

CONSTITUTION

AND

BY-LAWS

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Clarence Hill

POST COMMANDER

Frank Kleese

POST ADUTANT

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CONSTITUTION AND BY-LAWS OF DEWITT B. TILDEN MEMORIAL POST 316, INC., ATLANTIC BEACH, FLORIDA, THE AMERICAN LEGION DEPARTMENT OF FLORIDA.

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 per cent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and goodwill on earth; to safeguard 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 Dewitt B. Tilden Memorial Post 316, Inc., The American Legion, Department of Florida.

ARTICLE II--OBJECTS

Section 1. The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the national and departmental Constitutions of The American Legion.

Section 2. The headquarters and principal office of this Post shall be in the City of Atlantic Beach, County of Duval, State of Florida.

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. This organization shall be absolutely non-political, 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.

Section 4. Dewitt B. Tilden Memorial Post 316, Inc., The American Legion, Department of Florida, will be incorporated and registered annually with the State of Florida.

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. Candidates for membership in this Post shall submit their applications, with dues for the current year, to the Membership Committee, who shall inquire into and require satisfactory proof of the military record of such candidates.

Section 3. All applications for membership shall be acted upon at the next Post meeting following the making of such application, (if at least 10 days have transpired) 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, then such application shall be recorded as rejected.

Section 4. No person shall be a member of this Post who is, at the same time, a member of any other Post of The American Legion.

Section 5. Non-residents of this City or State, otherwise eligible, may be admitted to membership on the same basis as residents.

Section 6. Members who joined this Post between July 1974 and November 11, 1974, both dates inclusive, shall be known as CHARTER MEMBERS.

Section 7. Any member of this Post may be reprimanded, suspended, or expelled from The American Legion only upon the proper showing of cause in accordance with Article X, Paragraphs 14 and 15 of the Department Constitution. Charges shall be based upon disloyalty, neglect of duty, dishonesty, and conduct unbecoming a member of The American Legion. The procedures required in Article X, Paragraphs 14 and 15 shall be followed.

Section 8. A member who has been expelled from this Post for any cause may be reinstated to membership after a minimum period of six months by a two-thirds vote of the members present at a General Assembly, provided such member makes payment of any arrears in his/her dues at the time of his/her expulsion, and also any other regular dues which have come due in the interval between expulsion and reinstatement.

Section 9. No person who has been expelled by any other Post shall be admitted to membership in this Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, he/she may then appeal to the State Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

Section 10. Former members of any Post may be approved in the same way as other candidates upon showing proper credentials. Members in good standing transferring from other Posts will require certification of that status by the transferring Post's Adjutant.

Section 11. Any member in good standing transferring from this Post shall be entitled to a certificate stating his/her membership standing and the duration thereof. All members transferring out of this Post must wait a minimum of six months before being able to transfer back to this Post.

ARTICLE V--OFFICERS

Section 1. The Officers of this Post shall consist of a Commander, a First Vice Commander, a Second Vice Commander, a Third Vice Commander, a Fourth Vice Commander, an Adjutant, a Finance Officer, a Historian, a Chaplain, a Service Officer, a Judge Advocate, and a Sergeant-at-Arms.

Section 2. The election of these Officers, with the exception of the Adjutant, the Judge Advocate, and the Service Officer, shall be held not more than ninety (90) days nor less than ten (10) days prior to the Annual Department Convention.

Section 3. Every member of this Post in good standing shall be eligible to hold office in this Post.

Section 4. All Officers shall hold office until their successors are duly installed.

Section 5. Installation of new Officers shall be held within sixty (60) days after the Annual Department Convention.

Section 6. Nominations for Post Officers and Executive Committee members will be taken from the floor during the two General Assemblies preceding the Annual Meeting. Nominations may be made by any member in good standing. Nominations require no second. The nominee's consent shall be secured before becoming a candidate. Nominations shall be closed by two-thirds vote of the General Assembly at the General Assembly immediately before the Annual Meeting.

Section 7. The Commander shall appoint an Election Committee to oversee the election, to count the votes and to report the results to the General Assembly. The Election Committee shall be appointed after the nominations have been closed at the last General Assembly prior to the election. It shall consist of a Chairman and not more than four others as approved by a majority vote of the General Assembly. No nominee may serve on the Committee.

Section 8. Volunteers shall be solicited to serve as Voting Registrars. The request for volunteers shall appear in the Newsletter for the month of the election, and shall be posted on the bulletin board in the Post. Volunteers will be Legionnaires of Post 316, Auxiliary Members of Unit 316 or SAL members of Squadron 316.

Voting Registrars shall supervise the election as described below.

Section 9. The election shall be by ballot and will be conducted from 8:00 AM until 8:00 PM on the Saturday preceding the Annual Meeting. The names of the candidates will be printed on the ballots and voting instructions will be provided by a Voting Registrar at the time the vote is being cast. The identity of the voter shall not appear on the ballot in any way. A ballot box will be located in the Post and will be locked by the Chairman of the Election Committee and supervised by a Voting Registrar. Voting members shall be identified and checked off of the membership roster prior to casting their ballot. Members may only vote once. Only members in good standing as indicated by the appropriate entries in the roster will be permitted to vote. Absentee ballots may be obtained for the election for those members who will be out of the area the day of the election. Members desiring absentee ballots must send a letter to the Post Commander certifying the reason for their absence. A self addressed, stamped envelope must be included with the request. Return ballots must be received by mail call on the day of the election to be counted. The ballot itself must have no name on it, but the sealed envelope must have the Legionnaire's name on it and be clearly marked "BALLOT". The Post Commander will keep absentee ballots until election day, then deliver them to the Chairman of the Election Committee after mail call on election day. The Chairman will credit those members as voting by checking their names on the roster in the same manner as those who vote in person, open the envelope, drop the ballot into the ballot box and throw away the envelope. The ballot will then be counted the same as the other ballots. No one will be permitted to register after 8:00 PM.

Section 10. The Election Committee shall meet at 8:00 PM in the meeting room on the day of the election to count the votes. The Chairman of the Election Committee shall collect the ballot box after the last voter has finished and take it immediately to the meeting room. Votes will be counted by Election Committee members and the results will be announced by the Post Commander at the Annual Meeting.

ARTICLE VI--DUTIES OF OFFICERS

Section 1. Commander---The Commander shall be the Chief Executive Officer of this Post. He shall preside at all General Assemblies and meetings of the Post. He/she shall have general supervision over the business and affairs of this Post, ensuring that all resolutions passed by the Executive Committee or the membership at a General Assembly are executed. He/she shall be an ex-officio member of all Standing Committees. He/she shall appoint the Adjutant, the Service Officer and the Judge Advocate. He/she shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the Annual Meeting. A copy thereof shall be immediately forwarded to the Department Adjutant. If the Commander expects to be out of town or otherwise unavailable to execute his/her duties, he/she shall notify the First Vice Commander of the date and duration of his/her intended absence, so that the First Vice Commander will be aware he/she is the Acting Commander.

At least once a month, the Commander shall examine the minutes of the regular meetings and of all committee meetings. When the Commander notes, or when it is brought to his/her attention, that any elective or appointive officer or committeeman has been absent, and the absence has not been excused such as for illness or absence from the city, from three consecutive

regular or committee meetings, he/she may deem such absences as neglect of duty and shall follow the procedures in Article X, Paragraph 18 of the Department Constitution. These procedures may result in a vacant office. If the vacant office is appointive, the Commander shall appoint a successor. If the vacant office is elective, it shall be filled by an election. The vacancy will be announced in the Newsletter and posted on the bulletin board thirty days prior to the election, or until the next General Assembly. At the next General Assembly after notice has appeared, nominations will be taken and an election conducted. A person so elected shall be installed at that General Assembly and shall hold office for the unexpired term of the member of the Executive Committee or Officer whom he/she succeeds. The person so removed shall have the right to appeal his/her status in accordance with Article X, Paragraph 15 of the Department Constitution. Vacancies that occur for any other reason will be filled in the same manner.

Section 2. The First Vice Commander shall assume and discharge the duties of the office of Commander in his/her absence or disability, or when called upon by the Commander. Additionally, he/she shall be responsible for maintaining membership records, rendering membership reports annually or when called upon at a meeting and transmitting the required documentation and fees to the Department of Florida.

Section 3. The Second Vice Commander shall, in the absence of the Commander and the First Vice Commander, perform the duties of the Commander. Additionally, he/she shall oversee the arrangement for any meals or snacks put out for special occasions or Legion sponsored dinners. He/she will coordinate the Friday and Saturday dinners between the Legion Family organizations and submit the schedule for publication in the newsletter. Entertainment for Friday and Saturday evenings as well as for any other Post sponsored event will be arranged by the Food and Beverage Manager.

Section 4. The Third Vice Commander shall, in the absence of the Commander, the First Vice Commander and the Second Vice Commander, perform the duties of the Commander. Additionally, he/she shall be responsible for directing the community affairs and public relations of the Post.

Section 5. The Fourth Vice Commander shall, in the absence of the Commander, the First Vice Commander, the Second Vice Commander and the Third Vice Commander, perform the duties of the Commander. Additionally, he/she shall be responsible for directing the children and youth activities of the Post, and shall serve as the advisor for the Sons of the American Legion (SAL) program.

Section 6. The Adjutant shall have charge of and keep a full and correct record of all proceedings of all General Assembly meetings, Executive Committee meetings and any other special meetings. He/she shall also keep such records as the Department and National Organizations may require. Under the direction of the Commander, he/she shall handle all correspondence of the Post. All records will be maintained at the Post on the Post computer, or in files at the Post. He/she shall perform such other duties as may be directed by the Executive Committee.

Section 7. The Finance Officer shall be responsible for all finances of the Post, seeing that they are safely deposited in the local bank. He/she shall be charged with the collection and custody of all funds, including dues, and shall report once a month to the Executive Committee and at the General Assembly of the Post, the condition of the finances of the Post. He/she shall make such recommendations as he/she may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He/she shall sign all checks disbursing the money of the Post; the checkbook shall never leave the Post. His/her accounts shall be audited annually. Record keeping will be on the Post computer or in files in the Post. They shall not be taken home. He/she shall furnish such surety bonds in such sum as shall be fixed by the Executive Committee. He/she shall perform such other duties as may be directed by the Executive Committee.

Section 8. The Service Officer shall perform those duties prescribed in the Manual of Post Service Officers as issued periodically by the National Headquarters. He/she shall be certified annually by attending a Department sponsored training session.

Section 9. The Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but non-sectarian services in the event of dedications, funerals, public functions, etc., as may be necessary, adhering to such ceremonial rituals as are recommended by the Departmental or National Headquarters from time to time.

Section 10. The Historian shall be charged with the individual records and incidents of the Post and Post members. He/she shall collect, from year to year, all records and data of value and interest concerning the activities of the Post. He/she shall perform such other duties as may be directed by the Executive Committee.

Section 11. The Sergeant-at-Arms shall preserve order at all meetings of the Post, shall verify members are in good standing by sighting their membership cards prior to each meeting, shall identify and introduce any visitor and shall perform such other duties as may be from time to time be assigned to him/her by the Executive Committee or the Commander.

Section 12. The Judge Advocate shall perform the functions outlined in the Officers Manual as issued by National headquarters.

ARTICLE VII--THE EXECUTIVE COMMITTEE

Section 1. The Executive Committee shall consist of five members in addition to the Officers of the Post. Executive Committeemen will be elected at the same time and in the same manner as the other elected Officers, and shall take office coincident with the new Officers. All elections shall be by ballot, and the five candidates receiving the highest number of votes shall be elected to the Executive Committee. The Post Commander shall serve as the Chairman, and all other Past Commanders will be non-voting ex-officio members. In the event of a tie vote, the Chairman will vote to break the tie. In the absence of the Post Commander, the First Vice

Commander will act as Chairman, and so on down the chain. The term of office of members of the Executive Committee shall be for one year.

Section 2. The government and management of the Post are entrusted to the Executive Committee. The administrative affairs of the Post shall be under the supervision of the Executive Committee. The Executive Committee shall authorize and approve all expenditures in advance; shall require adequate bonds from all persons having the custody of Post funds; shall hear reports of committee chairmen; and generally, shall have charge of and be responsible for the management of the affairs of this Post.

Section 3. The Executive Committee shall prescribe the rules of conduct for the Headquarters and any other buildings used by the Post. The final approval for the POST REGULATIONS submitted by the House Committee will be by the General Assembly.

Section 4. Any Officer or Executive Committeeman may be reprimanded, suspended or removed from office upon charges based on disloyalty to The American Legion or the National Government, neglect of duty, dishonesty, and conduct unbecoming a member or officer of The American Legion. The procedures of Article X, Paragraph 14 of the Department Constitution shall be followed. If a vacancy results, it will be filled in the manner prescribed in Article VI, Section 1.

ARTICLE VIII--MEETINGS

Section 1. The Annual Meeting shall be held in the month of the Annual Convention of the Department of Florida. Ten (10) members shall constitute a quorum for the Annual Meeting.

Section 2. The regular monthly meeting shall be called the General Assembly, and it shall be held on the second Monday of each month, at which may be transacted such business as may properly be brought up for action. Ten (10) members shall constitute a quorum for any General Assembly.

Section 3. Special General Assembly Meetings shall be convened at the request of the Commander, at the request of a majority of the Executive Committee, or at the request in writing of 10 members of the Post. Ten (10) members shall constitute a quorum for any Special General Assembly Meeting.

Section 4. The Executive Committee shall hold a meeting not less than once a month at a time and place agreeable to the members. Ten (10) members shall constitute a quorum for any meeting of the Executive Committee.

Section 5. Special Executive Committee Meetings shall be convened at the request of the Commander or at the request of a majority of the Executive Committee. Ten (10) members shall constitute a quorum for any Special Executive Committee Meeting.

ARTICLE IX--NOTICES

Section 1. Every member shall furnish the First Vice Commander with his or her address for mailing purposes and email address if available.

Section 2. The Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto. Notice shall be given in the Newsletter and shall be posted on the bulletin board.

Section 3. Three days' notice shall be given for all Special General Assembly Meetings or Special Executive Committee Meetings. The notice will be posted on the bulletin board and prominently in the Post where it can best be seen. When possible, such notice shall be a written notice mailed to members' addresses as they appear in the First Vice Commander's records or emailed to them. Said notice may also be published in the morning and evening papers of the most widely circulated periodical. The notice shall state any special matters that are proposed to be brought up at the meeting.

Section 4. Emergency Executive Committee Meetings may be held without notice.

Section 5. No notice shall be required for the regular General Assemblies.

Section 6. No notice shall be required for the regular meetings of the Executive Committee.

ARTICLE X--RULES OF ORDER

Section 1. In all meetings of the Post, regular or special, and in all meetings of standing committees, the rules of procedure for the conduct of such meetings shall be those set forth in Robert's Rules of Order, except as may otherwise be expressly provided herein.

Section 2. Interpretation of the Rules of Procedure shall be by the Judge Advocate, unless the Commander has previously appointed a Parliamentarian, who shall make all interpretations.

ARTICLE XI--DELEGATES

Section 1. All delegates of this Post shall be entitled to serve as representatives at the Department Convention under the rules and provisions of the American Legion, Department of Florida, shall be elected at a regular meeting of the members of the Post, by a majority vote of those present at the meeting. Alternates shall be elected at the same time and in the same manner.

Section 2. The Post shall pay all registration fees, and a delegate compensation payment to each delegate who attends the Department Convention as follows: for one night's accommodations, one hundred dollars (\$100); for two night's accommodations, two hundred dollars (\$200). Delegates must attend the General Session and Northern Area Caucus on Friday and the General Session on Saturday to receive payment, and only one payment will be made per room receipt.

As the Convention ends at noon on Saturday, payment will not be made for accommodations that include Saturday evening.

Section 3. The Post shall pay two hundred dollars (\$200) to the Commander or his designated representative to attend the National Convention, the Mid-Winter Conference and any other Department of Florida sponsored conference.

ARTICLE XII--DUES

Section 1. The dues of members shall be established by the Executive Committee and approved by two-thirds vote of the General Assembly in accordance with the Department of Florida and National requirements.

Section 2. From such dues collected, the Post shall pay to the Department Finance Officer such per capita proportion as may be required from time to time by the regulations of the National and Department Organizations.

Section 3. Members in arrears four months in payment of dues shall be classed as delinquent, and members in arrears six months shall automatically be suspended from all privileges. Payment of all back dues within the year shall permit reinstatement to active membership. A member delinquent one year or more shall only be reinstated upon a majority vote of the General Assembly after payment of all amounts due by him/her to the Post. As an alternative and upon payment of the current year's dues, a delinquent member may be taken in as a new member in the usual manner after showing the proper credentials.

Section 4. All members sixty (60) years and older will pay annual dues of \$3.00 over the amount of the per capita sent to Department/National.

Section 5. All members with fifty (50) or more consecutive years in The American Legion, and at least five (5) years membership in this Post, shall become Honorary Life Members.

ARTICLE XIII--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.

Section 2. All resolutions shall be presented and read at a General Assembly of the Post. Unless proposed by the Resolutions Committee, they shall be referred immediately to said Committee for drafting and presentation to the Post for its consideration. Any resolution brought to the General Assembly must be passed by a two-thirds vote of the members present.

ARTICLE XIV--SPECIAL ACTIVITIES

Section 1. The Post shall not participate in, nor sponsor, any social or athletic activity unless the event has been approved at a regular or special meeting of the Post.

ARTICLE XV--STANDING COMMITTEES

Section 1. The Commander shall name the Chairman and Members (not more than five including the Chairman) of the following standing committees:

Americanism	Children and Youth	House
Membership	Veterans Affairs and Rehabilitation	Finance Election

Section 2. The Commander may also name the Chairman and Members (not more than five including the Chairman) for such other standing committees as the business of the Post may require. Such standing committees may be, but are not limited to, the following:

Economic	Entertainment	Visiting or VAVS
Legislative	Resolutions	Veterans' Holidays
Legal	Graves Registration and Memorial	National Security
Sons of The American Legion		Public Affairs

Section 3. The Americanism Committee shall seek to inspire patriotism and good citizenship through patriotic observances, patriotic and civic instruction in schools, Americanization of aliens, information on anti-American propaganda, youth activities such as Boys State, Boy Scouts, Oratorical Contest, School Award Medals, JROTC Medals, baseball, flag etiquette, and other similar community services. Should they be appointed, the following committees fall under the purview of the Americanism Committee: Baseball, Boy Scouts, Oratorical, School Medals, and Shooting Sports. The Chairman shall be appointed by the Commander.

Section 4. The Children and Youth Committee shall seek to insure that any child of a veteran in need of care and protection will receive that service and aid; to organize the Legion's strength in each community in the interest of children in general; and to assist the community to reduce juvenile delinquency. The Chairman shall be appointed by the Commander.

Section 5. The House Committee shall manage the property and business of the Post, such as the club room. Supervision includes administration, responsibility for equipment, hiring/firing (with Executive Committee approval) and direction of employees including the Food and Beverage Manager, monitoring and evaluating the Food and Beverage Manager's performance, enforcing the general rules applicable to the conduct of patrons while on the premises of the Post, investigating and punishing as appropriate those who violate the Post Regulations (affecting lounge privileges only) and such other duties as are delineated in the Post Regulations or may be assigned by the Executive Committee. The House Committee shall review the Post Regulations periodically to keep them current. The Chairman shall be as appointed by the Commander.

Section 6. The Membership Committee shall seek to obtain, retain and increase the membership of the Post with specific responsibilities for renewals, enrollment of new members, transfers and reinstatements. The Chairman shall be appointed by the Commander.

Section 7. The Veterans Affairs and Rehabilitation Committee shall assist veterans in obtaining needed hospitalization, in the prosecution of claims and in obtaining other veteran's rights and benefits; to visit comrades who are sick or disabled; to visit and comfort members of their families when sick or bereaved. The Chairman shall be appointed by the Commander.

Section 8. The Finance Committee shall supervise the receiving, disbursement and accounting of all Post funds; shall prepare annual budget recommendations for the Post; and shall advise the Post on all financial matters. The Chairman shall be appointed by the Commander.

Section 9. The Election Committee shall oversee the annual election of Officers and Executive Committeemen, shall count the votes and shall report the results to the General Assembly. The Chairman and the committee shall be as appointed by the Commander and approved by majority vote of the General Assembly.

Section 10. The Economic Committee shall assist veterans in meeting and overcoming economic problems such as employment, veterans= preference, civil service appeals, and employment of handicapped and older veterans. The Chairman shall be appointed by the Commander.

Section 11. The Entertainment Committee shall have charge of all entertainment, dances and performances at the Post. The Chairman shall be appointed by the Commander.

Section 12. The Visiting or VAVS Committee shall give comfort and assistance to members and their families when sick or bereaved, and to visit hospitalized veterans. The Chairman shall be appointed by the Commander.

Section 13. The Legislative Committee shall promote public support of the Legion's programs through publicity objectives of The American Legion by a study of American Legion legislative proposals, information to the membership thereon, direct communications with members of Congress or the state legislature as requested by the National Legislative Commission or proper Department officials. The Chairman shall be appointed by the Commander.

Section 14. The Resolutions Committee shall prepare resolutions at the request of the Commander, and redraft all resolutions proposed at any meeting of the Post. The Chairman shall be appointed by the Commander.

Section 15. The Veteran's Holidays Committee shall schedule and coordinate all events and open houses associated with the various veterans' holidays. The Chairman shall be appointed by the Commander.

Section 16. The Legal Committee shall ensure enforcement of all national and state laws, and city ordinances in any way affecting veterans, shall attend to the legal affairs of the Post, and shall give legal advice to the Officers thereof. The Chairman shall be appointed by the Commander.

Section 3. Squadron 316 is organized under the jurisdiction and sponsorship of Post 316, and is at all times subject to the regulations of Post 316, the Department of Florida and the National Organization.

ARTICLE XVIII AMERICAN LEGION RIDERS

Section 1. This Post recognizes a subsidiary organization known as Chapter 316, the American Legion Riders (ALR).

Section 2. Membership in the American Legion Riders shall be as prescribed by the Department and National Organizations of The American Legion.

Section 3. ALR Chapter 316 is organized under the jurisdiction and sponsorship of Post 316, and is at all times subject to the regulations of Post 316, the Department of Florida and the National Organization.

ARTICLE XIX--AMENDMENTS

Section 1. These By-Laws may be amended at any General Assembly by a vote of two-thirds of the members attending the Assembly, provided: the proposed amendment shall have been submitted in writing and read at the preceding General Assembly, and that written notice shall have been given to all members by announcement in the Newsletter and posting on the bulletin board at least three days in advance of the date when such amendment is to be voted upon, notifying said members that at the General Assembly a proposal to amend the By-Laws is to be voted upon.