

AMERICAN LEGION
DEPARTMENT OF FLORIDA
ROOD-WILLIAMS POST NUMBER 271

CONSTITUTION AND BY-LAWS

THE SIGNED ORIGINAL IS IN THE CANTEEN OFFICE ALONG WITH THE
DEPARTMENT OF FLORIDA APPROVAL

CONSTITUTION OF
ROOD WILLIAMS POST 271 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 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 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.

CONSTITUTION

ARTICLE I

NAME

Section 1: The name of this organization shall be Rood-Williams Post Number 271, Inc., The American Legion, Department of Florida.

ARTICLE II

OBJECTS AND PURPOSES

Section 1: The objects and purposes of this American Legion Post shall be to promote the principles and policies set forth in the foregoing Preamble and the American Legion National Constitution and the American Legion Department of Florida Constitution.

ARTICLE III

NON-POLITICAL NATURE OF THIS POST

Section 1: This organization shall be absolutely non-political and nonsectarian 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 2: Rank does not exist in the American Legion; no member shall be addressed by their military title in any meeting of the Post.

ARTICLE I V

MEMBERSHIP

Section 1: Eligibility for membership in this Post shall be as prescribed by the National Constitution of The American Legion.

Section 2: Application for membership shall be made in writing using the membership forms prescribed by the American Legion.

Section 3: Any member of this Post may be reprimanded, suspended or expelled only in accordance with Article X, Section 14, of the Department Constitution. Charges shall be based upon disloyalty, neglect of duty, dishonesty and/or conduct unbecoming a member of the American Legion. All charges must be made under oath in writing by the accusers. No member in good standing shall lose their membership until given a fair trial in such manner and form as the Department Constitution shall prescribe.

Section 4: A member who has been expelled or suspended from this Post for any cause may be reinstated to full membership by a two-thirds vote of the Executive Committee; provided however, that the reinstated member shall have made full payment of any arrears of their dues occurring in the interval between their expulsion or suspension and their reinstatement.

Section 5: An applicant for membership in this Post who has been expelled or suspended from another Post of The American Legion shall not 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, the applicant may then appeal to the Department Executive Committee of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

ARTICLE V

OFFICERS AND EXECUTIVE COMMITTEE

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 no more than five (5) members in addition to the Officers of the Post. The term of office for Officers and the Executive Committee Members 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 Officers of this Post shall be a Commander, a First Vice-Commander, a Second Vice-Commander, a Finance Officer, a Historian, a Chaplain, a Sergeant-at-Arms, an Adjutant, a Service Officer and a Judge Advocate. All officers except the appointed officers shall be nominated from the floor at the two (2) consecutive meetings immediately preceding the annual Convention. The Adjutant, Service Officer and the Judge Advocate shall be appointed by Commander elect.

Section 3: TERM OF OFFICE AND PROCEDURE FOR REMOVAL. All Officers and Executive Committee Members shall be elected annually and they hold office until their successors are duly installed or as otherwise provided. Any Officer or Executive Committee Member may be removed or suspended from office for the following causes: (1) disloyalty to the American Legion or the National Government; (2) neglect of duty; (3) dishonesty; or (4) conduct unbecoming a member or officer of the American Legion. The Post Executive Committee may interpret excessive unexcused absence from duty or meetings as neglect of duty. The procedure for such suspension or removal from office shall be in accordance with Section 18 Article X, Department Constitution. The decision of the Executive Committee shall be presented to the membership at the next regularly scheduled meeting or at a special meeting properly called for that purpose. Except in cases of acquittal, the membership may affirm, modify or reverse the decision of the Post Executive Committee.

ARTICLE VI

FINANCE

Section 1: The revenue of this Post shall be derived from Annual Membership Dues and such other sources as may be approved by the Post Executive Committee.

Section 2: The amount of the Annual Post Membership Dues shall be fixed and determined at a regular Post meeting.

Section 3: The Post shall pay to Department Headquarters the full amount of National and Departmental annual membership dues received from payment of dues by each member of the Post.

ARTICLE VII

AMERICAN LEGION AUXILIARY

Section 1: This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Rood-Williams Post 271, The American Legion, Department of Florida.

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

THE SONS OF THE AMERICAN LEGION

Section 1: This Post recognizes an auxiliary organization to be known as Squadron 271 of the Sons of The American Legion.

Section 2: Membership Qualifications in the Sons of The American Legion shall be as prescribed by the National Organization of The American Legion.

ARTICLE VIII

AMENDMENTS

Section 1: This Constitution is adopted subject to the provisions of The National Constitution of The American Legion and of the Constitution of The Department of Florida 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 effect of any provisions of this Constitution to the extent of such conflict.

Section 2: Changes to this Constitution may be considered at a regular meeting. The proposed changes or amendments must be read at the meeting. It is required that the Post membership be notified that a vote to amend the Constitution is about to happen at the next meeting. At the following regular meeting the changes may be accepted by a two-thirds majority vote.

ARTICLE IX
EFFECTIVE DATE

Section 1: This Constitution shall become effective immediately upon its adoption by the Post.

Accepted, ratified, approved and confirmed by the members of this Post and adopted as the Constitution of Rood-Williams Post Number 271, Inc., American Legion, Department of Florida, this 11th day of March 2016.

JIMMY JOSKO, Commander

ANDREW C. HERIC, Adjutant

BY-LAWS OF
THE AMERICAN LEGION
ROOD-WILLIAMS POST 271, INC.
DEPARTMENT OF FLORIDA

ARTICLE I

Section 1: The Post, existing under these By-Laws, is to be known as Rood-Williams Post 271, Inc., The American Legion, Department of Florida.

Section 2: The objects and purposes of this Post are as set forth in the Post Constitution.

ARTICLE II

MANAGEMENT

Section 1: The governance and management of the Post is entrusted to its Officers and Members of the Executive Committee.

Section 2: The Executive Committee shall consist of up to five (5) elected members and all living Past Post Commanders.

Section 3: All vacancies existing in the Executive Committee or in any Office of the Post, from any cause other than the expiration of the annual term, shall be filled by appointment pursuant to a majority vote of the Executive Committee, and a person so appointed shall hold office for the unexpired term of the member of the Executive Committee or of the Officer whom they succeed.

ARTICLE III

POST EXECUTIVE COMMITTEE

Section 1: The Post Executive Committee shall consist of the Officers of the Post, the elected Executive Committee Members, and any Past Post 271 Commanders.

ARTICLE IV

DUTIES OF OFFICERS

Section 1: Duties of the 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. The Commander shall be the Chief Executive Officer of the Post. The Commander shall also perform such other duties as directed by the American Legion, Department of Florida.

Section 2: Duties of the First Vice Commander: The First Vice Commander shall assume the duties of the Post Commander in the absence of or at the request of the Post Commander and shall be Chairman of the Membership Committee. The First Vice Commander shall be responsible for obtaining the membership cards, contacting possible new members, renewing old members, assisting in the collection of dues and reinstating lapsed or delinquent members. Additionally, the First Vice Commander shall report on membership activities at each meeting of the Post, and at such other times as may be requested by proper officials. The First Vice Commander shall perform such other duties as the Post Commander may direct.

Section 3: Duties of the Second Vice Commander: The Second Vice Commander shall assume the duties of the Post Commander or the First Vice Commander in their absence or at their request. The Second Vice Commander shall be responsible for the maintenance of Post buildings, equipment, and grounds. The Second Vice Commander shall report on maintenance, repair and refurbishing activities at each meeting of the Post. The Second Vice Commander shall perform such other duties as the Post Commander may direct.

Section 4: Duties of the Adjutant: The Adjutant shall have charge of and keep a full and correct record of the proceedings of all meetings of the Post and the Executive Committee, keep such records as The American Legion; Department of Florida may require and handle all correspondence of the Post. The Adjutant shall perform such other duties as the Post Commander may direct.

Section 5: Duties of the Finance Officer: The Finance Officer of the Post shall have charge of all finances and funds of the Post, see that they are safely and promptly deposited in a local bank upon receipt, and shall receive all bills tendered for payment and ensure they are promptly paid. The Finance Officer shall report at a minimum once a month to the Executive Committee the condition of the finances of the Post, including such recommendations as the Finance Officer deems expedient or necessary for protecting or growing funds with which to carry on the activities of the Post. The Finance Officer is be responsible for timely submitting payments of State and Federal taxes and ensure all other bills are properly paid. The Finance Officer should immediately bring to the attention of the Commander or the Post Executive Committee any questionable practices that appear to affect the financial well being of Post 271. The Finance Officer shall perform such other duties as the Post Commander may direct. The financial

accounts of the Post shall be audited by an accountant or a group appointed by the Post Executive Committee at the end of each fiscal year.

Section 6: Duties of the Historian: The Historian shall be charged with recording functions and incidents of the Post and Post members. The Historian shall perform such other duties as the Post Commander may direct.

Section 7: Duties of the Chaplain: The Chaplain shall be charged with the spiritual welfare of the Post and will offer divine non-sectarian service at events such as dedications, funerals, public functions, etc., adhering appropriately to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

Section 8: Duties of the Sergeant-at-Arms: The Sergeant-at-Arms shall preserve order at all meetings, be the Officer-in-Charge of the Honor Guard and Flag Display Coordinator. The Sergeant-at-Arms shall perform such other duties as the Post Commander may direct.

Section 9: Duties of the Service Officer: The Service Officer shall be the liaison for all matters pertaining to service connected benefits or entitlements to members and fellow veterans, and shall assist, directly or indirectly, in the processing of all their just claims to the United States Department of Veterans Affairs (VA). The Service Officer shall inform the Membership upon learning of the death of members, and provide information to the Membership of the needs of any hospitalized, injured or homebound members. The Service Officer shall perform such other duties as the Post Commander may direct.

Section 10: Duties of the Judge Advocate: The Judge Advocate shall rule on questions pertaining to the legal behavior of the Post during meetings. The rulings by the Post Judge Advocate on such matters which may be requested by the Post Commander, Executive Committee Members or Post Members shall not be subject to challenge and shall not be debatable. The Post membership, by a majority vote of the members present at a properly convened meeting, may request a decision from the Department Judge Advocate in the event that a ruling is desired to reject or revise the opinion of the Judge Advocate; however, such ruling by the Post Judge Advocate shall stand, and no action contrary to such ruling shall be taken until such time as the Post receives the written opinion of the Department Judge Advocate. The Judge Advocate shall perform such other duties as the Post Commander may request or direct.

ARTICLE V

DELEGATES

Section 1: Delegates and Alternates to the Department Convention and Mid-Year Conference shall be Post Officers who are available. At the Commander's discretion, a total of up to nine (9) delegates will be funded to attend. A hospitality suite will be funded by the Post providing at least five (5) Officers attend, based upon availability of funds.

ARTICLE VI

STANDING COMMITTEES AND APPOINTMENTS

Section 1: Chairperson Appointments: The Commander, as soon as practicable after taking office each year, shall appoint Chairpersons for the following Standing Committees: Americanism, Children & Youth, Ways & Means, Public Relations, and National Security, subject to the approval of the Executive Committee. The Commander may appoint members to such other committees as is deemed advisable and necessary for the practical and efficient operation of the Post. The duties of the Standing Committees shall be as hereinafter set forth in these By-Laws. Each Chairperson will submit a written report to the Commander no later than June 1st of each year for the Consolidated Post Report. The report will include, but is not limited to, man hours spent, funds received (and from who), funds donated (and to who) and a brief synopsis of all activities.

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, Americanism of aliens, combating anti-American propaganda by education of the general public in ideals through public forums and activities for community and civic betterment.

Section 3: Children and Youth Committee: This committee shall be charged with aid and service to the children of veterans, cooperating with other established agencies in the community. Disperse welfare funds when needed.

Section 4: Public Relations Committee: This committee shall be charged with promoting public support for the programs of The American Legion and for contacts with Department and National news services as well as local publicity for the Post programs and activities.

Section 5: Disaster Relief Committee: This committee is charged with the coordination of Post activities with the community disaster relief program covering a local disaster and providing shelter where needed for the Post members and their families; shall coordinate actions with the Department and National organizations concerning disasters in other areas involving region members.

Section 6: Ways and Means Committee: The Ways and Means Committee shall be made up of the following members: Commander (Chair), Adjutant (Minutes), Finance Officer, Bar Manager, and the Kitchen Manager. This committee will be responsible for the scheduling of Post activities, fund raising events, and community affairs; also scheduling the rental of Post facilities by members, community organizations and individuals.

ARTICLE VII

CANTEEN STRUCTURE

Section 1: Post Canteen. There exists within the structure of this Post a Canteen which shall be operated under the supervision of the Ways and Means committee and governed by the Executive Committee. No Post funds shall be allowed to subsidize the operation of the Canteen. The hiring and firing of Canteen personal will be the responsibility of the Executive Committee; by a majority vote if necessary.

Section 2: Bar Manager: The Bar Manager shall be charged with the planning and scheduling of special events, scheduling canteen staff, managing inventory, ordering beverage stocks, receiving deliveries, delivery payments, hall rentals, and such other matters as are within the operation of the Bar. The Bar Manager shall also advise the Second Vice Commander of any bar and dining facility maintenance issues requiring attention.

Section 3: Kitchen Manager: The Kitchen Manager shall be charged with consulting with the Bar Manager for special events as part of pre-planning all meals, and for ordering supplies. The Kitchen Manager shall also prepare a menu for the Monthly Post Newsletter for Weekly Dinners and the Daily Lunch Menu. The Kitchen Manager is also primarily responsible for the cleanliness of the kitchen and kitchen equipment to include all coolers, walk-in freezers, refrigerators, ice machines, floor mats, stoves and ovens, warming trays and serving equipment. The Kitchen Manager shall also advise the 2nd Vice Commander of any kitchen facilities or equipment in need of repairs.

Section 6: The Upstairs Hall: The hall will be utilized for regularly scheduled post meetings and functions. Upon request the Hall will be utilized for memorial ceremonies for past members of this Post at no charge to the family of said member. The Hall may be rented out to members (at a reduced rate), to incorporated community organizations and to individuals. Rates must not result in the Post subsidizing the activity without a vote of the Membership at a Regular Meeting of the Post. Catering, linen and cleaning fees will be established by the Ways and Means Committee.

Section 7: These By-Laws regarding the structure of Rood-Williams Post No. 271, Inc, American Legion, Department of Florida, are subject to the Post Constitution.

ARTICLE VIII

ELECTIONS

Section 1: The annual election of this Post shall be held in a regular meeting designated by the Post Commander, not more than fifty (50) days nor less than ten (10) days prior to the Department of Florida Convention. The Officers elected shall be installed and enter upon their duties within sixty (60) days following adjournment of the Department Convention in the year in which they were elected.

Section 2: The Post Adjutant shall cause notice of the annual election to be given not more than nine (9) weeks or less than eight (8) weeks prior thereto. Notice shall be given by Post newsletter, web site and by posting notice in the Canteen.

Section 3: Nominations for Officers and Executive Committee members shall be called for by the presiding Officer at the regular meeting of the Post at the two (2) regular meetings preceding the annual election and shall remain open until the regular meeting of the Post prior to the meeting at which the election is to be held. Nominations shall then be closed.

Section 4: Only members of this Post whose dues are fully paid and, who are otherwise in good standing in the Legion shall be eligible for nomination or to vote or hold office in this Post.

Section 5: No member of this Post may hold more than one elective office at the same time.

Section 6: All elections for Nominees shall be by secret ballot. The nominee receiving the highest number of votes shall be elected to the respective office for which they have been nominated. Nominees for Executive Committee shall be elected by receiving the highest number of votes among the candidates standing for election until the open positions are filled. Voting by proxy will not be allowed. However, members who are unable for certified (by a health care professional) physical health reasons to attend may apply to the Judge Advocate for permission to cast an absentee ballot. The Judge Advocate shall be the only member to receive, approve and cast all absentee ballots.

Section 7: When there is only one nominee for an office, the Adjutant will be instructed to cast a unanimous ballot for the candidate by a voice vote.

Section 8: After the closing of nominations, a ballot box will be set up at the Post on the day of the next regular meeting. The ballot box will be open from 9 a.m. to 7 p.m. and be guarded at all times by a Post Officer or Executive Committee Member who shall be tasked with checking all voters for up-to-date membership cards. All membership cards must have a membership number, have both signatures, and dated for the current membership year.

Section 9: The Adjutant will prepare all ballots. No ballot shall be counted if changed from its original form. The counting of ballots shall be done by non candidates and be open for observation

by the membership of the Post. In the event of a tie vote of one or more candidates, a flip of a coin will determine the winner.

ARTICLE IX

RESOLUTIONS

Section 1: All resolutions of State or National scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and a copy of same shall be forwarded to Department Headquarters for approval before any publicity is given or other action taken other than mere passage by the Post.

ARTICLE X

MEETINGS

Section 1: The regular meetings of this Post shall be held on the second Thursday of each month in the Hall of this Post at 7:00 p.m. Any regular meeting of the Post may be postponed or cancelled when approved by the Officers of the Post.

Section 2: The Executive Committee of this Post shall meet after the regular meeting. The Executive Committee Meeting may be postponed or cancelled when approved by the Officers of the Post.

Section 3: The Post Commander or, in the Commander's absence, any Vice Commander shall have the Authority to call a special Executive Committee Meeting of the Post at any time.

Section 4: Nine (9) members shall constitute a Quorum at a regular meeting.

Section 5: Three (3) Officers shall constitute a Quorum at an Executive Committee meeting. Past Post Commanders shall be entitled, when present, to vote on any questions, but their presence shall not be considered in establishing a Quorum.

ARTICLE XI

NOTICES

Section 1: Every member shall furnish the Adjutant with their correct address for mailing purposes, and members are also encouraged to provide e-mail or similar electronic addresses.

Section 2: The Adjutant shall give notice of special meetings and elections when necessary. Notice shall be given by Post newsletter, Post web site or similar media, and by posting written notice in the Post Canteen.

ARTICLE XII

RULES OF ORDER

Section 1: All proceedings of this Post shall be conducted under and pursuant to the American Legion Post Officer's Guide.

ARTICLE XIII

LIMITATIONS OF LIABILITIES

Section 1: This Post shall not incur nor cause to be incurred any liability or obligations whatever which will subject to liability any other Post, subdivision, group of persons, members of The American Legion, its auxiliaries or other individuals, corporations or organizations.

ARTICLE XIV

AMENDMENTS

Section 1: These By-Laws may be amended at any regular Post meeting upon a favorable vote of at least two thirds of the members present at said regular Post meeting, provided that the proposed amendment, or amendments, shall have been submitted in writing and read at the last preceding regular Post meeting, and, provided further, that notice shall have been given to all members of the Post at least five (5) days in advance of the date when such an amendment is to be voted on, notifying said members that at such regular Post meeting a proposal to amend the By-Laws is to be voted upon. Notice shall be given by the Adjutant via Post newsletter, Post web site or similar media, and by posting notice in the Post Canteen.

ARTICLE XV

EFFECTIVE DATE

Section 1: These By-Laws shall become effective immediately upon their adoption by the Post.

Accepted ratified approved and confirmed by this Post and adopted as the By-Laws of Rood-Williams Post No. 271, Inc, American Legion, Department of Florida; this 11th day of March 2016.

JIMMY JOSKO, Commander

ANDREW C. HERIC, Adjutant