

Office of
Department Adjutant



THE AMERICAN LEGION, Department of Texas
1624 East Anderson Lane
Austin, TX 78752

PH: 512/472-4138
FAX: 512/472-0603
txlegion@txlegion.org

txlegion.org

January 30, 2017

The American Legion P.81
PO Box 380481
Duncanville TX 75138-0481

Dear Commander:

Enclosed please find the Constitution and By-Laws for the American Legion Ronald L. Mc Elroy, Post 81, The American Legion, Department of Texas, as approved by the Department Executive Committee on January 29, 2017.

If you have any questions, please feel free to call me.

"Still Serving America"

A handwritten signature in black ink, appearing to read "William West".

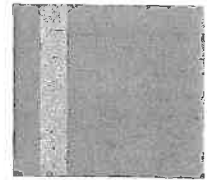
William West
Department Adjutant

MTP: njb

CC: Bryan D. Coleman,
Department Judge Advocate

Enclosure: Approved Constitution & By-Laws

RONALD L. McELROY POST 81
418 E. REDBIRD LANE
DUNCANVILLE, TEXAS 75116



November 26, 2016

BILL WEST
DEPARTMENT ADJUNANT

Dear Bill,

Enclosed for approval is the revised Post 81 Constitution and By-Laws, the only addition from the last 2008 Constitution is on page 2 under Article IV - MEMBERSHIP Section 7.

This Constitution and By-Laws was approved at our regularly scheduled Post meeting held October 27, 2016.

Jim Prendergast





THE AMERICAN LEGION
CONSTITUTION AND BY-LAWS
RONALD L. McELROY POST 81
418 E. REDBIRD LANE
DUNCANVILLE, TEXAS 75116
DEPARTMENT OF TEXAS

CONSTITUTION

of Ronald L. McElroy Post 81, Duncanville, Texas 75116

PURPOSE

The purpose of this organization is to foster and perpetuate a one hundred per cent 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 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; to maintain law and order, a representation form of government, and to uphold the Constitution of the United States and of the State of Texas.

ARTICLE I - NAME

Section 1. The name of this organization shall be Ronald L. McElroy Post 81, The American Legion, Department of Texas. The charter of incorporation as filed in the office of the Secretary of State of Texas, Austin, Texas, is adopted as the charter of this Post.

ARTICLE II - OBJECTS

Section 1. The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing purpose and the National and Department 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 principals, nor for the promoting or retarding 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 his military or naval title in any meeting of this Post.

ARTICLE IV – MEMBERSHIP

Section 1. Eligibility for membership in this Post shall be prescribed by the National Constitution of The American Legion, and the constitution and By-Laws of The American Legion, Department of Texas, and further stated in this Post Constitution and By-Laws.

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 Post membership meeting, following the making of such application, and shall be accepted, rejected or referred for further investigation and consideration. If a majority or more of the Post membership cast their votes against the acceptance of such application, then such application shall be recorded as rejected.

Section 4. Any member of this Post may be expelled by a two-thirds (2/3) vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial is had upon the same, under the rules and regulations of the Department of Texas and article IV By-Laws, National Constitution.

Section 5. If the accused is convicted, his/her membership is suspended until final appeal is heard and decision is rendered, and he/she is expelled by the decision, he/she shall not be eligible for membership in this Post for one year from the date of the expulsion, and then only in the event his/her application for reinstatement is approved in which all new memberships are approved in this Post.

Section 6. No person who has been expelled by any Post shall be admitted for membership in this Post without the consent of the expelling Post, until a year has elapsed since his/her expulsion.

Section 7. Eligibility is not synonymous with acceptability. If a member is eligible to join The American Legion, it is still the prerogative of the Post to determine whether they will accept such member in the Post.

ARTICLE V – OFFICERS

Section 1. The administrative affairs of this Post of The American Legion shall, except as may otherwise provided by the By-Laws, be under the supervision of an Executive Committee, which shall consist of the Officers of the Post, two members at large and the Immediate Past Post Commander. The term of office for the Executive Committee shall be one year. This Post by its By-Laws may provide for such other standing committees as the business of the Post may require.

Section 2. The officers of this Post shall be a Commander, first and second Vice Commanders, an Adjutant, a Finance Officer, a Post Historian, a Post Chaplain, a Sergeant at Arms, A Service Officer, a Judge Advocate and such other Officers as may be deemed necessary by this organization.

Section 3. A nominating committee shall be appointed by the Executive Committee and shall report their nominations to the regular meeting preceding the annual election of Officers. Nominations may also be made from the floor at such meeting and again at the meeting for the annual election.

Section 4. All Officers of this Post, except the Post Adjutant shall be elected annually by a majority vote plus one on written ballots, at a Post meeting held not less than (15) days prior to the Department Convention (Art.V, Sec. 4, Department By-Laws), and shall not be installed later than the first regular Post meeting in August following their election. The Post Adjutant will be appointed by the Post Commander and this appointment must be approved by two-thirds (2/3) majority of the Executive Committee. The Commander may serve multiple terms of one (1) year each, if elected by the majority vote of the membership. Upon completion of the term or terms he/she will become the immediate Past Post Commander with full advisory and voting rights on the Executive Committee until such time as the current Commander is replaced. The Past Post Commander will then be eligible to stand for election as Commander. Only those members holding current calendar year membership cards shall have the privilege of voting in the election. All Officers shall hold office until their successors are duly installed or as otherwise provided. Any Officer may be removed by two thirds (2/3) vote of the Executive Committee for inefficiency, negligence, theft, conduct unbecoming, or as otherwise provided in the Post By-Laws.

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

Employees of the Post may not be an Officer, or an Officer of the SAL, or an Officer of the Auxiliary, or an Officer of the Riders, unless the Executive Committee, by a two-thirds (2/3) vote, approves as exception to this policy and allows them to hold office.

Section 6. The duties of Officers shall be those usually appertaining to such and as further provided in the By-Laws.

Section 7. Officers are expected to attend the regular meetings of the Post and Executive Committee. Failure of any Officer to attend three (3) successive regular business meetings, without reasonable cause having been furnished the Adjutant or Commander shall be cause for forfeiture of said office. The Executive Committee shall decide when a Officer by their failure to attend three (3) successive regular meetings, has forfeited their right to continue in office, when or whether to declare such office vacant, and when to order an election to fill the vacancy.

Section 8. In case of vacancy in any office for any cause, the said vacancy shall be filled at any regular meeting provided at least fifteen (15) days of such election has been given the members.

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 Executive Committee and sanctioned by the Post.

Section 2. The amount of Membership or initiation fees, from the annual dues shall be fixed and determined by this Post.

Section 3. The Post shall pay to Department headquarters, the National and Departmental annual membership dues immediately upon receipt thereof for every member of this Post.

Section 4. To insure proper accountability and disbursements of Post funds, the following accounts will be maintained:

GENERAL FUND Funds derived from routine Post receipts and special funds raising projects approved by the Executive Committee, to be used for such normal expenditures as authorized bills, loan payments, payroll and other such expenditures as directed by the Executive Committee. Authorized signatures on this account will be the Finance Officer, Adjutant, and Commander, and / or such other persons authorized by the Executive Committee.

MEMBERSHIP FUND Funds derived from annual membership dues shall be used to pay Departmental and National dues, to pay postage and office supplies associated with transmittal of membership cards and required notices to members, to pay for necessary maintenance, repair, and/or replacement of Post Property where such expenditure is not made from the building fund, and for related expenditures as approved by the executive Committee. Authorized signatures on this account shall be the Finance Officer, Adjutant, and Commander.

BUILDING FUND Funds derived from special fund raising projects approved by the Executive Committee for the purpose, and/or transferred from the General Fund or Membership Fund, as required, to be used for necessary maintenance, repair, and/or replacement of Post property. The authorized signatures on this account shall be the Building Committee Chairman, Finance Officer, Adjutant, and Commander and/or such person authorized by the Executive Committee.

WELFARE FUND Funds derived from special fund raising projects designated as such by the Executive Committee shall be utilized by the Service Officer for such welfare projects as he/she or the Executive Committee deemed necessary. The Service Officer, after consultation with the Commander, may utilize up to \$25.00 for each welfare recipient without approval of the Executive Committee. Authorized signatures on this account shall be the Finance Officer, Adjutant, Service Officer and Commander, and/or such other persons authorized by the Executive Committee.

RIDER FUND Funds derived from special projects or donations designed as such by the Legion Rider Program, which includes dues or initiation fees will be deposited in this fund. This fund will be used for such expenditures or donations as approved by the Legion Rider program Officers. Authorized signatures on this fund shall be the Rider Director, Assistant Director or Treasurer as required by the Rider By-Laws.

Section 5. This Post will operate under a fiscal year budget as submitted by the Finance Committee, approved by the Executive Committee and the membership. Non-budgeted expenditures in excess of \$100 per occurrence must be approved in advance by the membership. Unforeseen requirements of up to \$100 per occurrence must be approved by the Commander but must be reported at the next membership meeting. Emergency unforeseen requirements of a time sensitive nature necessary to keep the Post functional and available for use by the membership may be approved in any amount by the Commander but must be justified to the Executive Committee and the general membership at the next regular scheduled meetings.

Section 6. All Officers handling funds on a routine basis will be bonded in an amount to be specified by the Executive Committee.

ARTICLE VII - CHARTER MEMBERS

Section 1. Members who joined this Post prior to issuance of the charter shall be known as charter members.

ARTICLE VIII - AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as the American Legion Auxiliary Unit of Post 81, The American Legion.

Section 2. Membership in the Auxiliary shall be prescribed by the National and Department of Texas Constitutions and By-Laws of The American Legion. *Auxiliary.*

ARTICLE IX - SONS OF THE AMERICAN LEGION

Section 1. This Post recognizes a squadron organization to be known as the Sons of The American Legion Squadron of Ronald L. McElroy Post 81, The American Legion, operating under direction and supervision of this Post.

ARTICLE X - AMERICAN LEGION RIDERS

Section 1. This Post recognizes the American Legion Riders as a program of Ronald L. McElroy Post 81, operating under the direction and supervision of the executive Committee.

Section 2. Membership in the American Legion Riders program shall consist of American Legion members, and Auxiliary members, and Sons of The American Legion who are in good standing of Post 81.

Section 3. The Riders program will have a constitution and By-Laws, as set forth by their governing body and approved by the Executive Committee of this Post.

Section 4. Any member of the Rider program may be elected to hold an office in this program, except the office of Director, who must be a Legion member of this Post.

ARTICLE XI - AMENDMENTS

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

Section 2. This constitution may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting, provided that the proposed amendment shall be submitted in writing to the Executive Committee in session and approved by it; or, if rejected, in whole or part, it may be taken to a regular Post meeting on a minority report: and provided that the proposed amendment shall have been submitted in writing and read at the next preceding meeting of said Post, and provided further, that written notice shall have been given to all members at least five (5) days in advance of the date when such amendment is to be voted upon, notifying said members that such a proposal to amend the constitution is to be voted upon.

Section 3. Anything not covered by this constitution shall be governed by the constitution of the Department of Texas.

BY-LAWS

of Ronald L. McElroy Post 81, Duncanville, Texas 75116

Section 1. The Post existing under these By-Laws is to be known as Ronald L. McElroy Post 81, The American Legion, Department of Texas.

Section 2. The objects of the Post are set forth in the Constitution.

ARTICLE II – MANAGEMENT

Section 1. The government and management of the Post is entrusted to an Executive Committee of thirteen (13) persons, to be known as the **“EXECUTIVE COMMITTEE”**

Section 2. The Executive Committee shall consist of the Officers of this Post, two members elected from the general membership and the immediate Past Post Commander and shall be elected/appointed annually as provided in article V, section 4 of this Constitution and shall take office immediately upon installation.

ARTICLE III - POST EXECUTIVE COMMITTEE

Section 1. The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander no later than the second Tuesday of the month following the installation of new Officers. Thereafter, the Post Executive Committee shall meet at the call of the Commander at least every month and as often as said Commander may deem necessary. All members of said Committee must be notified of any meeting. The Commander shall call a meeting of the Post Executive Committee upon the joint written request of three (3) or more members of said Committee. Five (5) members of the Committee shall constitute a quorum thereof.

Section 2. The Post executive Committee shall hire, fire and discipline such employees as may be necessary, shall require bonds from all persons handling or having custody of Post funds in any manner, and shall hear the reports of Post Committee Chairmen: and generally, shall have charge of and be responsible for the management of the affairs of this Post.

ARTICLE IV – DUTIES OF OFFICERS

Section 1. Duties of 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 such Officer shall be the chief executive officer of the Post. He/She shall approve all orders directing the disbursement of funds and shall countersign all instruments disbursing such funds, said checks to be signed by the Finance Officer or such persons as authorized by the Executive Committee in accordance with Article VI of the Post Constitution. He/She shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. He/She shall see that this Constitution and By-Laws are observed. He/She shall perform such other duties as are directed by the Post.

Section 2. Duties of the First Vice Commander – The First Vice Commander shall assume and discharge the duties of the office of the Commander in the absents or disability of, or when called upon by the Post Commander. He/She shall be charged with the primary responsibility of maintaining and increasing the membership of the Post, and as such, will normally chair the membership committee. He/She is the exponent of the means of safe guarding the honor of the Fag of our Country and the teacher of “DEMOCRACY.”

Section 3. Duties of Second Vice Commander – The Second Vice Commander shall assume and discharge the duties of the office of Commander in the absents or disability of, or when called upon by the Post Commander and First Vice Commander. He/She shall assist the Post Commander in all his/her duties and His/Her primary responsibility lies in developing Post activities and in the entertainment features marking all meetings and as such, normally chairs the House and Entertainment Committee.

Section 4. Duties of the Post Adjutant – The Adjutant shall charge of and keep a full and complete record of all proceedings of all meetings, keep such records as the Department and National organizations may require, issue membership cards, handle certificates of transfer, render reports of membership annually or when called upon at any meeting, and under the direction of the Commander, handle all correspondence of the Post. He/She shall comply with Article V, Section 5, Department By-Laws. He/She shall publish official orders, announcements and instructions and will notify all members of any special meetings and annual meeting. He/She shall be recompensed as determined by the Executive Committee and approved by the membership.

Section 5. Duties of Finance Officer – The Finance Officer shall have charge of all finances and see that they are safely deposited in a local bank or banks and so report once a month to the Executive Committee and the Post in writing the condition of the finances of the Post, with such recommendations as He/She may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He/She shall make a monthly audit of the Post activity, together with the First Vice Commander and Post Home Manager, and will make a written report of same to the Post Executive Committee. He/She shall sign all instruments disbursing the moneys of the Post, such checks to be countersigned by the Commander and/or such persons as authorized by the Executive Committee. The Post shall furnish surety bond for the Adjutant and the Finance Officer in such a sum as shall be fixed by the Executive Committee. He/She shall draft the annual Post budget and therefore shall normally chair the Finance Committee. He/She shall be recompensed as determined by the Executive Committee and approved by the membership.

Section 6. Duties of Historian – The Historian shall be charged with the individual records, achievements and incidents of the Post, and members, and shall perform the other duties as may properly pertain to the office as may be determined by the Post and the Executive Committee. An annual report should be made to the Department Historian immediately prior to the Department Convention.

Section 7. Duties of Chaplain – The Chaplain shall be charged with the spiritual welfare of the Post Comrades and will 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 or Department Headquarters from time to time. He/She shall normally chair the visiting or VAVS Committee.

Section 8. Duties of Service Officer – The Service Officer shall comply with the Service Officers Manual and Post Handbook of The American Legion, and recommendations of National or Department Headquarters and the needs of this Post. He/She shall normally chair the Rehabilitation Committee.

Section 9. Duties of the Sergeant at Arms – The Sergeant at Arms shall preserve order at all times and all meetings, and shall perform other duties as may from time to time be assigned to him/her by the Commander or Executive Committee. He/She shall have charge of the Post Colors, and shall not display nor permit them to be displayed without specific authority of the Post Commander.

Section 10. Duties of the Judge Advocate – The Judge Advocate shall supply professional advice in the conduct of the Post business or procure proper counsel. He/She is the guardian of the constitutional form of Post government. He/She shall be available to all committees and other Officers for legal advice regarding the constitutionality of proposed actions. He/She shall be responsible for an annual audit of all Post funds and financial accounts just prior to the annual election of Officers. He/She shall act as trial Judge under the provisions of Article IV, Section 4, the Post Constitution.

ARTICLE V – DELEGATES

Section 1. Delegates and alternates to a Department, Division or National convention shall be elected by written ballot by the Post at a regular meeting of the Post to be held not later than fifteen (15) days prior to the date of such convention. However, the Post, by two-thirds (2/3) vote of members present may authorize the Commander to appoint such delegates. The Post Commander shall, immediately upon the election or appointment, designate the Chairman.

Section 2. Each duly registered delegate shall be entitled to one vote. A Post may select one of the following methods of providing for those votes of delegates that do not attend the convention. The Post may select either the Pro-Rata Rule or the Modified Unit Rule for their By-Laws. Alternates for delegates shall have all privileges of registered delegates except that of voting. A registered delegate is one who has received his/her credentials after his/her registration fee has been paid.

Section 3. The Chairman of the delegation shall cast the entire delegate vote on any convention matter, after first polling the delegates present, so as to reflect the vote of each delegate present.

ARTICLE VI – DUES – FISCAL YEAR

Section 1. Annual dues shall be established by the Executive Committee and approved by the membership and shall be payable on or before October 20th of each year for the succeeding calendar year. Following the calendar year, a member becomes delinquent for non-payment of dues by January 1st and if he/she continues delinquent, he/she loses all privileges by February 1st and his/hers membership is forfeited on June 30th if still delinquent.

Section 2. The fiscal year shall end with the close of the annual Department convention; the new fiscal year shall begin as the new Officers assume their duties.

Section 3. The newly elected Officers shall be installed at a regular or special meeting, as designated by the Executive Committee, as soon as possible following the annual election, but in no case, later than the first regular Post meeting in August following their election, and in accordance with Article v Section 4 of this constitution.

Section 4. The Chairman of the Membership Committee may recommend to the Executive Committee the names of members whose dues shall be remitted to the Post with reasons for such recommendations. The Executive Committee shall have the power to approve or reject such recommendations.

ARTICLE VII – APPOINTMENTS

Section 1. The Post Commander immediately upon taking office each year, shall appoint the following standing committees; Americanism, Ceremonials, Child Welfare, Economic, Finance, Graves Registration and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Rehabilitation, National Security and Visiting or VAVS> He/She shall also Appoint such other committees as are found to be necessary from time to time. Such standing committees shall consist of such members, and the chairman thereof shall be designated by the Post Commander.

Section 2. The duties and functions of the respective Post committees shall be in accordance of The American Legion and with the recommendations of National and Department Headquarters.

ARTICLE VIII – RESOLUTIONS

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

ARTICLE IX – MEETINGS

Section 1. The regular and special meetings of the Post shall be held at the Post Home at which place may be transacted such business as may properly be brought up for action, such meetings may be converted into entertainment meetings, as may be advisable by the Officers of the Post. Procedure at regular meetings such comply with the current Manual of Ceremonies.

Section 2. The meeting of the Executive Committee of the Post shall be held on the 2nd Tuesday of each month beginning at 7pm or as designated by the Executive Committee. Other business or social meetings may be held as directed by the Commander and/or the Executive Committee.

Section 3. The Post Commander or a majority of the Executive Committee shall have the power to call a special meeting of the Post at anytime.

Section 4. Upon the written request by signed petition of not less than five (5) of the members in good standing of this Post, delivered to the Commander, requesting a special meeting of the Post within not less than seven (7) days, nor more than fourteen (14) days after receipt of said petition. In the said petition shall be stated the purpose for which the meeting is requested, and matters not pertaining to said purpose of the meeting shall not be considered. Any special meeting called by the Post Commander or a majority of the Executive Committee, likewise, in the notice of call sent to the membership shall be

stated the purpose of said meeting, and other matters not pertaining to stated purpose shall not be discussed.

Section 5. At least twelve (12) members in good standing shall constitute a Quorum at any regular or special meeting of the Post.

ARTICLE X – NOTICES

Section 1. Every member shall furnish the Post Adjutant with his or her address for mailing purposes. Notices sent to the last known address shall constitute legal notice.

Section 2. Notices of regular meetings and special meetings which are printed in the local newspaper shall constitute legal notice. Notice of the meeting for nomination of Officers and the annual election shall be in writing to each members last known address and shall be given at least fourteen (14) days prior thereto.

ARTICLE XI – LIMITATIONS OF LIABILITIES

Section 1. This Post shall incur, or cause to be incurred, no liability nor obligation whatsoever which shall subject to liability any other Post, sub-division, group of men or women, members of The American Legion, or other individuals, corporation, or organization.

ARTICLE XII – RULES OF ORDER

Section 1. All proceedings of this Post shall be conducted under and pursuant to Roberts Rules of Order, revised, except as herein otherwise provided.

ARTICLE XIII – AMENDMENTS

Section 1. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members attending such regular meeting, provided that the purposed amendment shall have been submitted in writing to the Executive Committee in session and approved by it, or if rejected in whole or part, it may be taken to a regular Post meeting on a minority report and provided that the purposed amendment shall have been submitted in writing and read at the next preceding meeting of said Post, and provided further, that written notice shall have been given to all members at least five (5) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

POST CERTIFICATION

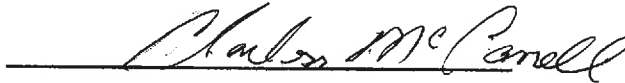
We, the following Officers of Ronald L. McElroy Post 81 The American Legion Department of Texas, hereby certify that the foregoing Constitution and By-Laws after due notice was given to all members; was adopted at a regularly scheduled meeting of this Post, held on the 27th day of October 2016 AD



Donald Bartlett
Post 81 Commander



Matt Graska
Post 81 Adjutant



Charles Mc Carrell
Post 81 Judge Advocate

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**DEPARTMENT CERTIFICATE**

Approved by the Department Judge Advocate on the 6<sup>th</sup> day of December 2016 AD

Approved by Department Executive Committee on the \_\_\_ day of \_\_\_\_\_ 2016 AD

