

**CLAYTON E. MONEYMAKER POST NO. 237
DEPARTMENT OF ALABAMA
2900 DRAKE AVENUE
HUNTSVILLE, AL 35805**

CONSTITUTION AND BY-LAWS



Approved by General Membership on November 21, 2022

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.

CONSTITUTION



ARTICLE I – NAME:

The name of this organization shall be Clayton E. Moneymaker Post No. 237 Department of Alabama.

ARTICLE II – OBJECTIVES/PURPOSES:

The objectives and purposes of this Corporation (hereinafter referred to as Post or Post 237) shall be to promote the principles and policies as set forth in the foregoing Preamble to this Constitution as well as those specified within the National and Departmental Constitutions of the American Legion.

ARTICLE III – NATURE:

SECTION 1: This Post is a civilian organization and membership herein does not affect or increase liability for military service.

SECTION 2: This Post shall be nonpolitical and shall not be used for the dissemination of partisan principles, nor for the promotion of the candidacy of any person seeking public office or preferment.

SECTION 3: Rank does not exist in the American Legion. No member of this Post shall be addressed by his military rank or title during any meeting of this Post.

SECTION 4: This Post is not organized for financial gain.

SECTION 5: This Post shall not issue shares of stock.

SECTION 6: To carry out the objectives and purposes of this Post, the Post shall have the right to erect, rent, lease, purchase, maintain and equip suitable club rooms, lodge rooms, reading rooms, and recreational halls and to provide books, periodicals, and other literature and entertainment for the social advancement of its members and their guests.

SECTION 7: This Post shall not engage in the business of selling or keeping for sale or otherwise disposing of any liquors or beverages that are prohibited by the laws of the State of Alabama from being manufactured, sold, or otherwise disposed of in said state. This Post shall not permit its members to keep or store any such prohibited liquors or beverages at or near the premises of this Post for use or consumption by its members or others, or for distribution or division among its members or their guests. This Post shall not maintain any unlawful drinking place or any nuisance contrary to the laws of the State of Alabama. The failure of this Post to observe the requirements of this section may result in the forfeiture of its Charter and rights as a Post.

ARTICLE IV – MEMBERSHIP:

SECTION 1: Eligibility for membership in this Post shall be as prescribed by the National Constitution of the American Legion.

SECTION 2: Application for membership shall be made in writing under such regulations as may, from time to time, be prescribed by the Post Executive Committee.

SECTION 3: The American Legion National and Departmental dues for membership in Post 237 may be paid by said Post for certain veterans as follows:

a. Medal of Honor recipients: The membership dues of Medal of Honor recipients do not have to be paid for by their Post. Recipients of the Medal of Honor are automatically awarded a lifetime American Legion membership by American Legion National.

b. Members 70 years of age or older who have been members in good standing in the American Legion for at least 50 consecutive years.

c. Those veterans who have a 100% disability resulting directly from hostile military action involving the United States of America during a time of war or police action, and who qualify for membership under ARTICLE IV, SECTION 1 above.

d. Application for membership in this Post under this section must be made in writing by the applicant or a member of this Post. Approved applications will be maintained as a permanent record of the Post until said dues are no longer paid by the Post.

SECTION 4: No person expelled from membership by any American Legion Post shall be admitted to membership in this Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, he may then appeal to the Executive Committee of the Department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

ARTICLE V - CHARTER MEMBERSHIP:

All members who joined Clayton E. Moneymaker Post No. 237 Department of Alabama on or before 14 September 2014 shall be known as Charter Members.

ARTICLE VI – OFFICERS:

SECTION 1: The administrative affairs of this Post shall, except as may otherwise be provided for in the By-Laws, be under the supervision of an Executive Committee.

This Executive Committee shall consist of all elected officers of this Post for the current year, including any officers filling vacancies in elected offices by special election or appointment and ratification, the current appointed Adjutant, plus the outgoing Commander for a period of one year. The current Commander will be chairman of this Executive Committee.

SECTION 2: Elected officers of this Post shall consist of the following:

- Commander
- First Vice Commander
- Second Vice Commander
- Third Vice Commander
- Finance Officer
- Chaplain
- Historian
- Sergeant-At-Arms
- Trustees (3)
- Judge Advocate

SECTION 3: The following officers shall be appointed by the incoming Commander and shall be installed concurrently with the elected officers of this Post:

Adjutant
Service Officer

SECTION 4: Election of officers will be held in May and their installment will occur in June each year.

SECTION 5: Every member of this Post, in good standing, shall be eligible to hold office in this Post, unless otherwise provided for in the National, Departmental, or Post Constitution or By-Laws.

SECTION 6: Any officer may be removed from office for inefficiency or malfeasance upon the recommendation of the Executive Committee and approval of a majority vote of the members present at any regularly scheduled Post general membership meeting.

SECTION 7: The duties of the officers and Executive Committee shall be those as usually pertain to such officers or committee members and as further provided for in the Post By-Laws.

SECTION 8: The term of office for Post officers shall be one (1) year except for the Finance Officer and the 3 Year Trustee who shall be elected for a term of three years. A Trustee shall be elected each year.

ARTICLE VII – FINANCE:

SECTION 1: The revenue of this Post shall be derived from membership dues and from such other sources as may be recommended and approved by the Post membership at any regular Post general membership meeting.

SECTION 2: The amount of annual membership dues shall be fixed and determined upon the recommendation of the Executive Committee and approved by a majority of the members of the Post present at any Post general membership meeting.

SECTION 3: This Post shall pay to Department Headquarters the National and Departmental annual membership dues for every member of this Post.

SECTION 4: The outgoing Finance Committee shall prepare a budget for the next fiscal year and present it to the Executive Committee. The Executive Committee shall make any desired changes or recommendations and submit the budget to the newly elected Commander. The new Commander will present the proposed budget to the Post membership for approval at the June meeting. Approval of the budget will authorize the Finance Officer to disburse funds, in accordance with said budget, without further action by the membership.

SECTION 5: Any proposed expenditure of Post funds not included in the budget for the current year's operations, except as might otherwise be provided for in the By-Laws, must be approved by a two-thirds majority vote of the membership present at any regularly scheduled Post general membership meeting.

ARTICLE VIII – AUXILIARY:

SECTION 1: The Post recognizes an Auxiliary organization to be known as the Auxiliary Unit of Clayton E. Moneymaker Post No. 237 Department of Alabama.

SECTION 2: Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

ARTICLE IX - SONS OF THE AMERICAN LEGION:

SECTION 1: This Post recognizes a Sons of the American Legion organization to be known as Squadron 237 of Clayton E. Moneymaker Post No. 237, Department of Alabama.

SECTION 2: Membership in the Sons of the American Legion shall be as prescribed by the National Constitution of the Sons of the American Legion.

ARTICLE X - THE AMERICAN LEGION RIDERS:

SECTION 1: This Post recognizes an American Legion Riders organization to be known as American Legion Riders Chapter 237 of Clayton E. Moneymaker Post No. 237 Department of Alabama.

SECTION 2: Membership in the American Legion Riders shall be as prescribed by the National Constitution of the American Legion Riders.

ARTICLE XI – AMENDMENTS:

SECTION 1: This Constitution is hereby adopted, subject to the provisions of the National Constitution of the American Legion and the Departmental Constitution of the Department of Alabama, The American Legion.

SECTION 2: Any amendment to the National or Departmental Constitutions, which conflicts with any provision(s) herein, shall automatically repeal and modify this Constitution to the satisfaction of such conflict.

SECTION 3: This Constitution may be amended at any regular Post general membership meeting by a two-thirds vote of the members attending such regular Post general membership meeting. The proposed amendment(s) must be submitted in writing and all members must be given written notification, delivered by email, social media, or the US Postal Service, at least twenty-one (21) days in advance of the meeting at which the amendment(s) is to be voted on.

**CLAYTON E. MONEYSMAKER POST NO. 237
DEPARTMENT OF ALABAMA**

BY-LAWS



ARTICLE I – NAME:

SECTION 1: This Post existing under these By-Laws is to be known as Clayton E. Moneymaker Post No. 237 Department of Alabama.

SECTION 2. The objectives of Post 237 are as set forth in the Post Constitution.

ARTICLE II – MANAGEMENT:

SECTION 1: The government and management of this Post is to be entrusted to the Executive Committee. The composition of the Executive Committee is set forth in ARTICLE VI, SECTION 1 of the Post Constitution.

SECTION 2: Post management will be vested in the House Committee subject to the direction and guidance of the Executive Committee. The Post Club Manager will receive guidance/disciplinary actions from the Third Vice Commander and/or the Post Commander in the absence of the Third Vice Commander.

SECTION 3: All activities involving the use, repair, procurement, loan or disposal of Post facilities and equipment will be consistent with National and Departmental Constitutions and By-Laws and shall be coordinated by the Board of Trustees. The recommendations of the Board of Trustees will be forwarded to the Finance Committee. Expenditure of funds for repair, procurement, or loan activities will be subject to the provisions of ARTICLE XII of these By-Laws.

SECTION 4: Unless otherwise provided for by the Post Constitution or By-Laws, the final and ruling voice of authority in all management affairs pertaining to the Post shall be the general membership. No committee or officer shall at any time overrule a majority vote of the general membership.

SECTION 5: Specific actions to be performed by the Trustees and Finance Committee will be delineated in Standard Operating Procedures-Trustees and Standard Operating Procedures-Finance Committee.

ARTICLE III - POST EXECUTIVE COMMITTEE:

SECTION 1:

- a. The members of the Executive Committee shall assume office immediately after the installation of the officer's ceremony at the Post June general membership meeting. All vacancies existing in the Executive Committee, except Adjutant, or in any elected office of the Post, from any cause other than the expiration of the term, shall be filled in accordance with ARTICLE VI (Election of Officers). The Executive Committee shall meet regularly, at least monthly, for such business as may come before it, or at the call of the Commander. The Commander shall call a meeting of the Executive Committee upon receipt of a written request from three or more members of the Committee. Five (5) members of the Committee shall constitute a quorum. A quorum must be present to conduct formal Committee business. Minutes of all Executive Committee meetings will be maintained, and a synopsis of meetings presented to the membership at the next general membership meeting.

- b. The Executive Committee shall be responsible for the management of the affairs of the Post and shall require bonding of all persons having custody of or access to Post funds. It is further charged with assisting in hiring employees, authorizing, and approving all expenditures, hearing reports of Post committee chairpersons, and providing business oversight over Post affairs.

SECTION 2: The composition of the Executive Committee is as follows:

- Commander
- Past Commander
- First Vice Commander
- Second Vice Commander
- Third Vice Commander
- Adjutant
- Finance Officer
- Chaplain
- Service Officer
- Historian
- Sergeant-At-Arms
- Judge Advocate
- 1 Year Trustee
- 2 Year Trustee
- 3 Year Trustee

SECTION 3: Specific actions to be performed by the Executive Committee are delineated in Standard Operating Procedures-Executive Committee.

ARTICLE IV - DUTIES OF OFFICERS:

SECTION 1: POST COMMANDER -

- a. Shall preside over the meetings of the Post and have general supervision over the business affairs of the Post.
- b. Shall be Chief Executive Officer of the Post and make an annual report covering the business of the Post for the year served as Commander.
- c. Shall make recommendations for the ensuing year which will be read at the Post June general membership meeting and be immediately forwarded to the Department of Alabama Adjutant with a list of the newly installed officers.
- d. Specific actions to be performed by the Post Commander are delineated in Standard Operating Procedures-Post Commander.

SECTION 2: FIRST VICE COMMANDER -

- a. Shall assume and discharge the duties of the office of Commander in the absence of, or disability of, or when called upon by the Commander.

b. Shall be Chairman of the Membership Committee and be responsible for membership drives for the Post.

c. Specific actions to be performed by the First Vice Commander are delineated in Standard Operating Procedures-First Vice Commander.

SECTION 3: SECOND VICE COMMANDER -

a. Shall assume and discharge the duties of the office of Commander in the absence of, or disability of, the Commander and the First Vice Commander, or when called upon by the Commander.

b. Shall be Chairman of all committees responsible for Americanism programs.

c. Specific actions to be performed by the Second Vice Commander are delineated in Standard Operating Procedures-Second Vice Commander.

SECTION 4: THIRD VICE COMMANDER -

a. Shall assume and discharge the duties of the office of Commander in the absence of, or disability of, the Commander and the First and Second Vice Commanders, or when called upon by the Commander.

b. Shall be the Chairman of the House Committee.

c. Shall preside at all House Committee meetings of this Post and have supervision over the appointed committee members as prescribed in ARTICLE VII of these By-Laws, and to perform other duties as assigned by the Commander.

d. Shall have full supervisory capacity over the Club Manager to include disciplinary actions, with the concurrence of the Commander.

e. Specific actions to be performed by the Third Vice Commander are delineated in Standard Operating Procedures-Third Vice Commander.

SECTION 5: ADJUTANT -

a. Shall be a member in good standing, appointed by the incoming Commander and approved by the Executive Committee. The Adjutant shall be installed with the elected officers of the Post, however, shall not vote in Executive Committee meetings nor the general membership meetings on matters directly related to his own employment or compensation.

b. Shall be a paid member of the Post. The Executive Committee will determine the salary of the Adjutant. The salary will be included as a line item in the Post Budget.

c. Shall be bonded by the Department of Alabama in accordance with their normal bonding procedures.

d. Specific actions to be performed by the Adjutant are delineated in Standard Operating Procedures-Adjutant.

SECTION 6: FINANCE OFFICER –

a. Shall have charge of all finances of the Post and see that all funds are properly deposited in a local bank or banks as approved by the Executive Committee.

b. Shall be bonded and furnished other such surety bonds, paid for by the Post, in such sums as determined by the Executive Committee.

c. Shall be Chairman of the Finance Committee.

d. Specific actions to be performed by the Finance Officer are delineated in Standard Operating Procedures-Finance Officer.

SECTION 7: HISTORIAN -

a. Shall be charged with the individual records and incidents of the Post and its members.

b. Shall perform such other duties as may properly pertain to this office, and as may be determined by the Post or Executive Committee.

c. Specific actions to be performed by the Historian are delineated in Standard Operating Procedures-Historian

SECTION 8: CHAPLAIN -

a. Shall initiate and supervise those activities promoting the spiritual welfare of the Post.

b. Specific actions to be performed by the Chaplain are delineated in Standard Operating Procedures-Chaplain.

SECTION 9: SERGEANT - AT - ARMS -

a. Shall preserve order at all meetings.

b. Shall serve as Post color bearer.

c. Shall perform other such duties as may be assigned by the Commander.

d. Specific actions to be performed by the Sergeant-At-Arms are delineated in Standard Operating Procedures-Sergeant-At-Arms

SECTION 10: TRUSTEES -

a. Shall be charged with the enforcement and administration of the established Post financial policy.

b. Shall assist in the preparation of the Post budget recommendations, supervision of receiving and accounting for all Post funds, and such other functions as may be required as members of the Executive Committee.

c. Shall be the custodians of all property of the Post and shall act as agent of the Post in conveying property of the Corporation.

d. The One Year Trustee shall be the Chairman of the Post Board of Trustees and the Building Committee.

e. Specific actions to be performed by the Trustees are delineated in Standard Operating Procedures-Trustees

SECTION 11: JUDGE ADVOCATE -

a. Shall give professional advice in the conduct of Post business.

b. Shall be the guardian of the constitutional form of Post government.

c. Shall supervise and be responsible for all legal matters as pertains to the Post.

d. Shall interpret the Constitution and By-Laws of the Post and may at any time be called upon by the Commander, other Post officers, or members of the Post to rule on the legality of their actions and decisions insofar as they affect the good of the American Legion.

e. Specific actions to be performed by the Judge Advocate are delineated in Standard Operating Procedures-Judge Advocate.

SECTION 12: SERVICE OFFICER -

a. Shall keep informed of the rights of all veterans and shall advise and assist any veteran, veteran's surviving spouse or other family member, in securing any benefits which may be due any such individuals.

b. Shall oversee the welfare of all Post members and their families.

c. Shall serve as Chairman of the Rehabilitation and Service Committee and Child Welfare Committee.

d. Specific actions to be performed by the Service Officer are delineated in Standard Operating Procedures-Service Officer.

ARTICLE V - DUTIES OF THE CLUB MANAGER:

SECTION 1: The Post Club Manager works at the direction of the Third Vice Commander in accordance with the guidance and direction of the Executive Committee. He is charged with the responsibility of all club activities as sanctioned by the House Committee. Subject to the approval of the House Committee, he shall have the authority to hire or discharge employees such as cooks, bartenders, waitresses, etc., as needed with the approval of the Third Vice Commander and the Commander.

SECTION 2: The Club Manager shall be responsible for the safe-keeping and accounting of all moneys received and disbursed in connection with all club activities. He shall keep accurate and up-to-date records of all such receipts and expenditures. He shall make all such records available for review or audit by the Finance Committee or their designee.

SECTION 3: The Club Manager will enforce such house rules as are reasonably necessary to maintain a congenial atmosphere and an orderly establishment. He may refuse service to or expel unruly patrons.

SECTION 4: Specific actions to be performed by the Club Manager are delineated in Standard Operating Procedures-Club Manager.

ARTICLE VI - ELECTION OF OFFICERS:

SECTION 1: THE NOMINATING COMMITTEE -

At the Post general membership meeting in the month of March, the Commander shall appoint one Nominating Committee. The committee will be composed of at least two members. The committee will hold meetings and make a list of members to be nominated for each of the following offices:

Commander
First Vice Commander
Second Vice Commander
Third Vice Commander
Finance Officer
Chaplain
Historian
Sergeant-At-Arms
Three Year Trustee
Judge Advocate

SECTION 2: The remainder of the election of officer's process is delineated in Standard Operating Procedures-Election of Officers.

ARTICLE VII – COMMITTEES:

SECTION 1: STANDING COMMITTEES -

Each year immediately upon taking office, the Commander will appoint a chairman for Post standing committees for which a chairman is not specified in ARTICLE IV of the Post By-Laws. The Commander will appoint a chairman for the following standing committees:

- a. Membership: The First Vice Commander will determine the composition of the Membership Committee.
- b. House: The Third Vice Commander will determine the composition of the House Committee. When the Post membership exceeds 650 members, one additional committee member may be appointed for each additional 150 members or fraction thereof. The Committee shall not exceed eleven (11) members.
- c. Rehabilitation and Service: The Service Officer will determine the composition of the Rehabilitation and Service Committee.
- d. Child Welfare: The Service Officer will determine the composition of the Child Welfare Committee.

e. Americanism: The Second Vice Commander will determine the composition of the Americanism Committee.

f. Building: The Commander shall appoint the Chairman of the Building Committee. The Chairman will determine the composition of the Building Committee.

g. Finance: The Finance Officer will determine the composition of the Finance Committee.

h. Vetting: The Vetting Committee will be comprised of the Commander, Finance Officer, and Trustees.

SECTION 2: OTHER COMMITTEES-

The Commander may establish other committees as needed and will appoint the chairman and members, plus assign the duties.

SECTION 3: STANDING COMMITTEE RESPONSIBILITIES-

a. Membership Committee:

- 1) This committee shall have charge of all matters pertaining to the membership of this Post such as securing new members, reinstatement of past members, and renewal of present members. They shall plan and organize membership drives and activities to increase membership.
- 2) Specific actions to be performed by the Membership Committee are delineated in Standard Operating Procedures-Membership Committee.

b. House Committee:

- 1) This committee shall have charge of all matters pertaining to the care of the Post social quarters, promotion of club activities, and the arrangement of social activities.
- 2) Specific actions to be performed by the House Committee are delineated in Standard Operating Procedures-House Committee

c. Rehabilitation and Service Committee:

- 1) This committee shall supervise all matters pertaining to rendering service to comrades in the processing of all just claims, or seeking relief, employment, etc.
- 2) Specific actions to be performed by the Rehabilitation and Service Committee are delineated in Standard Operating Procedures-Rehabilitation and Service Committee

d. Child Welfare Committee:

- 1) 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 welfare, and coordinating Post efforts with the agencies in the community for the above purposes. This committee will act as an intermediary for the needed children of veterans in obtaining the

fulfillment of the American Legion's pledges that: "No child of a war veteran shall be in need of the necessities of life." and "A square deal for every child."

- 2) Specific actions to be performed by the Child Welfare Committee are delineated in Standard Operating Procedures-Child Welfare Committee

e. Americanism Committee:

- 1) This committee shall be charged with Patriotism and inspiring good citizenship. It shall arrange for the proper observance of patriotic events and promote civic phases of instruction in schools. It shall be responsible for assisting in the Americanization of aliens, combating anti-American propaganda, and education of the public in American ideals through public forums such as Boys State, Oratorical Contests, and activities for community and civic betterment.
- 2) Specific actions to be performed by the Americanism Committee are delineated in Standard Operating Procedures-Americanism Committee

f. Building Committee:

- 1) This committee shall be charged with the supervision of all matters pertaining to new construction and/or maintenance of the Post home.
- 2) Specific actions to be performed by the Building Committee are delineated in Standard Operating Procedures-Building Committee

g. Finance Committee:

- 1) This committee shall provide guidance to the Executive Committee and General Membership regarding the financial and investment health of the Post.
- 2) Specific actions to be performed by the Finance Committee are delineated in Standard Operating Procedures-Finance Committee

h. Vetting Committee:

- 1) This committee shall provide needed assistance to verified veterans and any member of the Post 237 family, including Auxiliary, SAL, and Legion Riders.
- 2) Specific procedures to be performed by the Vetting Committee are delineated in Standard Operating Procedures-Vetting Committee.

ARTICLE VIII – MEETINGS:

SECTION 1: REGULAR MEETINGS -

The regularly scheduled Post general membership meeting shall be held at the Post home on the third Monday of each month at 7:00 PM, except for the December meeting which may be changed by the membership in the November meeting.

SECTION 2: SPECIAL MEETINGS -

The Commander shall call a Special Meeting of the Post upon the request of fourteen other members or at such times as it is deemed for the good of the Post, community, state, or nation.

SECTION 3: QUORUM -

Fifteen (15) members, including the Commander or other authorized presiding officer, at any regularly scheduled general membership meeting shall constitute a quorum. A quorum must be present to conduct formal business of the Post.

SECTION 4: REQUIRED RECORDS AND REPORTS -

Approved minutes of all general membership meetings and Executive Committee meetings will be maintained in the Post files.

SECTION 5: CONDUCT OF MEETINGS -

Robert's Rules of Order, in the latest version or revision available, will be used as the basis for the conduct of all official Post meetings.

SECTION 6: All remaining information pertaining to the conduct of meetings is delineated in Standard Operating Procedures-Meetings

ARTICLE IX – DUES:

SECTION 1: ANNUAL DUES -

Annual dues will be as set forth in the Post Constitution, ARTICLE VII, SECTION 2.

SECTION 2: PAID-UP FOR LIFE MEMBERSHIP -

Any member of the American Legion in good standing may pay his dues in advance for the remainder of his life in accordance with the provisions of Section 2 of Article IV of the National Constitution of the American Legion, as implemented by Resolution No. 10, adopted by the National Executive Committee, 9-10 October 1974.

SECTION 3: DISTRIBUTION OF DUES -

The revenue received from annual membership dues by this Post shall be distributed as follows:

a. A per-capita amount for each member as determined by National Headquarters shall be paid to the Department of Alabama in payment of the Departmental and National membership dues.

b. The remaining money shall be deposited in the Post account.

ARTICLE X – DELEGATES:

SECTION 1: DELEGATES AND ALTERNATES -

Delegates and Alternates to the Department of Alabama American Legion Annual Convention shall be designated by the Executive Committee.

SECTION 2: DELEGATE FEES -

a. Registration fees for all delegates to the Department of Alabama American Legion Annual Convention shall be paid by the Post and shall be made a part of the Post Annual Budget. Delegate's fees will be paid on conditions set by the Executive Committee.

b. Expenses for delegates to the Mid-Winter Department Conference are restricted to Post officers and/or members designated by the Executive Committee.

ARTICLE XI – RESOLUTIONS:

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. A copy of all resolutions shall be forwarded to the Department of Alabama for its approval before any publicity is given or any action taken on said Resolution passed by this Post.

ARTICLE XII – FINANCES:

SECTION 1: THE FINANCE COMMITTEE –

The Finance Committee shall provide guidance to the Executive Committee and General Membership regarding the financial and investment health of the Post; collection of deposits and revenue; disbursement of funds for daily operations of the Post; disbursement of funds for grants and donations to individuals as approved by the Post leadership and General Membership. All business licenses, insurances, bonds, and contracts will be paid for and retained by the Finance Office or the appropriate Post activity. Professional accounting services will be provided in accordance with standard accounting procedures by a local CPA firm.

SECTION 2: BONDING -

a. The following personnel of this Post shall be bonded for a minimum amount of twenty-five thousand dollars (\$25,000) or an amount as deemed appropriate by the Executive Committee:

Commander

Finance Officer

Club Management and Employees

Trustees

Chairman, House Committee

Adjutant

Chairman, Bingo Committee (if this committee is established)

Chairman, American Legion Baseball Teams Committee (if this committee is established)

b. The Executive Committee shall have the authority to require the bonding of additional individuals when it is in the best interest of the Post and/or Club. The Executive Committee shall determine persons to be bonded and the amount of such bond.

SECTION 3: POST OPERATING CENTERS, FINANCIAL RECORDS, ACCOUNTS AND FUNDS -

a. The Finance Officer will maintain the Post financial records for all the Post operating centers in accordance with good record keeping practices using the formats adopted by the Finance Committee. At a minimum, the primary operating centers are: Post, Club, Membership, Bingo and Honor Guard. Other operating centers may be activated at the direction of the Executive Committee and Finance Committee. Both electronic and hard copy of all receipts/invoices/orders will be maintained. All moneys received by the Post will be deposited in the appropriate account for the operations center and will be charged to the proper accounting code.

b. Accounts will be established as mandated by law, American Legion National guidance, the Post Executive Committee or as needed for any new operations center. All financial accounts will be established with FDIC secured financial institutions within the local Madison County, AL area. Accounts may be established and maintained by the Finance Committee for each operating center when necessary to keep the Post on a sound financial basis or for special purposes. The establishment or closing of these accounts must be approved by the Executive Committee. The CPA will provide payroll, accounting, and tax reporting for the Post.

c. Revenue, fund raising income, donations, gifts, and other income specifically for one of the operations centers will be deposited to the respective account or the Post Account if there is no corresponding account.

d. All fund-raising projects or promotions shall be approved by the Executive Committee and reports of same made to and monitored by the Finance Committee.

e. The Emergency Relief funds may be used to assist Veterans in need of immediate assistance up to but not to exceed \$500.00 per case, subject to the availability of funds. The main Emergency Relief Account will be used to assist members of the Post as Grants to Domestic Individuals. Emergency Relief for Veterans who are not members of the Post will be disbursed from the Bingo account as either a Grant to Organizations or a Grant to Domestic Individuals.

SECTION 4: All matters pertaining to specific actions associated with the management of Post finances are delineated in Standard Operating Procedures-Finance Committee.

ARTICLE XIII – MISCELLANEOUS:

SECTION 1: EXECUTIVE ORDERS AND STANDARD OPERATING PROCEDURES -

The Commander may adopt previously existing Executive Orders and Standard Operating Procedures at the beginning of his elected term of office or make changes and reissue them. The Commander also may add new Executive Orders or Standard Operating Procedures from time to time as approved by the Executive Committee to facilitate the expedient handling of emergencies or to direct administrative actions not otherwise provided for in these By-Laws. These will be signed by the Commander and published effective upon the approval of the Executive Committee. They will remain in effect until changed by the Commander, or until they expire on the date when a newly elected Commander and slate of elected officers are installed.

SECTION 2: USE OF THE POST NAME -

The use of the Post name and/or insignia for the purpose of selling any tickets, chances, etc., or in any way sponsoring any program or event without prior approval of the general membership of this Post in an open meeting is prohibited. Approval of a line item in the annual Post budget is also approval for the responsible member to use the name and/or insignia of the Post in fund raising efforts.

SECTION 3: AMENDMENT OF THE CONSTITUTION AND BY-LAWS -

The Constitution and By-Laws may be amended at any regularly scheduled Post general membership meeting by a two-thirds vote of the members present at such meeting. Proposed amendments to the Constitution and By-Laws must be submitted in writing. Written notice of such proposed amendments shall be given to all members at least twenty-one (21) days in advance of the date of the meeting at which the proposed amendment(s) is to be voted upon. Publication of the notice in the Post newsletter will be considered as written notification provided the newsletter is mailed at least twenty-six (26) days in advance of the meeting.

SECTION 4: GENDER NEUTRAL –

The term “he” where used in the Constitution or By-Laws shall refer to both the masculine and feminine genders, as may be appropriate and applicable.

I CERTIFY THAT THIS CONSTITUTION AND BY-LAWS WERE APPROVED BY THE GENERAL MEMBERSHIP ON NOVEMBER 21, 2022.

COMMANDER: Jerry Phelps DATE NOTARIZED BY: DATE

ADJUTANT: Mary McCoy DATE

APPROVED: _____
Tony Berenotto (State Judge Advocate) DATE

**AMERICAN LEGION POST 237
2900 DRAKE AVENUE
HUNTSVILLE, AL 35805**

**AMENDMENT TO AMERICAN LEGION POST 237 CONSTITUTION
ARTICLE VI, SECTION 2**

PRESENTLY READS:

Article VI, Section 2: Elected officers of this Post shall consist of the following:

Commander
First Vice Commander
Second Vice Commander
Third Vice Commander
Finance Officer
Chaplain
Historian
Sergeant-At-Arms
Trustees (3)
Judge Advocate

CHANGE TO:

Article VI, Section 2: Elected officers of this Post shall consist of the following:

Commander
First Vice Commander
Second Vice Commander
Third Vice Commander
Finance Officer
Chaplain
Historian
Sergeant-At-Arms
Trustees (3)

REASON AND JUSTIFICATION:

REASON; Judge Advocate position has been and shall be an appointed position by the Commander of the Post.

JUSTIFICATION; The Judge Advocate position maintains an “UNBIAS” position to properly perform the duty. The position of Judge Advocate would become a non-voting member of the board as his or her judgement may be in question as to legalities of the subjects or actions to be voted on. Though not mentioned in the Officer’s Guide, Judge Advocates duties, the position could/would be implied. From the Officer’s Guide:

“The primary duty of the Judge Advocate is to supply professional advice in the conduct of the Post business or to procure proper counsel. He/She is the guardian of the Constitutional form of Post Government. Your Judge Advocate can also supply valuable assistance to other Post Committees and Officers. The Judge Advocate should maintain contact with local Government officials. The Judge Advocate commonly has the duty, with others, of auditing Post financial accounts. This is done annually, usually before the election of officers, or more frequently at their discretion.”

CERTIFICATION

The Commander and Adjutant of American Legion Post 237 certify to the following:

“We hereby certify that the above Constitution Amendment to Article VI, Section 2 was:

1. Emailed to the Post 237 Membership on July 18, 2023
2. Posted in the Post 237 August Roll Call newsletter
3. Posted on the Post 237 social quarters bulletin board

This amendment was approved by the Post 237 Membership Meeting on: August 21, 2023.

Signed by,

Jerry Phelps
Commander, American Legion Post 237

Mary McCoy
Adjutant, American Legion Post 237

**AMERICAN LEGION POST 237
2900 DRAKE AVENUE
HUNTSVILLE, AL 35805**

**AMENDMENT TO AMERICAN LEGION POST 237 CONSTITUTION
ARTICLE VI, SECTION 3**

PRESENTLY READS:

Article VI, Section 3: The following officers shall be appointed by the incoming Commander and shall be installed concurrently with the elected officers of this Post:

Adjutant
Service Officer

CHANGE TO:

Article VI, Section 3: The following officers shall be appointed by the incoming Commander and shall be installed concurrently with the elected officers of this Post:

Adjutant
Service Officer
Judge Advocate

REASON AND JUSTIFICATION:

REASON; Judge Advocate position has been and shall be an appointed position by the Commander of the Post.

JUSTIFICATION; The Judge Advocate position maintains an “UNBIAS” position to properly perform the duty. The position of Judge Advocate would become a non-voting member of the board as his or her judgement may be in question as to legalities of the subjects or actions to be voted on. Though not mentioned in the Officer’s Guide, Judge Advocates duties, the position could/would be implied. From the Officer’s Guide:

“The primary duty of the Judge Advocate is to supply professional advice in the conduct of the Post business or to procure proper counsel. He/She is the guardian of the Constitutional form of Post Government. Your Judge Advocate can also supply valuable assistance to other Post Committees and Officers. The Judge Advocate should maintain contact with local Government officials. The Judge Advocate commonly has the duty, with others, of auditing Post financial accounts. This is done annually, usually before the election of officers, or more frequently at their discretion.”

CERTIFICATION

The Commander and Adjutant of American Legion Post 237 certify to the following:

“We hereby certify that the above Constitution Amendment to Article VI, Section 3 was:

1. Emailed to the Post 237 Membership on July 18, 2023
2. Posted in the Post 237 August Roll Call newsletter
3. Posted on the Post 237 social quarters bulletin board

This amendment was approved by the Post 237 Membership Meeting on: August 21, 2023.

Signed by,

Jerry Phelps
Commander, American Legion Post 237

Mary McCoy
Adjutant, American Legion Post 237