

**THE AMERICAN LEGION
DEPARTMENT OF CALIFORNIA**

CONSTITUTION OF SOTOYOME POST 111

Preamble

For God and Country, we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order; To foster and perpetuate a one hundred percent Americanism; To preserve the memories and incidents of our associations in the great wars; To inculcate a sense of individual obligation to the community, state and nation; To combat the autocracy of both the classes and the masses; To make right the master of might; To promote peace and good-will on earth; To safeguard and transmit to posterity the principles of justice, freedom and democracy; To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Article I-Name

Section 1. The name of this organization shall be Sotoyome Post 111, The American Legion, Department of California, located at: 1248 North Fitch Mountain Rd., Healdsburg, California. Hereinafter referred to as "POST"

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 in the National and Departmental Constitutions of The American Legion.

Article III-Nature

Section 1. This post is a civilian organization and membership therein does not affect or increase liability for military or police service. Rank does not exist in this Post. No member shall be addressed by his military or naval title in any meeting of this post.

Section 2. This Post shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Each Member shall perform his full duty as a citizen.

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. There shall be neither form nor class of membership except active membership.

Section 3. 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 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. If a majority of the members cast their vote against the acceptance of said application, and then such application shall be recorded as rejected.

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 an Executive Committee which shall consist of five members in addition to the officers of the post. The term of office of members of the Executive Committee shall be 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 the Commander, First Vice-Commander, Second Vice commander, Finance officer, and Sergeant-at-Arms, and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election. The following officers may be appointed by the Commander: Adjutant, Service Officer, Historian, Chaplain, and Judge Advocate.

Section 3. The elected officers and executive committeemen shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committee member may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.

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

Section 5. The duties of officers and the executive committee shall be those usually appertaining to such officers or committees and as further provided in the By-Laws.

Article VI-Finance

Section 1. The revenue of this post shall be derived from membership or initiation fees, from annual membership dues and from such other sources as may be approved by the Post Executive Committee.

Section 2. The amount of such membership or initiation fees and the amount of such annual post dues shall be fixed and determined by this post.

Section 3. The post shall pay to departmental headquarters the National and departmental annual membership dues for every member of the post.

Article VII-The American Legion Auxiliary

Section 1. This post recognizes an auxiliary organization to be known as the Auxiliary Unit of Sotoyome Post 111, The American Legion.

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

Article VIII-Amendments

Section 1. This Constitution is adopted subject to the provisions of the national Constitution of the American Legion and the department Constitution of the Department of California, 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 regular meeting by vote of two-third of the members of said post attending such regular meeting, providing the proposed amendment shall have been submitted in writing and read at the next preceding meeting of said post, and providing, further written notice shall have been given to all members at least thirty 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 Constitution is to be voted upon.

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BY-LAWS OF SOTOYOME POST 111

Article I

Section 1. The post existing under these By-Laws is to be known as Sotoyome Post 111, The American Legion, Department of California.

Section 2. The objects of this post are as set forth in the Constitution.

Article II-Management

Section 1. The government and management of the post is entrusted to the officers and elected committee members, to be known as the "Executive Committee".

Section 2. The Executive Committee shall consist of five members in addition to the officers of the post and together with the elected officers of this post shall be elected annually at the regularly scheduled meeting in May and take office at the meeting next following that of the election. All elections of officers and executive committee members shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.

Section 3. All vacancies existing in the Executive Committee, or any elected office of the post from any cause other than expiration of the term, shall be filled by a majority of the remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who succeeded. A vacancy shall exist when a member or officer is absent from the post for a continuous period considered detrimental to the interest of the post by the Executive Committee.

Article III-Post Executive Committee

Section 1. The Executive Committee shall regularly meet for such business as may come before it at a time and place designated by said committee. A majority shall constitute a quorum.

Section 2. The post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having custody of post funds; shall hear reports from post committee chairs; and generally, shall 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, and such officer shall be the chief executive officer of the post. The Commander 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 will be read at the annual meeting and a copy forwarded to the department adjutant. The commander shall perform such other duties as directed by the post.

- Section 2. *Duties of the first vice-commander*. The first vice-commander shall assume and discharge the duties of the office of commander in the absence or disability of, or when called on by the post commander.
- Section 3. *Duties of the second vice-commander*. The second vice-commander shall assume the duties of the office of commander in the absence of the commander and first vice-commander.
- Section 4. *Duties of the post adjutant*. The adjutant shall have charge of and keep full and correct record of all proceedings of all meetings, keep such records as the department and National Organization may require, render reports of membership annually or when called upon at a meeting, and, under the direction of the commander, handle all correspondence of the post.
- Section 5. *Duties of the Service Officer*. The Service Officer is responsible for the welfare of local veterans and their families. His duties include providing assistance to veterans in need, visits to ailing comrades and maintaining contact with members of the armed forces from the area served by the post.
- Section 6. *Duties of the 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 the condition of the finances of the post, with such recommendations as 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 the moneys of post, and shall furnish such surety bonds in such sum as shall be fixed by the post Executive Committee.
- Section 7. *Duties of the 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. *Post chaplain*. The post chaplain shall be charged with the spiritual welfare of the post comrades and will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended national or department headquarters from time to time.
- Section 9. *Duties of the sergeant-at-arms*. The sergeant-at-arms shall preserve order at meetings and shall perform such other duties as may be from time to time assigned by the post Executive Committee.
- Section 10. *Duties of the Judge Advocate*. The Judge Advocate shall advise the post officers and the post Executive Committee on all legal matters, including the construction and interpretation of post By-Laws, the Department By-Laws and the National Constitution and By-Laws.

Article V-Delegates

- Section 1. Delegates and alternates to a department convention shall be elected by ballot by the post at a regular meeting of the post to be held at least twenty (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, Audit, Children and Youth, Ritual, Finance, Graves Registration and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, Security, and Visiting. 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. *Audit Committee*. The Post shall keep books of accounts, and shall cause said books to be examined by a licensed accountant or audit committee of three (3) competent persons, none of whom shall be the Commander, Adjutant, Finance Officer or any other person charged with the responsibility of handling Post funds. Such examination shall be made within ninety (90) days following the installation of Post Officers, and for the period of the immediate preceding fiscal year of the Post, said fiscal year shall be as determined by the Post. The Post shall certify to the Department Adjutant prior to December 1st each year that such an examination has been made and file the original thereof with the Department Adjutant before said date, with a copy thereof to the District Commander. The Department Commander, the Post Commander or the Post Executive Committee may order an audit of the books of account at such other times during the current year as may be deemed advisable.
- 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 the betterment of child conditions and 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 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. *Finance Committee*. Shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all post funds.
- Section 6. *Graves Registration and Memorial Committee*. The duties of this committee involve recording of grave sites and complete information on veterans burial in cemeteries assigned to the post.
- Section 7. *House and Entertainment Committee*. Shall be charged with promotion of club advantages and arrangements for social activities.
- Section 8. *Legislative Committee*. Shall be charged with monitoring legislative activities of interest to veterans, and should be ready to initiate action in support of the post's position when requested by the national or department organization.
- Section 9. *Membership Committee*. Shall have charge of all matters pertaining to membership of the post, including the recruiting of new members, reinstatements of members and determination of eligibility of members.
- Section 10. *Public Relations Committee*. Shall be charged with the promotion of public support of the Legion's programs by the establishment of proper contact with The American Legion Magazine, department and national Legion news service and by local publicity of post programs and activities.
- Section 11. *Ritual Committee*. Shall insure all new members are properly initiated. The committee also concerns itself with proper presentation of other rituals outlined in the Manual of Ceremonies.

Section 12. *Veterans Affairs and Rehabilitation Committee.* Shall supervise all matters pertaining to service to comrades including employment, relief or the prosecution of just claims pertaining to military service.

Section 13. *Security Committee.* The Security Committee shall work with and coordinate Legion efforts with the Local Civil Defense Council on matters pertaining to national, civilian and home defenses. It shall assist the armed forces of the United States in recruiting efforts and participate in community activities for the defense of the nation and the security of the American home.

Section 14. *Visiting Committee.* Shall be charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals.

Article VII-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 shall merely embody the opinion of this post on the subject and copy of same shall 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 VIII-Meetings

Section 1. The regular meeting of the Post shall be held on the second Thursday of each month at the Villa Chanticleer Annex, at which may be transacted such business as may properly be brought up for action; such meeting may be converted into entertainment meetings as may be deemed advisable by the officers of the post.

Section 2. The post commander or a majority of the Executive Committee shall have the power to call a special meeting of the post at any time.

Section 3. Upon written request of 20% of the post membership, the Executive Committee shall call a special meeting of the post.

Section 4. No special meeting shall be called unless announced by the Commander at the regular meeting preceding or unless notice be mailed to each member thirty (30) days prior to said meeting, stating the time and place of the meeting and the matter to be considered.

Section 5. A quorum at all meetings shall be ten (10) members.

Article IX-Notices

Section 1. Every member shall furnish the post adjutant with an address for mailing.

Section 2. The post adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

Section 3. Unless otherwise specified all notices required to be given by these By-Laws shall be written notices.

Article X-Rules of Order

Section 1. All proceedings of this post shall be conducted under and pursuant to Roberts' Rules of Order, except as herein otherwise provided.

Article XI-Limitation 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 members of said post attending such regular meeting: Provided That the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said post: and, Provided Further, That written notice shall have been given to all members at least 10 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.