



MIDDLEBURG AMERICAN LEGION POST 250 INC.

The American Legion, Department of Florida

A Nonprofit Organization

Post No. 250 By-Laws

Revised _____ **08 March 2023** _____ Adopted _____ **16 March 2023**

Upon this date all other copies of By-Laws for MIDDLEBURG American Legion Post Number 250, Incorporated and all motions pertaining to the administration functions become null and void with no authority.

Ken White, Commander

Date:

Wayne Elliott, Judge Advocate

Date:

ARTICLE I. NAME and LOCATION

Section 1. The American Legion Post existing under these By-Laws is to be known as Middleburg American Legion Post No. 250, Inc., Department of Florida, The American Legion.

Section 2. The location of the Post is **2608 Black Creek Drive, Middleburg, Clay County, State of Florida 32068-5710.**

ARTICLE II. OBJECTIVE

Section 1. The Provisions of the National Constitution and By-Laws of the American Legion shall govern the objective and purpose of this Post.

ARTICLE III. MEMBERSHIP

Section 1. The Provisions of the National Constitution and By-Laws of the American Legion related thereto shall govern eligibility for membership in this Post.

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually.

Section 3. All applicants for membership will attach a copy of their DD-214 or note a review of their current Active-Duty Military issued ID card on their application.

Section 4. All applications for membership shall be reviewed by the First Vice Commander as the Chairman of the Membership Committee. Any concerns will be brought before the Executive Board for resolution.

Section 5. The Dues of membership shall be established by the Post Executive Board, and then approved by majority vote of the members present at the next membership meeting.

ARTICLE IV. MANAGEMENT

Section 1. The government and management of the Post are entrusted to an Executive Board consisting of members stated in Section 2, below, of these By-Laws.

Section 2. The Executive Board shall consist of two (2) members in addition to the officers of the Post for a total of thirteen (13) members and together shall govern all Post activities. They shall be elected or appointed annually. Any Officer of this Post may be reprimanded, suspended, or expelled from either office or the American Legion in accordance with Article X, paragraph 14 of the Constitution, American Legion, Department of Florida. No member of the Post will hold more than one elective position of the Executive Board at the same time.

All Executive Board members elected and/or appointed shall be voting members and allowed to make motions. The Post Commander shall appoint the following Officers: Adjutant, Service Officer, and Judge Advocate.

Section 3. The officers of the Post shall consist of the following members: Commander, First and Second Vice Commanders, Adjutant, Finance Officer, Historian, Chaplain, Judge Advocate, Service Officer, Sergeant-at-Arms and Asst. Sergeant-at-Arms. The Commander-elect shall make the appointments of the Post Adjutant, Judge Advocate, and Service and place their names before the Executive Board for confirmation and approval of the general membership.

Section 4. The **immediate** past Commander will be a voting member of the Executive Board. **All** previous past Commanders, in good standing, shall be ex-officio non-voting members of the Executive Board, with speaking privileges.

Section 5. The chair of the standing committees are expected to attend the Post's meetings in order to stay informed as to the conduct of Legion's business and programs and report where it impacts Post business. The Chair of the Post Committees shall be non-voting members of the Executive Board, with speaking privileges on subject matters pertaining to their respective committee.

Section 6. The Executive Board shall meet for organization and such other business as may come before it at the call of the Commander within fifteen (15) days after installation of Officers. Thereafter the Executive Board shall meet at the call of the Commander at least once a month and as often as said Commander may deem necessary. The commander shall call a meeting of the Post Executive Board upon the joint written request of three (3) or more members of the Post Executive Board. Five (5) members of the Executive Board shall constitute a quorum thereof.

Section 7. The Executive Board shall hire/terminate such employees as may be necessary; shall approve all expenditures; shall require adequate bonds for all persons having the custody of Post funds; shall hear the reports of committee chairmen; and generally, shall have charge of and be responsible for the management of the affairs of the Post.

Section 8. In case of the resignation, death, or removal from office of the Commander, a Vice-Commander, in order of office, automatically becomes commander for the remainder of the term. To fill other vacancy caused by death, resignation removal from office, or otherwise unfilled, the Commander will appoint a member of the Post to fill the position for the remainder of the term.

Section 9. The Executive Board can approve the transfer of money from the general operating funds to any other fund with approval of the general membership. No funds of Middleburg American Legion Post No. 250, Inc. shall be withdrawn, expended, invested, or re-invested, except when approved by the Executive Board and the general membership. Per our Post 250 Standing Rules, the Post Commander shall be limited to \$500.00 per monthly expenditure

without the Post Executive Board approval. These expenditures shall be reported at the next Executive Board meeting and at the general membership meeting.

ARTICLE. V. ELECTIONS

Section 1. All American Legion Post 250 members in good standing are eligible to hold office. Nominations for officers will occur in the March and April general membership meeting, or not less than 90 days prior to the election of officers. The election of Officers shall be held not more than Ninety (90) days, nor less than Ten (10) days prior to the Annual Department Convention. All candidates running for office must have on file a copy of their military eligibility document prior to date of election, or face disqualification. If a Write-in candidate is elected to office, the candidate shall either accept or decline the position. If the candidate accepts the position, he/she will furnish a copy of the military eligibility documents stated above within 30 days of the election or face disqualification. If the write-in candidate declines the position or is disqualified, the person receiving the next highest number of votes receives the position. **Absentee ballots shall only be by request. Cut Off Date to Request an Absentee Ballot is One (1) Week prior to Election Day. Absentee Ballots ‘must’ be received by the Post No Later Than One (1) day prior to the scheduled election date. You MAY NOT drop off your absentee Ballot on Election Day! Absentee Ballots should be placed into the Commanders Suggestion Box prior to Election Day. All absentee ballots will be counted at the same time as the on-site ballots. Absentee Ballots MUST be verified by the Post Adjutant. NO EXCEPTIONS!**

Section 2. All ballots cast shall be placed in a sealed or adequately locked ballot box and not opened until such time as voting is closed. After the final tabulation of ballots, they will be placed in a secured container for thirty (30) days, and then destroyed.

Section 3. All members, in good standing may Vote. Proof of good standing is possession of a valid current year’s membership card prior to voting. Disputes as to good standing may be referred to the Post Adjutant who may check the current membership roster on www.myLegion.org.

Section 4. The officers elect will be installed into their new office at the Commander’s discretion after the Annual Department Convention. **The installation ceremony into the office will be according to the district schedule.** If a formal installation ceremony is prescribed, failure to hold it does not affect the time at which the new Officers assume office. Post Officers shall be installed by the District Commander or his/her designated representative.

Section 5. All officers shall have their next year’s dues paid no later than the date on which they are installed in the office.

ARTICLE VI. DUTIES of the OFFICERS

Section 1. It shall be the duty of the Post Commander to preside at all meetings of the Post and have general supervision over the business and affairs of the Post. The Post Commander shall be the Chief Executive Officer of the Post. Shall make an annual report; reporting the business of the Post for the year and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. He/she shall be an ex-officio member of all standing committees, except the nominating committee. He/she shall appoint the Post Adjutant, Judge Advocate, and Service Officer subject to ratification by the Executive Board and approval of vote of two-thirds of the general membership. He/she shall perform such other duties as deemed necessary. The Post Commander shall be responsible for appointing Delegates and Alternates to attend the Department Convention and the District Constitutional Conference as required.

Section 2. The First Vice-Commander shall assume and discharge the duties of the office of Commander in the temporary absence or disability of, or when called upon by the Commander. He/she shall serve as chair of the membership committee.

Section 3. The Second Vice-Commander shall assume and discharge the duties of the office of Commander in the temporary absence or disability of the Commander and the first Vice-Commander. He/she shall serve as the Chair of the entertainment committee. Shall serve as the ex-officio representative to the Post Auxiliary Unit in coordinating entertainment and social events.

Section 4. The Adjutant shall have charge of and keep a full and correct record of proceedings of all meetings. Shall keep records as the Department and National Headquarters may require. Shall render reports of membership annually or when called upon at a meeting and under the direction of the Commander, who shall be in-charge of all correspondence of the Post.

Section 5. The Finance Officer shall have charge of all finances and see they are safely deposited in a local bank or banks. Shall report once a month to the Executive Board and the general membership the finances of the Post with which to carry on the activities of the Post. Such reports shall include, but is not limited to total income, cost of sales, expenses, accounts receivable, accounts payable, inventory, a profit and loss statement, any agreement concerning use of facilities and any other information necessary to provide the membership with sufficient information to make decisions concerning these activities and facilities. He/she shall sign all checks in dispersing the money of the Post. Profits received from all sources, except Trust and Sinking funds, shall be deposited into the operating funds. He/she shall chair the finance committee, and report directly to the Post Commander and the Executive Board members.

Section 6. The Historian shall be charged with records pertaining to incidents of the Post and Post members. Shall keep a history of the Post and shall also serve as the Public Relations Officer.

Section 7. The Chaplain shall be charged with the spiritual welfare of the Post and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, adhere to such rituals as are recommended by National or Department Headquarters from time to time. He/she shall serve as Chair of the Graves, Registration and Memorial Committee.

Section 8. The Judge Advocate shall be charged with the interpretation of the Post By-Laws; provide professional advice in the conduct of the Post business, as well as act as parliamentarian. He/she shall act as custodian of the ballot box and prepare the ballots. Conduct election of Post officers. Verify eligibility of members seeking office with DD-214 or Active Duty I.D Card along with the First Vice Commander and the Post Adjutant.

Section 9. The Service Officer shall act as an advisor to all members of the Post in-regards-to possible government benefits and employment benefits. He/she shall assist in preparation of filing claims with the Veteran's Administration for all veterans, widows and orphans of veterans who need this service. He/she shall serve on the committee that decorates veteran's graves.

Section 10. The Sergeant-at-Arms shall preserve order at all meetings, Post functions and as custodian of the Post's colors, altar cloth, Bible and such other Post property as incident to a Post meeting. Allow no-one to enter a meeting who does not hold a current calendar year membership card. Will assist at election time, to observe that balloting is done in a secret and proper manner. Shall perform such other duties, as may properly pertain to the office as may be determined by the Post Executive Board.

Section 11. The Assistant Sergeant-at-Arms shall assist the Sergeant-at-Arms in any and all of his duties with the Post.

Section 12. The Executive Board member's primary responsibilities are to ensure they are representing the membership, Post programs, and business financial affairs and to ensure that they are in accordance with the Post By-Laws, Department and National Constitution By-Laws.

Section 13. **CEREMONIALS COMMITTEE:** The principal duty of the Ceremonials committee is to ensure that all new members are properly initiated. The committee must also concern itself with the proper presentation of other rituals outlined in the Manual of Ceremonies, Burial Detail, and the wearing of Legion Regalia.

Section 14. **CHILDREN AND YOUTH COMMITTEE:** This 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 for the needy

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 "A square deal for every child."

Section 15. **ENTERTAINMENT COMMITTEE:** The Entertainment committee shall have charge of all matters pertaining to the promotion of Post activities and arrangements of social functions. This committee shall be responsible for promoting both fund-raising events and social functions for the members of the Post.

Section 16. **MEMBERSHIP COMMITTEE:** This committee shall have charge of all matters pertaining to the membership growth of the Post, including the procurement of new members, reinstatements and eligibility of members. When called upon, they will investigate credentials and other matters pertaining to applicants for American Legion and/or Post 250 membership.

ARTICLE VII. APPOINTMENTS and COMMITTEES

Section 1. The Commander, prior to taking office, shall appoint the following Officers: Adjutant, Judge Advocate, and Service Officer. These officers will be confirmed at the first Executive Board meeting following elections. He/she shall appoint a Chair for the following standing committees; House Committee, Boys State, JROTC, Boy Scouts and such other standing committees as set forth in the Department of Florida By-Laws.

Section 2. Each committee shall consist of a Chair and additional members as required. All The Committee Chairs will become familiar with prescribed duties as contained in the current American Legion Officer's Guide and Manual of Ceremonies. The Chair of each committee shall make a report, at least, every other month to the general membership and/or Executive Board meetings.

Section 3. Special Committees will be appointed by the Executive Board to include a chair and members thereof that may include one or more members, who are not members of the Executive Board, but not limited to, nomination, audits, investigations, and Ad Hoc committees.

Section 4. Debates, delicate and troublesome questions will be confined to the House Committee members. During actual deliberations of the meeting, only the committee members have the right to be present. These special committees are appointed for a specific purpose and cease to exist unless they are discharged sooner.

ARTICLE VIII. MEETINGS

Section 1. The membership meeting of the Post shall be held in the Post home at least once a month, third Thursday at **7:00PM**, at which time such business may be transacted that has been properly introduced and shall be for the purpose of receiving reports of officers and each special committee chairman.

Section 2. The membership, by majority of votes casted at a regular meeting may change the date for future meetings of the post. Members of the Post present shall constitute a quorum at all monthly membership meetings or special meetings.

Section 3. Special membership meetings may be called by the commander or by the majority of the Executive Board or shall be called at the written request of fifteen (15) members of the Post. It is the responsibility of the Post Adjutant to notify all parties by phone. The purpose of the special meetings shall be limited to the subject matter for which the meeting was called. The subject matter to be acted upon at any special meeting shall be stated in the call, except in cases of emergency, at least three (3) days notice shall be given, in accordance with Article XII Section 3 of these By-Laws.

ARTICLE IX. AUXILIARY

Section 1. The Post recognizes a Unit 250 Auxiliary organization to be known as the Auxiliary Unit No. 250 of Middleburg American Legion Post No. 250, The American Legion.

ARTICLE X. SONS of the AMERICAN LEGION (SAL)

Section 1. The Post recognizes a subsidiary organization under its jurisdiction, to be known as the Sons of the American Legion Squadron No. 250.

Section 2. All applications for membership will be certified by the Post Adjutant.

Section 3. Shall always be subject to the By-Laws and rules of the Post.

ARTICLE XI. AMERICAN LEGION RIDERS (ALR)

Section 1. The Post recognizes a subsidiary **program** under its jurisdiction, to be known as the American Legion Riders, Middleburg Chapter 250.

Section 2. All applications for membership will be certified by the Post Adjutant.

Section 3. Shall always be subject to the By-Laws and Rules of the Post.

ARTICLE XII. NOTICES

Section 1. The Post Adjutant shall cause notice of the annual election, change of meetings, dues increase, or information that should be brought to the attention of the membership to be published in the monthly newsletter.

Section 2. Every member shall furnish the Post Adjutant with his or her preferred point of contact, current Mailing address, Email address, phone numbers and changes thereof, for mailing purposes and/or for contacting members of family members in case of emergency. It is important for every member to have up-to-date contact information.

Section 3. Notification of special meetings can be made by telephone or Email, when feasible, or may be published in the monthly or weekly newsletter. The monthly newsletter will be the official vehicle of notices of general information to members of the Post.

ARTICLE XIII. AMENDMENTS

Section 1. These By-Laws may be amended and changed; such amendment must be submitted in accordance with Section 2, of this Article.

Section 2. The proposed amendment shall be typewritten, prepared in duplicate; one copy each to the Post Adjutant and Judge Advocate. The proposed amendment shall be submitted to the Executive Board for review and ratification prior to the membership meeting. The proposed amendment shall be presented to the general membership and approved with a two-thirds vote of the membership.

Section 3. It will take two-thirds of the members attending such meetings to approve the amendments.

Section 4. The By-Laws and or amendments shall be submitted to the Department of Florida, for certification of approval before becoming effective.

Section 5. These By-Laws are adopted subject to the provisions of the national Constitution of the American Legion and of the Department Constitution of the Department of Florida, The American Legion. Any amendment to said National Constitution or Department Constitution which conflicts with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

ARTICLE XIV. 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 it shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by the Post Executive Board is taken.

ARTICLE XV. RULES of ORDER

Section 1. This Post shall use and follow the current edition of Officer's Guide and Manual of Ceremonies which are published annually by The American Legion National Headquarters. Internal Affairs & Membership Division and available for download from www.legion.org in conducting its meetings, initiation of members and other ceremonies prescribed therein.