

BYLAWS
Of
MILLARD AMERICAN LEGION POST NO. 374

ARTICLE I
MEETINGS

Section 1. The regular meeting of this Post shall be held on the third Wednesday evening of each month, and the May meeting shall constitute the annual meeting.

Section 2. A quorum for a regular meeting shall consist of 10 members.

Section 3. Special meetings may be held from time to time at the call of the Post Commander and he shall upon written request of a majority of the executive committee call for a special meeting.

Section 4. Robert's Rules of Order shall govern all meetings of the Post unless specific rules and conflict there with shall be adopted by vote of two thirds of the members present.

ARTICLE II
EXECUTIVE COMMITTEE

Section 1. The Executive Committee shall have charge of all property belonging to the Post and shall be required to perform an annual physical inventory of all property. The results of said inventory shall be conveyed to the members of the first regular meeting following the completion of the inventory. Written copies of this inventory shall be retained for a period of three years.

Section 2. The Executive Committee with a majority vote of a quorum shall direct the Post Commander or the Post Adjutant to sign and enter into all contracts and/or agreements authorized by the Post. They shall act as standing resolutions. This committee shall also have such powers and perform such duties as the Membership requires.

Section 3. To better control and protect this Post property the Executive Committee shall have the responsibility of establishing and maintaining a policy for owning property.

Section 4. A complete copy of the revised Constitution and Bylaws shall be made available to each Executive Committee member to then be passed to their successors. A copy of the above shall be posted in a readily accessible location for the membership.

Section 5. Executive Committee Meeting: The executive committee meetings may be held in person, by telephone or other electronic conference call or electronic on-line conference meeting, by e-mail or in such other manner as the Board may approve, provided that the notice of the meeting is given to all Executive Committee members and a quorum of the Executive Committee participates in such meeting. A copy of all such meetings will be maintained with the minutes of the following month's Executive Committee meeting minutes.

Section 6. The government and management of the post is entrusted to the executive committee. Meetings of the executive committee are set for regular intervals upon the call of the commander or as the commander may deem necessary. The post executive committee is further charged with hiring such employees as may be necessary,

requiring adequate bonds from those with custody of post funds, hearing reports of the post committee's chairpersons, and generally managing post affairs.

Delegation of these functions to the executive committee is in no way intended to usurp the powers of the membership through regular post meetings. Rather, this allows the routine operational affairs of the post to be handled outside of post meetings. Committee reports of general interest to members should still be given at regular post meetings.

ARTICLE III DUTIES OF OFFICERS

Section 1. The Post Commander shall be the Executive Officer of the Post. The Commander shall preside at all meetings of the post and the Executive Committee appoint all standing committees and, in general, preform such duties as the nature of the office may require.

Section 2. The First Vice-Commander shall perform the duties of the Commander when the Commander is absent, and the Second Vice-Commander shall preform such duties of the First Vice-Commander when the First Vice-Commander is absent.

Section 3. The Adjutant shall give notice of all meetings of the Post and the Executive Committee and shall keep the minutes of such meetings. The Adjutant shall conduct correspondence and keep current and retain all records of such meetings. Any and all changes to the Constitution and the By Laws as approved by the body shall remain in a typed form on file at the post.

Section 4. The Finance Officer shall have charge of all moneys belonging to the Post, including all dues, assessments, and moneys derived from activities of any nature and shall pay out the same only upon the order of the Post Commander. The Finance Officer shall keep the Post's accounts and shall report thereon at each meeting of the Post and at such meetings of the Executive Committee as its members may require and shall account to the Executive Committee for all moneys received. The Posts funds shall be kept in such depository as the Executive Committee may designate.

Section 5. The Chaplain shall preform duties as the nature of the office may require.

Section 6. The Service Officer shall act as a liaison for this Post between ex-service persons and the Veterans Administration and other governmental departments and relive agencies.

Section 7. The Judge Advocates shall advice and counsel the Executive Committee of the membership and any special or general meeting.

Section 8. The Sergeant-At-Arms shall be responsible for assuring that the attendance at the monthly meeting is attended by members only unless non-members are first reported to the presiding officer before the meeting starts.

Section 10. If any Officer or Executive Committee member of Post 374 is hired to any manager's position, that person will have to resign the office immediately.

ARTICLE IV MEMBERSHIP

Section 1. Application for membership shall be made in such form as the Executive Committee may require, and shall be accompanied with one year's dues.

Section 2. Legionnaires running for any office within the post can be challenged by any other legionnaire to show proof of eligibility. It shall be a requirement of this post that any individual aspiring to be on the ballot for a post executive committee or post officer position, must present valid written documents which prove the eligibility of prior military service, character of his or her discharge and dates of active duty to the post adjutant no later than April 15th of the year in which they intend to fill that office.

Section 3. A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If his dues are paid on or before February first, he shall be automatically reinstated. If he is still delinquent after February first, he shall be suspended from all privileges. If he is still under such suspension on June thirtieth of such year, his membership in the American Legion shall be forfeited. 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 the reinstatement occurs. Provided, however, that the Post may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

ARTICLE V ORDER OF BUSINESS

Section 1. The order of business for the Post shall be as follows:

- a) Reading and approving of the minutes of the previous meeting.
- b) Introduction of new members.
- c) Committee reports.
- d) Sick call and relief.
- e) Unfinished business.
- f) Balloting upon applications.
- g) New business and correspondence.
- h) Good of the Legion.

ARTICLE VI BOND

Section 1. Bonding of all post officers that handle Post money will be provided. This will also include the Bar manager.

ARTICLE VII POST POLICY

Section 1. A policy and procedures manual pertaining to the ongoing and daily operations of this Post shall be established and maintained by the Executive Committee.

Section 2.

- a) Regular meetings to be convened on the third Wednesday of each month. In the event of conflict with national or religious holidays, or on the rare and infrequent occasions by recommendations of the Executive Committee, may be changed by a majority vote of the members present at the regular preceding meeting.
- b) The lounge is open to all members in good standing and their guests. All guests must be registered with their host member in the "sign in book".
- c) No political activity, fundraising, or rallies shall be held at any time; unless the hall is rented for that purpose at the full established price at all other contract requirements are met.
- d) On rare and infrequent occasions, the Executive Committee may by two thirds vote of the committee refund all or part of the rental for a veteran's organization or some other non-profit organization.
- e) The activities required in the operation of this Legion Post is the responsibility of the entire membership but is administered by the Executive Committee.
- f) Polls open for the elections pursuant to Section V of the Post Constitution will be opened from 8am for 11 ½ continuous hours on the same day as the annual meeting in May.
 - a. All ballots shall be retained by the incumbent Adjutant until all officers are installed.
- g) The Commander may in his/her judgment, expend up to \$500 once in a month, and shall report thereon at the next regular meeting of the Post and of the Executive Committee or as its members may require and shall account to the Executive Committee for all moneys dispersed.
- h) The Executive Committee may in its judgment, with a majority vote of a quorum of the Executive Committee, expend up to \$1500 for any non-emergency and up to \$2000 in the event of an emergency involving the building or premises.
 - a. An emergency, for the purpose of this procedure, is defined as a condition where action cannot be delayed until the next regular meeting and must be declared by the Commander or Acting Commander.
 - b. All telephone ballots are out-of-meeting ballots, and must be entered into the minutes of the Executive Committee, including the name of each member polled a yea or nay vote recorded.
- i) The Executive Committee may in its judgment, with a majority vote of a quorum of the Executive Committee, expend up to \$1000 for general or special purposes.
- j) The Membership with a majority vote of a quorum of the members present at a meeting, may give their approval for the dispersal of funds from a Certificate of Deposit, This is to control the certificates of deposit and their use for the good of the Post.

Section 3. The Commander will appoint a Post Service Officer to advise and aid all veterans or their surviving spouses in need of assistance. Any direct disbursement of funds from this Post will be made only to members of this Post by the Service Officer shall not exceed \$50 per incident, and shall no additional disbursements can be made to the same recipient within 90 days without specific approval of at least two members of the Executive Committee.

Section 4. The Commander will also appoint such other committees (ad hoc committees) as the Commander shall deem fit in order to accomplish the goals of the Post. Such committee shall include, but are not limited to, a Color and Honor guard, a Scholarship Committee, Oratorical contest, and Athletic and Social electives. Each committee shall prepare and present to the Executive Committee its rules and regulations. The Executive Committee may accept, modify, or reject any rule of an ad hoc committee.

ARTICLE VIII DISCRIMINATION

Section 1. This Post is committed to being open to all persons who are eligible for membership, and no member, employee, guest, or other person shall be discriminated against because of their religion, color, gender, national origin, or disability. Any person, including an Officer, who is found to have violated this policy still be subject to such restrictions to their office (including termination of the office), membership, employment, or access to the Post facilities and functions as the Executive Committee shall deem fit including expulsion from the post and its activities and, if employed, termination of employment.

ARTICLE IX DISCIPLINARY PROCEDURE

Section 1. Any member who violates any of the provisions of the Constitution or Bylaws of this Post, or the State or National Constitution or Bylaws, or who breaches any post rule or regulation will be subject to restriction or the expulsion of such member. The Executive Committee will hear such matters after the member is first notified of the allegation, and then presented with an opportunity to present their case before the Executive Committee. The Committee will determine each discipline in a closed session.

Section 2. Any Officer subject to discipline herein shall not have a vote on the discipline, nor be entitled to be present at the closed session. However, any restrictions or expulsion of an Officer shall require a majority plus one of the Executive Committee who voted at the closed session.

Section 3. Any expulsion of any member shall require a majority plus one of the Executive Committee who voted at the closed session.

Section 4. Any and all other restrictions or disciplinary action shall require a simple majority.

Section 5. Appeals can be taken in accordance with Article XI of the State of Nebraska department Bylaws.

ARTICLE X

Section 1. Amendments to these Bylaws may be made at any regular meeting of the post by a two thirds vote of the cast, provided notice of the proposed amendment shall have been given notice at the next preceding regular meeting or at the call of the meeting.

These Bylaws were revised in total by the membership on the 20th day of November, 2013.

Dated this 21th day of November, 2013

Signed: Randy F. Mattison, Adjutant

BYLAW AMENDMENTS

BE IT KNOWN THAT on the 11th day of August, 2010. At the regular meeting of the membership, the following change to the Bylaws, having been previously raised at a general meeting, was passed by two thirds vote.

BE IT RESOLVED THAT Article 7, section 2, of the Bylaws of Post 374 be amended by adding the following:

g) The Membership may in its judgment, with a majority vote of a quorum of the Membership, is to control the certificates of deposits and there use for the good post.

Dated this 11th day of August, 2010

Signed: Randy F. Mattison, Adjutant

BE IT KNOWN THAT on the 20th day of November, 2013. At the regular meeting of the membership, the following change to the Bylaws, having been previously raised at a general meeting, was passed by two thirds vote.

BE IT RESOLVED THAT Article II, section 2, of the Bylaws of Post 374 be amended from the following:

Section 2. The Executive Committee shall sign and enter into all contracts and agreements authorized by the Post. They shall act as standing resolutions. This committee shall also have such powers and perform such duties as a membership Management for or require.

To:

Section 2. The Executive Committee with a majority vote of a quorum shall direct the Post Commander or the Post Adjutant to sign and enter into all contracts and/or agreements authorized by the Post. They shall act as standing resolutions. This committee shall also have such powers and perform such duties as the Membership requires.

BE IT RESOLVED THAT Article II, section 5, of the Bylaws of Post 374 be amended by adding the following:

Section 5. Executive Committee Meeting: The executive committee meetings may be held in person, by telephone or other electronic conference call or electronic on-line conference meeting, by e-mail or in such other manner as the Board may approve, provided that the notice of the meeting is given to all Executive Committee members and a quorum of the Executive Committee participates in such meeting. A copy of all such meetings will be maintained with the minutes of the following month's Executive Committee meeting minutes.

BE IT RESOLVED THAT Article VII, section 2.f), of the Bylaws of Post 374 be amended from the following:

The Executive Committee may in its judgment, with a majority vote of a quorum of the Executive Committee, expend \$1000 for any routine activity and \$1500 in the event of an emergency not involving the building or premises.

To:

The Executive Committee may in its judgment, with a majority vote of a quorum of the Executive Committee, expend up to \$1500 for any non-emergency and up to \$2000 in the event of an emergency involving the building or premises.

BE IT RESOLVED THAT Article VII, section 2.k), of the Bylaws of Post 374 be amended by adding the following:

The Commander may in his/her judgment, expend up to \$500 once in a month if a quorum of the Executive Committee cannot be convened, and shall report thereon at the next regular meeting of the Post and of the Executive Committee or as its members may require and shall account to the Executive Committee for all moneys dispersed.

Dated this 21th day of November, 2013

Signed: Randy F. Mattison, Adjutant

BE IT KNOWN THAT on the 20th day of August, 2014. At the regular meeting of the membership, the following change to the Bylaws, having been previously raised at a general meeting, was passed by two thirds vote.

BE IT RESOLVED THAT Section II, of the Bylaws of Post 374 be amended by adding Section 6 as follows:

The government and management of the post is entrusted to the executive committee. Meetings of the executive committee are set for regular intervals upon the call of the commander or as the commander may deem necessary. The post executive committee is further charged with hiring such employees as may be necessary, authorizing and approving all expenditures, requiring adequate bonds from those with custody of post funds, hearing reports of the post committees' chairpersons, and generally managing post affairs.

Delegation of these functions to the executive committee is in no way intended to usurp the powers of the membership through regular post meetings. Rather, this allows the routine operational affairs of the post to be handled outside of post meetings. Committee reports of general interest to members should still be given at regular post meetings.

BE IT RESOLVED THAT Section IV, of the Bylaws of Post 374 be amended by adding Sections 2 and 3 as follows:

Section 2. Legionnaires running for any office within the post can be challenged by any other legionnaire to show proof of eligibility. It shall be a requirement of this post that any individual aspiring to be on the ballot for a post executive committee or post officer position, must present valid written documents which prove the eligibility of prior military service, character of his or her discharge and dates of active duty to the post adjutant no later than April 15th of the year in which they intend to fill that office.

Section 3. A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If his dues are paid on or before February first, he shall be automatically reinstated. If he is still delinquent after February first, he shall be suspended from all privileges. If he is still under such suspension on June thirtieth of such year, his membership in the American Legion shall be forfeited. 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 the reinstatement occurs. Provided, however, that the Post may waive the provisions hereof, upon payment of dues for the year in which reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

Dated this 22nd day of August, 2014

Signed: Scott Q. Spicer, Adjutant

BE IT KNOWN THAT on the 18th day of February 2015 at the regular meeting of the membership, the following change to the Bylaws, having been previously raised at a general meeting, was passed by two thirds vote.

BE IT RESOLVED THAT Article II of the Bylaws of Post 374 be amended by modification of Section 6 to read as follows:

The government and management of the post is entrusted to the executive committee. Meetings of the executive committee are set for regular intervals upon the call of the commander or as the commander may deem necessary. The post executive committee is further charged with hiring such employees as may be necessary, requiring adequate bonds from those with custody of post funds, hearing reports of the post committee's chairpersons, and generally managing post affairs.

Delegation of these functions to the executive committee is in no way intended to usurp the powers of the membership through regular post meetings. Rather, this allows the routine operational affairs of the post to be handled outside of post meetings. Committee reports of general interest to members should still be given at regular post meetings.

BE IT RESOLVED THAT Article VII of the Bylaws of Post 374 be amended by modification of Section 2 to read as follows:

- a) Regular meetings to be convened on the third Wednesday of each month. In the event of conflict with national or religious holidays, or on the rare and infrequent occasions by recommendations of the Executive Committee, may be changed by a majority vote of the members present at the regular preceding meeting.
- b) The lounge is open to all members in good standing and their guests. All guests must be registered with their host member in the "sign in book".
- c) No political activity, fundraising, or rallies shall be held at any time; unless the hall is rented for that purpose at the full established price at all other contract requirements are met.
- d) On rare and infrequent occasions, the Executive Committee may by two thirds vote of the committee refund all or part of the rental for a veteran's organization or some other non-profit organization.
- e) The activities required in the operation of this Legion Post is the responsibility of the entire membership but is administered by the Executive Committee.
- f) Polls open for the elections pursuant to Section V of the Post Constitution will be opened from 8am for 11 ½ continuous hours on the same day as the annual meeting in May.
 - a. All ballots shall be retained by the incumbent Adjutant until all officers are installed.
- g) The Commander may in his/her judgment, expend up to \$500 once in a month, and shall report thereon at the next regular meeting of the Post and of the Executive Committee or as its members may require and shall account to the Executive Committee for all moneys dispersed.
- h) The Executive Committee may in its judgment, with a majority vote of a quorum of the Executive Committee, expend up to \$1500 for any non-emergency and up to \$2000 in the event of an emergency involving the building or premises.
 - a. An emergency, for the purpose of this procedure, is defined as a condition where action cannot be delayed until the next regular meeting and must be declared by the Commander or Acting Commander.
 - b. All telephone ballots are out-of-meeting ballots, and must be entered into the minutes of the Executive Committee, including the name of each member polled a yea or nay vote record.
- i) The Executive Committee may in its judgment, with a majority vote of a quorum of the Executive Committee, expend up to \$1000 for general or special purposes.

- j) The Membership with a majority vote of a quorum of the members present at a meeting, give their approval for the dispersal of funds from a Certificate of Deposit, This is to control the certificates of deposit and their use for the good of the Post.

Dated this 20th day of February 2015

Signed: Scott Q. Spicer, Adjutant