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ARTICLE I – NAME

Section 1. The name of this organization shall be La Mesa Post 282, The American Legion, Department of California, located in the J. A. Parks Memorial Building at 8118 University Ave, La Mesa, California 91942, hereinafter referred to as "Post."

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 American Legion Preamble and in the Articles of Incorporation of this Post (dated 12 Jan 1932, California Corporation #C147881 and as amended), and in the American Legion National and Department Constitutions and Bylaws, as amended. Post 282 is a Non-profit 501(c)(19) Veterans Organization, Federal Tax ID #95-2278001.

ARTICLE III – NATURE

Section 1. This Post is a civilian organization and membership therein does not affect nor increase liability for military or police services. Rank does not exist in the Post; thus, no member shall be addressed by his/her military title in any meeting of this Post.

Section 2. This Post 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. Each member shall fully perform his/her duty as a citizen.

ARTICLE IV – ELIGIBILITY, MEMBERSHIP, AND DUES

Section 1. The eligibility for membership in this Post shall be those dates and conditions set forth in Article IV, Section 1, of the National Constitution of The American Legion as amended.

Section 2. This Post acknowledges that there shall be no form or class of membership except an active membership, and dues shall be paid annually or for life (called Paid-Up-For-Life; PUFL). In addition, Post 282 recognizes an active membership called Honorary Life membership. This can be granted by the membership to those members having fifty (50) years of continuous membership in Post 282. Once granted this title, the annual dues shall be paid by the Post but this privilege shall expire immediately upon transfer to another Post.

Section 3. Candidates for membership in this Post shall make application upon a form prescribed by the National Organization, pay therewith the established dues, and furnish official evidence of eligibility; the Post shall thereafter retain the master list from National Hq as proof of eligibility. No transfer can be made unless the applicant has paid or is

paying their dues for current year. The Post shall not charge an applicant for transfer nor shall the Post expect any dues paid to the previous Post.

Section 4. All applications for membership should be referred to the Adjutant who will verify the evidence of eligibility if not previously provided to the Commander or a Vice Commander. At the next regular meeting of the Post, the applications of those determined to be eligible for membership, received after the last previous regular meeting, will be provided for voting. A majority vote (more than half) of those present and actually voting shall accept or reject a candidate.

Section 5. No person who has been expelled by a 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 then he/she may submit appeal to the Department Executive Committee for permission to be admitted to membership in this Post; applicant is ineligible for membership until such permission is granted. The Adjutant shall prepare and process the required documentation.

Section 6. The dates for delinquency, suspension and expulsion from this Post for non-payment of dues shall be those dates and conditions set forth in Article IV, Section 4 of the Bylaws of the National Constitution of The American Legion. 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 year in which reinstatement occurs.

Section 7. For services rendered "above and beyond" or as the financial need may exist, the Post may, by majority vote of those voting, pay the annual dues of a member for one year but this should not be a recurring issue for any one particular member.

Section 8. Only Post members that are in good standing and current in dues shall take an active part in meetings, elections, members of Committees, etc..

Section 9. The annual dues shall be approved by the membership and be announced in the Post's Standing Rules.

ARTICLE V – OFFICERS, ELIGIBILITY, ELECTION, AND APPOINTMENT

Section 1. The mandatory officers of this Post shall be the Commander, First Vice-Commander, Second Vice-Commander, Third Vice-Commander, Adjutant, Finance Officer, Chaplain, and Service Officer; the optional officer positions of this Post are Judge Advocate, Historian, and Sergeant-At-Arms.

Section 2. The Post Commander shall have final authority to decide, at any time, to activate the optional officer positions, combine the offices of Adjutant and Finance Officer, and/or to name Assistants to the non-elective officer positions if and as needed.

a. The elective officers of this Post shall be the Commander, First Vice-Commander, Second Vice-Commander, and Third Vice-Commander.

b. The non-elective officers, i.e., appointed by the Commander and serving at his or her pleasure (See Article V, Section 1 and Section 2) are Adjutant, Finance Officer, Chaplain, Service Officer, Judge Advocate (when activated), Historian (when activated), and Sergeant-at-Arms (when activated).

c. The Commander or Vice-Commanders may not hold any other office in the Post, but other officers (appointed and Executive Board) may hold two or more of the other offices.

Section 3. The Executive [Committee] Board members are also elected to form the voting body of the Board of Director (see Article X, Section 1) whose primary purpose are the Post's business operations.

Section 4. Nominations for upcoming year's elective officers and prospective members of the Executive Board shall normally officially begin at the Post's scheduled membership meeting in March of each year and shall remain open until closed, immediately prior to the election that is to be held at the membership scheduled meeting in April of each year.

Section 5.

a. Post elective officers shall be elected or appointed, as applicable, for a term of one year or until a successor has been elected or appointed. They should be impressively installed, preferably by a ritual team, in accordance with the prevailing National Manual of Ceremonies not later than 30 June of each year.

b. Executive Committee (Board) members are normally initially elected for a three-year term of office or until a successor has been elected. No more than six total will hold office at any time and not more than two will be elected each year to serve the three-year term replacing the one-year termed-out member(s). At the end of the election year, the three-year term member(s) moves to the two-year position, the two-year member(s) moves to the one-year position, and the one-year member(s) are then termed out of office. To fill the vacancy of a member who, for whatever reason, has vacated his/her position, the elected replacement will be for the term of office remaining of the Executive Board member being so replaced. Executive Board members who have ended their elected term(s) may again be elected to the full three-year or to any other term of office where a vacancy exists.

c. If desired for election to any elected position, a secret ballot may be requested by any member prior to the election if there is more than one nomination for a particular office; the selected procedure should be one that would not embarrass anyone. Normally, a show of hands will suffice.

d. Those being nominated for, and nominated to, a position that a vote is required must be present during the initial nomination meeting and at the election meeting itself unless absent on Legion business, in the hospital, or have provided, in writing, their acceptance of the nomination to the Adjutant prior to any voting; the nomination itself is not a vote process nor does it need to be seconded, only that the nominated individual is willing to serve (the individual should be asked this question at nomination).

Section 6. Every member of this Post in good standing shall be eligible to hold office. There shall be no limiting qualifications; e.g., length of time in Post, but those elected and/or appointed shall maintain their American Legion eligibility (i.e., dues are current), continue as a member of this Post, and attend the meetings.

Section 7. The duties of the officers and Executive Board shall be those usually pertaining to such offices as defined by National, the Department of California, and as are further provided for in these Bylaws and/or Standing Rules.

Section 8. In the event that any Post Officer, elected or appointed (including Executive Board), shall be absent for three consecutive meetings of the Post or Board's meetings without being excused, member willingly ceases membership in the American Legion or Post, member decides he/she will not perform the office for which elected or appointed, or member departs the office for reasons not herein so specified, such office may be declared vacant via membership's majority vote at a membership meeting and nominations can then immediately begin (see Article V, Section 10). The vacancy so created will be filled by election or appointment, as per the same it was originally filled.

Section 9. For an elective office, except Executive Committee (Board), the final nomination and voting for the replacement will take place at the next regularly scheduled meeting following the meeting of the declared vacancy; for an appointed office and replacement for an Executive Committee member, the Commander can at any time replace the appointed officer while the election for the Executive Board replacement can be at the first membership meeting of the vacant position. (Membership need not formally declare the Executive Board position vacant as is required for an elective office since the replacement is technically for a member of a Committee with a focused direction.)

Section 10. In the event of death or of vacating the position of Commander or a Vice Commander, the normal rules of succession shall apply; i.e., the First Vice Commander will automatically succeed to, and perform the duties of, the Commander position; 2nd Vice moves to the 1st Vice Commander position; 3rd Vice moves to 2nd Vice Commander; and the 3rd Vice Commander position is then declared vacant.

Section 11. At the meeting following the declared vacancy of the elected officer position or at the meeting of the election but prior to voting, an elected officer of the higher position may elect to fill a lower elective position (e.g., 2nd Vice Commander to 3rd Vice

Commander or to a vacant Executive Board position) without vote of the membership thereby creating a vacancy to a higher position; the election would be to the then vacated higher position (i.e., 2nd Vice Commander) while another position is then filled.

Section 12. All of the Post's positions are non-pay with the exception of the Finance Officer (Adjutant/Finance Officer should the office be combined) who **may** receive compensation per the unanimous vote of the Board of Director and by the majority vote of the voting membership at a regularly scheduled meeting. Such votes shall be considered only when it is certain that with the payment of monetary compensation there shall be absolutely no other obligations or expenditures by the Post for financial accounting, tax preparation, etc., and that if such is later expended or obligated, then it shall be the Finance Officer (Adjutant/Finance Officer if the office is combined) who will then personally pay such expenditures or obligations which shall require withholding of any earned compensation in the amount obligated or expended, as pertinent.

Section 13. The incoming Post Commander shall make appointments of non-elective officers and Committee Chair assignments no later than the effective date of office.

ARTICLE VI – FINANCE

Section 1. Expenditure of funds shall be made only after prior authorization by the Post, as these Bylaws and the Standing Rules may provide, and on proper bills for which the Commander has final approval authority and who is ultimately responsible for the Post funds.

a. All hand-written checks shall be numbered in sequence, the number of each check to correspond with the bill demanding payment.

b. Receipts, numbered in sequence or by date, will be prepared and recorded so as to track funds received. Automated, credit card receipts, and bank ordered payments are not so numbered but are reflected in the monthly banking statements.

c. Checks may bear only one signature of the authorized person.

d. The Business Manager has the authority to independently order emergency repairs affecting the Post's business interests and the Commander shall be so notified.

e. Post membership shall be the final approval authority for any obligation or expenditure, budgeted or non-budgeted, and is the approval authority for any lease, loan, rental or contract (hall rental business excluded) that obligate the Post in any way. Day-to-day expenses shall be continually analyzed to find ways to save money without disruption of the business operations.

f. Commander decisions that save funds do not require membership approval.

Section 2. The adoption of this Article shall constitute authorization of the Post for the prompt payment of, as applicable, bills for mortgages, rent and/or leases; insurance; contracts; utilities; bar and kitchen orders and supplies; taxes and fees; security; custodial; gardening; office supplies; internet and communications; emergency purchases and repairs; approved employee(s) expenses; miscellaneous routine bills associated with the approved, business operations of the Post to include lounge entertainment; membership; American Legion order transactions as required; and proper and normal assessments by the American Legion's National Headquarters, Department of California, and the District, as applicable.

Section 3. No other payments or expenditures shall be made unless specifically authorized by the Board of Director, Executive Board, or membership at a regularly scheduled or special meeting called for this purpose, or via a membership approved budget that would specifically identify approved expenditures not included in Article VI, Section 2, above, if not already included in the Standing Rules.

Section 4. The Finance Officer shall coordinate all financial transactions and issues with the Commander, streamline the bill paying process to include the establishment of electronic payments and to otherwise take advantage of current banking practices so as to ease the work of the office and save on postage, ensure no late payments nor penalties, maintain a good credit rating, and that funds exist in properly established accounts.

Section 5. The Executive Board shall ensure the propriety and the manner in which financial records are kept and is hereby charged with the oversight of receiving, disbursing, auditing, and accounting for all Post funds; the Board of Director shall review the federal and state income tax forms prior to submittal.

Section 6. The budget and the accounting of funds relating to the "business" (e.g. Canteen related equipment and operations, repairs, contracts, salaries) shall be separate from non-business activities (e.g. membership dues revenue, veteran and community programs) and which may be further defined in the Standing Rules and per tax law.

Section 7. Donations will be accounted for per the intent of the donation. If the donation was not intended for the business needs of the Post, but is later needed for such and the donation had not yet been deposited, then the donor shall be contacted to authorize the exchange. If the donor does not agree, the donation shall be offered for return. Donation expenditure decisions reside with the Post and not the donor. The Adjutant or the Commander will normally prepare and sign the letter of donation to the donor and a copy shall be maintained in the Post's files.

Section 8. When not in the usual and regular course of activities, the sale of all or substantially all of the assets of this Post shall fully consider the Articles of Incorporation, be approved by two-thirds of the votes cast by persons entitled to vote, excluding blanks

or abstentions, at the first and second regular meetings of the Post following a written notice (meeting minutes posted on the bulletin board, website, and electronic mailing to those who have provided a current email address) to all members. Further, the input of any Veteran organization resident in the facility shall be considered and their comments shall be a matter of record for the Post's membership to consider prior to any vote.

Section 9. No member of the Post shall sponsor an activity in the name of the Post, or in any way place the Post under any obligation, nor shall they take any action to encumber the Post in any way or manner, unless specifically authorized by the membership.

Section 10. The Finance Officer shall be a voting member of any and all Committees of this Post.

Section 11. The Commander and Finance Officer, and any other offices and/or position charged by the Bylaws or Standing Rules with the responsibility of handling Post funds, should be bonded and billed to the Post at no cost to the member.

Section 12.

a. Financial reports and other books of account will be maintained and all shall be examined for audit by a licensed accountant (outside hire who may do the Post financial reports and accounting) or an ad-hoc committee of three (3) competent Post members, none of whom shall be the Commander, Finance Officer, or other person charged with the responsibility of handling Post funds. Such examination shall be made within ninety (90) days following the beginning of the term of office for the Post's elected officers and which encompasses financial transactions of the immediate preceding fiscal year (July through June).

b. The Post shall certify to the Department Adjutant prior to their established date that such an examination has been made via established processes.

c. The Department Commander, Post Commander, Board of Director, or the Post Executive Board may order an audit of the books of account at any time as may be deemed appropriate.

ARTICLE VII - THE AMERICAN LEGION AUXILIARY, SONS OF THE AMERICAN LEGION, LEGION RIDERS

Section 1. This Post recognizes an Auxiliary organization to be known as the Auxiliary Unit of La Mesa Post 282, the American Legion, Department of California. The Auxiliary exists to support the American Legion; accordingly, the mission of the Auxiliary is to support Post 282, to assist the Post in its meeting the needs of the facility and the Post's veterans and community programs, and to honor the sacrifice of those who serve by enhancing the lives of the veterans, the military, and their families.

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

Section 3. This Post recognizes, as a Program of the Post, the Sons of the American Legion (SAL) to be known as Squadron 282 of La Mesa Post 282, the American Legion, Department of California. The mission of SAL Squadron 282 is to support the American Legion and Post 282, and to acknowledge and assist with the needs and programs of the Post.

Section 4. Membership in the SAL shall be as prescribed by the National Constitution of The American Legion.

Section 5. This Post shall recognize a Post 282 Legion Riders Chapter whenever legally established, provided such establishment is per the mandates of the American Legion National and/or Department, and all other requirements of establishment are fulfilled.

ARTICLE VIII – PROCEDURE

Section 1. Roberts Rules of Order, Revised shall govern the conduct of meetings and procedure except as may be otherwise provided in these Bylaws, the Post's Standing Rules, or directives from higher authority. Electronic meetings and correspondence are allowed per Department Bylaws and do not need to be repeated within these Post Bylaws.

Section 2. No member will be permitted to speak on any one subject (Pro or Con) more than twice, the first time no longer than five minutes and the second time no longer than three minutes; exceptions would be a committee report and those committee members when meeting in their unified meeting, providing analyses and recommendations with the goal to improve operations, and/or approved visiting guests who have a message to impart.

Section 3. Opening and closing of meetings, initiation of new members and installation of officers (elected and appointed) shall cover the topics, but not necessarily the exact order, as prescribed and approved by the National Convention of The American Legion in Kansas City, 1921, with subsequent amendments as adopted and approved by later conventions.

Section 4. The Board of Director shall direct and evaluate the work of the Business Manager via the Post Commander or a specifically designated Vice Commander; the Executive Board can direct a closer review of the management of the Business Manager if so warranted. When the Business Manager vacancy occurs, hiring action shall immediately begin with the expectation of position fill within 30 days of vacancy. Ideally, a veteran or an individual eligible for Post 282, Auxiliary, or SAL membership should be selected to fill the position.

Section 5. When needed to provide written notice to the entire membership, such notice is hereby defined as the meeting minutes posted on the bulletin board, website, and electronic mailing to those who have provided a current email address. For the normal business transactions of the Post to include position vacancies, nominations for office, election results, scheduling of meetings, etc., the posting of business meeting's minutes on the bulletin board and website are deemed sufficient to properly inform the membership since it is deemed individual responsibility to stay informed.

ARTICLE IX – COMMITTEES

Section 1. Committees, other than those mandated by higher authority, shall exist as may be determined by the Commander and/or the membership. The Committee Chairs may make further appointments to their Committees, if desired.

Section 2. Executive Committee (officially titled the Executive Board per Article X, Section 1) is hereby established a permanent committee that comprises the membership of the Board of Director (see Section X, Section 1).

Section 3. Membership Committee, chaired by a designated Vice Commander, is a permanent committee involved with the recruitment of new and retention of existing members, reinstatements, processing, validating the eligibility when needed, initiation ceremony of new American Legion Post members that join Post 282, and other related duties.

Section 4. House Committee, chaired by the Post Commander and attended by the House Manager and whose membership consists of one voting representative from each of the approved Veteran organizations who may be resident in the Post's facility, is a permanent committee and charged with coordinating, soliciting ideas, and openly discussing anything concerning the Canteen, facility, furnishings, equipment, food, membership. The House Committee reports are formally provided to the Board of Director and to the general membership at next regularly scheduled meetings following the House Committee meeting.

Section 5. Other committees may be established and announced per the Standing Rules.

Section 6. The Finance Officer is a member of all Post committees.

ARTICLE X – BOARD OF DIRECTOR, EXECUTIVE BOARD

Section 1. The Board of Director shall be comprised of the Commander, Vice-Commanders, Adjutant, Finance Officer, Business Manager, and the Executive Committee as its voting members; since members of the Executive Committee are official members

of the Board of Director with vote, the Committee is hereby renamed Executive Board so as to properly establish the title and role of its elected membership.

Section 2. The Commander, Vice-Commanders, Adjutant, Finance Officer, and Business Manager shall also be known, in order, as the President/Chairman, Vice-Chairs, Secretary, Finance Officer, and Business Manager of the Board of Director. The Executive Board members comprise the voting membership of the Board of Director.

Section 3. The Executive Board has a specific role within the Board of Director in that its primary purpose concern the business aspects of the Post; the elected members of the Executive Board may meet independently as it deems necessary per the guidance specified in Robert Rules of Order, Revised, for Subordinate Boards, and when meeting, the Commander or other elective officer need not be present but report of meeting(s) shall be made to the Board of Director. Shall the Commander be invited to its sole meeting, such representation will be without a vote.

Section 4. The Executive Board shall make recommendations concerning the qualifications, appointment, retention, etc., of the Finance Officer along with any issues resulting from the performance or actions of the Finance Officer.

Section 5. The Business Manager is a permanent voting member of the Board of Director and who shall be consulted in all matters of the business operations of the Post and who shall also independently advise and apprise the Commander, or specifically designated Vice Commander, of actions taken or contemplated.

Section 6. Post membership shall not be involved with decisions concerning hall or meal donations, price of food/beverages, and other business-related issues as may be further defined in the Standing rules.

ARTICLE XI - MEETINGS

Section 1. Regular membership and other official meetings of this Post shall be held at the American Legion (J. A. Parks Memorial) Building or at a place so specially designated and announced to the membership in a timely manner when the facility may not be available; the day and time of the regular meetings are established by the Standing Rules and/or as announced on the website. If a National or State holiday, the meeting may be delayed.

Section 2. Special meetings of the membership shall be called by the Commander or per the written request of twenty (20) Post members, eight (8) from the Board of Director, or five (5) from the Executive Board. Special meetings are announced by the officiating officer at the regular meeting preceding the special meeting date or when posted notice to membership is provided via the bulletin board, website, and electronic notifications to those who have provided a valid address. The time and place of the meeting and the

subject(s) to be considered shall provide for at least ten days notification prior to the special meeting; special meetings shall only discuss the pre-announced subject(s) and reason(s) for meeting.

Section 3. In emergencies concerning the business operations, the Commander may call for a special Board of Director and/or Executive Board meeting (such meetings do not require the normal ten-day minimum notification) that could result in obligation of funds without membership approval. These emergency decisions shall be briefed to the membership at the next regularly scheduled meeting in consideration of the Post's Standing Rules.

Section 4. The Post's membership may, at any meeting, consider and pass upon any and all matters irrespective of whether such may have been previously considered or approved (exception being the business operations of the Post) by the Board of Director.

Section 5. The established quorum for regular meetings shall be per Post Standing Rules.

Section 6. No member shall be represented or vote by proxy, and there shall be no voting by absentee ballot.

Section 7. No Post member shall take any active part in a Post meeting, etc., unless he/she is current in dues.

ARTICLE XII - DUTIES OF POST OFFICERS

Section 1. Duties of Commander: Shall be the Chief Executive Officer/President of the Board of Director and shall ensure the bylaws and Standing Rules are current, implemented and followed; facility security and Post fund controls exist; finances and business activities are on sound footing; tax forms are properly submitted and on time; facility meets current and future needs of veterans; officers and committees function per their assignments and they properly represent the needs of veterans, community, and membership; coordinate with the Veterans organization Commander/President who may be resident in the facility and ensure they are consulted when pertinent; preside at meetings and events; Supervise the Business Manager; and shall perform such other duties as directed by the membership.

Section 2. Duties of the First Vice-Commander: Shall assume and discharge the duties of the office of the Commander in the absence of, disability of, or when called upon by the Post Commander; may be concerned with matters concerning the Post's membership, and shall perform such other duties as may be required.

Section 3. Duties of the Second Vice-Commander: Shall assume and discharge the duties of the office of the Commander/First Vice-Commander in the absence or disability

of such officers, may be concerned with the identification and tracking of maintenance issues of the facility, and shall perform such other duties as may be required.

Section 4. Duties of the Third Vice-Commander: Shall assume and discharge the duties of the office of Commander/First Vice Commander/Second Vice-Commander in the absence or disability of such officers, may be involved with grants and fund-raising, and shall perform such other duties as may be required.

Section 5. Duties of Adjutant: Shall have charge of the Post's administrative files; complete and file appropriate administrative forms as required by Federal, State, and City entities; prepare and maintain a file of the proceedings of past meetings; process and account for membership; function as the yearly Nominating Committee Chair to help with the identification of candidates for the various elected and appointed officer positions to include the Executive Board; administer nomination and election meeting requirements; manage correspondence needs of the Post to include meeting minutes; and shall perform such other duties as may be required.

Section 6. Duties of Finance Officer: Shall be charged with the custody of Post funds (associated records and funds shall be maintained in the Post's facility); prepare and follow the annual budget, advising when adjustments are needed; keep its accounts current and report thereon at regular meetings of the Post; advise and consult with the Commander and Board of Director; receive and receipt funds of the Post; pay approved bills; prepare, or have them prepared, sales tax forms and the annual Federal and State Income Taxes; function as a representative to any and all Post meetings and those of Committees; and perform such other duties as may be required. A Finance Committee shall not exist.

Section 7. Duties of Chaplain: Shall be charged with the spiritual welfare of all Post comrades; counsel; offer divine but non-sectarian service in the event of dedications, funerals, public functions, meetings, etc., and perform such other duties as may be assigned. The Chaplain will adhere to such ceremonial rituals as are recommended by the National and/or Department Headquarters.

Section 8. Duties of Service Officer: Shall be generally that of assisting members with the VA claims process, counseling, and protecting the rights and privileges of all veterans, their dependents and survivors; and shall perform such other duties as may be required.

Section 9. Duties of Judge Advocate: When activated, shall be to advise at various meetings and Robert's Rules of Order, advise on the construction and interpretation of the Posts' Bylaws and Standing Rules, perform such other duties as are usually incident to the office, and shall perform such other duties as may be required. Ideally, the incumbent of this officer position is a Past Post Commander; thus, there is no designated officer position/role for a Past Commander unless so appointed.

Section 10. Duties of Historian: When activated, shall be charged with the individual records and incidents of the Post and Post members; assist or lead efforts with maintaining the Post's website; and shall perform such other duties as may be required.

Section 11. Duties of Sergeant-at-Arms: When activated, shall be to properly set the room, tables, chairs, etc., for meetings; preserve order and discipline; help conduct opening, closing, and other special ceremonies; and shall perform such other duties as may be required.

Section 12.

a. Duties of the Executive Board/Board of Director are mainly focused on the Business aspects of the Post to include the following:

- Spending money wisely;
- Clearly identifying where and how Post funds are spent;
- Ensuring that Post expenditures are actually needed and not frivolous;
- Spending enough funds for the proper repair and maintenance of the facility;
- Encouraging membership to help raise funds and not just spend funds on hand;
- Ensuring misappropriation of funds does not occur, including denial of officers or members asking for or receiving personal loans;
- Ensuring officers and/or members aren't drinking at the bar without paying;
- Verifying that the Business Manager is functioning as expected;
- Ensuring officers do not drink to excess and embarrass the Post leadership;
- Ensuring that all members are given an opportunity to speak at Post meetings;
- Verifying that the Commander furthers the interests of the Post and American Legion, and is not more interested in furthering his/her self-interests;
- Ensuring the Executive Board functions as intended;
- Conforming to Roberts Rules of Order in order to hold structured meetings;

b. The above considerations, while not all inclusive, are just some of what can or should be considered by each member of the Executive Board.

ARTICLE XIII – CONVENTION DELEGATES AND ALTERNATES

Section 1. The Convention delegates and alternates, if any, with the maximum allowable quantity as determined by higher authority, using membership as the basis, to represent the Post at Department and National Conventions, shall at minimum be automatically with the Commander and Vice Commanders. Any election of others who desire attendance with official credentials shall make their desire known in time for their election. The time and place for holding the election shall be at the same meeting of the annual election of officers and this will allow sufficient time for payment and fulfillment of other administrative requirements prior to the convening of the Convention.

ARTICLE XIV - LIMITATION OF LIABILITY

Section 1. This Post shall not incur, or cause to be incurred, any liability or obligation whatever that could subject to liability this and any Post, subdivision, members of the American Legion, or other individuals, corporations or organizations unless specifically approved by the membership.

ARTICLE XV - TRIAL

Section 1. Members of this Post shall be subject to disciplinary action as provided in the Trial Manual of the Department of California as adopted and as may be amended. A copy of the verdict, certified by the Post Commander and Post Adjutant, shall forthwith be forwarded to the Department Adjutant. Whistleblower issues will be as provided for in the Standing Rules.

ARTICLE XVI - RECALL PROVISIONS

Section 1.

a. A petition signed by forty members in good standing, as of the initial date of the recall notice, requesting the holding of an election for the purpose of recalling an elected officer or a member of the Executive Board, may be filed at any time with the Adjutant.

b. The Adjutant shall, within five days after receipt, compare the signatures on said petition with the signatures on the applications of the respective signers on the Post records or by another legal method. The Adjutant shall deliver said petition and his report on the correctness of the signatures to the Post Commander at the next regularly scheduled meeting.

c. If it is determined that 40 members have signed said petition, the Commander shall fix the date for the recall election of which the date shall be fixed for a regular meeting of the Post to be held not less than two weeks nor more than six weeks after the meeting.

d. If the report of the Adjutant shows that less than 40 members have signed said petition, the petition shall be forthwith returned to the member who filed the same with the Adjutant and that individual shall then have ten days, starting with the date of return, to obtain the required number of valid signatures and re-file said petition with the Adjutant. The signatures will again be reviewed and if found to be valid, the petition will be given to the Post Commander at the next regularly scheduled meeting and the recall election shall be fixed as set forth above.

Section 2. Notice of the date, time and place of the holding of the recall election shall be provided to each member of the Post in good standing via notice on the bulletin board,

website, and electronic mailing lists to those who have provided a valid email address at least ten days before the election.

Section 3. All recall elections shall be conducted by written, secret ballot.

Section 4. If an elected officer or Executive Board member shall be recalled, the Post shall elect a successor to fill the office for the unexpired term of office following the established procedure. For an elective position, the first nomination shall be held the same night at the meeting announcing the recall with the final nomination and election at the next meeting; Executive Board can be filled at the same meeting announcing the recall. If an appointed position, appointment can be made at any time. The person recalled shall not be eligible as a candidate for election. A Yes vote is counted for the recall and a no vote shall be counted as against the recall. Only members of Post 282 in good standing at the meeting shall vote.

Section 5. At the election, the ballot shall read as follows:

Shall _____ be recalled? Yes ____ No ____

ARTICLE XVII – REVISION, AMENDMENT, AND/OR REPLACEMENT

Section 1. Proposed revision, amendments, or entire replacement of Post Bylaws must be submitted in writing at a regular meeting of the Post and read thereat. At the next regular meeting after they being read, the proposal(s), prior to vote, should be again read to those who may have missed the previous meeting. These Bylaws may then be adopted by at least two-thirds of the votes of those present who are entitled to vote and that there is at least 20 days written notice that the change of Bylaws is being considered. Written notice is defined as meeting minutes or notice posted on the bulletin board and website.

Section 2. These Bylaws shall be amended to conform to any changes in the National or Department Constitution and/or Bylaws and until amended, or if conflict exists, the National or Department Constitution and Bylaws shall prevail. Failure to adopt the required amendments shall not delay or modify the effect of such changes. In many cases, these Bylaws do not repeat that which is established for a Post per National or Department Constitution and/or Bylaws, as amended, nor do they need to.

CERTIFICATION IS ON NEXT PAGE

CERTIFICATION

Per the signatures, the Commander and the Adjutant certify to the following:

We hereby certify that the above Bylaws were read at two meetings, the first being held at the regular business meeting of the Post on 29 April 2021 and the second at the regular business meeting of the Post on 27 May 2021. At both meetings, a quorum was present and these Bylaws were approved by at least two-thirds vote cast by members entitled to vote, excluding blanks or abstentions, at these regular meetings.

First Reading and Approval: 29 April 2021

Second Reading and Adoption: 27 May 2021

Signed: _____
John R. Porath, Commander, La Mesa Post 282

Signed: _____
Michael L. Martin, Adjutant and Finance Officer

ARTICLES OF INCORPORATION FOR THIS POST ARE ON FILE WITH THE CALIFORNIA SECRETARY OF STATE, CORPORATE #147881, 12 JAN 1932 AND AS MAY BE AMENDED; FEDERAL TAX ID #95-2278001; 501(c)(19) VETERANS ORGANIZATION. THESE BYLAWS WERE INITIALLY APPROVED BY THE AMERICAN LEGION DEPARTMENT OF CALIFORNIA, CONSTITUTION AND BYLAWS COMMISSIONER ON 27 MAY 2016. SUBSEQUENT CHANGES OF THE POST BYLAWS ARE IN ACCORDANCE WITH THE DEPARTMENT BYLAWS AND THUS, PER EDICT OF THEIR BYLAWS, DO NOT REQUIRE ADDITIONAL DEPARTMENT APPROVAL.