

CONSTITUTION AND BY-LAWS

AMERICAN LEGION RICHARD DINGLE POST 98

ST.PAUL PARK, MN.

THIRD DISTRICT, DEPARTMENT OF MINNESOTA AMERICAN LEGION

ADOPTED: 21st day of May 2019

WRITTEN AND PUBLISHED BY THE CONSTITUTION AND BY-LAWS

COMMITTEE 2019

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Constitution of Richard Dingle Post No. 98

Department Of Minnesota, The American Legion

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.

ARTICLE I – NAME

Section 1. The name of this organization shall be Richard Dingle, Post 98, The American Legion, Department of Minnesota.

Section 2. This Post shall be located in the City of St. Paul Park, Washington County, State of Minnesota, and the headquarters thereof shall be located within said city at such place as shall be determined by the organization from time to time.

ARTICLE II – OBJECTS

Section 1. The objects and purpose 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. 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 their military title in any meeting of this Post.

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. 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 3. All applications for membership shall be acted upon at the next scheduled Post meeting following the making of such applications, and shall, at such meeting, be accepted, rejected, or referred for further investigation and consideration. If a majority of members cast their vote against the acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not be again considered until after the expiration of six months from the date of such rejection.

Section 4 . Each candidate for membership shall submit a copy of a DD-214 or ID card showing active duty status. If any elected candidate shall not, within thirty (30) days, after said candidates election, pay to the Finance Officer the required dues, as prescribed by the Post, said candidates election shall be void.

Section 5 . The privilege of use of the club facilities may be revoked or suspended for any reason deemed detrimental to the interests of the Post. This shall include, but not be limited to excessive intoxication, disruptive behavior, physical or oral harassment, conduct unbecoming to other members or their guests, or by violation of any By-Laws or Standing Rules. Any member of this Post may be expelled for cause as prescribed by the Richard Dingle American Legion Post 98 Standing Rules order.

- a) The Commander, the Executive Committee, General Manager, and designated door persons and bartenders have the responsibility of obtaining the eviction from the Club any person who, in their judgment, is violating any of the above.

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 asked for and denied by such Post, the person then may appeal to the State Executive Committee of the department of the expelling Post for permission to apply for membership in another Post, and shall be ineligible for membership until such permission is granted.

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 the Executive Committee.

Section 2 . The Executive Committee shall consist of the duly elected officers of that year, the Post Adjutant, and the Immediate Past Commander. All Executive Committee members shall have a vote in the proceedings of the Executive Committee.

Section 3 . The elected officers of this Post shall be a Commander, a First Vice Commander, a Second Vice Commander, a Third Vice Commander, a Finance Officer, two Sergeant-at-Arms, a Chaplain, and a Historian. The Adjutant, Service Officer and any other officers necessary to fill the obligations of this Post shall be appointed by the Commander elect, as approved by the Executive Committee, prior to installation of officers.

Section 4 . All officers and committee members will take office upon installation; installation date of officers to be with the approval and consent of the Commander and Commander elect. Any officer or Executive Committee member may be removed for inefficiency by all Executive Committee members. A majority vote of said committee is necessary to effect recommendation to membership.

Section 5 . Every member of this Post in good standing shall be eligible to hold office at this Post.

Section 6 . The duties of the officers and the Executive Committee members shall be those usually pertaining to such officers or committee members and as further provided in the By-Laws of this Post.

ARTICLE VI – FINANCE

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

Section 2 . The amount of such membership or initiation fees and the amount of such annual Post dues shall be fixed and determined by the Executive Committee with approval from general membership.

Section 3 . The fiscal year of the Post shall be from July 1 of each year through the following June 30th.

Section 4 . The Post shall pay to departmental headquarters the national and departmental annual membership dues for every member of the Post.

ARTICLE VII – CHARTER MEMBERS

Section 1 . Those persons whose name appears upon the original application for the charter of this Post 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 Richard Dingle, No. 98, Department of Minnesota, The American Legion.

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

Section 3 . The Auxiliary is part of the American Legion Family.

ARTICLE IX – SONS OF THE AMERICAN LEGION

Section 1 . This Post recognizes the Sons of the American Legion to be known as SAL Squadron Richard Dingle, No. 98, Department of Minnesota, The American Legion.

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

Section 3 . The Sons of the American Legion is part of the American Legion Family.

ARTICLE X – AMERICAN LEGION RIDERS

Section 1 . This Post recognizes the American Legion Riders to be known as American Legion Riders Richard Dingle, No. 98, Department of Minnesota, The American Legion.

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

Section 3 . The American Legion Riders is part of the American Legion Family.

ARTICLE XI – AMENDMENTS

Section 1 . This Constitution, as adopted, is subject to the provisions of the National Constitution of the American Legion and the Department Constitution of the Department of Minnesota. Any amendment to said National or Department Constitution, which is in conflict with any provision hereof, shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such a conflict.

Section 2 . This Constitution may be amended at any regular meeting by a two-thirds vote of the members of said Post attending such regular meeting, providing that the proposed amendment shall have been submitted in writing or electronically (i.e. letter, Post newsletter, email, Facebook, or telephone) and read at the next regular meeting of such Post. Providing further that written or electronic notice shall have been given to all members at least thirty (30) days in

advance of the date when such amendment is to be voted upon; notifying said members that at such a meeting, a proposal to amend the Constitution is to be voted upon.

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ARTICLE I – UNCONSTITUTIONALITY OF BY-LAWS

Section 1 . The following Articles shall constitute the By-Laws of Richard Dingle Post No. 98, The American Legion, Department of Minnesota, St. Paul Park Minnesota.

Section 2 . No provision of these By-Laws shall stand in conflict with any provision of the Constitution of this Post.

Section 3 . If any word, phrase, clause, sentence, Section, or Article in whole or part, of this Constitution and By-Laws be held unconstitutional, all remaining parts of the Constitution and By-Laws shall have full force and effect as no part of such Constitution and By-Laws had been so held unconstitutional should prevail; no meaning shall be imparted to the remaining parts of this Constitution and By-Laws except such meaning as would have prevailed with any such deleted part retained.

ARTICLE II – ORDER OF BUSINESS

Section 1 . Opening and closing of meetings, initiation of new members, and installation of officers shall be conducted as prescribed and approved by the National Convention of the American Legion in Kansas City, 1921, with subsequent amendments adopted by later conventions. Observance of this section is mandatory.

1. Opening Ceremonies (National Manual of Procedure)
2. Thirty (30) seconds of silence for departed Comrades
3. Roll Call of Officers
4. Reading of Minutes of the previous meeting
5. Introduction of guests
6. Initiation of new members (National Manual of Procedure)
7. Nomination, election, or installation of officers
8. Application for membership
9. Balloting on application for membership
10. Communications (sick call and relief)
11. Report of Executive Committee

12. Report of Adjutant and Finance Officer
13. Committee reports
14. Unfinished business
15. New business
16. Good of the Legion
17. Closing ceremonies (National Manual of Procedure)

ARTICLE III – MANAGEMENT OF POST

Section 1 . Except as otherwise provided in this Constitution and By-Laws, the government and management of this Post, all Post property, and Post activities shall be under the supervision of the Executive Committee.

Section 2. The Executive Committee shall consist of the Commander, three Vice Commanders, Finance Officer, the Immediate Past Commander, the Adjutant Officer, the Chaplain, the Service Officer, the First and Second Sargent of Arms, and the Historian. The constitutional officers of the committee shall be members for the period of their term. In addition, the Gambling Manager, Club Manager, one Auxiliary member, and SAL member will be non-voting members of the Committee. The Commander shall vote in case of a tie.

Section 3 . Accept as provided in Article 7 of these By-Laws, the Executive Committee shall be charged with the preparation of an annual budget with recommendations. All Post checks issued for any disbursement, expenditure or other purposes shall be signed by the Finance Officer and Commander or other signer as designated by the Executive Committee and banking institution. The Commander, Adjutant, Club Manager, and Finance Officer shall be bonded under a blanket bond paid for by this Post.

ARTICLE IV – ELECTIONS

Section 1 . Regular election of officers of this Post shall be held annually as prescribed in this Article.

Section 2 . All voting for elective officers of this Post shall be by secret written ballot; provided further, any election where a ballot box is prescribed, no ballot

shall be counted which has not been deposited in such ballot box before such voting has been declared closed; provided further, that in the event only one nomination has been made for an office, the Adjutant may, after proper motion from the floor be instructed to cast a unanimous ballot for that nominee.

Section 3 . During the regular meeting in March of each year, the Commander shall announce that nomination of officers shall be opened. During the regular meeting in April, the Commander shall announce that such nominations shall be reopened. Immediately after closing of nominations during the first regular meeting in May, the Commander shall announce or otherwise publish to the meeting, the names of all nominees and of the respective office for which named, and shall announce that election of officers shall begin; also, at this time, the Commander shall appoint an election committee to supervise such election.

ARTICLE V – MEETINGS

Section 1 . The regular meeting of this Post shall be held on the third Tuesday of each month at the Post Legion Hall or other places to be determined by the Post; provided in case any meeting falls on a holiday, the meeting may be cancelled or changed to some other day by a two-thirds vote of all members present and voting at a previous meeting.

Section 2 . Special Post meetings may be called by the Commander or by the Executive Committee, and must be called upon the written request of twenty (20) members, no special meeting shall be called unless announced by the Commander at the regular meeting preceding or unless notice be mailed to each member stating the time and place of such meeting and the subject to be considered. Such notice shall be post marked five (5) days before the regular hour at which said meeting will convene.

Section 3 . A quorum at the Post General Membership meeting shall consist of fifteen (15) Legion members in attendance.

Section 3a. A quorum at all other meetings shall be a majority of Committee members.

Section 4 . The Executive Committee shall regularly meet on the Monday the day prior to each Post general membership business meeting at the Post Hall. A majority shall constitute a quorum, it may hold such special meetings as it or the Commander may deem advisable, provided that notice of any such meeting is given each committee member at least five (5) days before the time such meeting is to convene, giving time and place meeting is to convene, and the business to be considered. Any meeting of such committee may be adjourned to a later time and place.

Section 5 . If any Post officer, including Executive Committee members be absent from three (3) consecutive meetings which their Post duties require them to attend, unless they be excused by the Post, the Commander, or the Executive Committee, such office may be declared vacant by the Commander or the Executive Committee or a motion from the floor.

Section 6 . Except by special invitation of the Post, or the Commander, no person shall take active part in any meeting of this Post unless they are a member in good standing in this Post.

ARTICLE VI – EXECUTIVE COMMITTEE

Section 1 . The Commander shall be chairperson of the Committee.

Section 2 . The Executive Committee shall meet at the call of the Commander or as prescribed by Article 5, Section 4 of the by-laws. The Commander shall call a meeting of the Committee upon the joint request of 3 or more members of said committee.

Section 3 . The Executive Committee shall hire such employees as may be necessary: shall authorize and approve all expenditures not already approved by the Post; shall require as necessary adequate bonds from all persons that have the custody of Post funds; shall hear the reports of post committee chairpersons; and generally have charge of and be responsible for the management of the affairs of the post and club.

Section 4 . Duties of the Executive Committee shall include the hiring of a club manager; overseeing the operation of the club facilities, developing plans for the upkeep and maintenance of the post and club and its facilities. The Executive Committee shall appoint working groups or outside contracts for the execution of said plans. They shall provide for proper bonding and insurance of the club manager and employees and insure the business like operation of the club.

Section 5 . The committee shall report to the post at each monthly meeting.

ARTICLE VII– DUTIES OF OFFICERS

Section 1 . *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 Club. The Commander shall appoint the Adjutant and Service Officer. The Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year with recommendations for the ensuing year, which shall be given at the May membership meeting. The Commander shall be chairperson of the Executive Committee and shall perform such other duties as directed by the Post.

Section 2 . *First Vice Commander*

The First Vice Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Commander. In addition, the First Vice Commander has the direct responsibility of maintaining and increasing the membership of the post, bearing in mind that membership is the backbone of the American Legion. This shall include submitting membership reports to the proper authorities and render a membership report annually or when called upon at a meeting. First Vice Commander shall be chairman of the membership and nominations committees.

Section 3 . *Second Vice Commander*

The Second Vice Commander shall be Vice Commander at Large; assist the Commander in all duties. The Second Vice Commander's special area of

responsibility shall be to oversee and supervise the fund raising activities of the Post. It will also include the supervision of post entertainment activities as may be prescribed by the Post or Commander. The Second Vice Commander shall be involved in patriotic observances of all kinds and assisting in developing post activities.

Section 4 . Third Vice Commander

The Third Vice Commander shall be Vice Commander at Large; Convention Chairman; Americanism Chairman for the Post and assist the Commander, First and Second Vice Commanders and Post at their discretion.

Section 5 . Immediate Past Commander

The Immediate Past Commander shall be the Judge Advocate of the Post and shall advise the Post and its officers on application of the Constitution and By-Laws and on parliamentary procedure when requested to do so by any member of this Post, and shall perform other duties as may be prescribed elsewhere in this Constitution and By-Laws.

Section 6 . Adjutant

The Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such reports as the department and national organizations may require, render reports of membership annually or when called upon at a meeting, and under direction of the Commander handle all correspondence of the Post. The Adjutant will collect all dues and assessments and turn the funds over to the Post Finance Officer. The Adjutant will be in charge of issuing membership cards to the paid up members. The Adjutant shall be paid such sums per month out of the general fund as the Post may direct.

Section 7 . Finance Officer

The Finance Officer shall have charge of all funds and see that they are safely deposited in a local bank or banks. The Finance Officer shall report monthly to the Executive Committee and to the Post the conditions of the finances of the Post, with such recommendations as may be deemed necessary for raising funds to

carry on the activities of the Post. The Finance Officer shall sign all checks, along with the designated co-signer, disbursing monies of the Post. The Finance Officer shall furnish such surety bonds as may be required by the Executive Committee. The Post shall pay for such surety bonds. The Finance Officer shall provide an annual audit of the Post finances and accounts. The Finance Officer shall procure this audit from an outside certified accounting firm approved by the Executive Committee.

Section 8 . Post Service Officer

The Post Service Officer shall advise and assist all members of this Post of The American Legion with the filing of any claims or applications with the U.S. Veterans Administration. The Service Officer shall personally conduct all correspondence with various branches of our Government in connection with any claim or application of a member of this Post. The Service Officer shall cooperate to the fullest extent with the Washington County Service Office in all claims or applications filed with the U.S. Veterans Administration. The Service Officer shall be paid such sums per month out of the general fund as the Post may direct.

Section 9 . Post Historian

The Post Historian shall maintain records of noteworthy incidents of the Post and members, and shall perform such other duties as directed by the Post or Executive Committee. He shall maintain, in a complete manner, the Post scrapbook to be presented to the Post Commander at the end of the Post Commanders term. The Post Historian shall be paid such sums out of the general fund as the Post may direct.

Section 10 . Post Chaplain

The Post Chaplain shall be charged with the spiritual welfare of the Post Comrades and shall offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., adhering to such ceremonial rituals as are recommended by the National and Department Headquarters.

Section 11 . Sergeant-At-Arms and Assistant Sergeant-At-Arms

The Sergeant-At-Arms shall preserve order at all meetings of the Post and shall perform such other duties as may be assigned to them by the Post Commander or the Executive Committee. The Sergeant-At-Arms shall also be responsible for properly presenting the colors at all Post meetings. The Sergeant-At-Arms shall ascertain the names of all new members in attendance at Post meetings and introduce those members to the Post when so directed by the Post Commander.

Section 12 . Nominating Committee

The Nominating Committee shall be appointed in early January of each year by the Commander and First Vice Commander. The committee's first order of business shall be to select for nomination from the eligible Post membership those Legionnaires they deem best fitted to represent the Post. Such selectees shall be announced at the first Executive Committee and first regular Post meeting in March of that year.

ARTICLE VIII – ANNUAL DUES, FEES AND FUNDS

Section 1 . The annual dues for members in this Post shall be set by the Executive Committee and by membership payable from August 1 through December 31 for the ensuing year.

Section 2 . From such dues and fees the post shall pay all per capita tax or assessments and such other expenditures as the Post may approve.

Section 3 . Any member whose dues for the current year have not been paid by January 1st shall be classified as delinquent. If the members' dues have been paid on or before April 1st the member shall be automatically be reinstated. If the member is still delinquent after April 1st the member shall be suspended from all priveleges.

ARTICLE IX – APPOINTMENTS

Section 1 . Except as otherwise provided in this Constitution and By-Laws, the Commander shall, immediately after taking office each year, appoint such officers

and standing or ad-hoc committees as are required by this Constitution and By-Laws to be appointed, provided that neither the Adjutant nor the Finance Officer will be Chairperson of any committee.

ARTICLE X – TRIALS

Section 1 . All disciplinary and Trial procedure shall be conducted as prescribed by the Richard Dingle American Legion Post 98 Standing Rules order.

ARTICLE XI – VACANCIES, ELECTION FOR

Section 1 . All vacancies in elective office in this Post shall be temporarily appointed by the Post Commander. At the next regular meeting, nominations will be opened to fill the vacancy. On the following regular meeting, nominations will be reopened and an election will be held as outlined in Article 4.

EXPLANATION OF CHANGES

CONSTITUTION

ARTICLE IV – MEMBERSHIP

Section 4 – Requires submission of DD-214 or current military ID showing active status

Section 5 – Expands reasons for expulsion and references the Standing Rules.

ARTICLE V – OFFICERS

Section 2A – Eliminates House Committee from the Constitution. Post Commander may appoint ad-hoc committee's as needed.

ARTICLE VI – FINANCE

Added definition of Fiscal Year

ARTICLE IX and X – Added Sons of the American Legion and American Legion Riders to the Legion Family.

EXPLANATION OF CHANGES

BY-LAWS

ARTICLE I – Simply moving this from last to first.

ARTICLE II – ORDER OF BUSINESS

Placed 30 seconds of silence from last to second.

ARTICLE III – MANAGEMENT OF POST

Section 2 – Executive Committee oversight

Section 3 – Requiring co-signer on all checks written by Post.

ARTICLE VI – EXECUTIVE COMMITTEE

Explains all duties of Committee

ARTICLE VII – DUTIES OF OFFICERS

Technical changes to all officers

ARTICLE X – TRIALS

Referencing Post Standing Orders