

BY-LAWS
of MORGAN McDERMOTT POST NO.
7
THE AMERICAN LEGION
DEPARTMENT OF ARIZONA

ARTICLE 1

Section 1. The Post existing under these By-Laws is to be known as the Morgan McDermott Post No. 7 of The American Legion, Department of Arizona,

ARTICLE //
MEETINGS

Section 1, The meetings of this Post shall be regular and special.

Section 2. REGULAR MEETINGS: Regular meetings shall be held on the third (3rd) Thursday of every month at such place as the Post Commander shall designate. (January 1987).

Section 3, SPECIAL MEETINGS: Special meetings may be called by the Commander when authorized by a majority of the members of the Executive Committee, or upon the written request of not less than five percent (5%) of the members of the Post in good standing. Notice of any special meeting for the transaction of business must be given in at least two (2) issues of the local daily newspapers, the last notice being not less than twelve (12) hours prior to such meeting. Such notice shall set forth the purpose of the meeting and no other business binding on the Post shall be considered at such meeting.

Section 4. QUORUM: Fifteen (15) members in good standing constitute a quorum for the transaction of business at any regular or special meeting.

ARTICLE //i SELECTION AND DUTIES OF
OFFICERS

Section 1. OFFICERS: (a) The Officers of this Post shall be: Elective and Appointive. The Elective Officers shall be as follows: Commander, Senior Vice Commander, Junior Vice Commander, Finance Officer, Historian, Sergeant-at-Arms, and five (5) members of the Executive Committee.

The Appointive Officers shall be as follows: Adjutant, Service Officer, Chaplain and Judge Advocate. No elective Officer of the Post shall be a paid employee of the Post.

(b) All elective officers shall take office in July after installation, and shall hold office for one (1) year, or until their successors shall have been duly elected and qualified. AH appointive officers shall take office at the regular meeting in July and shall hold office for one (1) year, or until their successors shall have been duly appointed and qualified. (November 20, 1997}

Section 2. ELECTIVE OFFICERS: (a) Nominations for Elective Officers shall be elected at the Regular meeting in March and closed at the Regular meeting in April and elections held at the Regular meeting in May. (April 1987}

(b) All Elective Officers shall be elected, except as hereinafter provided, on the date of the Regular meeting in May of each year. Polls shall be open from 12:00 noon until 7:00 p.m. of that day. The voting shall be by Australian ballot and voting machines may not be used. All members who signify to the Adjutant their inability to be present at the election of officers shall be given an absentee ballot which shall be canvassed at the same time and place as the other ballots, provided that said ballots have been received prior to the closing of the polls, Those wishing to vote by ballot must show or provide their current membership card number and must be notified in a reasonable length of time announcing the election to come,

(c) All other provisions of the Constitution and By-Laws of this Post in conflict herewith are hereby amended to conform hereto.

(d) The Post Commander shall appoint, from the membership at large, exclusive of Post Officers and nominees, an Election Committee who will select his own committee, within seven (7) days from the closing of the nominations,

(e) Subject to the requirements of this Section, the Election Committee shall conduct the election in such manner as the Committee in its unrestricted discretion shall determine. The Election Committee shall be the sole judge of the qualifications of a member to vote under and subject to the standards imposed by the Constitution and By-Laws. The Committee shall determine and declare the successful nominee in such election for each position to be filled under the provisions of this Section,

Section 3. APPOINTIVE OFFICERS: The Adjutant Service Officer, Judge Advocate and Chaplain shall be appointed by the Post Commander and confirmed by the affirmative vote of a majority of the members of the Executive

Committee present, but may be removed by the affirmative vote of the members of the Executive Committee present, at its discretion.

Section 4, VACANCIES: The Post shall forthwith proceed to fill any vacancy in office by the selection of a successor with nominations being called for at the next immediate Post meeting following the death, resignation or recall and followed by the election of a successor at the then next Post meeting, except: at the death, resignation or recall of the Post Commander, the office shall be filled by the Senior Vice Commander whose office shall be filled by the Junior Vice Commander. An election to fill the office of Junior Vice Commander shall follow the same procedure as prescribed herein above.

Section 5. DUTIES: (a) POST COMMANDER: It shall be the duty of the Post Commanderto preside at all Post meetings and meetings of the Executive Committee; to have general supervision over the business and affairs of the Post, and such officer shall be the chief executive officer of the Post, He 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 tne Post meeting held on the night of the annual election. He shall perform such other duties as directed by the Post; shall execute jointly with the Post Adjutant without personal liability, all contracts, bonds and other instruments in writing provided and required by the Executive Committee.

(b) POST SENIOR VICE COMMANDER: The Senior Vice Commander shall assume and discharge the duties of the office of the Commander in the absence of or disability of, or when called upon by the Post Commander. He shall appoint and supervise the Membership committee for completion of a successful membership program during his tour of office.

(c) POST JUNIOR VICE COMMANDER: The Junior Vice Commander assume and discharge the duties of Commander in the absence or disability of the Commander and the Senior Vice Commander or when called upon by the Post Commander. He shall be in charge of all entertainment and social activities of the Post and shall perform all duties and responsibilities thereof.

(d) POST ADJUTANT: The Adjutant shall have charge of and keep a full and correct record of all proceedings of ail meetings, and keep such record as the Department or National organizations may require; render reports of membership annually or when called upon at a meeting; shall have general charge of books and accounts of the Post, save those in the custody of the Post Finance Officer; shall render an annual account to the Post, and

shall perform such other duties and acts as shall be required by the Executive Committee, and under the direction of the Commander shall handle all correspondence of the Post.

(e) POST SERVICE OFFICER: The Post Service Officer shall supervise all matters pertaining to the needs of ex-service persons in their dealings with the United States Veterans Administration or any other bureau or Department of the United States government or any agency created by the State of Arizona affecting any dealings with the ex-sen/ice persons. He shall have supervision over the employment of needy Legion members in outside work and shall supervise the giving of relief to Indigents and the of the families of ex-service men and women. The Post Service Officers' Committee shall consist of a Post Legislative representative and a Post Veterans Administration representative.

(f) POST FINANCE OFFICER: The Post Finance Officer shall have charge of aft finances and see that all funds are safely deposited in a local bank or banks which are members of the Federal Reserve System and shall 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. The Finance Officer shall sign all checks disbursing all monies of the Post but only upon warrants signed by the Post Commander (or Senior Vice Commander or Junior Vice Commander, in the absence of the Post Commander) and countersigned by the Post Adjutant

(g) 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 deter mined by the Post or the Executive Committee.

(h) POST CHAPLAIN: The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine service in the event of dedications, funerals, public functions, etc., and adhere to such ceremonial rituals as are recommended by the National Headquarters from time to time.

(i) POST SERGEANT-AT-ARMS: The Post Sergeant - at-Arms shall preserve order at all meetings and shall perform such other duties as may from time to time be assigned to him by the Post Commander.

(j) POST JUDGE ADVOCATE: The Post Judge Advocate shall be the legal advisor of the Post officials and committees on On all affairs pertaining to Legion activities.

ARTICLE IV REMOVAL
FROM OFFICE

Section 1. MISCONDUCT: Any officer who conducts himself in such manner as to bring The American Legion into disrepute, or who is absent (4) consecutive meetings of the Post without cause acceptable to a majority of the members of the Executive Committee, shall have his office declared vacant by the Executive Committee.

Section. 2, RECALL: Every officer of this Post holding office either by election or appointment, is subject to recall from such office by the members of the Post. Such number of members as shall equal twenty percent (20%) of the membership of the Post, may by petition, which shall be known as a Recall Petition, demand his recall. Every Recall Petition must contain a general statement, in not more than two hundred (200) words, of the grounds of such demand, and must be signed by the officer and must add to his signature, the date of his signing said petition and such signature shall be verified by the Adjutant. Upon the filing of the petition, the Executive Committee shall immediately give notice, in writing, to the officer against whom it is filed, that a Recall Petition has been filed and shall set forth the grounds thereof, and shall notify such officer of his rights in connection therewith. If said officer shall offer his resignation, it shall be and the vacancy shall be filled as may be provided by this Constitution and By-Laws, if he shall not resign within five {5} days after notice has been given that a Recall Petition is filed, petition shall be read, together with the signatures appearing thereon, at the next regular meeting of the Post, A special election shall be held at the next following regular Post meeting to determine whether such officer shall be recalled. Immediately prior to the voting, the Recall Petition shall again be read together with the signatures appearing thereon and the officer shall have the opportunity of presenting a statement of justification of his course in office. A majority vote of those present and voting shall be necessary to recall such officer. If said Officer is recalled, the vacancy shall be filled as may be provided by this Constitution and By-Laws.

ARTICLE V COMMITTEES

Section 1. The Regular and Standing Committees of this Post shall be. Executive Committee, Budget and Auditing Committee, Americanism Committee, Welfare Committee, Rehabilitation Committee and House Committee. Such Committees shall, except the Executive Committee, be appointed by the Post Commander, at the first regular meeting following his election.

Section 2 EXECUTIVE COMMITTEE: (a) The Executive Committee shall perform the administrative functions of the Post. It shall be composed of

the following members: Post Commander, who shall be Chairman, Senior Vice Commander, Junior Vice Commander, Finance Officer and five (5) other members to be elected. The Adjutant of the Post shall act as Secretary for the transaction of business. The Executive Committee elected to serve at the annual election for the ensuing year shall continue to serve until their successors in office shall have been duly elected and qualified. One {1} member shall be elected who shall hold office for a term of three (3) years.

(b) No expenditure of any of the funds of this Post shall be made, nor shall any debt, obligation or liability, financial or otherwise, which may bind this Post in any manner, be incurred or created by any member, officer, agent, or any committee except the Executive Committee, unless such expenditure or debt, obligation, or liability shall have been first authorized and approved by the Executive Committee, No expenditure of the funds of this Post

shall be made or authorized by the Executive Committee for a purpose not included in the budget of the Post, and no debt, obligation or liability shall be incurred or created in any year in excess of the amounts specified therein as finally adopted for each purpose therein named; nor beyond the amounts therein proposed to be raised by dues and other sources of revenue, without

having first obtained the approval of the Post at any regular or special meeting

thereof. The Committee shall fix the salaries of such officers and employees of the Post as may, in its discretion be necessary and proper, and in such amounts as it may see fit.

(c) No expenditure of the funds of this Post, other than budgeted items, shall be named, nor shall any debt, obligation or liability be incurred or created by the Post without it having first been presented to the Executive Committee for its approval, if the Executive Committee shall not approve such expenditure, debt or obligation, it shall so report at the next regular meeting of the Post, with its objections, for reconsideration by the Post. If, after reconsideration, two-thirds (2/3) of the membership present and voting shall approve such expenditure, debt or obligation, such action shall be final

(d) The Committee shall meet not than once in every month, and shall see that all orders from the National and Department Commanders are complied with.

(e) The Committee shall be the governing board Insofar as may be practicable of all subsidiary corporations and all business enterprises and activities which now, are, or which hereafter may be in any way related to or connected with this Post as herein provided.

(f) The minutes of the Executive Committee shall include a complete and accurate record of ail business transacted at each meeting. The minutes of each meeting shall be signed by the Chairman and Secretary of the Committee and shall be read at the next regular meeting of the Post.

(g) The Executive Committee shall have the power to create a "**BUILDING FUND**" for the purpose of insuring, repairing, remodeling, rebuilding, or replacing the physical properties of the Post. Such funds shall also be used for the construction of any buildings of American Legion purposes or activities. Monies allocated to such fund may be invested in United States Government Bonds or placed in savings accounts in regular designated depositories, and shall be under the custody of the Finance Officer and shall be disbursed underthe direction of the Executive Committee as provided in this paragraph,

(h) The Executive Committee shall not have the power or authority to sell, mortgage, or otherwise encumber real estate belonging to the Post unless it shall previously, (1) submit the proposal to seel, mortgage or encumber to a regular or special meeting of the Post, at which meeting a majority of those members voting upon the question vote affirmatively to submit the question to a regular or special meeting of ins Post to be specially noticed; (2) give notice of the time and place of such subsequent meeting and of the action contemplated, by mail, to each member of the Post, which notice must be deposited in the LLS.Malis, postage pre-paid, not later than ten (10) days prior to such meeting, addressed to the last known address of each member; and (3) secure an affirmative vote upon the questions by not less than two-thirds (2/3) of those members voting upon the question at such specially noticed meetings.

Section 3. BUDGET AND AUDITING COMMITTEE:

(a) The Budget and Auditing committee shall be composed of three (3) members to be appointed by the Post Commander as herein provided. Two

(2) members shall constitute a quorum for the transaction of business. After the annual election In June 1946, one member shall be appointed every year and the term of such member shall be three (3) years. The Post Commander and Adjutant shall be ex-officio members of this Committee without vote and shall attend all regular meetings of such Committee.

(b) It shall be the duty of the Budget and Auditing committee, not later than the 15th day of July of every year, to make and submit to the Executive Committee estimates of the different amounts required to meet the expenses of the Post for the ensuing fiscal year, and to be raised by annual membership dues and any other fixed sources of revenue. Such estimates shall be fully itemized showing under separate heads the amounts required for each of the several authorized functions of the Post, and shall contain a full and complete disclosure and statement of the contemplated expenditures for the ensuing year, showing the amount proposed to be expended *from* each separate fund and the total amount of expense and shall submit completed statement to the Executive Committee for its approval and adoption subject **to** the Executive Committee's changes. A majority of the Executive Committee shall be necessary to approve or reject the same. Immediately upon the adoption there of, it shall become the budget of the Post for the ensuing fiscal year and shall be entered upon the minutes of the Executive Committee.

(c) It shall make and render to the Post a complete financial report of the Post and of the condition of the budget sermi-annually, and at such times as the Post or Executive Committee may direct.

(d) The fiscal year of this Post shall be June 1 to May 31 of each year.

(e) The Budget and Auditing Committee shall cause, not less once a year, a complete audit of aft Post activities and controlled operations. The Executive Committee is hereby authorized to rent or lease any or all of the real property of the Post for a period of one year or longer on such terms and conditions as it may prescribe.

(f) This Committee shall have such further duties and powers as may be provided herein.

Section 4. REHABILITATION COMMITTEE: The Rehabilitation Committee shall be composed of three (3) members, the Chairman of whom shall be designated by the Post Commander. It snail be the duty of this committee to handle all matters pertaining to relief of sick and Indigent comrades and their families. This committee shall cooperate with the Post Service Officer whenever called upon.

Section 5. HOUSE COMMITTEE: The House Committee shall prescribe the rules for the use of the Club Bar, Post Headquarters and any other buildings used by the Post and may modify or revoke the same. It shall set rules, fix penalties for the violation of the rules and have proper power to enforce the same and may also remit such penalties. It will be responsible to, but cooperate with the Executive Committee in any matters which may effect any parts of the Post Headquarters. No membr may hold an elective office and an appointive salaried office in this Post at the same time; any employee or anyone working a concession at the Post who wishes to become a candidate for a Post office shall first resign from his or her position of employment upon his or her nomination or such earlier time he or she expresses their intent to become a candidate. No salaried employee of the Post shall be a voting member of any Post Committee which sets Post policy or determines salaries of Post employees. Salaried Club Room employees shall upon call, attend House Committee meetings and lend input and suggestions which will contribute to the successful operation of the Post Home and House activities. The House Committee shall be required to establish Club Rules which conform to all City, State and Federal Laws and those of The American Legion Department Club Committee and which will ensure a clean and profitable • house operation. The House Committee shall consist of no less than five (5) or more than seven (7) members appointed by the Post Commander, one of which must be a member of the Post Executive Committee. The Chairman of the House Committee will be selected by the appointees.

Sections 6. OTHER COMMITTEES: The Post Commander may appoint such other Committees as he shall deem advisable, or as the Post may direct. These appointments shall require the approval of the Post Executive Committee.

ARTICLE VI AMMENDMENTS

Section 1. These By-Laws may be amended at any regular Post meeting by a vote of three-fourths (3/4) of the 'members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing and read at a preceding meeting of said Post, and provided further, that written notice shall have been given to all members at their last known address by at least seven (7) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

**ARTICLE VII
RULES OF ORDER**

Section 1. The Parliamentary procedure at all meetings of this Post shall be as set forth in Robert's Rules of Order Newly Revised, except when they may be in conflict with any of the provisions of this Constitution and By-Laws.

**ARTICLE VIII
SUBSCRIPTIONS**

Section 1, No tickets of any kind may be or distributed for sale at any meeting of this Post, nor may the membership be pledged to purchase or sell tickets to any entertainment or event whatsoever, provided, however, that this section shall not apply to entertainment or events produced or promoted by the Post and its Auxiliary.

**ARTICLE IX
DELEGATES**

Section 1, All delegates and alternates to Department Convention shall be elected by the Post in such manner as it deems advisable at the second regular meeting thereof next preceding the date of the Department Convention.

**ARTICLE X
ORDER OF BUSINESS**

Section 1. The following shall be the regular order of business of Post meetings:

1. Call to order
2. Roll Call of Officers
3. Reading and approval of minutes of previous meetings
4. Statement of Adjutant
 - a. Present Membership
 - b, Officers absent last three meetings

5. Reports of Standing Committees
 - a. Executive Committee
 - b. Finance and Budget Committee
 - c. Rehabilitation Committee
6. Reports of special committees
7. Applications for Membership
8. Sick Caff and Relief
9. Unfinished business
10. Initiation of New Members
11. Mew Business
12. Good of the Legion
13. Adjournment

ARTICLE XI

Section 1 These By-Laws shall be the only By-Laws of this Post.

Section 2. The provisions of these By-laws shall be in force from the day on which the same is finally approved and adopted by this Post in regular meeting assembled.

Adopted by Morgan McDerrnott Post No. 7 in regular meeting assembled at Tucson, Arizona on Thursday, March 15, 1984.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of this Post to be affixed, this Fifteenth day of March 1984.

Gene E. Snowden
COMMANDER

ATTEST:
Valentine C. Sandmire
ADJUTANT

Revised:
January 15, 1-1987 and April 16, 1987
Rueben C. Guerra, ADJUTANT

Art Bravo, COMMANDER

Revised
March 15/07

Al Hubert Adjutant

Carl Armbruster Commander