



# THE AMERICAN LEGION

## BY-LAWS

of

## JAMES HARVEY SPIRE POST 787, DEPARTMENT OF NEW YORK

### ARTICLE I

Section 1. The post existing under these By-Laws is to be known as James Harvey Spire Post No. 787, The American Legion, Department of New York.

Section 2. The objects of this post are as set forth in the Constitution.

### ARTICLE II – Management

Section 1. The government and management of the post is entrusted to an Executive Committee as prescribed in Section 1, Article V of the Constitution.

The administration of the Post's affairs, between meetings of the Post, and except as may be otherwise provided in these By-Laws, shall be under the supervision of the Executive Committee.

Section 2. The Executive Committee shall consist of the officers and three (3) trustees of the post. The Officers and Trustees shall be elected annually during May and be installed in June. All elections of Officers and Trustees shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates. Any elected officer may be removed for inefficiency by the Executive Committee after due notice and hearing as provided by the Department Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.

The elective Officers of this Post shall be elected and installed in the month of June, annually. All elections of Executive Committee Members shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office for which they are candidates, and they shall hold Office until their successors are duly installed or as otherwise provided. Any elective Executive Committee Member may be removed for inefficiency by the Executive Committee after due notice and hearing as provided by the Department Executive Committee, a two-thirds vote of said Committee being necessary to affect such removal.

Section 4. 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 remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer whom he succeeds. A vacancy shall exist when a member or officer is absent from his/her post for a continuous period considered detrimental to the interest of the post by the Executive Committee.

### **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 ten (10) days after the installation of the new officers. Thereafter the post Executive Committee shall meet at the call of the commander at least once each month and as often as said commander may deem necessary. The commander shall call a meeting of the post Executive Committee upon the joint written request of three (3) or more members of said post Executive Committee. Five (5) members of the committee shall constitute a quorum thereof.

Section 2. The post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of post funds; shall hear the reports of post committee chairman; and generally, shall have charge of and be responsible for the management of the affairs of this post.

**The Post Executive Committee, subject to the approval of the Post, shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall hear the reports of Post Committee Chairs, and generally, shall have charge of, and be responsible for, the management of the affairs of this Post between meetings of the Post and subject to the approval of the Post; shall require that all Post Officers, employees and volunteers who handle American Legion monies and negotiable instruments shall be covered by adequate fidelity/crime insurance as paid for and approved by the Post Executive Committee.**

### **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. He/She shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the post for the past year, and recommendations for the ensuing year, which shall be read at the September General Membership meeting. He/She shall perform such other duties as directed by the post.

**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 Commander shall approve all orders directing the disbursements of funds and shall perform such other duties as directed by the Post.**

Section 2. Duties of Vice Commanders: Vice Commanders 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.

**Duties of Vice Commanders: The Vice Commanders shall, in the order of their seniority, assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Post Commander.**

Section 3. Duties of 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 organizations 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 4. Duties of 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 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 furnish such surety bonds in such sum as shall be fixed by the post Executive Committee, except that the minimum bond shall be for a sum of \$2,500.

**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 a local bank or banks and shall report, once a month, to the Executive Committee the condition of the finances of the Post, with such recommendations as the Treasurer may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Treasurer shall sign all checks disbursing the monies of the Post and shall be covered by adequate fidelity/crime insurance in an adequate amount as approved by and at the expense of the Post Executive Committee.

Section 5. Duties of 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 officer as may be determined by the post or the Executive Committee.

Section 6. 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 departmental headquarters from time to time.

**Duties of 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.

Section 7. Duties of the 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 assigned to him/her by the post Executive Committee.

Section 8. Duties of Post Service Officer: The post service officer will maintain continuing liaison with veteran agencies and hospitals and advise the membership on any changes in veteran affairs. He/She will assist unemployed members in securing employment through veteran employment agencies and will perform such other duties as may properly pertain to his/her office.

**Duties of Post Service Officer:** The Post Service Officer will maintain continuing liaison with veteran agencies and hospitals and advise the membership on any changes in veteran affairs. The Service Officer will assist other veterans with claims before the Veterans Administration and will perform such other duties as may properly pertain to the office.

Section 9. Duties of Trustees: Trustees, in addition to duties listed in Article XIV, trustees shall perform such duties as assigned by the Commander.

## **Article V -Finances and Dues**

Section 1. The amount of annual Post dues shall be determined from time to time by the Post membership, payable in advance on the 31<sup>st</sup> day of *December* of each year.

Section 2. A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If their dues are paid on or before February first, the member shall be automatically reinstated. If the member is still delinquent after February first, the member shall be suspended from all privileges. If the member is still under such suspension on June first of such year, their membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs, however, that the Post, Department and National Organization may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

Section 3. A member whose dues for the current year have not been paid by Jan. first will be denied Canteen privileges until such time as dues are made current.

Section 4. All Post monies shall be deposited in a duly authorized banking institution as designed by the Post Executive Committee, and none of such monies shall be withdrawn except upon draft or check signed by the Post Treasurer or one other person designated in these By-Laws.

Section 5. The general expenses of the Post shall be paid by checks drawn against the general fund signed by the Post Treasurer and countersigned by the Post Commander or, in the absence or inability of the Commander, one of the Post Vice Commanders.

Section 6. The Post will maintain a separate “Membership Checking Account” in a duly authorized banking institution as designed by the Post Executive Committee for the deposit of membership dues, automatic deposits by the Department of New York of Post credit checks and for automatic withdrawals of dues payments through the Post’s mylegion.org account. This account will be maintained by the Post Membership Chairman.

Section 7. The Executive Committee may elect to give stipends to select individuals to compensate for the travel and excessive hours required to perform the duties of the position they hold. Stipends must be approved annually and listed in the

minutes of said meeting and communicated to Post members at the next General Membership meeting.

## **ARTICLE VI – Delegates**

Section 1. Delegates and alternates to a county convention shall be appointed by the post at a regular meeting of the post.

The Post shall elect annually such delegates and alternates to represent the Post at all County meetings or County Annual conventions as may be required, pursuant to such proportional representation covering such delegates or alternates as may be provided for by the Constitution and By-Laws of the Department and Onondaga County Organization.

## **ARTICLE VII – Appointments**

Section 1. The Post Commander, immediately upon taking office each year, shall appoint the following standard committee Chairpersons: Membership, Finance, Public Relations Rehabilitation and Service, Americanism, Building and Community Service. Such standing committees shall consist of the chairperson thereof and such committee members he/she enlists. Other committees may be appointed as the necessity demands. Committee chairpersons will report at each General Membership meeting.

The Post Commander, immediately upon taking office each year, shall appoint a Bar/Kitchen Liaison Officer, Sons of the American Legion Liaison Officer, American Legion Riders Liaison Officer, Color Guard Liaison Officer and the following Standing Committees: Membership, House, Publicity, Service, and Americanism. Such standing committees shall consist of such members, and the Chairs thereof, as shall be designated by the Post Commander. Said appointments shall be on consent of the Post Executive Committee. Liaison officers and committee chairpersons are expected to attend and report at all General Membership meetings.

Section 2. Membership Committee: The Membership Committee Chairperson shall be the Post Adjutant, and shall have charge of all matters pertaining to the membership of the post, including the procuring of new members, reinstatement and eligibility of members.

Section 2. Bar/Kitchen Liaison Officer shall have oversight of the bar operations and work closely with the head bartender.

Section 3. Finance Committee: The Finance Committee Chairperson shall be the Post Finance Officer and committee members will include the Commander, 1st Vice Commander and Adjutant. Each committee member will have signatory authority for Post funds. All drafts written for post funds will require signature of two committee members. The committee is charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all post funds.

Section 3. Sons of the American Legion Liaison Officer: The Sons of the American Legion Liaison Officer shall be the conduit between the Sons and the Legion and shall attend the Sons meetings. The Liaison Officer will ensure all elections of Sons officers and meetings are conducted in compliance with the Constitution and By-Laws.

Section 4. 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 4. American Legion Riders Liaison Officer shall be the conduit between the American Legion Riders Chapter and the Legion and shall attend the Rider's meetings. The Liaison Officer will ensure all elections of Riders officers and meetings are conducted in compliance with the Constitution and By-Laws.**

Section 5. Rehabilitation and Service Committee: The Rehabilitation and Service Committee Chairperson shall be the Post Service Officer and will supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state governments, employment, relief, etc. The committee shall maintain close liaison with veteran agencies to insure that the membership is properly and promptly advised of any changes in veteran's affairs.

**Section 5. Color Guard Liaison shall have supervision over the Color Guard, maintaining a current roster, ensuring ceremonial rifles are properly maintained and secured and is responsible for uniforms and equipment being procured as needed.**

Section 6. Americanism Committee: The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools, Americanization of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

**Section 6. Membership Committee shall have charge of all matters pertaining to the membership of the Post, including procuring of new members, reinstatement, and eligibility of members.**

Section 7. 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 7. House Committee – The House Committee shall have charge of all matters pertaining to the care of the Post quarters, promotion of Club advantages and arrangements for social activities.**

Section 8. Building Committee: The Building Committee shall be charged with the responsibility to insure that all modifications, repairs, etc., of the post building or other real property are accomplished economically and in the best interests of the post.

**Section 8. Publicity Committee – The Publicity Committee shall be charged with the promotion of public support of the Legion's programs with The American Legion Magazine, Department, and National Legion news services, and by local publicity of Post programs and activities.**

Section 9. Community Service Committee: The Community Service Committee shall be charged with maintaining relations with civic organizations, local government agencies and other such persons and organizations to better integrate the Post's programs and raise the Post awareness within the local community.

Section 9. Service Committee – The Service Committee shall supervise all matters pertaining to service to comrades in the prosecution of all claims against the United States or State Governments, employment, relief, etc., and community welfare matters.

Section 10. Americanism Committee – The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

### **ARTICLE VIII – 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.

All matters of State, National, or international scope that appeal to Legionnaires and the Post may be treated, discussed, and acted upon provided, however, that such action shall be submitted for approval through the prescribed American Legion channels to the body having jurisdiction thereof.

### **ARTICLE IX – Meetings**

Section 1. The regular meetings of the post shall be held at the James Harvey Spire Post No. 787 once each month, at which may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings as may be deemed advisable by the officers of the post.

The regular meetings of the Post shall be held at the Post Headquarters or a place to be decided upon by the Post once each month, unless otherwise specified, at which may be transacted such business as may properly be brought up for action; if a quorum is not present such meetings may be converted into entertainment meetings, as may be deemed advisable by the Post Commander. Five members with at least three being Post officers shall constitute a quorum..

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 the written request of one-third of active members, the committee shall call a special meeting of the post at any time.

Section 4. Four (4) officers and four (4) non-officers shall constitute a quorum for a regular post meeting. Delete section 4

### **ARTICLE X – Notices**

Section 1. Every member shall furnish the post adjutant with his or her address for mailing purposes.

Each member shall furnish the Post Adjutant with a current postal and/or email address for mailing purposes and inform the Adjutant of any change in such address(s).

Section 2. The post adjutant shall cause notice of the annual election to be given at least 30 days prior thereto.

The Adjutant shall cause to be e-mailed to each member, posted on Facebook, published on the website and posted on the sign board at the Post notice of meetings and each special meeting of the Post at least three days prior to such meeting, except as otherwise provided in the Constitution and By-Laws, and all notices as required by the Constitution and By-Laws.

Section 3. Notices of meetings at which nominations or elections of officers are to be held shall specify that such nominations or elections are to be held at such meeting and shall be posted at least two weeks prior to each such meeting.

#### **ARTICLE XI – Rules of Order**

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

#### **ARTICLE XII – Limitations or Liabilities**

Section 1. This post shall not incur, or cause to be incurred, any liability or obligations whatever which will subject to liability any other post, sub-division, members of The American Legion, or other individual, corporations or organizations.

#### **ARTICLE XIII – Amendments**

Section 1. The By-Laws may be amended at any regular post meeting by a vote of two-thirds of the members of said post attending such regular meeting: Provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post; and: Provided, further, that written notice shall have been given to all members at least sixty (60) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting, a proposal to amend the By-Laws is to be voted upon.

Section 1. These By-Laws are adopted subject to the provisions of the National, Department, and Onondaga County Committee Constitution and By-Laws. Any amendments to said National, Department or County Committee Constitution and By-Laws, which are in conflict with the provisions hereof shall be regarded as automatically repealing or modifying the provisions of these By-Laws to the extent of such conflict.

Section 2. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members attending such regular meeting, provided that the proposed amendment shall have been submitted in writing, and read at a preceding regular meeting of said Post, and provided further, that written notice shall have been given to all members at least ten days in advance of the date when such amendment is to

be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

Section 3. Any amendments or changes to these By-Laws shall not take effect until first having been approved by the Onondaga County Committee and the Department Executive Committee.

#### ARTICLE XIV – TRUSTEES

Section 1. The Post will elect three Trustees from the members of the Executive Committee to serve in accordance with the provisions of the Benevolent Orders Law of New York State and who shall have the care, management, and control under the Benevolent Orders Law of all the temporalities and property belonging thereto, whether real or personal; after the Trustees are first elected they shall, by lot, be assigned a term of one, two, or three years and thereafter all Trustees shall be elected for terms of three years.

Section 2. The Trustees shall not sell, convey, mortgage or dispose of any of the temporalities and property of the Post except by and under its direction duly had or given at a regular meeting thereof, according to its Constitution and By-Laws, and the said Trustees shall at all times obey and abide by the directions, orders, and resolutions of the Post.

Section 3. That in the event the Charter of the Post is suspended, cancelled or revoked by The Executive Committee of the Department of New York, the Trustees then in office shall transfer all of the temporalities and property of the Post to The Department of New York, in accordance with Article III, Section 3 of the National By-Laws of The American Legion.

Section 4. That the Trustees elected may file, in the Office of the Secretary of State, a Certificate of such election, signed and acknowledged by the Commander, 1<sup>st</sup> Vice Commander, and 2<sup>nd</sup> Vice Commander of the Post, stating the time and place of such election and that the same was regular, the names of such Trustees and the term of which they are elected to serve and the name of the Post.

#### CERTIFICATION OF ELECTION OF TRUSTEES OF

James Harvey Spire Post No. 787 The American Legion, Department Of New York.

We, the undersigned, do hereby make, sign, acknowledge, and file this Certificate Pursuant to Article 2 of the Benevolent Orders Law of the State of New York as follows:

1. The American Legion James Harvey Spire Post No. 787 is duly chartered and instituted in accordance with the Constitution and By-Laws of The American Legion and the people who signed and acknowledged this Certificate are respectively the

Commander, First Vice Commander, and Second Vice Commander, the first three elective officers of said American Legion James Harvey Spire Post No.787.

2. The Trustees hereinafter named are members of such Post in full membership and in good and regular standing therein and were elected Trustees of said Post on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at the Post rooms of said Post at 5575 Legionnaire Drive in the town of Cicero, New York County of Onondaga, New York, that said election was regularly held in accordance with the Constitution and the general rules and regulations of said American Legion and in conformity with its own By-Laws.
3. The names and addresses of said Trustees and the terms for which they were allotted to
4. serve are as follows:

<u>NAME</u> <u>SERVICE</u>	<u>ADDRESS</u>	<u>TERMS OF</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

IN WITNESS WHEREOF, we have made, signed, acknowledged, and filed this Certificate in duplicate. DATED at Cicero, New York New York, this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

\_\_\_\_\_  
Commander

Attested as a true and correct copy of the By-Laws as in effect on this date: November 16, 2017

Butch Auchterlonie  
Post Adjutant  
James Harvey Spire Post 787