

GEORGE JOHNS POST 447
of
ROUND ROCK, TEXAS

AMERICAN LEGION
DEPARTMENT OF TEXAS

CONSTITUTION
AND
BYLAWS

2010

**THE AMERICAN LEGION
DEPARTMENT OF TEXAS**

CONSTITUTION

**OF
GEORGE E. JONES POST NO. 447
ROUND ROCK, TEXAS**

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 GEORGE JONES POST NO. 447, The American Legion, Department of Texas, The Charter of incorporation was filed in the office of the Secretary of the State of Texas under Charter No. 095927-1. The supplemental charter issued by the National American Legion is hereby adopted as the charter of this Post.

ARTICLE II – PURPOSE

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

Section 2. The American Legion, Department of Texas, shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

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

ARTICLE IV – ELIGIBILITY AND MEMBERSHIP

Section 1. Any person shall be eligible for membership in THE AMERICAN LEGION who was a member of the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States and assigned to active duty at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; February 28, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; August 2, 1990, to the cessation of hostilities as determined by the government of the United States; all dates inclusive, or who, being a citizen of the United States at the time of his entry therein, served on active duty in the armed forces of any of the governments associated with the United States during any of said periods; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably after any of said periods; provided further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject himself to military discipline or unqualified service.

Section 2. There shall be no form or class of membership except active membership. Membership shall be only through a Post, and dues shall be paid annually or for life.

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 and transfer into this Post shall be acted upon at the next Post General Membership meeting following the making of such application or transfer, and shall at such meeting be accepted, rejected, or referred for further investigation and consideration. If a majority or more of the Post General Membership Meeting cast their vote against the acceptance of such application, then such application shall be recorded as rejected.

Section 5. No person may be a member at any one time of more than one Post in The American Legion.

Section 6. No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been denied by such Post, he may then appeal to the Executive Committee of the department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

Section 7. Each Post shall be the judge of its own membership, subject only to the restrictions of the National and Department Constitution and By-Laws.

Section 8. Transfers. Any member in good standing, to include members of Headquarters Post 345, moving or transferring to a Post near their home shall be transferred using The American Legion Member Data Form, completed by the new Post, without additional payment of dues. The new Post shall be the judge of its own membership in accordance with Article III, Section 5, Department of Texas Constitution and Bylaws. Dues already paid shall remain with the original Post and the transfer shall be complete upon issue of a new membership card

Section 9. A member of this Post may only be disciplined in accordance with the Department Uniform Code of Procedure and Supplement 1.

Section 10. If a member is expelled in a disciplinary proceeding, his/her membership is suspended until his/her final appeal is heard and a decision is rendered, and if he/she is expelled by the decision, he/she shall not be eligible for membership in this Post for one year from the date of expulsion, and then only in the event his/her application for reinstatement is approved in the manner in which memberships are approved in this Post.

Section 11. Members found to be ineligible. If a Post determines one of its members is not eligible for membership, the Post shall notify the Department Adjutant at once in writing so that his name can be forwarded to the National Headquarters for removal from the membership rolls. It shall be presumed that a member who will not furnish proof of eligibility within 30 days of a written request, certified mail, return receipt requested is not eligible for membership in The American Legion.

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 a Post Executive Committee which shall consist of at least three (3) members in addition to the Officers of the Post. The term of office of members of the Post Executive Committee shall be for one (1) 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 officers of this Post shall be a Commander, a Vice Commander, an Adjutant, a Finance Officer, a Judge Advocate, a Historian, a Chaplain, a Sergeant at Arms, a Service Officer, and such other officers as may be deemed necessary by this organization. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 3. A nominating committee shall be appointed by the Post Executive Committee, who shall report their nominations to the regular monthly meeting next preceding the annual election of officers. Nominations may also be made from the floor at such meeting, and again at the meeting for the annual election.

Section 4. All Officers and Executive Committee Members shall be elected annually, by majority vote on written ballots, at a Post meeting held on the first Tuesday in June and shall be installed on the first Tuesday in July. Only those members holding current calendar year membership cards shall have the privilege of vote in the election. They shall hold office until their successors are duly installed. Any Post Officer or Post Executive Committee Member may be removed for cause by the Post Executive Committee, a two-thirds (2/3) vote of said Committee being necessary to effect such removal. Inefficiency may be determined by the Post Executive Committee to be Cause, sufficient for removal from office. The membership shall be entitled to be present at the Post Executive Committee meeting without voice or vote. The decision of the Post Executive Committee shall be subject to the approval or reversal by the Post General Membership at the next regular Post meeting where a quorum is present.

Section 5. The duties of Officers and Executive Committee Members shall be those usually appertaining to such Officers or Committeemen and as further provided in the By-Laws.

Section 6. Officers and Executive Committeemen are expected to attend the regular meetings of the Post and Post Executive Committee. Failure of any Officer or Executive Committee Member to attend three (3) successive meetings, without reasonable cause having been furnished the Post Adjutant or Post Commander, shall be cause for forfeiture of said office. The Post Executive Committee shall decide when an Officer's failure to attend three (3) successive regular business meetings, without reasonable cause having been furnished the Post Adjutant or Post Commander, shall be cause for forfeiture of said office. The Post Executive Committee shall decide, when an Officer by his/her failure to attend three (3) successive business meetings has forfeited his/her right to continue in office, when or whether to declare such office vacant, and when to order an election to fill the vacancy.

Section 7. In case of vacancy in any office for any cause, the said vacancy shall be filled by the Post General Membership at the next Regular General Membership meeting where a quorum is present.

ARTICLE VI -- FINANCE

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

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

Section 3. The Post shall pay to Department Headquarters the Department and National annual membership dues within thirty (30) days from receipt thereof for each paid member of the Post.

ARTICLE VII -- CHARTER MEMBERS

Section 1. Members who joined this Post prior to November 11, 1919 or who joined prior to the issuance of permanent charter shall be known as charter members.

ARTICLE VIII -- AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of George Johns Post No. 447, The American Legion.

Section 2. Membership in the Auxiliary shall be as prescribed by the National and Department of Texas Constitutions and By-Laws of The American Legion.

ARTICLE IX – PROGRAMS

Section 1. This Post may sponsor a Sons of The American Legion Squadron. Such Squadron, once formed, shall be subject to the rules, regulations and supervision of George Johns Post 447 as may be promulgated by the Post Executive Committee and ratified by the Post Membership, and which shall not be in conflict with the rules and regulations set up for the Sons of The American Legion by the National Executive Committee, The American Legion.

Section 2. Said SAL Squadron 447 may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until SAL Squadron 447 adopts its own Constitution and By-Laws, it shall be governed by Post 447 rules and regulations, and by the recommended Constitution and By-Laws of a SAL Squadron as has been approved by the Department Executive Committee, The American Legion, Department of Texas.

Section 3. Once created, this Post may cease its sponsorship of SAL Squadron 447 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in activities illegal, immoral or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

Section 4. This Post may sponsor a Legion Riders Chapter. Such Chapter, once formed, shall be subject to the rules, regulations and supervision of this Post as may be promulgated by the Post Executive Committee and ratified by the Post Membership.

Section 5. Said Legion Riders Chapter 447 may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until Legion Riders Chapter 447 adopts its own Constitution and By-Laws, it shall be governed by Post 447 rules and regulations.

Section 6. Once created, this Post may cease its sponsorship of Legion Riders Chapter 447 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in activities illegal, immoral or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

Section 7. The Director of the Legion Riders Chapter must be a member of this Post.

ARTICLE X -- AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National and Department Constitution of 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 Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Post Executive Committee in session and approved by it; or if rejected, in whole or in part, it may be taken to a regular Post meeting on a minority report; and 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 sixty (60) 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.

Section 3. Anything not covered by this constitution shall be governed by the Constitution of the Department of Texas.

ARTICLE XI -- REAL PROPERTY

Section 1. Real property owned by the Post may be sold, leased or otherwise disposed of (after first complying with Article VI, Section 6, Department Constitution), where control of said property is involved, at any regular meeting by a vote of two-thirds (2/3) of the Post members attending a regular meeting, provided that the proposal shall have been submitted in writing, after approval by a majority of the Post Executive Committee, if there be a Post Executive Committee, and further after approval by a majority of the Board of Trustees, if there be a Board of Trustees, and read at the preceding regular meeting of the Post, and provided further notice shall have been given all members by mail at least fifteen (15) days in advance of the date when such proposal is to be voted upon and that notice is given in the local press and radio and that it is posted on the Post bulletin board in the same time limits prior to the actual voting on the proposal.

Section 2. Funds received from the sale of real property and designated by the Post membership as Trust Funds in accord with this Article XI shall be preserved and protected by the same notification, approval and voting requirements provided in Section 1 above for the preservation and protection of real property. Other Post funds, including interest received on Trust Funds, may be similarly designated as Article XI Trust Funds, and thereafter shall receive the protection mandated by the Section.

Section 3. No real estate owned by this Post or trustee of this Post will be sold or used as collateral for a loan without the approval of the Department Executive Committee or where time is of the essence the Department Commander, who shall report said action to the next Department Executive Committee meeting.

Section 4. Any Post whose real estate becomes encumbered with a lien will notify the Department Adjutant within 7 days of receiving notice of the lien.

Section 5. Upon purchasing real estate the Post will notify the Department of Texas.

BY-LAWS

OF
GEORGE JOHNS POST NO. 447
ROUND ROCK, TEXAS

ARTICLE I -- NAME

Section 1. The Post existing under these By-Laws is to be known as George Johns Post No. 447, The American Legion, Department of Texas.

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 a Post Executive Committee which shall consist of three (3) members in addition to the following Officers of this Post: the Commander, Vice Commander, Adjutant and Finance Officer and together with the other Officers of this Post shall be elected annually as provided in Article V, Section 4, of this Constitution, and all shall take office immediately upon installation.

Section 2. 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 ten days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the Post Commander every thirty (30) days and as often as said Post Commander may deem necessary. The Post Commander shall call a meeting of the Post Executive Committee upon the joint written request of three (3) or more members of said Post Executive Committee. Four (4) voting 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; shall require adequate bonds from all persons having custody of Post funds; shall cause all funds to be placed in the hands of the Post Finance Officer for deposit and accounting purposes; shall hear the reports of Post Committee Chairmen, and generally, shall have charge of and be responsible for the management of the affairs of this Post and Post Operations. Management policies and decisions shall always be subject to modification by the General Membership. At the end of each fiscal year, an audit committee shall be appointed with the Post Judge Advocate as Chairman to conduct a complete audit of Post records before turning them over to the new Post Finance Officer. Except for hiring and firing of employees, all actions of the Post Executive Committee shall be submitted for approval to the membership at the next regular membership meeting.

Section 4. All vacancies existing in the Post Executive Committee, or in any office of the Post for any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the Post Executive Committee, and a person so appointed shall hold office for the term of the member of the Committee or Office being replaced. Any such appointment shall be subject to the approval or reversal by the Post General Membership at the next regular Post General membership meeting where a quorum is present. A vacancy shall exist

when a member or Officer is absent from his/her post for a continuous period considered detrimental to the interest of the Post by the Post Executive Committee.

ARTICLE III -- 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 Post 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 shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. The Post Commander shall see that this Constitution and By-Laws are observed and enforced. The Post Commander shall perform such other duties as are directed by the Post.

Section 2. Duties of Post Vice Commander -- The Post Vice Commander shall assume and discharge the duties of the office of Post Commander in the absence or disability of, or when called upon by the Post Commander.

Section 3. Duties of the Post Adjutant -- The Post Adjutant shall 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, issue membership cards, handle certificates of transfer, render reports of membership annually or when called upon at a meeting, and under direction of the Post Commander, handle all correspondence of the Post. The Post Adjutant shall comply with Article V, Section 5, Department Constitution.

Section 4. Duties of the Post Finance Officer -- The Post Finance Officer 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 Post Executive Committee and the Post, in writing, the condition of the finances of the Post, with such recommendations as the Post Finance Officer may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Post Finance Officer shall sign all checks disbursing the moneys of the Post, such checks to be countersigned by the Post Commander, unless an alternative but equally secure procedure is authorized by the Post Executive Committee and approved by the General Membership. Any alternate means of Post approved funds disbursements and check signing requirements shall be in writing and strictly followed. Subject to annual approval by the General Membership, which may be withdrawn by majority vote of the General Membership at any regularly scheduled Post General Membership meeting, the Post Commander shall have the authority, in the case of emergency or other extenuation circumstance, to disburse up to One Hundred Dollars (\$100.00) without the prior approval of the Post Executive Committee. The Post shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee.

Section 5. Duties of Post Judge Advocate -- The Post Judge Advocate shall supply professional advice in the conduct of the Post business, or to procure proper counsel. The Post Judge Advocate shall be the Chairman of any committee concerning the Post Constitution or By-Laws revision. The Post Judge Advocate shall be in charge of the annual audit of the Post financial accounts as set out in Article II, Section 3 of these By-Laws. The Post Judge Advocate shall be responsible for the orderly conduct of disciplinary procedures.

Section 6. Duties of the Post Historian -- The Post Historian shall be charged with the recording relevant actions and incidents of the Post and Post members, shall perform such other duties as may properly pertain to the office as may be determined by the Post or Post Executive Committee.

Section 7. 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., and will adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

Section 8. Duties of Post Sergeant at Arms -- The Post Sergeant at Arms shall preserve order at all times at all meetings, and shall perform such other duties as may be from time to time assigned to Post Sergeant at Arms by the Post Commander or Post Executive Committee. The Post Sergeant at Arms shall have charge of the Post Colors, and shall not display or permit them to be displayed without specific authority of the Post Commander.

Section 9. Duties of Post Service Officer -- The Post Service Officers shall comply with the Service Officer's Manual and Post Officers Guide of The American Legion, and recommendations of National and Department Headquarters, and needs of this Post.

ARTICLE IV -- DELEGATES

Section 1. Delegates and alternates to a Department, Division, or District Convention shall be elected by the Post at a regular meeting of the Post to be held not less than twenty (20) days prior to the date of such convention. However, the Post, by two-thirds (2/3) vote of members present may authorize the Post Commander to appoint said delegates. The Post Commander shall, immediately upon their election or appointment, designate the chairman.

Section 2 Each duly registered delegate shall be entitled to one vote. At the time the delegates are elected, the Post will select either the Pro-Rata Rule or the Modified Unit Rule, as described below, as the method of voting for those delegates who do not attend the convention.

a. Modified Unit Rule: Each duly registered delegate shall be entitled to one vote, unless there are less delegates than votes. Under those circumstances, each delegate will cast one vote, then any votes of absent delegates will be cast, in their entirety, in accordance with the majority of the delegates in attendance.

b. Pro Rata Rule: Each duly registered delegate shall be entitled to one vote, unless there are less delegates than votes. Under those circumstances, each delegate present will be entitled to a portion of the total number of votes allocated to the Post that is directly proportionate to the percentage that the delegate represents of the total delegation present.

Section 3. The chairman of the delegation shall cast the entire delegate vote on any convention matter, after first polling the delegates present, so as to reflect the vote of each delegate present.

ARTICLE V -- DUES - FISCAL YEAR

Section 1. Annual dues shall be as prescribed by the Post and shall be payable on or before October 20th of each year for the succeeding calendar year. A member whose dues for the current

year have not been paid by January 1st shall be classed as delinquent. If his/her dues are paid on or before February 1st he/she shall be automatically reinstated. If he/she is still delinquent after February 1st he/she shall be suspended from all privileges. If he/she is still under such suspension on June 30th of such year, his/her membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the years in which the reinstatement occurs.

Section 2. The fiscal year shall end with the installation of the newly elected Post Officers, and the new fiscal year shall begin as the new Post Officers assume their duties.

Section 3. The newly elected Post Officers shall be installed at a regular or special meeting, as may be designated by the Post Executive Committee, as soon as practicable after the annual election, generally not later than the first regular Post meeting in July following their election, and according to Article V, Section 4 of the Constitution.

Section 4. The Chairman of the membership committee may recommend to the Post Executive Committee the names of members whose dues shall be paid for by the Post with reasons for such recommendation. The Post Executive Committee shall have the power to approve or reject such recommendations except new members and transfers.

ARTICLE VI -- POST COMMITTEES APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year, shall appoint the following committees: Americanism, Finance, Graves Registration, Memorial, Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, Uniform and Sons of The American Legion. The Post Commander may appoint such other committees as the Post Commander finds to be necessary from time to time. Such committees shall consist of committee members and the Chairman thereof, as shall be designated by the Post Commander and confirmed by the Post Executive Committee.

Section 2. Americanism Committee. Purpose: To inspire patriotism and good citizenship through patriotic observances, patriotic and civic instruction in schools, Americanization of aliens, information on anti-American propoganda, youth activities such as Boys State, Scouts, Oratorical Contest, School Award Medals, baseball, flag etiquette, and other similar community services.

Section 3. Finance Committee. Purpose: To supervise the receiving, disbursement, and accounting of all Post funds; to prepare annual budget recommendations for the Post; to advise the Post on all financial policies. (The Post finance officer is normally the chair of the Finance Committee.)

Section 4. Graves Registration and Memorial Committee. Purpose: To record, mark and decorate graves of deceased veterans; to render service and comfort to bereaved families; to provide American Legion funeral services when requested and when available.

Section 5. Entertainment Committee. Purpose: To supervise arrangements for social activities of the Post.

Section 6. Legislative Committee. Purpose: To provide public support of the Legion's program through publicity objectives of The American Legion by a study of American Legion Legislative proposals, information to the membership thereof, and direct communication with members of the Congress or the State Legislature as requested by the National Legislative Committee or proper Department Official.

Section 7. Membership Committee. Purpose: To obtain, retain and increase the membership of the Post with specific responsibilities for renewals, enrollment of new members, transfers and reinstatements.

Section 8. Public Relations. Purpose: To promote public support of the Legion's programs through publicity on Post programs and activities in local newspaper or on radio, TV, newsletter, etc., by keeping the membership informed on The American Legion programs in general through contact with the American Legion publications and other news sources.

Section 9. Veterans Affairs and Rehabilitation Committee. Purpose: To assist veterans in obtaining needed hospitalization, in the pursuance of claims and in obtaining other veteran's rights and benefits; to visit members who are sick or disabled, and to visit and comfort members of their families when sick or bereaved.

Section 10. Uniformed Committee. Purpose: To organize, train, promote and supervise a uniform group, such as a drum and bugle corps, color guard, chorus, firing squad, etc.

Section 11. Sons of The American Legion Committee. Purpose: To act as a supervisory committee for the Sons of The American Legion Squadron in connection with its organization, activities, recreational and educational programs.

Section 12. In the event any of the foregoing duties are in conflict with the current Post Officers Guide of The American Legion or with the recommendations of National or Department Headquarters, duties as specified in the latter shall govern.

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 any such resolution 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 and special meetings of the post will be held at George Johns Post No. 447, Round Rock, Texas or as otherwise designated by the Post Commander, at which place may be transacted such business as may properly be brought up for action, and approve the minutes of the previous meeting and minutes of all Post Executive Committee meetings since the last regular meeting. Such meetings may be converted into entertainment meetings, as may be

deemed advisable by the officers of the Post. Procedure at regular meetings shall comply with the current Manual of Ceremonies.

Section 2. The regular business meetings of the Post shall be held on the first Tuesday of each month. Other business or social meetings may be held as directed by the Post Commander and the Post Executive Committee.

Section 3. The Post Commander or a majority of the Post Executive Committee shall have power to call a special meeting of the Post at any time or to reschedule a Regular General Membership meeting when the scheduled date is in conflict with another event, such as a National holiday, provided appropriate notice is given.

Section 4. Upon the written request by signed petition of not less than five (5) of the members in good standing of this Post delivered to the Post Commander, requesting a special meeting of the Post, the Post Commander shall call the said special meeting within not less than seven (7) days, nor more than fourteen (14) days after receipt of the said petition. In the said petition shall be stated the purpose for which the meeting is requested, and matters not pertaining to said purpose for the meeting shall not be considered at such meeting. In notices given to the membership of said meeting, the subject matter to be discussed shall be clearly stated. The Post Commander or a majority of the Post Executive Committee shall have the power to call a special meeting of the Post, and the notice of the call for this meeting sent to the membership shall contain the subject matter to be discussed at the said meeting, and the said meeting shall not discuss other matters not relating to said notice.

Section 5. At least four (4) members in good standing shall constitute a quorum at any regular or special meeting of the Post.

ARTICLE IX – BOARD OF TRUSTEES

Section 1. A Board of Trustees is hereby created to consist of five (5) members of the Post, and the current Post Commander, each with the right to vote. One member of the Board of Trustees shall be elected each year by the Post Executive Committee on nomination by any member of the Post Executive Committee or the Post Commander to serve for a term of five (5) years. Provided, No member of the Board, other than the Post Commander, shall hold any other elected office in the Post nor shall be eligible to succeed himself/herself. This provision may be waived by the Post General Membership.

Section 2. At the first regular meeting of the Board of Trustees in each year, the Board shall elect a Chairman and a Vice-Chairman who shall serve for a term of one (1) year and shall not be eligible to succeed themselves. The Post Finance Officer, Post Judge Advocate, and Post Adjutant shall serve the Board in their respective capacities, but, unless included as voting members pursuant to Article V, Section 1 of the Post Constitution, shall not be granted the privilege of vote on any question coming before the Board of Trustees. The members of the Board shall meet at least once quarterly and shall hold such meetings at such time and place as deemed necessary by the Chairman or on call of three (3) members thereof, or upon request by the Post Executive Committee. Reasonable notice shall be given for any special meeting.

Section 3. A majority shall have power to act and to exercise all the authority of the Board. The members of the Board shall serve without pay. When required by the Post Executive Committee, each member shall furnish a bond with a solvent surety company as surety in the sum of Five Thousand and NO/100 (\$5,000.00) Dollars, the premium thereon to be paid out of the income from such property as they may hold in Trust for the Post and The American Legion, Department of Texas. Said bond shall be approved by the Post Judge Advocate before such Trustee shall be qualified.

Section 4. Vacancies in the Board of Trustees shall be filled by election by the Post Executive Committee of the Post, upon nomination by any member of the Post Executive Committee.

Section 5. Failure of a Trustee to attend two (2) consecutive Board of Trustee meetings without good reason shall, at the discretion of the Post Executive Committee, be cause for removal.

Section 6. The initial Board of Trustees shall be made up of Past Post Commanders who served most recently, insofar as they are able and willing to serve. The terms of office for each initial member shall be determined by the drawing of lots.

Section 7. Duties and Functions.

a) The duties of the Board of Trustees shall be take care of all Trust Funds and all properties, real personal or mixed, the legal title to which is now vested, or may hereafter vest, in the Post, or which may be offered to and accepted by the Post. Real Property owned by the Post may be sold (after first complying with Article VI, Section 6, Department Constitution), leased, or otherwise disposed of, where control of said property is involved, at any regular meeting of the Post by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposal shall have been submitted in writing and read at a meeting of the Post Executive Committee, if there be one, and approved by a majority of the Post Executive Committee present and voting, and further provided that the proposal shall have been submitted in writing and read at a meeting of the Board of Trustees and approved by a majority of those present and voting, and provided further that the proposal shall have been submitted in writing and read at the first regular meeting of said Post following action by the Board of Trustees; provided further that notice shall have been given to all members by mail at least fifteen (15) days in advance of the date when such proposal is to be voted upon, provided further that notices of the proposal have been given publication in area press, radio and the bulletin board in The American Legion Post Home, notifying the said members that at such a meeting a proposal to sell, lease, or otherwise dispose of real property or Trust Funds is to be voted upon.

b) No major changes, alterations or additions to the real property of the Post shall be made without the prior approval of the Board of Trustees; final approval after recommendation by the Board of Trustees shall be vested in the Post Executive Committee and the Post.

c) Provisions for the disposal of control of real property of the Post can only be amended by the same procedure as set forth in the above Section 7(a) for the disposal of control of real property.

Section 8. The Board of Trustees shall act as a Building and Grounds Committee for the purpose of long term rental or lease (or sale) of Post property, and for any major changes proposed for Post property; subject to final approval of the Post Executive committee. The Post Executive Committee may assign such other duties to the Board of Trustees as it deems advisable.

ARTICLE X -- NOTICES

Section 1. Every member shall furnish the Post Adjutant with his/her address for mailing purposes. Notices sent to the last known address shall constitute sufficient legal notice.

Section 2. The Post Adjutant shall cause written notice of the annual election to be given at least fourteen (14) days prior thereto.

ARTICLE X -- RULES OF ORDER

Section 1. All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, Newly Revised, except as herein otherwise provided.

ARTICLE XI -- LIMITATIONS OF LIABILITIES

Section 1. Neither this Post nor the membership thereof shall incur, or cause to be incurred, any liability or obligations whatsoever which shall subject to liability any other Post, Legion subdivision, group of men or women, members of The American Legion, or other individuals, corporation, or organizations.

ARTICLE XII -- AMENDMENTS

Section 1. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Post Executive Committee in session and approved by it; or if rejected in whole or in part, it may be taken to a regular Post meeting on a minority report; and 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 sixty (60) days in advance of the date when such amendment is to be voted upon, notifying all said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

POST CERTIFICATION

We, the following Officers of George Johns Post 447, The American Legion, Department of Texas, hereby certify that the foregoing Constitution and By-Laws, after due notice was given to all members, was adopted at a regular meeting of this Post held on the _____ day of _____, 20____, A. D.

POST COMMANDER

ATTESTED: POST ADJUTANT

DEPARTMENT CERTIFICATION

Passed on by the Department Judge Advocate on the _____ day of _____, 20____, A. D., and Approved by the Department Executive Committee on the _____ day of _____, 20____, A. D.

DEPARTMENT JUDGE ADVOCATE