An exception is made in the case of financial records, which may be transferred directly to the business offices of an accounting service approved by the general membership for the purposes of auditing and other regular financial services. In such cases, the financial records required may be removed from the Post for a maximum ten (10) days unless otherwise provided for by the Executive Committee.

Section 3: Official Publication. The Post 800 newsletter entitled Post 800 News and published either monthly or semi-monthly at the discretion of the Executive Committee, which is provided to each member of this Post in good standing, shall be the official publication of this Post. Notices published in the Newsletter may be considered as written notifications where required elsewhere in these by-laws.

Such written notifications must, however, be transmitted separately by regular mail if the mailing time of the newsletter precludes the timely transmission of such notifications as required by specific Articles and Sections of these by-laws.

ARTICLE XII - MEETINGS

Section 1: Meeting Time and Place. The general membership meetings of this Post shall be held on the day, time and location prescribed by the Executive Committee and approved by a majority of those present and voting by the Post membership at a regular meeting. The meeting time may be adjusted to accommodate the circumstances of the moment.

At the Commanders discretion, not more than two meetings per year may be canceled to accommodate national holidays provided announcement of such cancellation is made at the meeting immediately before the meeting being canceled and notification is given in the Post Newsletter.

General membership meetings may be attended using conference using phone, internet, or other electronic media in order to include members unable to attend. Members in good standing attending through electronic media shall be considered present with no difference from those in physical attendance except are not eligible to submit secret written voting ballots.

Section 2: Special Meetings. Special general membership meetings may be called by the Commander, and must be called upon the written request of five (5) members. Meeting attendance requests may be made by written request, by e-mail, or by phone text. No special meeting shall be called unless announced by the Commander or Acting Commander at the general meeting preceding, or unless notice be mailed to each member at least five days prior to said meeting, stating the time and place of the meeting and the matter(s) to be considered. No other matters may be considered at such Special Meeting.

Section 3: Matters Considered at Meetings. The Post at any general meeting may consider and pass upon any matters irrespective of whether such matters have been previously considered by the Executive Committee.

Section 4: Quorum. A Quorum at all Post general and special meetings shall consist of ten (10) members, irrespective of whether any of those members present is an officer of the post.

In the event none of the officers listed in Article VII, Sections 1 through 13 is present, any member may open the meeting and the first order of business will be to nominate and elect a chairman for the meeting in question, only. The election may be by voice vote or secret written ballot, and shall be by majority vote. Members attending by electronic media cannot submit a vote by secret written ballot. The meeting will then be conducted as any other regular meeting.

Section 5: Participation in Meetings and Elections. No member shall take part in any Post meeting or election unless he/she is in good standing. No member shall be represented at any meeting or election by proxy. There shall be no absentee balloting.

ARTICLE XIII - POST ASSETS

Section 1: Safeguarding. The Executive Committee is responsible for safeguarding the Post's physical assets whether or not such assets are listed in the inventory required by Article IX, Section 7, paragraph G.

Section 2: Disposal of Assets.

A. Real Property of the Post may not be sold, donated or otherwise disposed of unless such intent is announced at two successive general meetings with written notification provided to each member in between the successive meetings at least ten days before the second successive meeting. Such disposal must be approved by two-thirds vote of the members present and voting at the second of the two successive meetings.

B. Other physical assets of the Post exceeding a fair market value of \$1,000 may not be sold, donated or otherwise disposed of unless the disposal is first approved by a majority vote of those present and voting at a general meeting of the Post. For the purposes of this Section, the \$1,000 threshold shall be construed to mean the total value of any sale or donation to any individual or entity over a sixty (60) day period.

C. Physical assets below the \$1,000 threshold as described in Section 2, B may not be sold, donated or otherwise disposed of unless the disposal is approved by a majority of those present and voting at a regular meeting of the Executive Committee. Such disposal must be reported to the Post at its next general meeting.

ARTICLE XIV- FINANCE

Section 1: Fiscal Year. The Post financial records shall be maintained on a fiscal year basis, beginning 1 July and ending on 30 June.

Section 2: Expenditure Authorization. Except as provided for by Article VIII, Section 7, and Article IX, Section 7, paragraph C., and payment of routine bills for the operation of the Post, no expenditures shall be made without referring same first to the Executive Committee and then to the Post for approval.

Section 3: Financial Records. The Executive Committee shall have approval of the Finance Officer's record keeping procedures. The Executive Committee may delegate the authority for this approval to the Finance Committee. The Executive Committee may also appoint an individual to assist the Finance Officer in maintaining financial records.

Section 4: Books of Accounts. The Post shall keep books of accounts and shall cause said books to be examined by an audit committee or licensed accountant. Such examination shall be made within ninety days following installation of Post Officers. The Post shall certify to the Department prior to their specified date each year that such examination has been made and file the original of the certification with the Department Adjutant before said date, with a copy to the District Commander or his/her designee. Failure of the Post to meet any of the requirements of this Section within said times, or any general or special extension thereof, shall be deemed a delinquency and delegates of the Post shall not be accredited at the Department Convention. The certification to the Department Adjutant and the examination may be put on forms furnished by the Department Adjutant's office.

Section 4: Account Audits. The Department Commander, the Post Commander, or the Post Executive Committee may order an audit of the Post books of account at such other times during the fiscal year as may be deemed advisable.

Section 5: Loans and Encumbrances. No officer or committee of the Post, or the Post's Executive Committee, shall enter into an agreement for a loan, mortgage, or other encumbrance to the Post's real property unless the agreement is approved first by the Post's Executive Committee and then by the General Membership. To be approved by the General Membership, the terms and amounts of the agreement must be announced at two (2) successive General Membership Meetings. The vote on the proposed encumbrance will be taken at the second of the two meetings with a majority vote of those present and voting required for approval.

ARTICLE XV - DUES, FEES AND FUNDS

Section 1: Annual Dues. The annual dues shall be as fixed by the membership at a general meeting with two-thirds vote of those present and voting required for changing the dues. Legion membership is annual, with the Legion membership year being from January 1 to December 31. Dues are payable in advance between July 1 and December 31 for the following year.

Section 2: Initiation Fee. The membership initiation fee, if any, shall be fixed by the Post at a general meeting with two-thirds vote of those present and voting required to approve.

Section 3: Use of Dues and Fees. From the above dues and fees, the Post will pay out of the first (1st) money received from its members, the Department and National per capita tax due in full for each member, by the tenth (10th) of the month following the receipt of said dues and fees. The second (2nd) use of the funds will be for membership expenses including, but not limited to, recruiting, mailings to members, and the Post Newsletter. Remaining funds may be used for such other expenditures as the Post may approve.

Section 4: Membership Delinquency, Suspension and Forfeiture for Dues Non-Payment. The dates for Delinquency, Suspension, and Membership Forfeiture from this Post for non-payment of dues shall be those dates set forth in Article IV, Section 4, of the By-Laws of the National Constitution of the American Legion. A member whose membership has been suspended or forfeited under this Section may be reinstated to active membership in good standing by vote of the Post and payment of dues for the current year.

Section 5: Post Paid for Life Membership. The paid for life membership provision shall be considered the domain of the national organization and, as such, the post may not award a paid for life post membership. Already awarded life memberships shall be honored indefinitely.

ARTICLE XVI - DELEGATES AND REPRESENTATIVES

The delegates and alternates to represent the Post at Department, Area or District meetings shall be elected at a general meeting of the Post for a one year term by a vote of those present and voting. The election shall be held not later than the regular May meeting each year. The time for holding the election shall be announced by the Post commander one general meeting in advance of the elections. Following the election, the Post Adjutant shall submit the results to the Department, along with delegate fees, if any, in accordance with Department requirements.

ARTICLE XVII - TRIALS

Members of this Post shall be subject to disciplinary action as provided for in the Trial Manual of the Department of California, as adopted, and as may be amended from time to time thereafter. A copy of the verdict certified by the Post Commander and the Post Adjutant shall forthwith be forwarded to the Department Adjutant.

ARTICLE XVIII LIMITATIONS AND LIABILITIES

This Post shall not incur, nor cause to be incurred, any liability or obligation whatsoever which subjects to liability any other individuals, corporations, or organizations.

ARTICLE XIX - RECALL PROVISION

Section 1: Petition Filing. Any member in good standing may file a petition with the Adjutant, signed by ten (10) percent of the membership in good standing, requesting the holding of an election for the purpose of recalling an elective officer or member-at large.

Within five (5) days after the filing of said petition, the Adjutant will compare the signatures on said petition with the signatures on the applications of the respective signers on file at the Post. The Adjutant shall deliver the said petition and his report on the correctness of the signatures to the Executive Committee at its next meeting. If it appears from the report of the Adjutant that the authenticated signatures represent at least ten (10) percent of the membership, the Executive Committee shall fix the date of the recall election.

The date fixed by the Executive Committee shall be a general meeting of the Post not less than two weeks or more than six weeks after the meeting of the Executive Committee. If the Adjutant's report shows that authenticated signatures on the petition comprise less than ten (10) percent of the membership, the petition shall be returned to the filer of the petition.

The filer shall have ten days thereafter to obtain the required number of valid signatures and re-file the petition with the Adjutant. The Adjutant shall re-check the signatures and resubmit the petition to the Executive Committee at its next meeting. If the petition is then found sufficient, the recall election shall be fixed as set forth above.

Section 2: Notice of Election. Notice of the date, time and place of the recall election shall be communicated to each member of the Post in good standing at his/her address as it appears in the Post records at least ten (10) days before the election.

Section 3: Conduct of Recall Elections. Only members in good standing shall be entitled to vote at recall elections. All recall elections shall be conducted by secret written ballot. At the election, the ballot shall read as follows:

Shall (Name of Officer or Member-at-Large) be recalled?

Yes _____ No _____

Yes votes shall be counted for the recall and No votes shall be counted against recall.

Section 4: Replacement of Recalled Officer or Member-at Large. If the officer or member-at-large in question is recalled, the Post, at its next general meeting shall elect a successor to fill the uncompleted term. Nominations and election shall be held at the same meeting. The person recalled shall not be eligible to fill the vacancy.

ARTICLE XX - AMENDMENTS/REVISIONS

Section 1: Amendments by the Post. Proposed amendments to these by-laws must be submitted in writing and read at a general meeting of the Post. At the next general meeting, or subsequent meeting if postponed, the proposed amendment may be adopted by a two-thirds vote of those present and voting. Any amendment originated by the Post shall not be in final force or effect until approved by the Constitution and By-Laws Commission of the Department, but shall be temporarily enforced if not in conflict with the constitution and by-laws of the American Legion (National) or the Department of California.

Section 2: Other Amendments. These by-laws shall be automatically amended to conform to any changes in the American Legion's National or Department of California's constitution and by-laws. Failure or delay by the Post to adopt the required amendments shall not delay or modify the effect of such changes.

Section 3: Certification of Amendments or By Laws Revision. The Post Commander and Post Adjutant must certify to the following upon adoption of any by-laws amendments or revision:

"We hereby certify that the above by-laws amendment(s) [revision] were [was] read at two successive general meetings and adopted on [date of adoption], a quorum being present, and by more than two-thirds vote of those present and voting."

| | |
|-----------------------------|---------------------------------------|
| First Reading: | [Date of First Reading] |
| Second Reading and Adoption | [Date of Second Reading and Adoption] |

| | |
|---------|-------------------------------|
| Signed: | [Signature of Post Commander] |
| | [NAME] |
| | Post Commander |

| | |
|--|------------------------------|
| | [Signature of Post Adjutant] |
| | [NAME] |
| | Post Adjutant |

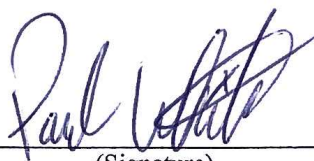
Section 4: Approval. Any amendments to these by-laws shall be forwarded to Department Headquarters for approval by the Constitution and By-Laws Commission of the Department. The original is returned to the Post after having been approved by the Commission in accordance with Department regulations.

CERTIFICATION

We hereby certify that the above by-laws revision was read at two successive general meetings and adopted on 6 May 2023, a quorum being present, and by more than two-thirds vote of those present and voting.

First Reading: 8 APRIL 2023
Second Reading and Adoption: 6 MAY 2023

Signed: 6 MAY 2023



(Signature)

PAUL A. WHITE
Post Commander



(Signature)

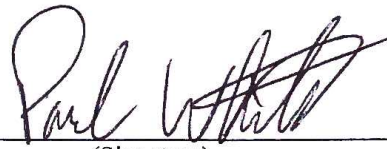
JACKEY QUEEN
Post Adjutant

CERTIFICATION

We hereby certify that the above by-laws revision was read at two successive general meetings and adopted on 6 May 2023, a quorum being present, and by more than two-thirds vote of those present and voting.

First Reading: 8 APRIL 2023
Second Reading and Adoption: 6 MAY 2023

Signed: 6 MAY 2023



(Signature)

PAUL A. WHITE
Post Commander



(Signature)

JACKEY QUEEN
Post Adjutant