

THE AMERICAN LEGION
POST 385 PEMBROKE PINES, FL 33029

CONSTITUTION AND BY-LAWS

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 the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and 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 1 - NAME

SECTION 1. The Post existing under these by-laws shall be known as the Nathan Bruckenthal-Adam Cann Post 385 Pembroke Pines, The American Legion, Department of Florida.

ARTICLE 2 - OBJECTS

SECTION 1. The object and purposes of this Post shall be as set forth in the foregoing preamble and the National and Departmental Constitutions of the American Legion.

ARTICLE 3 - NATURE

SECTION 1. The American Legion is a civilian organization and membership therein does not affect or increase liability for military service. Rank does not exist in the American Legion and no member shall address another by military title at any Post meeting.

SECTION 2. The American Legion shall be absolutely non-political and shall not be used for dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

ARTICLE 4 . MEMBERSHIP

SECTION 1. Members who joined Pembroke Pines Post 385 prior to May 16, 2005 shall be known as charter members.

SECTION 2. Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion.

SECTION 3. Candidates for membership in this Post shall submit their application to the Post Adjutant, who shall inquire into and verify proof of military service (DD-214). Application for any candidate not meeting the prescribed eligibility shall be immediately rejected.

SECTION 4. No person shall be a member of this Post who is at the same time a member of any other Post of the American Legion.

SECTION 5. Non-residents of the City or State, otherwise eligible, may be admitted to membership on the same basis as residents.

SECTION 6. Any member or officer of this Post may be expelled, suspended or otherwise disciplined only upon proper showing or cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty or conduct unbecoming a member of the American Legion. Charges must be made under oath in writing by the accuser(s). Trials and disciplinary actions shall be conducted in accordance with Article X, paragraph 14 of the Department of Florida By-Laws and the Rules Governing Trials and Appeals contained therein.

SECTION 7. Any member who has been expelled or suspended from this Post may be reinstated to membership by a two-thirds vote of the membership present at a Post meeting. Provided, however, that he/she shall make payment of arrears in his/her dues at the time of expulsion and reinstatement.

SECTION 8. No person who has been expelled or suspended by another Post shall be admitted to membership in this Post without the consent of the expelling Post.

SECTION 9. Legion membership is annual, the Legion year being from January 1 to December 31. If dues are not paid by January 1, the member is delinquent, if dues have not been paid by March 1; the member is suspended, forfeiting all privileges until reinstated. If dues are not paid by June 30, the member is dropped from the rolls by constitutional mandate and the membership is forfeited.

ARTICLE 5 - MANAGEMENT

SECTION 1. The government and management of the Post are entrusted to an Executive Board consisting of 10 members elected annually by the membership, plus three officers appointed by the Post Commander with the concurrence of the Executive Board.

SECTION 2. The Executive Board shall consist of thirteen members, seven of who will constitute a quorum for the transaction of Post business. The elective members shall be: Commander, First Vice Commander, Second Vice Commander, Finance Officer, Chaplain, Historian, Sgt-at-Arms and three (3) Executive Committeemen. The appointive officers are; Adjutant, Judge Advocate and Service Officer. The duties of these officers are outlined in Section 6 of these by-laws. All members shall take office at the annual Installation of Officers.

SECTION 3. All vacancies existing in the Executive Board shall be filled by appointment by the Commander, subject to approval by majority vote of the Executive Board, and the person so appointed shall hold office for the Unexpired term of the member he/she succeeds.

SECTION 4. The Executive Board shall meet for organization and such other business as shall come before it within ten days after installation of new officers. Thereafter, the Executive Board shall meet monthly. In the event the Commander believes it necessary or urgent, he may call a special meeting on short notice, and shall call a meeting of the Executive Board within 72 hours upon a joint written request of a least five members of the Board. All activities and decisions of the Executive Board are subject to the approval of the members at the next scheduled membership meeting.

SECTION 5. The Executive Board shall authorize and/or approve all salaries, commissions or expenditures before payment by the Finance Officer. The Board shall authorize social functions, entertainment and business activities of the Post. To facilitate routine operations, the Board may establish standard operating procedures to permit officers to carry out these operations without undue restraint. The Board will require adequate bonds or sureties from Post officials having custody of Post funds in accordance with these by-laws.

SECTION 6. Officers may only be removed or suspended for cause as prescribed by The American Legion Department of Florida By-laws and the Rules Governing Trials and Appeals.

ARTICLE 6. OFFICERS

SECTION 1. The elective officers of the Post are: Commander, First Vice Commander, Second Vice Commander, Finance Officer, Chaplain, Historian, Sgt-at-Arms and three (3) Executive Committeemen. The appointive officers are: Adjutant, Judge Advocate and Service Officer.

SECTION 2. The Commander shall be the Chief Executive Officer of the Post and will preside at all meetings of the Post and Executive Board, and shall see that all orders and resolutions of the Post and Executive Board are carried into effect. Unless herein provided otherwise, he/she will be an ex-officio member of all standing committees. The Commander shall examine the minutes of the Post and all Committee meetings each month, he shall cause an annual report of Post activities and business be made, read annually to the membership and a copy forwarded to the Department Adjutant.

SECTION 3. The First Vice Commander shall assume and discharge the duties of the Commander in the absence of or when called upon by the Commander; shall assume such other duties as directed by the Executive Board, and shall be the focal point of all membership activities to include one membership drive.

SECTION 4. The Second Vice Commander shall assume and discharge the duties of the Commander in the absence of or when called upon by the Commander; shall assume such other duties as directed by the Executive Board; and shall be responsible for directing and coordinating the social and recreational activities of the Post.

SECTION 5. The Finance Officer shall have charge of all of all finances, see that they are deposited in a local bank for safeguarding and shall report once a month to the Executive Board the condition of the finances of the Post. The Finance Officer shall sign all checks disbursing the monies of the Post, countersigned by the Commander or an Officer designated by the Board. The Finance Officer shall establish procedures necessary to account for and safeguard monies generated by the various Post activities. The Finance Officer shall furnish surety bonds in such amount as may be fixed by the Executive Committee.

SECTION 6. The Post Adjutant shall have charge of and a full and correct record of all proceedings of all meetings, keep such records as the Department and Organizations may require, render reports of membership when requested and under the Direction of the Commander, handle all correspondence of the Post. The Adjutant shall be responsible for the membership cards, signing and delivering cards to all entitled to receive them, and for collecting all membership dues and conveying same to the Finance Officer. The Adjutant will receive all applications for membership and will inquire into and verify proof of military service.

SECTION 7. The Sergeant-at-Arms shall preserve order at all Post meetings and shall be responsible for setting up the meeting room(s); perform other duties as requested by the Executive Board or Commander, assist the Commander in initiation and instruction of new candidates and properly identify and introduce guests at meetings.

SECTION 8. The Chaplain shall perform such duties and non-sectarian services as may be necessary at regular Post meetings, dedications, funerals and public functions, adhering to such ceremonial rituals as may be recommended from time to time by the National Headquarters of the American Legion.

SECTION 9. The Judge Advocate shall advise the Post Officers and the Executive Board on all legal matters, including the construction and interpretation of the National, Department and Post Constitution and By-Laws and conduct an annual review of the Post By-Laws to determine if revisions are necessary.

SECTION 10. The Historian is given the responsibility of preserving and compiling records of the Post to assure that the recorded history of the Post, its policies, accomplishments and activities are not blank for those who follow.

SECTION 11. The Service Officer will make the necessary investigations and supervise all matters of all just claims against the United States in such matters pertaining to service to comrades in the prosecution of claims against the National or State Governments, employment relief and community welfare matters, with particular attention to distressed comrades or their families, and ex-service personnel in trouble.

SECTION 12. The Executive Committeemen shall see that adequate insurance protection is carried at all times for all Post facilities and that adequate insurance is provided to protect against torts arising from other activities. They shall make monthly inspections of the Post and make recommendations to the Executive Board for the necessary repairs and when authorized, oversee the accomplishment of such repairs. They shall sit as an audit committee to examine the finances of the Post semi-annually and report the results to the membership; they shall perform other duties as requested by the Commander or Executive Board.

ARTICLE 7 COMMITTEES

SECTION 1. The Post Commander, immediately upon taking office each year, shall appoint such committees as the Executive Board deems necessary, but at a minimum, he shall establish the following: Americanism, Children and Youth, Membership, and School Awards. These committees shall consist of such members and the chair thereof, as determined by the Commander. A House Committee is also established by these by-laws and its membership is as in Section 8 below.

SECTION 2. 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 3. The Children and Youth committee is charged with aid and service to children of veterans, to act as intermediaries for children needing assistance, and to work with other local services and agencies in assisting any child in need of relief.

SECTION 4. The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including procuring new members, reinstatements and eligibility of members.

SECTION 5. The School Awards Committee shall have responsibility for coordinating the annual awards program and the Boys State Program.

SECTION 6. The House Committee shall consist of the Commander, Vice Commanders, Finance Officer and Executive Committeemen. They shall manage the building and canteen at the Legion home, and shall be responsible for the employment, scheduling, compensation and termination of canteen personnel. The Committee shall designate one member to be the Post Property Officer who will make an annual inventory and arrange such measures as necessary to protect it. The Property Officer shall approve property leaving the Post premises. The Committee will periodically review house rules and procedures, revise them as necessary, present them for approval of the membership and post a copy in the canteen.

ARTICLE 8 - ELECTIONS

SECTION 1. Election of officers will be held on a regularly scheduled meeting date, not more than sixty (60) days nor less than fifteen (15) days prior to the Department of Florida Convention. The Adjutant shall cause notice of the elections to be published at least six (6) and not more than eight (8) weeks prior to the election date.

SECTION 2. Nomination for Officers shall be made at regularly scheduled meetings sixty (60) and thirty (30) days prior to the election. Nominees must positively accept nomination by contacting the Adjutant fifteen (15) days prior to election date or their name will not be placed on the ballot. The slate of nominees shall be posted within three (3) days after each nomination session.

SECTION 3. Only members in good standing of Weston Post 385 shall be eligible to vote or hold Office. No member shall be a candidate for two elective offices.

SECTION 4. The election shall be by secret ballot and the candidate receiving the highest number of votes shall be deemed elected to the office. Voting by proxy is not allowed. Absentee ballots may be requested by any member who is not anticipating being in Broward County at least one (1) day prior to the election and on Election Day. Requests for absentee ballots must be in writing to the Judge Advocate and completed ballots must be received at least one (1) day prior to the election.

SECTION 5. After closing of nominations, the Commander will advise all candidates that proof of their eligibility (Military Discharge or DD-214) is to be shown and placed on file with the Adjutant. Failure to do so will result in name being removed from or not placed on the ballot. Prior to the election, the Adjutant shall prepare a sample ballot for approval by the Executive Committee.

SECTION 6. With the advice and consent of the Executive Board, the Commander shall appoint three (3) judges to supervise and conduct the election, count the ballots and report the results to the Commander. An election Judge shall not be a candidate for any office. Only members of the Post whose dues are fully paid and are otherwise in good standing with the American Legion shall serve as election Judge.

SECTION 7. The election shall take place from twelve o'clock noon (1200 hours) and shall close promptly at 7 PM (1900 hours). No person shall be admitted to the polling place except to vote and they shall be members in good standing and otherwise qualified to vote according to these by-laws.

SECTION 8. Balloting and counting of the ballots shall be in the open for observation by the membership present. In the event of a tie vote for any office, the membership present shall vote again on the tied nominees at the general meeting immediately following. Any question arising out of the election upon which the Judges cannot agree shall be referred to the Executive Board for a decision. However, any candidate for office already on the Executive Board may not serve in this dispute resolution.

SECTION 9. Upon receipt of the election results, the Commander shall open a regular Post meeting and announce and post the results.

SECTION 10. All Officers shall take the oath of office at their installation by District Commander or their designee.

SECTION 11. Delegates and alternates to the Department Convention will be elected by voice vote of the members of the Post present at a regular meeting of the Post held at least thirty (30) days prior to the convention.

ARTICLE 9 MEETINGS

SECTION 1. Regular meetings of the Post shall be held at 7:00 PM (1900) hours on the first Tuesday of each month, at which time such business may be transacted as may be properly brought up for action. In some case, on a month to month basis, we may need to change a certain meeting date could due to holidays, Installation of Officers, availability of meeting space, etc.

SECTION 2. Seven members present shall constitute a quorum at any meeting of the Post.

SECTION 3. The Commander or a majority of the Executive Board may call a special Post meeting with prior notice of at least seventy two (72) Hours.

SECTIONS. The canteen shall be closed to all members during a regular or special meeting.

SECTION 6. The annual meeting of the officers of the corporation will be conducted prior to the election of new officers for the year.

ARTICLE 10 DUES

SECTION 1. Annual dues shall be thirty (\$30.00). PROVIDED HOWEVER, dues may be increased by a majority of the members present at a regular meeting of the Post, where the meeting and its purpose have been advertised for a minimum of thirty (30) days.

SECTION 2. Annual dues shall be payable in advance on July first each year.

ARTICLE 11 AUXILIARY OF THE AMERICAN LEGION

SECTION 1. The Post recognizes an Auxiliary Organization known as the Auxiliary of the American Legion, Unit 385.

SECTION 2. Membership of the Auxiliary shall be limited to Mothers, Wives, Daughters, Granddaughters and Sisters of all men and women who served in the armed forces of the United States during the periods prescribed for American Legion membership.

SECTION 3. Said Auxiliary shall be organized by adoption of a set of bylaws to govern their own operation, provided that such by-laws not be in conflict with the Constitution and By-laws of this post.

ARTICLE 12 SONS OF THE AMERICAN LEGION

SECTION 1. The Post recognizes a subsidiary organization known as Sons of The American Legion Squadron 385.

SECTION 2 Qualifications for membership in the Sons of the American Legion shall be as prescribed by the National Organization of the American Legion.

SECTION 3. The Sons of the American Legion shall be non-partisan in politics and shall not be used for dissemination of partisan principles.

SECTION 4. The Sons of the American Legion Squadron 385 shall be organized under the jurisdiction and sponsorship of the Post and shall at all times be subject to the regulations of the Post. The Post Commander shall appoint 3 members of the Post as an advisory committee. The duties of this committee shall be to advise the Sons of the American Legion.

ARTICLE 13 NOTICES

SECTION 1 Each member of the Post shall furnish the Adjutant with a current mailing address which shall be used for official notices, provided however, that publication of information or notices in the local press may be used as a substitute. A schedule of meeting dates for the Executive Board and the Membership shall be posted on the official bulletin board.

ARTICLE 14 LIMITATION AND LIABILITIES

SECTION 1 This Post, its Auxiliary and the Sons of the American Legion shall not incur, nor cause to be incurred, any liability or obligation whatever which shall subject to liability any other Post, subdivision thereof, group of men, members of the American Legion, or other individuals, corporations or organizations.

SECTION 2 No funds shall be expended, no property sold or no liabilities incurred by this Post, Officer of this Post or member of this Post until the same shall have been approved by the proper action of the Executive Board or membership.

SECTION 3 Neither this Post, or committee or subsidiary thereof, shall sponsor or promote any activity or fund raising campaign until the details of the project are reduced to writing and approved by the Executive Board. At a minimum, the proposal shall outline the purpose of the activity, benefit to the American Legion, costs, sources of funding, how proceeds will be divided and list Post liabilities, if any.

SECTION 4 No Officer of the Post or Committee Chairperson shall receive any remuneration, directly or indirectly, for services performed on behalf of the Post, or any project or activity sponsored by the Post, unless it shall have been approved by the Executive Board and forwarded to the Membership for their concurring vote.

ARTICLE 15 AMENDMENTS

SECTION 1 These by-laws may be amended or revised at a regular Post meeting by a two third majority vote of the membership present. PROVIDED, that the amendments and revisions shall have been made available to the membership for comment for a period of sixty days, and that a minimum of thirty (30) day notice be given that such vote will be held.

ARTICLE 16 ARRANGEMENTS

SECTION 1 These by-laws and all amendments thereto, shall be properly arranged by the Post Judge Advocate. Following adoption, they shall be printed in suitable form and available for distribution to the members of the Post. The Adjutant shall keep sufficient copies available for distribution and each new member of the Post shall be given a copy at the time of installation.

ARTICLE 15 RULES OF ORDER

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

ARTICLE 16 ADOPTIONS

SECTION 1 By the adoption of this amended and re-arranged by-laws, it is declared that all previous arrangements of the by-laws of this Post are hereby revoked and annulled and are hereby amended and re-arranged and shall become effective and immediately operative upon their approval and adoption.

APPROVED and ADOPTED at a regular meeting this 2nd day of February, 2010 at Post 385, Pembroke Pines, Broward County, Florida.

RESPECTFULLY SUBMITTED:

FOR GOD AND COUNTRY

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FOR GOD AND COUNTRY

Roy Schofield
Commander

Joseph Motes
Adjutant

Alberto Darby
1st Vice Commander

Frank Dingfelder
2nd Vice Commander