

**CONSTITUTION
OF
FLAGLER POST 115, INC.**

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 GOODWILL ON EARTH; TO SAFEGUARD THE PRINCIPLES OF JUSTICE, FREEDOM AND DEMOCRACY; TO CONSECRATE AND SANCTIFY OUR COMRADESHIP BY OUR DEVOTION TO MUTUAL HELPFULNESS.

ARTICLE I – NAME

Section 1: The “Official” name of this corporation shall be Flagler Post 115, Inc., of The American Legion, Department of Florida and herein referred to as the “Post”, “Organization” and/or “Flagler Post 115, Inc.” Flagler Post 115, Inc. is a Corporation operating under the laws of the State of Florida. The Corporation’s scope of operation is located within the legal definition and boundaries of Flagler County, Florida.

ARTICLE II – OBJECTS

Section 1: The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble, and the National and Departmental Constitutions of The American Legion.

ARTICLE III – NATURE

Section 1: The Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2: This Organization 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.

Section 3: Rank does not exist in The American Legion; no member shall be addressed by his/her military or naval title in any meeting of this Post.

ARTICLE IV – MEMBERSHIP

Section 1: Eligibility to 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 regulation as may from time to time be prescribed by the Post Executive Committee. A copy of DD Form 214 or other proof of active military service during periods set by the National Organization is required by the Post Executive Committee.

Section 3: There shall be no form or class of membership except an active membership, and dues shall be paid annually or “For Life”.

Section 4: All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration.

Section 5: An Officer or Member of the Post maybe reprimanded, suspended, removed from office or expelled from The American Legion only upon proper showing or cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a Member of The American Legion. Any and all discipline of an Officer or Member shall be in accordance with Article 10, Paragraph 14, of the Constitution, The American Legion, Department of Florida. The procedures and rules controlling the bringing of charges and the trial, for any trial held within the jurisdiction of the Department of Florida, shall be as set forth by the Department Executive Committee in the document entitled “Rules Governing Trials”.

Section 6: A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a two-thirds vote of the membership present at a regularly scheduled Post meeting, and the payment of current dues for the year in which the reinstatement occurs.

Section 7: Any member or Post Officer who has been suspended or expelled shall have the right to appeal to the Department Executive Committee, provided however, that no factual determinations made by the Trier of fact shall be disturbed or set aside by the Department Executive committee. A Notice of Appeal must be received by the Department Adjutant within forty-five (45) days of the final action by the Post. The decision of the Department Executive Committee shall be final. If no appeal is made, the final action of the Post shall become binding.

Section 8: No person who has been expelled by another Post shall be admitted to membership in Flagler Post 115, Inc. without the consent of the expelling Post, except where such consent has been asked for and denied by such Post, then that person may appeal to the Department Executive Committee of the Department of Florida for permission to apply for membership into this Post, and shall be ineligible for membership until such permission is granted.

ARTICLE V – OFFICERS

Section 1: The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of the Executive Committee, which shall consist of two (2) members-at-large in addition to the elected and appointed officers of this Post. The term of office of members on the Executive Committee shall be for one year. This Post by its By-laws may provide for such other standing committees as the business of the organization may require.

Section 2: The elected officers of this Post shall be a Commander, a 1st Vice Commander, a 2nd Vice Commander, a 3rd Vice Commander, a Finance Officer, a Post Historian, a Post Chaplain, and a Sergeant-at-Arms who shall be nominated from the floor at the meeting preceding the annual election. The officers of this Post, except the Post Adjutant, the Post Service Officer, the Post Judge Advocate and the two (2) Executive Committeemen (members-at-large) shall be elected and certified on Department approved forms to the Department Adjutant, not more than ninety (90) days, nor less than ten (10) days prior to the Annual Department Convention.

Section 3: All officers shall be elected or appointed annually and they shall hold office until their successors are duly elected and installed or as otherwise provided. Officers of this Post may be reprimanded, suspended or removed from office resulting from charges based upon disloyalty to The American Legion or National Government, neglect of duty, dishonesty, and conduct unbecoming an officer of The American Legion. All charges shall be made in writing by an accuser, and no officer shall be reprimanded, suspended or removed from office until given a fair trial by this Post in accordance with Article 10, Paragraph 14, of the Constitution, The American Legion, Department of Florida. The procedures and rules controlling the bringing of charges and the trial for any trial held within the jurisdiction of the Department of Florida shall be as set forth by the Department Executive Committee in that document entitled “Rules Governing Trials”.

Section 4: Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 5: The duties of the Post Officers and the Executive Committee persons shall be those usually appertaining to such officers or committee persons and as further provided in the By-Laws.

ARTICLE VI – FINANCE

Section 1: The revenue of this Post shall be derived from membership dues and from such other sources as may be approved by the Post Executive Committee. No funds of this Post shall be withdrawn, expended, invested, reinvested or transferred from one fund to another except as authorized by the approved annual budget or by the Executive Committee’s recommendation to the next regularly scheduled or special call General Membership meeting whereas a two-thirds approval vote is required.

Section 2: The amount of such annual Post dues shall be determined and fixed by this Post.

Section 3: The Post shall pay to Department Headquarters the National and Departmental annual per capita dues for every member of this Post. Upon receipt of annual dues from the member, the National and Department portions shall be transmitted within thirty (30) days to the Department.

Section 4: Except as approved by a majority vote of members present at a regular or special call General Membership meeting, all monies collected are placed in the Post's General Fund. This includes the Post's portion of dues collected and income from any other source used for defraying operating costs of the Post. Expenditures of this fund shall be prescribed by the annual budget of the Post. Any additional designated fund for a specific cause or project must be approved by a majority vote of the members present at a regular or special called General Membership meeting. Fundraising for that cause or project must be specifically designated as such.

ARTICLE VII – CHARTER MEMBERS

Section 1: Members who joined this Post prior to the issuance of the Charter shall be known as Charter Members.

ARTICLE VIII – AMERICAN LEGION AUXILIARY

Section 1: This Post recognizes an Auxiliary organization to be known as American Legion Auxiliary Unit 115.

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

ARTICLE IX – AMENDMENTS

Section 1: This Constitution is adopted subject to the provision of the National Constitution of The American Legion and the Constitution of the Department of Florida, The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof, shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2: This Constitution may be amended at any regularly scheduled Post meeting by vote of two-thirds of the members attending such Post meeting, providing that the proposed amendment shall have been submitted in writing and read at the preceding regular meeting of this Post, and providing, further, that written notice shall be given to all members at least forty-five (45) days in advance of the date when such amendment is to be voted upon, notifying Post members that at such meeting a proposal to amend the Post Constitution is to be voted upon. Written notice shall be made either by USPS mailing or electronic transmittal to an address previously specified by the Post member.

**AMENDED BY-LAWS
FLAGLER POST 115, INC.**

ARTICLE I

Section 1: The Post existing under these Amended By-Laws is to be known as Flagler Post 115, Inc., The American Legion, Department of Florida, a corporation set forth under the laws of the State of Florida.

Section 2: The objects of this Post are set forth in the Constitution. By-Laws shall be adopted for the further government and regulation of the Post, not inconsistent with the Post's Constitution.

ARTICLE II - MANAGEMENT

Section 1: The government and management of the Post are entrusted to a committee of the elected and appointed officers of this Post, to be known as the "Executive Committee".

Section 2: The Executive Committee shall consist of two (2) appointed members-at-large, the Post Adjutant, the Post Service Officer, the Post Judge Advocate and the elected officers of the Post. The immediate Past Post Commander shall serve as a non-voting member of the Executive Committee.

Section 3: Elections of officers shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office of the Post for which they are a candidate. Where there is only one candidate per office, the Chair may elect to dispense with the Ballot Vote and call for a Viva-Voce Vote (voice vote).

Section 4: The Post Adjutant, the Post Service Officer, the Post Judge Advocate and the two (2) members-at-large shall be appointed by the incoming Commander and whose names shall be placed before the Post at the meeting following their appointment, for confirmation by a majority of the members present. The appointees will serve a term of one (1) year following confirmation by the membership.

Section 5: Post officers shall take office and enter upon their duties at a date to be fixed by the Post, which date shall be subsequent to, but not later than sixty (60) days after the adjournment of the Annual Department convention, unless waived in writing by the incoming District Commander.

Section 6: 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 the person so appointed shall hold the office for the unexpired term of the member of committee or office for whom he/she succeeds. In the event of a vacancy caused by death, resignation or removal from office, the name and address of the successor shall be reported to the Department Adjutant within one (1) week after such vacancy

has been filled. No Post officer shall take office without providing the District Commander proof of eligibility.

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 fifteen (15) days after the installation of the new officers. The official record of the proceedings (referred to as “Taking of the Minutes”) of the Post Executive Committee shall be published and made available for review by the General Membership prior to the next scheduled membership meeting. The publishing of the “Minutes” may be through the post Web Site, electronic mail, USPS mail and/or posting a printed copy in the meeting hall at minimum thirty (30) minutes prior to convening a called regular or special meeting.

Section 2: Thereafter, the Post Executive Committee shall meet at the call of the Commander at least every month and as often as the 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 the Post Executive Committee. A special call Executive Committee meeting may take place electronically to conduct emergency business of the Post with the results of any vote given to the Post Adjutant for record. Six (6) members of the committee shall constitute a quorum thereof.

Section 3: The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures covered under the annual General Membership approved budget; shall require adequate bonds from all persons having the custody of Post funds; shall hear reports of Post Committee Chairpersons, and generally, have charge of and be responsible for the management of the affairs of this Post.

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. 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 year, and recommendations for the ensuing year, which shall be read at the monthly meeting preceding expiration of office. He/she shall perform other duties as directed by the Post.

Section 2: DUTIES OF 1st VICE COMMANDER – The 1st Vice Commander shall assume and discharge the duties of the Office of Commander in the absence or disability of, or, when called upon by the Post Commander.

Section 3: DUTIES OF 2nd VICE COMMANDER – The 2nd Vice Commander shall assume and discharge the duties of the Office of Commander or 1st Vice Commander in the absence or disability of, or, when called upon by the Post Commander.

Section 4: DUTIES OF 3rd VICE COMMANDER – The 3rd Vice Commander shall assume and discharge the duties of the Office of Commander , 1st Vice Commander or 2nd Vice Commander in the absence or disability of, or, when called upon by the Post Commander.

Section 5: DUTIES OF THE POST ADJUTANT – The Adjutant shall have charge of and keep a full and correct record of all proceedings of 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 6: 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 and the General Membership 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 be one (1) of three (3) authorized officers to sign all checks disbursing the monies of the Post. He/she shall furnish such surety bonds in such sum as shall be fixed by the Post Executive Committee.

Section 7: 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 office as may be determined by the Post or the Executive Committee.

Section 8: DUTIES OF POST CHAPLAIN – The Post Chaplain shall be charged with the spiritual welfare of the Post members 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 and Department Headquarters from time to time.

Section 9: DUTIES OF 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 10: DUTIES OF SERVICE OFFICER – The Service Officer performs a most vital link in a network of The American Legion service to the veterans of the community. Services to veterans include, but not limited to, the filing of claims, reviews, and appeals with the VA Medical Health Care System, assist in obtaining medals and decorations, and assist dependents with death benefits and entitlements. The Service Officer shall be responsible for bringing to the attention of all veterans and their dependents the rights, benefits and entitlements granted them under the law.

Section 11: DUTIES OF JUDGE ADVOCATE – The primary duty of the Judge advocate is to supply professional advice in the conduct of the Post business and to procure proper counsel and is the guardian of the constitutional form of Post government. The Judge Advocate shall be a member of the Post Financial Committee and is charged by the Post Constitution with the duty of causing an audit of Post financial accounts by the said committee.

This shall be done annually in the month of April or more frequently at the Judge Advocate's discretion or the discretion of the Finance Committee.

ARTICLE V – DELEGATES

Section 1: Delegates and Alternates to a Department Convention shall be elected by the Post at a regularly scheduled meeting of the Post to be held at least 20 days prior to the date of such convention.

ARTICLE VI – APPOINTMENTS

Section 1: The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Americanism, Ceremonies, Children and Youth, Economics, Finance, Foreign Relations, Graves Registration and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, National Security, Sons of the American Legion and Visiting or VAVS. Such standing committees shall consist of such members, and the chair thereof, as shall be designated by the Post Commander.

Section 2: 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 3: CEREMONIALS COMMITTEE – The principle duty of the Ceremonials Committee is to insure that all new members are properly initiated. The committee must also concern itself with proper presentation of other rituals outlined in the Manual of Ceremonies – burial detail and the wearing of Legion regalia.

Section 4: CHILDREN AND YOUTH COMMITTEE – Shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community; laboring for betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary 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 5: ECONOMIC COMMITTEE – The Economic Committee is primarily concerned with local employment programs, veteran's preference, government employment and reemployment rights.

Section 6: FINANCE COMMITTEE – The Finance Committee shall be charged with the administration of financial policy, preparation of budget recommendations, supervision of receiving, disbursing and accounting of all Post funds, and execute an annual audit of the Post's financial records. The audit will be executed in the month of April and open for inspection by

the general membership at the regularly scheduled meeting following completion of the audit. Two (2) signatures of three (3) authorized officers of the Post (Commander, Finance Officer, and/or Adjutant) are required on Post checks disbursing funds in the amount of two-hundred dollars (\$200.00) or more. One signature (1) of three (3) authorized officers to sign checks for the Post is sufficient on Post checks disbursing funds of less than two-hundred dollars (\$200.00) and/or to The American Legion, Department of Florida in any amount covering per capita dues.

Section 7: FOREIGN RELATIONS COMMITTEE – The Foreign Relations Committee has become active, as America has recognized its responsibilities as a world leader. Maintaining and securing world peace and friendship abroad through community endeavors have become as essential as any aspect of treaty law.

Section 8: GRAVES REGISTRATION AND MEMORIAL COMMITTEE – The duties of the Graves Registration and Memorial Committee involves recording of grave sites and complete information on veterans' burial in cemeteries assigned to the Post. Special assistance can be given the Service Officer in providing flags, headstones, or proper interment in National Cemeteries.

Section 9: HOUSE AND ENTERTAINMENT COMMITTEE – The House and Entertainment Committee supervises the operation of physical facilities used by this Post, supply stock, and the arrangement of social events and activities. Duties include the maintaining of sufficient quantities of supply stock and the orderliness of the Post's storage facility and the setup/breakdown of scheduled Post meetings, socials, and/or fundraising events and activities.

Section 10: LEGISLATIVE COMMITTEE – The Legislative Committee shall have knowledge of what is going on in Congress – what we favor or oppose, and should be ready to initiate action in support of our position when requested by the National or Department organizations.

Section 11: MEMBERSHIP COMMITTEE – The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the recruitment of new members, retention of current members, reinstatements and eligibility of members.

Section 12: PUBLIC RELATIONS COMMITTEE – The Public Relations Committee shall be charged with the promotion of public support of the Legion programs by establishment of proper contact with National and Department publications services and news services and by local publicity of Post programs and activities.

Section 13: VETERANS AFFAIRS AND REHABILITATION COMMITTEE – The Veterans Affairs and Rehabilitation Committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or State Government, employment, relief, and other related matters. Represent the Post on the County Veterans Advisory Council.

Section 14: HOMELAND/NATIONAL SECURITY COMMITTEE – The Homeland/National Security Committee shall work with and coordinate Legion efforts with the

local Civil Defense Council, Law Enforcement and County Emergency Operations on matters pertaining to National, civilian and home defenses. It shall assist the Armed Forces of the United States in recruiting efforts and in every way be active in Community Activities for the defense of the Nation and the security of the American home.

Section 15: 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 16: VISITING OR VETERANS AFFAIRS VOLUNTARY SERVICE (VAVS) COMMITTEE – The Visiting or VAVS Committee is charged with the visiting and comforting of members and their families when sick or bereaved and with visiting comrades in hospitals and VA Medical Centers.

ARTICLE VII – RESOLUTIONS

Section 1: All resolutions of State and National interest presented to this Post by a member or Post committee shall merely embody the opinion of the Post on a subject and a copy of same shall be forward to Department Headquarters for approval before any publicity is given or action other than mere passage by the Post is taken.

ARTICLE VIII – MEETING

Section 1: The regular meeting of the Post shall be held on the Second Monday of each month unless otherwise ordered by the Executive Committee at which may be transacted such business as may properly be brought up for action; such meeting may be converted into entertainment or special activities meeting, as may be deemed advisable by the Executive Committee. The Post Adjutant shall cause notice be given the General Membership of any change in the meeting one-week (1-week) prior thereto.

Section 2: A quorum exists at a regular or properly called General Membership meeting when six-percent (6%) of the total current year membership, as set by the Department, is present.

Section 3: The Post Commander or a majority of the Executive Committee shall have the power to call an emergency meeting of the Post at any time as long as adequate time is allowed for notice of the membership.

Section 3: Upon the written request of three (3) members of the Post, in good standing, the Executive Committee shall call a special meeting of the Post. Adequate time must be allowed for notice of the membership.

ARTICLE IX – NOTICES

Section 1: Every member shall furnish the Post Adjutant with his/her physical mailing address and electronic mail address for purpose of communication notices. Address information is for Post use only and shall not be released to any non-member, business or organization.

Section 2: The Post Adjutant shall cause notice be given the General Membership of the annual Post elections two-weeks (2-weeks) prior thereto.

ARTICLE X – RULES OF ORDER

Section 1: This Post shall use and follow The American Legion Post Officers Guide in conducting its meetings, initiation of members and other ceremonies described therein.

ARTICLE XI – LIMITATIONS OF LIABILITIES

Section 1: The Post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other Post, subdivision, members of The American Legion, or other individuals, corporations or organizations.

ARTICLE XII – AMENDMENTS

Section 1: These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the Post members present: PROVIDED that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of the Post: and, PROVIDED FURTHER, that written notice shall have been given to all members at least forty-five (45) days in advance of the date when such amendment is to be voted upon, notifying the members of this Post that at such a meeting a proposal to amend the By-Laws is to be voted upon. Written notice shall be made either by USPS mailing or electronic transmittal to an address previously specified by the Post member.