

NORTH STRAND AMERICAN LEGION POST # 186

BY-LAWS

(REVISED OCTOBER 1998, JANUARY 2004, JANUARY 2014, 2 MAY 2015)

REVISED APR 2, 2022, APPROVED MAY 5, 2022)

Article I – NAME

Section 1. The post existing under these, By-Laws is to be known as “NORTH STRAND POST 186”, THE AMERICAN LEGION, DEPARTMENT OF SOUTH CAROLINA.

Article II – PURPOSE

Section 1. The purpose of the organization is patriotic, benevolent, and fraternal. Only veterans who served in the Armed Forces of the United States during the following dates are eligible for membership: WWI April 6, 1917 to November 11, 1918 and December 7, 1941 to continuing. Congress has reduced the number of eligibility periods from seven to two.

Article III – ELIGIBILITY

Section 1. Eligible persons must complete a membership application and submit it to the post first vice commander. Each person must also submit their DD214 form and the required membership dues for a year. When verification of eligibility is completed the post first vice commander presents the application to the post membership for approval.

Section 2. The LEGION Act offers American Legion membership eligibility to any U.S. military veteran who served at least one day of active military duty who served during WWI (April 6, 1917 to Nov 11, 1918) and since December 7, 1941, and was honorably discharged or is serving now. The LEGION Act - Let Everyone Get Involved in Opportunities for National Service Act — also redefines The American Legion’s membership eligibility dates. The eligibility now spans from Dec. 7, 1941, until a time when the U.S. is no longer at war, as determined by Congress. Veterans who were honorably discharged but whose service did not fall into the previous defined war eras may now join The American Legion immediately. The American Legion’s eligibility criteria states that veterans must have served during “wartime.” When Congress decides the U.S. is no longer in a state of war, the Legion’s membership eligibility period will close.

Section 3. No person will be admitted to the canteen without a current signed membership card. Guest must accompany a member into the premises and the member must be responsible for their conduct and their purchases. All guests will be registered by the member when entering the premises.

Section 4. There shall be no form or class of membership except as an active member and dues shall be paid annually or for life. No person may be a member at any one time of more than one post, No person, who has been expelled by a post, shall be admitted to membership in another post, without the consent of the expelling post. Then that person may 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. Please refer to the attached American Legion Membership Application contained on Page 2.

The American Legion Membership Application

| | | | |
|-------------------|---------------------------------------------------------------------------|--------|----------|
| (Name) | (Date of Birth) | | |
| (Mailing Address) | (Phone Number) | | |
| (City) | (State) | (Zip) | (Post #) |
| (E-mail) | <input type="checkbox"/> Male <input type="checkbox"/> Female (Gender) | (Dues) | |

I certify that I served at least one day of active military duty since December 7, 1941 and was honorably discharged or am still serving honorably.

Please check appropriate service era and branch of service below

- | | |
|-----------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Global War on Terror | <input type="checkbox"/> U.S. Army |
| <input type="checkbox"/> Gulf War | <input type="checkbox"/> U.S. Navy |
| <input type="checkbox"/> Panama | <input type="checkbox"/> U.S. Air Force |
| <input type="checkbox"/> Lebanon/Grenada | <input type="checkbox"/> U.S. Marines |
| <input type="checkbox"/> Vietnam | <input type="checkbox"/> U.S. Space Force |
| <input type="checkbox"/> Korea | <input type="checkbox"/> U.S. Coast Guard |
| <input type="checkbox"/> WWII | <input type="checkbox"/> Merchant Marines (WWII only) |
| <input type="checkbox"/> Other Conflicts | |



| | | |
|------------------------|------|-------------------|
| Signature of applicant | Date | Name of recruiter |
|------------------------|------|-------------------|

30-009

Receipt of Dues

(Please Print)

| | | | |
|-----------------------|--|--------|--|
| From | | Post # | |
| \$ | | for 20 | |
| Recruiter's Name | | | |
| Recruiter's Signature | | | |
| Recruiter's Phone # | | | |

- Listed below are just a few of the many programs The American Legion sponsors. Please check the one(s) that are of interest to you. If the program you like is not listed, please indicate it in the "other" area.
- Volunteer work at VA hospital.
 - Work with youth.
 - Help/participate in post's social activities . . . dances, dinners, etc.
 - Participate in educational activities . . . (essay contests, oratorical contests, scholarships)
 - Work with sports teams.
 - Supervise groups (drill team, drum and bugle, scouts, etc.).
 - Post improvement projects.
 - Membership drives.
 - Community projects.
 - Other: _____
 - Spouse would be interested in the American Legion Auxiliary.
 - Son or grandson would be interested in the Sons of The American Legion.



Article IV – DISSOLUTION

Section 1. Upon dissolution of the post, all residual assets must be turned over to the American Legion Department of South Carolina.

Article V – MANAGEMENT

Section 1. The government and management of the post are entrusted to an executive committee of fourteen (1) members, to be known as the “executive committee.” They may add at large executive committee members as needed with term limits set by the committee. The executive committee will consist of four members in addition to ten elected officers of the post and will be elected annually. All vacancies existing in the executive committee, or in any office of the post from any cause other than the expiration of the term, will be filled by a majority vote of the remaining members of the committee, and a person so appointed will hold office for the unexpired term of the member of the committee or officer whom he succeeds. A vacancy will exist when the executive committee member is absent from his post for a continuous period considered detrimental to the interest of the post by the executive committee. The commander shall recommend, and the executive committee will approve the following standing committee²s: budget committee *and Building Committee (see Article 7).*

Section 2. In electing ten post officers and the four executive committee members (current structure) the following schedule will be followed: At the March meeting of the post, the post members or the executive committee will recommend and, with the post membership approval, elect nomination and election committees. The nomination committee will make its formal report to the post at the April meeting. The post commander shall call for additional nominations from the floor at the May post meeting. A post member may be nominated for only one office. Newly elected officers will be installed and assume their duties at the first post meeting in June.

Section 3. The election of post officers and executive committeemen shall be by secret ballot. The identity of the voter must not be indicated in any way. Instructions will be given concerning the method of marking the ballot. Absentee or proxy ballots will not be accepted. Only paid-up members of the post can cast a ballot. Ballots will be accepted at the close of the May post meeting. Ballots will be placed in a sealed container controlled by the election committee. The container will be opened in the presence of the post adjutant and commander for the purpose of verifying the vote. The candidate or candidates receiving the highest number of votes shall be elected to the respective office for which they are candidates. The chairman of the election committee, post adjutant and commander will certify the results of the election. The commander will announce the results of the election and display said results on the post Digital Signage-ScreenCloud Big TV or bulletin board no later than 6:00 p.m. local time the day of the election.

Article VI – POST EXECUTIVE COMMITTEE

Section 1. The post executive committee will meet for organization and other such business as may come before it at the call of the post commander within 10 days after the installation of new officers. Thereafter the post executive committee shall meet once a month prior to the regular membership meeting or at the call of the commander. Seven members of the committee will constitute a quorum thereof.

Section 2. *The Post Commander, Adjutant and Finance Officer will hire, evaluate, counsel, or terminate all Post employees as may be necessary, and in their absence or inability to perform their duties they shall delegate their authority to another member of the Executive Committee who agrees to accept that responsibility. The Post Adjutant shall include in his regular monthly report to the Executive Committee all actions taken regarding Post employees. The Post Executive Committee will authorize and approve all expenditures over \$1,500; will require adequate bond for post finance officer; will hear the reports of post committee chairmen; and generally, have charge of and be responsible for the management of the affairs of this post. The executive committee will promote a positive atmosphere within the post and canteen. All post officers will assist executive committee members as requested.*

Section 3. The post commander, or member of the executive committee acting in his stead, will authorize and approve all expenditures from the sunshine fund up to a maximum of \$1,000 for veterans in need.

Section 4. The post commander, or member of the executive committee acting in his stead, will authorize and approve all expenditures from the emergency post service officer (EPSO) fund up to a maximum of \$1,000 for any American Legion Family member or Spouse in good standing of the Legion, Auxiliary and S.A.L. in need.

Section 5. The post commander will appoint a captain for the post color/honor guard, The captain will authorize and approve all expenditures from the color/honor guard account as needed.

Article VII – DUTIES OF OFFICERS

Section 1. Duties of Post Commander: It will be the duty of the post commander to preside at all meeting of the post and to have general supervision over the business and the affairs of the post and such officer will be the chief executive officer of the post. The Commander will, with the approval of the executive committee direct the disbursement of funds and will make an annual report covering business of the post for the year, and the recommendations for the ensuing year, which will be read at the annual meeting and a copy thereof immediately forwarded to the department adjutant. The Commander will perform other duties as directed by the post.

Section 2. Duties of First Vice Commander: The first vice commander will assume and discharge the duties of the office of commander in the absence or disability of, or when called upon by the post commander. He shall be the membership chairman and tender reports of membership annually or when called upon at a meeting,

Section 3. Duties of Second Vice Commander: The second vice commander will develop programs to increase member participation at all meetings and events and will be concerned with the pageantry associated with the Legion, including Color/Honor Guard and will be advised on an as needed basis by the Sergeant-At-Arms. The 2nd Vice Commander will be responsible for all public relations and will coordinate the actions of the External and Internal Post Events Chairs or perform those functions in the event these positions are not filled by post members.

Section 4. Duties of Post Adjutant: The adjutant will have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the department and national organizations may require, and under direction of the commander handle all correspondence of the post.

Section 5. Duties of Finance Officer: The finance officer of the post will have charge of all finances and see that they are safely deposited in some local bank or banks and will report once a month to the executive committee the condition of the finances of the post, with such recommendations as he may deem expedient or necessary for raising funds with which to carry on the activities of the post. He shall be the budget committee chairman. The Budget Committee shall consist of the Finance Officer, 2 Trustee's and the Judge Advocate in an ex-officio capacity.. The Judge Advocate may be called on to assist this committee with auditing annual operations. It shall be the duty of this committee to prepare a budget for the upcoming calendar year (June to May) and submit it to the Executive Committee at the next scheduled meeting. This committee will also receive input from the Building Committee with respect to upcoming major purchases that would impact an annual budget. The members of the Budget Committee should be adequately bonded. This committee may from time to time submit amendments to the budget for the current calendar year, which may be adopted by majority vote of the membership.

Section 6. Duties of the Post Historian: The Post Historian will be charged with the individual records and incidents of the post and post members and will perform other duties as may properly pertain to the office as may be determined by the post or the executive committee.

Section 7. Duties of Post Chaplain: The post chaplain will be charged with the spiritual welfare of the post comrades and will offer non-sectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the national or department headquarters from time to time.

Section 8. Duties of Sergeant-At-Arms: The sergeant-at-arms will preserve order at all meetings and will perform other duties as may be from time to time assigned to him by the post executive committee. This officer will be the subject matter regarding all matters of pageantry associated with Legion events.

Section 9. Duties of Service Officer: The service officer is responsible for bringing to the attention of all veterans and their dependents the rights and benefits granted to them by law. The service office must know how to utilize the expert services available through legion channels or those of the agencies in the community.

Section 10. Duties of the Judge Advocate is to supply professional advice in the conduct of post business or to procure proper counsel. He is the guardian of the constitutional form of post government. The judge advocate can also supply valuable assistance to other post committees or officers. The judge advocate should maintain contact with local government officials.

Section 11. Duties of Trustee(s): the post trustee primary function is that of an Auditor. This position is routinely tasked to examine accounts and post records, compares charges with vouchers, verifies balance sheets and income statements, and report the results in order to ensure that all disbursements are in line with the Bylaws and that all disbursements have been made with the prior approval of the post. Trustees play a vital role in ensuring the funds of the post are audited and accounted for accordingly. Post Trustees are primarily the watchdogs of post funds. They make sure that no funds are misappropriated, and assets are safeguarded. Equally important should be the prevention of fraud. Where funds are mishandled or poor record keeping is occurring, the Trustee calls this to the attention of the Post and makes strides to correct the oversight. The Trustees' duties extend to all operations of the Post to include bar operations, meal service, bingo and any other source of income generation. The trustee do not have any authority over the management of the post or its property. They cannot serve on any committee having to do with the handling of Post funds. A Trustee can serve as a volunteer worker or in any other appointed capacity. Trustees cannot serve as an elected officer or on a committee whose books, records and accounts are subject to audit. At least monthly the Trustees will review the monthly report of receipts and expenditures of the Post Finance Officer. Within thirty (30) days from the end of each quarter properly audit the books and records of the Finance Officer, Post Adjutant and any activity or unit sponsored, conducted or operated by, for on behalf of the Post. This quarterly audit will be signed by the Post Commander and Trustees', who by their signature attest to the accuracy of the information contained therein. They will perform other duties as required as part of their office or as required by laws or dictated by parent organizations.

Section 12. Duties of the Building Manager: The position of Building Manager is assigned to the Post Adjutant. He will be supported by a 3- member committee consisting of the Post Cdr, Finance officer, Bar Manager along with a Trustee. The Building Manager will chair this committee and will give oral or written reports at each executive board and post meeting, as may be necessary. The Building Manager will be responsible for overseeing the day-to-day operation of post facilities, including, but not limited to signing of rental contracts, collection of rent and coordinating building usage. The committee will be responsible for overseeing maintenance of all facets of the post property. The committee will submit a written report of building activities at the May post meeting. A key task for the committee upon assumption of duties will be a comprehensive inventory of all post equipment by serial number, value and identifying features as well as an amortization schedule showing projected loss date and replacement cost. This will be provided to the Budget Committee within 30 days of the installation of new officers in order to assist them with the preparation of the annual budget

Article VIII – DELEGATES

Section 1. Delegates and/or alternates to the department convention provide post visibility and valuable input to this convention, therefore the selection of post representatives is extremely important. Normally, the department convention is held in June of each calendar year.

Section 2. Delegates and/or alternates to a department convention will be elected by ballot, if more than one nominee, at post membership meeting thirty (30) days prior to convention.

Section 3. If there are no candidates for Section 2 above, the post commander will recommend delegates and the membership will be required to approve such recommendations at meeting identified in Section 2 above.

Section 4. The post will be responsible for department convention costs up to \$800 per delegate to include hotel room, transportation, and meals (with receipts provided). Any other delegate reimbursements must be approved by the Executive Committee upon return of the delegate.

Article IX – RESOLUTIONS

Section 1. All resolutions of state or national scope presented to this post by a member or reported to this post by a committee will merely embody the opinion of this post on the subject and a copy of same will be forwarded to the department headquarters for its approval before any publicity is given or action other than mere passage by the post is taken.

Article X – MEETINGS

Section 1. The regular meeting of the post will be held at the post home, Little River, South Carolina on the first Saturday of each month at 10:00 a.m. unless otherwise advised by the commander.

Section 2. The post commander or a majority of the executive committee will have power to call a special meeting of the post at any time.

Section 3. Upon the written request of 10 members, the post commander or the executive committee will call a special meeting of the post membership.

Section 4. A quorum for the post membership meeting will consist of a majority of the executive committee being present (6 members) and those members of the regular membership who are present.

Article XI – NOTICES

Section 1. Every member must furnish the post adjutant with their mailing address, phone number and email address to ensure proper delivery of post correspondence.

Section 2. The post adjutant will notify the post membership at the April membership meeting that the annual election of post officers will occur at the May membership meeting.

Article XII – RULES OF ORDER

Section 1. The post commander will appoint a judge advocate and an assistant judge advocate for the purposes of parliamentary and legal procedure as needed.

Section 2. When not covered by post, state and national operational procedures, constitutions, and by-laws this post will be conducted and pursuant to Roberts Rules of Order, except as herein otherwise provided.

Article XIII – LIMIT 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 organization.

Section 2. American Legion Post #186, Inc., and Legion sanctioned and authorized bodies, which are a part of American Legion Post 186, Inc., hereby deny and will not legally be subject to any liability for damages incurred by any non-post member, business invitee, or other third party, who have contracted to use the post property for their own function and their own members or guests.

Article XIV – AMENDMENTS TO BY-LAWS

Section 1. These by-laws may be amended at any regular post meeting, by a vote of 2/3rds of the members present at that meeting; provided that the proposed amendment has been submitted in writing and read at the next preceding regular meeting of the post and provided further notice will be given to all membership at least 10 days in advance of the date such amendment are to be voted upon. This notice can be email and/or posted on the post website and/or post calendar and/or post newsletter and/or Digital Signage-ScreenCloud Big TV.