

LA MESA POST 282, THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA
STANDING RULES INITIALLY APPROVED 28 JULY 2014
LATEST CHANGE APPROVAL AT 27 JUNE 2022 BUSINESS MEETING

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ADOPTION, REVISION OR SUSPENSION

Per Robert's Rules of Order, Section 2, adoption, revision, or suspension of these provisions may be made, without advance notification, at any regular or properly called special meeting where there is a quorum present and by affirmative vote of at least two-thirds of the votes cast by persons present who are entitled to vote, excluding blanks or abstentions.

**MEETINGS, DUES, AUXILIARY, SONS OF THE AMERICAN LEGION,
LEGION RIDERS**

Section 1. Post 282 monthly membership and the Board of Director meetings are scheduled for the fourth Monday of the month; the Board of Director meeting begins at 1700 hours while the regularly scheduled membership meeting begins at 1800 hours. The Auxiliary meets on the fourth Thursday of the month, beginning at 1800 hours. The House Committee, comprised of a voting representative from each organization resident in the facility, is held on the first Saturday of each month at 1000 hours followed by the Sons of the American Legion (SAL) meeting at 1100 hours. Post 282 dues is \$45/year and SALs \$30/year; effective 1 Jun 2022 Post 282 dues is \$50.00/ year, SALs \$40/year, SAL under 21 is \$25/year.

Section 2. Counting the Chair, a quorum of five is required for a Post regular membership and Board of Director meeting, five for an [independent] Executive Board meeting, and three for a House Committee. The Post, Auxiliary, SAL are considered separate organizations.

Section 3. The Post strongly encourages the activities of its Auxiliary and the Sons of the American Legion Squadron 282 (The American Legion family) in its endeavors to help support the Post, facility, and honor the mission and mandate as may be established per its Bylaws. Accordingly, the Post 282 Auxiliary is a sitting member of the Executive Board.

Section 4. There are times when Programs of the Post and Auxiliary are, and should be, accomplished together. At least once each year, the President of the Auxiliary should be invited to the Post's regularly scheduled meeting for information exchange and vice versa. In remembrance of Memorial Day, the Auxiliary has historically solicited donations by mailing Poppies to membership. Accordingly, the Post shall not perform Poppy mailings in competition with the Auxiliary; the Post may, however, perform in-person Poppy distributions and solicit membership at events and parades celebrating Flag Day, July 4, Memorial Day, Veterans Day, and for other designated patriotic holidays/events that do not conflict with historical methods of the Auxiliary. Post representatives can at any time recruit for new members, with or without representation from another organization.

Section 5. Regardless of the Post's history, the "Ladies Auxiliary Room" is not owned nor solely used by the Auxiliary (although they paid for its construction in many years past). The best common name for that room is "Small Meeting Room." It can and should be used by others and other organizations and is an appropriate place to store chairs, flags, and the like.

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The Business Manager schedules the room, as appropriate, with priority given to the meeting needs of the facilities' housed organizations. The room is cleaned on a rotational basis of all organizations per the House Committee meeting of April 2014 and after events held by the organizations themselves. Effective with the remodel of the upper hall that was completed Feb 2016, previously mounted pictures of the Commanders and Auxiliary Presidents are no longer displayed on the walls which presents a cleaner "neutral" room for non-veterans' organizations to use. In the small meeting room, some organizations display their charter which is appropriate. The original banner of Post 282 that is framed and mounted on the wall of the main hall will be retained, however, and should be displayed during Post meetings.

Section 6. The Post would like to activate a Riders Chapter when there is interest and the prospective membership. This would require eight members, five for the officer positions.

RESIDENT ORGANIZATIONS, REVENUE AND EXPENSES

Section 1. Veterans' organizations not affiliated with the American Legion that are approved residents of the facility (VFW Ship 1774 and its Auxiliary) have a right to do fundraising activities and fully utilize what the facility has to offer. When a resident organization uses the upstairs hall for a fund-raising event, then that organization shall be allowed to sell tickets in advance via the bartenders but any bar revenue belongs to the Post since the Post pays for licenses, obtains bartenders and permits, and the like. The Business Manager maintains the master calendar and schedules and regulates the food activities. Per previous decisions of the House Committee, the approved resident organizations who use the facility on a day-to-day basis, prepare meals, etc., are assessed \$1,500/year to assist with yearly property taxes and Vietnam Memorial upkeep. Refusal to pay the assessment should be brought to the attention of the House Committee to help resolve the issue; the result could be that that specific organization be no longer allowed to hold meetings within the facility nor use it for fund-raising. Should an organization wish to bring a refrigerator or freezer into the facility for their own use, a monthly electrical charge shall be assessed. The Board of Director shall first approve such action and establish the charge (per decision meeting of 23 Sep 2021).

Section 2. The Post shall continue to provide at no cost a staging area for the Meals on Wheels Program and consider other community-based programs as the situation and funds allow. The other Veterans' organizations that can be found holding meetings, such as the modeling club, Meals on Wheels, and AFSA Chapter 1365, do not have the membership base nor do they use the meeting room, have kitchen privileges, etc., so they are not tasked with the Post's yearly property taxes and Vietnam Memorial upkeep.

Section 3. The Post recognizes and supports the various volunteers of the facility regardless of their membership status. Post Veterans Program functions can be performed with the Auxiliary, SAL, or other facility Veterans organizations so as to provide the opportunity for all participating to receive credit, per their organization's requirements, for their community and veterans' programs. Some examples are Memorial Day flags on graves; Christmas functions;

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scouting activities; Police, Fire and EMT Awards; and parades. Properly done, this should also assist with funding our collective Program accomplishments for veterans and community.

Section 4. Business decisions impact everyone in the facility. Accordingly, it had been agreed to in the February 2014 meeting of the House Committee, by all resident Veterans organizations resident in the facility, that the House Committee shall be the venue for everyone to discuss and recommend myriad facility or business issues of the La Mesa Veterans Club to include scheduling of each organization's food offerings to the general membership.

a. The House Committee meeting is attended by the American Legion family, the approved veterans' organizations and their Auxiliaries (if any) housed in the facility. This forum allows for the discussion, recommendation, and possible implementation of anything and everything. Accordingly, business meeting discussions by any organization pertaining to the business-end of the facility at their regularly scheduled or special meetings shall be later addressed to the House Committee before any type of implementation decision of that issue.

b. The House Committee shall have a voice on matters related to the Post's real estate (leased or owned), food and canteen operations, security, maintenance, and cleanliness of the facility, equipment, and property therein, to include recommendations on any recurring contracts and other matters that may arise for which consultation is desired.

c. Any individual having an interest in the Committee actions/decisions may attend the House Committee meetings and provide input, but cannot vote unless that individual (one vote per organization) represents their respective organization.

d. Committee decisions will be presented to the Post 282 Executive Board for vote at a regularly scheduled or special meeting prior to implementation with any and all documentation as required by the situation. If an emergency, as declared by the Commander Post 282 or the Business Manager when impacting the business of the Post, resulting decisions will be later coordinated with the Board of Director or Executive Board, as appropriate. The membership would then be informed on an "after the fact" with any and all facts to include monetary expenditures or obligations.

e. An emergency is defined as, "A condition which adversely impacts the business activities of the Post, the health, and/or safety of its volunteers and membership."

f. The Board of Director has sole authority to make decisions that impact a course of management change or direction of this Post. The Business Manager's role is to identify the need and implement the decision(s).

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Section 5. Accounting.

a. **Access and Software:** The Financial Officer, using Excel software to document all financial transactions, shall maintain these current for auditing purposes and for review by any official or member at any time. The Commander and Financial Officer shall always have unimpeded access to the bank accounts and all of the financial transactions of the Post and the Squadron.

b. **General Accounting Categories.** "Business" and "Non-business" are the general categories used for the internal Profit and Loss statement. Audits are performed per separate guidance. Federal and State tax codes strictly define the various accounting categories and the Post's accounting follow those mandates.

c. **Line items:** "Non-business" related items include such as American Legion uniform related items, flags, dues, and community and veterans related programs while the "Business" normally encompasses Canteen related income, expenses, and donations. It is normal for business income to be used for our veterans and community programs as well as other needs.

Section 6. Appointment of the Finance Officer shall be a careful decision, in that the individual shall be so qualified to do all that is required of the position. It is the prerogative of the Finance Officer to establish separate bank "sub-accounts" for segregating funds for payment of taxes, and other recurring expenditures. All actions taken shall be coordinated with the Commander and briefed to the Board of Director to prepare for the annual Audit of funds, so that all will understand actions taken. All funds shall be deposited and maintained in one banking facility. That facility is currently Chase Bank. No funds shall be held at any other off-Post location.

Section 7. The Post Commander or other designated Post officials may be provided financial assistance for travel and reasonable lodging when attending the annual Department Convention and any special meetings or events, per the vote of the membership prior to the event and per available funds.

ELECTION OF NEW COMMANDER

Regardless of the official terms of office as established by the American Legion, immediately after the Post 282 election in April, both the old and newly elected officers should work together and begin the transfer of work and responsibilities to the newly elected officers so as to allow for a seamless transition of the Post's affairs. The newly elected Commander shall be allowed to attend Board of Director and any Executive Board meetings but cannot vote until the new Commander has been officially installed in the Commander's position. However, the newly elected Commander shall be allowed full access to the Commander's office and files and may conduct meetings as agreed upon.

BOARD OF DIRECTOR AND EXECUTIVE BOARD DEFINED

Section 1. The Bylaws define the Executive Board as a Committee and part of the Board of Director which follow the definitions provided by Roberts Rules of Order, Revised. (Since it becomes the membership of the Board of Director, it is so named Executive Board.) When doing taxes and other documents for various government and business concerns, the Board of Director is commonly referenced and the Commander is defined as the President of the Board of Director. Thus, the Bylaws properly provide this structure. Within the Post, the Executive Board normally meets with the Board of Director rather than separately; however, a separate meeting of the Executive Board is allowed, shall be documented, and their decisions brought to the Board of Director for decision implementation.

Section 2. As proposed by the Commander, the regularly established Business meeting of 27 June 2022 approved the addition of the President of Post 282 Auxiliary as a permanent and voting member of the Executive Board. Should the President be unable to attend, one representative may then attend with vote. The intent of the appointment was to establish the American Legion family in a unified voice leadership role as it pertains to the business of Post 282. This appointment shall continue until properly revoked by the membership. Additionally, a second member of the Post 282 Auxiliary may attend with the President or the President's representative but only one vote shall be allowed to be cast by Post 282 on any item coming before the board.

Section 3. The Executive Board's concern are the business operations (facility, bar, health and law or as Code dictates, taxes, etc.) of the American Legion rather than the administration of the various veteran and community-based Programs; Board advice on these interests of the American Legion are normally unsolicited but, when provided, they are welcomed as they are normally topics of discussion and decision issues of the Board of Director and membership. Any voted upon decisions by the membership impacting the business are to be considered suggestions rather than a mandate for the Board of Director to follow.

BUSINESS MANAGER AUTHORITY AND RESPONSIBILITIES

Section 1. The Business Manager is hired/appointed by the Post's Board of Director and who has the ultimate authority of the position; the Business Manager is a permanent sitting and voting member of the Board of Director. He/she shall not be excluded from any executive meeting, or portion thereof, unless it is a personnel matter which directly involves the Business Manager. Overall, the Business Manager coordinates the facility's needs, considers profit, the goals and objectives of membership and the needs of others, and seeks approvals from the Board of Director as required. The Business Manager shall consult with the Post Commander (President of the Board of Director) and or a designated Vice Commander who may be placed in charge of the business matters, so all are on the "same page." It is expected that all resident officers, regardless of organization, support the Business Manager in his/her decision processes.

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Section 2. The responsibilities of the Business Manager include:

- Negotiating donations for the use of the hall and other events;
- Setting the standards and performing any training for bartenders to follow;
- Enforcing health and safety codes and provisions to retain the liquor license;
- Enforcing health and safety bar privileges of patrons (regardless of their membership status) and advising the Commander and Board of Director when done;
- Enforcing health and safety -enforcing any law, code, or ordinance to include various procedures that may impact the business activities or health of others;
- Obtaining permits and paying fees as may be required;
- Scheduling of business-related activities (permanent change of Canteen operating hours is the responsibility of the Board of Director);
- Selecting the entertainment and coordinating food offerings;
- Performing other such activities that could raise revenue for the American Legion.
- Implementing without question the decision(s) of the Board of Director
- Other miscellaneous duties as may be assigned.

Section 3. The Post Business Manager involves the Board of Director and Executive Board for major business decisions or when a group decision or consultation is preferred; should the Executive Board members be consulted, individually or in a group meeting, their decision is advisory only since final decisions are the responsibility of the Board of Director. If the Business Manager disregards his/her normally established decision processes, it shall be brought to the attention of the Board of Director who may direct further action(s).

Section 4. The Commander or a Vice Commander shall not attempt to direct the work of the volunteer bartenders unless it is apparent that the Business Manager is unable to do so (if the situation warrants, the Business Manager may be relieved **for the day**, with pay, and a full report of the circumstances will be provided to the Board of Director). The Business Manager shall not be openly challenged when a decision is made. If the Post Commander or designated Vice Commander does not agree with a decision made by the Business Manager, then, if necessary, the issue may be brought to the attention of the Board of Director for their decision processes.

Section 5. The Post Commander and Business Manager shall account for keys and the individual security codes. Together, they will determine, regulate, and track the same so as to continually secure the facility, track access, and secure funds and property contained therein. Access shall be provided to the Post Commander, Business Manager, opening/closing bartenders, and one person from each resident organization having a need to access the facility after hours. Upon change of Command of the Post Commander, keys shall be exchanged and the access code of the departing Commander shall be terminated unless that individual is granted access for other than the purpose of Post Commander.

CANTEEN

Section 1. Post Bartender. The on-duty bartender is the shift boss who has the responsibility and authority to administer the operations of the bar, per law, to take enforcement actions as required, and as these Standing Rules may dictate. When the Business Manager is present and consuming alcohol, he/she is then considered off duty.

a. Emergencies. The bartender may phone for Fire, Police or Medical assistance depending on the situation. When involving the Police, extreme judgment should be used since in the vast majority of cases the situation can be internally solved.

b. Wheelchair Lift. The on-duty bartender shall be the only person to operate the Wheelchair Lift's movement and for the entry and exit of personnel (see below).

c. Bar Patron Conduct. Fights, foul language, disorderly conduct, derogatory comments toward others, racial slander, etc., shall not be condoned or allowed and shall be reason to immediately expel the person from the bar areas; temporarily or permanently. The bartender has the right to limit those entering the inside of the bar area; refusing to obey the bartender is cause for removal from the facility. In such instances, the bartender should further address issues to the Business Manager, who shall then take the appropriate actions or remedies; if ignored, to any Post 282 senior officer. Ultimately, the Post Commander should be advised or consulted, as appropriate, and shall assist with enforcing the decisions. Patrons, members or not, do not have the authority to direct changes of operation or appearance (recommendations can be made to the House Committee).

Section 2. Canteen Business hours. The Board of Director only shall set the business hours of the Canteen. No individual has the sole authority to independently change business hours nor operate the Canteen outside of normally established business hours.

Section 3. Effective 1 Jan 2016, Senate Bill 685, amended Section 23453 of the Business and Professions Code expanded the rights of a holder of a Veterans' Club license to sell and serve alcoholic beverages. This bill reads (and is repeated word for word as):

"The People of the State of California do enact as follows:

SECTION 1. Section 23453 of the Business and Professions Code is amended to read:

a. The holder of a veterans' club license may exercise all of the rights and privileges permitted by on on-sale general license but may sell and serve alcoholic beverages for consumption within the licensed establishment only to bona fide members of the veterans' organization and their bona fide guests, bona fide members of the other veterans' organizations, active duty or reserve members of the Armed Forces, or veterans as defined in Section 18540.4 of the Government Code. (California Government Code Section 18540.4 states: "Veteran means: Any person who has served full time in the armed forces in time of national

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emergency or state military emergency or during any expedition of the armed forces and who has been discharged or released under conditions other than dishonorable.”)

b. A veterans’ club license is not transferable to another person from the person to whom issued or by whom renewed. The provisions of Article 2 (commencing with Section 23815) of Chapter 5 do not apply to the issuance of veterans’ club licenses.

c. A bona fide member of a veterans’ organization, bona fide guest, active duty or reserve member of the Armed Forces, or veteran is not required to sign-in to the facility before purchasing or being served alcoholic beverages for consumption.”

Section 4. Bona fide guests only. The concern of this Post is the term "bona fide guest" since we cannot serve the public at large (unless for food) per our downstairs Canteen license. Accordingly, any guest of the Canteen must be present with his/her sponsor; when the sponsor departs, so too shall the guest(s). Early arrival of the guest(s) could involve being sponsored by a qualified member but should that not occur, entry cannot be allowed. An entertainer who is a member of a veterans’ organization may sponsor guests, but the guests can only be present when the entertainer is present. (NOTE: Due to law, any contract that so allows the entry of the public to the downstairs Canteen area cannot be honored unless properly licensed).

WHEELCHAIR LIFT

Section 1. The Wheelchair Lift Unit was installed as a self-help project in Sep 2011 for which a City of La Mesa permit was issued. Due to confusion with requirements of CAL OSHA and a Wheelchair Lift with less than five feet lift, formal involvement with CAL OSHA began Nov 2015 when the Lift was placed out of commission by CAL OSHA inspector due to an unknown customer complaint (probably because of then continued problems with the exit facility door). Efforts to clear the deficiencies continued until the issue was personally rectified 13 Dec 2016 by the California Director of Industrial Relations, Christine Baker, with the Commander of Post 282.

Section 2. Though this unit need not be regularly inspected by CAL OSHA, it is necessary for the Post to operate the Lift safely and to keep it in good repair. Accordingly, operation of the Lift’s movement and entry and exit of personnel to and from the lift will be by the on-duty bartender as may be assisted by others present in the facility. When in operation, extreme care will be taken to ensure no person or object is under the lift when raised or lowered, persons do not lean over the lift’s door, that the exit facility door is continually operational via the installed mechanisms, and that lighting, bells, switches, etc., are in good working order. An elevator company will regularly perform maintenance/inspection and they will be so advised that CAL OSHA clearance will be automatically provided for the work by contacting the CAL OSHA inspector (who will maintain our file).

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Section 3. Per California civil code, there can be no commercial use of the lift. Accordingly, management (that includes the on-duty bartender) shall deny the use of the Lift for bar deliveries, band equipment, chairs, etc.. Care will always be taken to ensure the maximum weight of 750 pounds is not exceeded. This can be accomplished to ensure no more than three adult personnel are using it any one time, that only one person accompanies a wheelchair bound person, or other common-sense applications.

Section 4. Appropriate signage shall be maintained on the exit door and at/on the lift itself and any maintenance/repair of the lift shall be recorded and permanently maintained.

VIETNAM WAR MEMORIAL

The Vietnam War Memorial and surrounding areas shall be properly maintained. City water guidelines shall be followed.

WHISTLEBLOWER COMPLAINTS

Section 1. Members have an inherent right to voice grievances. Any type of retaliation toward a member because he/she complained about an issue, valid or not, shall not be tolerated. Any type of retaliation of or by a member can be cause for discipline via trial by their respective organization.

Section 2. Refusing to serve alcohol to a member and excluding entrance to the Canteen and food serving areas shall not be a result of a Whistleblower Complaint, but can certainly result from other issues. In any case, members cannot be excluded from the facility to attend the business meeting of their respective organization(s).

Section 3. All members of the resident organizations are strongly encouraged to air issues of complaints or concerns directly to the American Legion Commander, Business Manager, and/or House Committee, as appropriate, since to do otherwise can cause a major disruption to good business and/or management practices. The official, when made aware, shall take immediate action as required by the situation.

CERTIFICATION

These Standing Rules were formally placed in effect per vote of the membership on 28 July 2014, and revised and approved by the membership at subsequent Post 282 meetings of 6 June 2020, 29 April 2021, 23 September 2021, 27 Jan 2022, 26 May 2022, and 27 June 2022.

/s/ Signed 28 June 2022

JOHN R. PORATH Date
Commander, Post 282