

THE AMERICAN LEGION, Department of Texas

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July 11, 2021

The American Legion P. 490
11702 Old Galveston Rd
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Dear Commander:

Enclosed please find the Constitution and By-Laws for the American Legion South Houston P. 490. The American Legion, Department of Texas, as approved by the Department Executive Committee on July 11, 2021.

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', written over a horizontal line.

William West
Department Adjutant

MTP: njb

CC: Dan Corbin,
Department Judge Advocate

Enclosure: Approved Constitution & By-Laws



ORIGINAL

CONSTITUTION

AND

BY-LAWS

SOUTH HOUSTON POST 490, INC.,

DEPARTMENT OF TEXAS (AMERICAN LEGION)

JUNE 9, 2021

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PREAMBLE

For God and Country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the all Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Article I. NAME AND CHARTER

Section 1. Post Name

The name of this organization shall be SOUTH HOUSTON POST 490, INC., DEPARTMENT OF TEXAS (AMERICAN LEGION).

Section 2. Charter

The original petition for Charter of Incorporation number 207923, dated October 09, 1964, bearing the names of the original petitioner's is on file in the Office of the Secretary of State of Texas. A supplemental charter issued by the National American Legion (Department of Texas) has been adopted as the "official" charter of this Post. For the purposes of clarity and simplicity, South Houston Post No. 490, Inc. will herein be referred as the "Post."

Section 3. Location of Headquarters

The Post shall be located in the city of Houston, Texas.

Article II. PURPOSE

Section 1. Purpose

The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble, and the National and Department Constitutions of The American Legion.

Article III. NATURE

Section 1. Advantages

This Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2. Nonpolitical

The American Legion, Department of Texas, shall be absolutely nonpolitical 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. No Military Rank

Rank does not exist in The American Legion; no member shall be addressed by his/her military or naval title in any meeting of this Post.

Article IV. ELIGIBILITY AND MEMBERSHIP

Section 1. Eligibility Dates and Discharge.

Eligibility for membership in the Post will be governed by the current National and Department of Texas (American Legion) Constitution & By-Laws.

Section 2. One Class of Membership

There shall be no form or class of membership except active membership. Membership shall be only through a Post, and dues shall be paid annually or for life.

Section 3. Presenting Applications

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 4. Voting on New Members

All applications for membership and transfers into this Post shall be acted upon at the next Post General Membership Meeting following the making of such application or transfer, and shall, at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of the members present at the Post General Membership Meeting cast their vote against the acceptance of such application, then such application shall be recorded as rejected.

Section 5. Membership in more than one Post

No person may be a member at any one time of more than one Post in The American Legion.

Section 6. Reinstatement

No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been denied by such Post, he may then appeal to the Executive Committee of the department of the expelling Post for permission to be admitted to membership in another Post, and shall be ineligible for membership until such permission is granted.

Section 7. Post Sole Judge of Membership

Each Post shall be the judge of its own membership, subject only to the restrictions of the National and Department Constitution and By-Laws.

Section 8. Transfers

Any member in good standing, to include members of Headquarters Post 345, moving or transferring to a Post near their home shall be transferred using The American Legion Member Data Form, completed by the new Post, without additional payment of dues. The new Post shall be the judge of its own membership in accordance with the Department of Texas Constitution and Bylaws. Dues already paid shall remain with the original Post and the transfer shall be complete upon issue of a new membership card.

Section 9. Discipline

A member of this Post may only be disciplined in accordance with the Department Uniform Code of Procedure for Disciplinary Actions.

Section 10. Expulsion

If a member is expelled in a disciplinary proceeding, his/her membership is suspended until his/her final appeal is heard and a decision is rendered, and if 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 expulsion, and then only in the event his/her application for reinstatement is approved in the manner in which memberships are approved in this Post.

Section 11. Members Found Ineligible

Members found to be ineligible. If a Post determines one of its members is not eligible for membership, the Post shall notify the Department Adjutant at once in writing so that his name can be forwarded to the National Headquarters for removal from the membership rolls. It shall be presumed that a member who will not furnish proof of eligibility within 30 days of a written request, certified mail, return receipt requested is not eligible for membership in The American Legion.

Section 12. Certificate of Good Standing

Any member in good standing in a post who is moving from the State of Texas is entitled upon request to receive a certificate from his post stating the inclusive dates he was a member of the Post.

Article V. OFFICERS

Section 1. Executive Committee

The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of a Post Executive Committee which shall consist of at least (2) members in addition to the Officers of the Post.

The terms of office of members of the Executive Committee will be for one (1) year, and will also be concurrent with the terms of the Post Officers of record.

This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

The membership shall be entitled to be present at the Post Executive Committee meeting without voice or vote.

The decision of the Post Executive Committee shall be subject to the approval or reversal by the Post membership at the next regular Post meeting where a quorum is present.

Section 2. Elected Officers

The officers of this Post shall be a Commander, a 1st Vice Commander, a 2nd Vice Commander, an Adjutant, a Finance Officer, a Judge Advocate, a Historian, a Chaplain, a Sergeant at Arms, a Service Officer, and such other officers as may be deemed necessary by this organization.

In case of death, incapacity, resignation or vacancy of the Commander, the 1st Vice Commander shall immediately take office as Commander. The vacant position of the 1st Vice Commander will be filled as prescribed in Article V, Section 7.

Section 3. Nominating Committee

A nominating committee shall be appointed by the Post Executive Committee, who shall report their nominations to the regular monthly meeting next preceding the annual election of Officers, Post Executive Committeemen, and Trustees.

Nominations for an Officer, Executive Committeemen, or Trustee position may also be made from the floor at such meeting, and again at the meeting for the annual election.

Nominating committee is responsible for confirming the eligibility of nominees made by the Nominating Committee.

The Nominating Committee shall arrange for the installation of elected positions. The installation should occur the same night as elections.

Section 4. Annual Elections.

All Officers and Executive Committeemen shall be elected annually, by majority vote on written ballots, or by acclamation, at a Post meeting held not less than fifteen (15) days prior to the Department Convention, and shall be installed not later than the first regular Post meeting in October following their election.

Only those members holding current calendar year membership cards shall have the privilege of vote in the election.

They shall hold office until their successors are duly installed.

Section 5. Duties

The duties of Post Officers, Executive Committeeman, and Committee Chairs shall be those usually appertaining to such Officers, Committeemen, or Committee Chairs and as further provided in the By-Laws and the American Legion Officer's Guide and Manual of Ceremonies.

Section 6. Meeting Attendance

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

Section 7. Vacancies

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 notice of such election has been given to the members in accordance with By-Laws Article VIII.

Until the election, the Commander may nominate a member in good standing to fill any vacant Officer or Executive Committeemen position. They will assume the duties of the office upon the approval of a majority Executive Committee.

Section 8. Removal from Position

Any Post Officer or Post Executive Committeeman may be removed for cause by the Post Executive Committee, a two-thirds (2/3) vote of said Committee being necessary to effect such removal.

Section 9. Officer Certification

The Post Adjutant at the time of annual elections is to certify to Department Headquarters the names of Post Officers elected/appointed for the ensuing year, immediately, but no later than 10 days after their election, as prescribed by the Department Executive Committee, together with a list of delegates and alternates elected to the Department Convention.

Article VI. FINANCE

Section 1. Revenue.

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

Section 2. Acceptance of Local Dues

The amount of membership or initiation fees and the amount of annual local dues shall be fixed and determined by this Post at any regular membership meeting.

Section 3. Forwarding National Dues

The Post shall pay to Department Headquarters the Department and National annual membership dues within thirty (30) days from receipt thereof for each paid member of the Post.

Section 4. National Dues

A membership fee is charged by the Post in accordance with National and Department of Texas (American Legion) Constitution and By-Laws.

Section 5. Local Dues Exemption

Active Duty members and Paid Up For Life (PUFL) members are exempt from paying the annual Post fee.

Article VII. CHARTER MEMBERS

Section 1. Charter Members

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

Article VIII. AMERICAN LEGION AUXILIARY

Section 1. Recognize Auxiliary

This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of South Houston Post 490, The American Legion.

Section 2. Eligibility

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

Article IX. AMENDMENTS

Section 1. Conflict with the Department or National Constitutions

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

Section 2. Proposed Amendments

2.1. 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:

2.2. All proposed amendments to this Constitution shall be presented to the Chairman of the Post's Constitution and By-Laws Committee for presentation to the Executive Committee.

2.3. The proposed amendment shall have been submitted, in writing, to the Executive Committee in session for approval or rejection by a majority of said committee.

2.3.1. If accepted by the Executive Committee, such amendment(s) will then be presented to the Post general membership for final vote, to either accept or reject.

2.3.2. If rejected by the Executive Committee, such amendments(s) can be submitted, in writing, to the Post membership, as a minority report, to be voted upon.

2.4. The proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post.

2.5. Notice shall have been given to members at least fifteen (15) 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 constitution is to be voted upon.

2.5.1. An amendment can be accepted, or rejected, in whole, or in part. If partially rejected, it may be modified accordingly and then can be re-submitted for approval in accordance

with Section 2.1 of this Article.

Section 3. Items not covered

Anything not covered by this Constitution shall be governed by the Constitution of the Department of Texas.

Article X. REAL PROPERTY

Section 1. Selling Property

Real property owned by the Post may be sold, leased or otherwise disposed of, where control of said property is involved, (after first complying with the Department and National Constitution and following the procedures provided by the Department Adjutant.), at any regular meeting by a vote of two-thirds (2/3) of the Post members attending a regular meeting, provided the following.

- 1.1. The proposal shall have been submitted in writing.
- 1.2. Approved by a majority of the Post Executive Committee.
- 1.3. Approved by a majority of the Board of Trustees.
- 1.4. Read at the preceding regular meeting of the Post.
- 1.5. Provided further notice shall have been given members least fifteen (15) days in advance of the date when such proposal is to be voted upon and that it is posted on the Post bulletin board.

Section 2. Use as Collateral

No real estate owned by this Post or trustee of this Post will be sold or used as collateral for a loan without the approval of the Department Executive Committee or where time is of the essence the Department Commander, who shall report said action to the next Department Executive Committee meeting.

Section 3. Notifying Department of Liens

Any Post whose real estate becomes encumbered with a lien will notify the Department Adjutant within 7 days of receiving notice of the lien.

Section 4. Department Notification of Property Purchases

Upon purchasing real estate, the Post will notify the Department of Texas.

Article XI. PROGRAMS

Section 1. Sons of the American Legion

This Post sponsors a Sons of The American Legion Squadron. It operates under the rules, regulations, and supervision of this Post as may be promulgated by the Post Executive Committee and ratified by the Post Membership, and which shall not be in conflict with the rules and regulations set up for the Sons of The American Legion by the National Executive Committee, The American Legion.

Section 2. Sons of the American Legion Constitution

Said SAL Squadron 490 shall adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Their Constitution and By-Laws shall not conflict with the current Constitution and By-Laws of the Post. A copy of said Constitution and By-Laws shall be kept on file in the Post business office.

Section 3. Ceasing Sponsorship of the S.A.L. Squadron

This Post may cease its sponsorship of SAL Squadron 490 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in activities illegal, immoral, or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

Section 4. Legion Riders

This Post sponsors a Legion Riders Chapter. It operates under the rules, regulations, and supervision of this Post as may be promulgated by the Post Executive Committee and ratified by the Post Membership. Membership is only open to members of Post 490, Auxiliary Unit 490 or S.A.L. Squadron 490.

Section 5. Legion Riders Constitution and By-Laws

Said Legion Riders Chapter 490 shall adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee.

Section 6. Ceasing Sponsorship of Legion Riders

Once created, this Post may cease its sponsorship of Legion Riders Chapter 490 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in activities illegal, immoral or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

Section 7. Membership of the Riders Director

The Director of the Legion Riders Chapter must be a Legionnaire of this Post beginning with the next Riders elections after the adoption of this Constitution.

Section 8. Legion Rider Activities

The Legion Riders may participate in parades and other ceremonies, which are in keeping with the aims and purposes of the American Legion and Post 490. The Chapter may promote programs and a social atmosphere for the American Legion, and Post 490 members who share the same interests. Additionally, the Legion Riders may promote and support programs sponsored by the American Legion and Post 490.

Article XII. SOCIAL MEDIA AND THE INTERNET

Section 1. Social Media Guidelines

All members of this post and all participants in the programs of this post are required to adhere to the Social Media Guidelines promulgated by the Department of Texas.

Section 2. Ownership of Domain Names and Social Media Accounts

Applicants for social media accounts and registrants of domain names for this post or its programs are serving as agents of this post and ownership of these account and domain names are vested in the post. Applicants or registrants should obtain approval from the Post Executive Committee to establish a domain name or social media account. Applicants or registrants shall, upon demand, transfer the account or domain name to another individual designated by the Post Executive Committee.

Section 3. Ownership of online accounts

Applicants for online accounts to aid in performing business of the Post (e.g. Amazon or other vendors) are serving as agents of this Post and ownership of these accounts are vested in the Post. The e-mail account used to register the online account should be an email address controlled by the Post. The userid and password should be provided to the owner of the email account and the Finance Officer for keeping.

Section 4. Social Media Accounts Referencing Post 490

Any social media accounts referencing Post 490 shall obtain prior written approval from the Executive Committee. The admin for the site shall provide access and an admin password for the account to the Post Finance Officer for keeping. All items on the site shall comply with the Social Media Guidelines promulgated by the Department of Texas.

BY-LAWS
OF SOUTH HOUSTON POST 490, INC.,
HOUSTON, TEXAS

ARTICLE I NAME

Section 1. Name

The Post existing under these By-Laws is to be known as South Houston Post 490, Inc., Department of Texas, The American Legion.

Section 2. Object

The objects of this Post are as set forth in the Constitution.

ARTICLE II MANAGEMENT

Section 1. Executive Committee Membership

The government and management of the Post is entrusted to the Post Executive Committee per Article V of the Constitution. The following positions support the Executive Committee.

Section 2. Standing Committees.

The following are the standing Committees of the Post

Americanism Committee
Children and Youth Committee
National Security Committee
Public Relations Committee
Board of Trustees
Finance Committee
Sons of the American Legion Committee
Compensation Practices Committee

The Chairpersons (or representatives) of the standing committees are to report their committees' activities monthly to the Executive Committee.

The Chairpersons (or representatives) have voice at open Executive Committee meetings but no vote.

The Executive Committee may create other Standing Committees as necessary that align with Committees at the District, Division, or Department levels of the American Legion.

Section 3. Other Supporting Members.

The following positions support the Executive Committee

Past Post Commanders
Assistant Sergeant at Arms
Club Room Liaison

These positions have voice at open Executive Committee meetings but no vote.

Past Commanders have voice and vote only if they have a position on the Executive Committee with both voice and vote.

Ad Hoc Committee reports are addressed in the Post 490 Standing Rules.

Reports from the Post 490 Family of organizations are addressed in the Post 490 Standing Rules.

Section 4. Appointment of Supporting Members.

The Commander will nominate Chairpersons for each of the standing committees (except the Board of Trustees), Ad Hoc Committee Chairs, the Assistant Sergeant-at-Arms, and Club Room Liaison.

The nominee will assume office after approval by the majority of the Executive Committee members present.

The Board of Trustees elects the Chairman for Board of Trustees in accordance with the Board of Trustee Policy.

Section 5. Executive Committee Meetings

The Post Executive committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the Post Commander at least once a month and as often as said Post Commander may deem necessary.

The Post Commander shall call a meeting of the Post Executive Committee upon the joint written request of three (3) or more members of said Post Executive Committee.

A majority of the members of the Committee (Officers and Executive Committeemen) shall constitute a quorum thereof.

In the event a public emergency or natural disaster makes the holding of an in-person meeting unlawful or impractical, the Post may conduct its Executive Committee meeting by electronic or other remote access means as reasonably necessary for the duration of the emergency or disaster.

Any electronic meeting will follow similar guidance as the Post General Meetings electronic meetings in these By-Laws.

Section 6. Duties

The Post Executive committee shall hire and fire such permanent employees as may be necessary.

Shall authorize and approve all expenditures.

Shall analyze and recommend to general membership for approval all Post expenditures exceeding budget authorizations.

Shall require adequate bonds from all persons having the custody of Post funds.

Shall cause all funds to be placed in the hands of the Post Finance Officer for deposit and accounting purposes.

Shall hear the reports of Post Committee Chairmen and ad hoc committees.

Will be responsible for setting and adjusting all prices related to Post activities.

Generally, shall have charge of and be responsible for the management of the affairs of this Post.

At the end of each fiscal year, a review committee shall be appointed with the Post Judge Advocate as Chairman to conduct a complete review of Post records before turning them over to the new Post Finance Officer. Additional details for reviews are in the Post 490 Standing Rules.

Except for hiring and firing of permanent employees, and all manners of discipline, all actions of the Post Executive Committee shall be submitted for approval to the membership at the next regular membership meeting.

Probationary employees are addressed in the Post 490 Standing Rules.

Members of the Executive Committee's immediate family members are not permitted to be paid employees of the Post.

Members of the Executive Committee and their immediate family members are not permitted to volunteer for management of the Kitchen, Club Room, or Office.

Article III. DUTIES BY POSITION

Section 1. Duties of Post 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.

The Post Commander shall see that this Constitution and By-Laws is observed.

Assign a Finance Committee Chairman to establish and maintain a Finance Committee (FC) for the Post in accordance with the 990 Compliance Policy in order to establish and maintain a Compensation Practices Policy and Compensation Practices Committee (CPC). The Commander must serve as a voting member on both Committees.

Establish and maintain a Contracting Policy through the Board of Trustees that includes the Contractor Code of Conduct Standards in accordance with the 990 Compliance Policy.

Per the 990 Compliance Policy, the Commander is a member of the Compensation Practices Committee.

Per these By-Laws, the Commander is a member of the Board of Trustees.

The Post Commander shall perform such other duties as are directed by the Post.

Section 2. Duties of Post 1st Vice Commander

The Post Vice Commander shall assume and discharge the duties of the office of Post Commander in the absence or disability of, or when called upon by the Post Commander and shall be fully involved in, and responsible for, all aspects of Post Membership.

Section 3. Duties of the 2nd Vice Commander.

The 2nd. Vice-Commander will be in charge of Post Patriotic activities, and any other duties as may be required by the Post Commander and will provide programs that will attract membership attendance and he/she will also be accountable to the Executive Committee for all costs and expenditures related to such programs or events and will not dispense with Post funds for such programs and events until duly authorized to do so by the Executive Committee.

Section 4. Duties of the Post Adjutant

The Post Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National Organizations may require.

The Post Adjutant shall be responsible for the issue membership cards, handle certificates of transfer, render reports of membership annually or when called upon at a meeting, and under direction of the Post Commander, handle all correspondence of the Post.

The Post Adjutant is to certify to Department Headquarters the names of Post Officers elected/appointed for the ensuing year, immediately, but no later than 10 days after their election, as prescribed by the Department Constitution and By-Laws.

The Adjutant shall compile the list of delegates and alternates elected by the Post to the Department Convention and forward it as appropriate.

The Adjutant shall be the Post 990 Compliance Officer.

Per the 990 Compliance Policy, the Adjutant is a member of the Post Compensation Practices Committee.

Section 5. Duties of the Post Finance Officer

The Post Finance Officer shall have charge of all finances and see that they are safely deposited in a bank or banks and shall report once a month to the Post Executive Committee and the Post, in writing, the condition of the finances of the Post and will also:

Make such recommendations as The Post Finance Officer may deem expedient or necessary for raising funds with which to carry on the activities of the Post.

Furnish and pay from Post funds for the surety to bond the Officers and employees handling Post funds, in such sum as will be determined and fixed by the Executive Committee.

Ensuring the members on the Post's TABC license should also have check signing authority.

Ensuring checks written to Post Officers with check signing authority have two signatures other than the payee.

Finance Officer to serve as a voting member on both the Finance Committee and Compensation Practices Committee. Maintain all 990 and 990T IRS Compliance forms on all paid employees.

Section 6. Duties of Post Judge Advocate

The Post Judge Advocate shall supply professional advice in the conduct of the Post business, or to retain proper counsel.

The Post Judge Advocate shall be the Chairman of any committee concerning the amendment of the Post Constitution or By-Laws.

The Post Judge Advocate shall be in charge of the annual review committee of the Post financial accounts.

The Post Judge Advocate shall be responsible for the orderly conduct of disciplinary procedures as they are further described in the Department of Texas – American Legion – uniform Code of Procedures.

Section 7. Duties of the Post Historian

The Post Historian shall be charged with the individual records and incidents of the Post and Post members and shall perform such other duties as may properly pertain to the office as may be determined by the Post or Post Executive Committee.

Section 8. Duties of Post Chaplain

The Post 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., adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

Section 9. Duties of Post Sergeant at Arms

The Post Sergeant at Arms shall preserve order at all times and meetings, and shall perform such other duties as may be from time to time assigned to the Post Sergeant at Arms by the Post Commander or Post Executive Committee.

The Post Sergeant at Arms shall have charge of the Post Colors, and shall not display or permit them to be displayed without specific authority of the Post Commander.

Section 10. Duties of Post Service Officer

The Post Service Officers shall comply with the Service Officer's Manual and Post Officers Guide of The American Legion, and recommendations of National and Department Headquarters, and needs of this Post.

Section 11. Assistant Sergeant at Arms

The Post Assistant Sergeant-at-Arms will be charged with assisting the Post Sgt -at-Arms, and bear the same duties and responsibilities as described in this section, in the absence of the Post Sgt.- at- Arms and will perform such other duties as may be determined by the Post Commander or Executive Committee.

Section 12. Executive Committeemen #1 (EC1)

EC1 is responsible for maintaining the Post's Complaint Box and reporting credible complaints to the Executive Committee. and will perform such other duties as may be determined by the Post Commander or Executive Committee

Section 13. Executive Committee Person #2. (EC2)

EC2 is responsible for maintaining the Post's Suggestion Box and reporting credible suggestions to the Executive Committee. and will perform such other duties as may be determined by the Post Commander or Executive Committee.

Section 14. Americanism Committee Chair

Chair will perform such duties as may be required or assigned by the Post Commander or Executive Committee, that will inspire and perpetuate a sense of patriotism and good citizenship in local area schools, at assigned civic or community activities, or other community functions. (e.g. Oratorical, Boys State, School Awards, Scholarships, etc.)

Section 15. Children and Youth Committee Chair

Chair will ensure that any children, of a Veteran, in need of care and protection will receive such services, and will organize the American Legion's strength within the community in the interest of children, and will strive to reduce juvenile delinquency and oversee all Post sponsored youth programs, including American Legion Baseball.

Section 16. National Security Committee Chair

Chair will ensure that Committee engages in community emergency preparedness, promotes public safety, and supports local and national civilian defense projects. The Committee will supervise any awards for public safety.

Section 17. Public Relations Committee Chair

Chair will ensure that Post events and programs are disseminated throughout the Post and local community when necessary.

Article IV. DELEGATES

Section 1. Delegates

Delegates and alternates to a Department, Division, or District Convention shall be elected by the Post at a regular meeting of the Post to be held not less than fifteen (15) days prior to the date of such convention.

The Post, by two-thirds (2/3) vote of members present may authorize the Post Commander to appoint said delegates.

The Post Commander shall, immediately upon their election or appointment, designate the chairman.

Alternates for delegates shall have all the 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 2. Delegate Voting

Each duly registered delegate shall be entitled to one vote. At the time the delegates are elected, the Post will select either the Pro-Rata Rule or the Modified Unit Rule, as described below, as the method of voting for those delegates who do not attend the convention.

Modified Unit Rule Each duly registered delegate shall be entitled to one vote, unless there are less delegates than votes. Under those circumstances, each delegate will cast one vote, then any votes of absent delegates will be cast, in their entirety, in accordance with the majority of the delegates in attendance.

Pro Rata Rule Each duly registered delegate shall be entitled to one vote, unless there are less delegates than votes. Under those circumstances, each delegate present will be entitled to a portion of the total number of votes allocated to the Post that is directly proportionate to the percentage that the delegate represents of the total delegation present.

Section 3. Delegate Chair Person

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 V. DUES - FISCAL YEAR

Section 1. Dues Deadline

Annual dues shall be as prescribed by the Post and shall be payable on or before October 20th of each year for the succeeding calendar year. A member whose dues for the current year have not been paid by January first shall be classed as delinquent.

If his/her dues are paid on or before February first, he/she shall be automatically reinstated. If he/she is still delinquent after February first, he/she shall be suspended from all privileges.

If he/she is still under such suspension on June thirtieth of such year, his/her 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 years in which the reinstatement occurs.

Section 2. Officer Dues at Election

All newly elected Post Officers and Executive Committeemen will pay their next year's dues immediately after being elected by the Post membership.

Section 3. Recommended Payment of Membership

The Chairman of the membership committee may recommend to the Post Executive Committee the names of members whose dues shall be paid for by the Post with reasons for such recommendation. The Post Executive Committee shall have the power to approve or reject such recommendations except new members and transfers.

Section 4. Fiscal Year

The fiscal year, as defined in the 990 Compliance Policy, is July 1 to June 30.

Section 5. Paid-Up-For-Life Membership

Those members who wish to apply for Paid-Up-For-Life (P.U.F.L.) Membership are allowed to do so by contacting National American Legion.

Article VI. POST COMMITTEE APPOINTMENTS

Section 1. Commander Nominations

The Post Commander, immediately upon taking office each year, shall nominate such standing committee chairs as the Post Commander deems necessary for the efficient operation of the Post, such as those listed in the Post Officers Guide.

The Post Commander shall also nominate such other Committee Chairs as the Post Commander finds to be necessary from time to time.

All such Committees will consist of Chair Person so designated and nominated by the Post Commander and members recruited by the Committee Chairs, the exception being the Board of Trustees. Chairpersons require the approval of the Executive Committee per Article II of these By-Laws.

Section 2. Committee Duties and Functions.

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

Article VII. RESOLUTIONS

Section 1. Resolution Approval

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 this Post on the subject and copy of same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

Article VIII. MEETINGS

Section 1. Regular meetings

The regular meetings of the Post shall be held at the Post building or as otherwise designated by the Post Commander, or Executive Committee, for such business as may properly be brought up for consideration.

All meetings of the Post shall be open to all members in good standing of the Post.

Attendees without voice or vote may only speak as provided by the presiding officer.

The minutes of the previous meetings of the Board of Trustees, the Executive Committee, and the Post general membership will be read, unless copies are provided.

The General membership must approve the actions and decisions reached during the Board of Trustee and Executive Committee as recorded in the minutes of the respective meetings.

Such meetings may be converted to entertainment meetings, as may be required, or deemed to be advisable by the Officers of the Post.

All proceedings at a regular meeting will comply with the current issue of The American Legion Manual of Ceremonies.

Section 2. Regular Business

The regular business meetings of the Post shall be as determined by the Post. Other business or social meetings may be held as directed by the Post Commander and the Post Executive Committee.

Section 3. Calling a special meeting

The Post Commander or a majority of the Post Executive Committee shall have power to call a special meeting of the Post at any time.

Section 4. Requesting a Special Meeting

Upon the written request by signed petition of not less than six (6) of the members in good standing of this Post delivered to the Post Commander, requesting a special meeting of the Post, the Post Commander shall call the said special meeting within not less than seven (7) days, nor more than fourteen (14) days after receipt of the said petition. In the said petition shall be stated the purpose for which the meeting is requested, and matters not pertaining to said purpose for the meeting shall not be considered at such meeting. In notices given per Article VIII of these By-Laws to the membership of said meeting, the subject matter to be discussed shall be stated. The Post Commander or a majority of the Post Executive Committee shall have the power to call a special meeting of the Post, and the notice of the call for this meeting sent to the membership shall contain the subject matter to be discussed at the said meeting, and the said meeting shall not discuss other matters not relating to said notice.

Section 5. Meeting Quorum

At least six (6) members in good standing and a majority of the voting members of the Executive Committee, excluding vacant positions, shall constitute a quorum at any regular or special meeting of the Post.

Section 6. Electronic Meetings.

In the event a public emergency or natural disaster makes the holding of an in-person meeting unlawful or impossible, the post may conduct its meeting by electronic or other remote access means as reasonably necessary for the duration of the emergency or disaster.

The Post shall use its best efforts to implement any such virtual meetings with full regard for the need to maintain as much as possible accessibility for all members, including those with disabilities and those who lack the access to sophisticated technology.

The Post Adjutant shall notify members via email and social media of access requirements to join the scheduled meeting on-line at least five (5) days in advance.

Any action that could be taken at an in-person meeting, including amendment of the Constitution and By-Laws, may also be taken at a virtual or hybrid meeting held pursuant to this provision.

During a virtual meeting, the Post Adjutant shall ensure that all participants are members in good standing and that a quorum is present.

The Post Commander shall determine the need for a virtual meeting.

If there is a vote, the Adjutant must make a record of the vote and ensure that every voter is sufficiently identified and a member of the Post in good standing.

The Post meeting may use any variety of electronic or hybrid methods necessary to conduct the business of the Post. These could include fully virtual meetings, tele-conferences, hybrid, or software such as Zoom or Webex.

Committee Chairs are authorized to hold Committee meetings electronically following the guidance for Post meetings.

Section 7. Special or Social Meetings.

Any other special business or social meetings may be scheduled, as deemed necessary, by the Post Commander or Executive Committee.

For the purposes of this Section, any special (non-ritual) meeting will not be subject to the "secure" space rule.

Section 8. Debate

No member will speak more than twice on any matter or subject brought before the meeting. A member will be allowed to speak for a period of five (5) minutes at the end of the discussion, or debate.

The Post Commander will, after deliberation, put the matter to a vote, provided the matter to be voted upon meets all criteria, as defined in these By-Laws.

Section 9. Consequences of not Following Decorum

Any member failing to adhere to these regulations, at any meeting, may be requested by the Post Commander, or presiding Post Officer, to voluntarily leave the meeting, and failing that, will be escorted from the meeting by the Post Sargent-at-Arms.

Article IX. NOTICES

Section 1. Current Address Policy

Every member shall furnish the Post Adjutant with his/her address for mailing purposes.

Every member is encouraged to provide the Post Adjutant with a valid email address.

Section 2. Notifications

Announcement of Post activities requiring a vote should also be made public by posting said notice on the Post's website, Facebook page, monthly newsletter, email, or other electronic communications, presently existing or existing in the future.

The Adjutant shall notify members with only a mailing address on record by sending a post card, by United States Mail, provided they reside within twenty-five (25) miles of the Post physical address.

Notices sent to either the last known email or physical address shall constitute sufficient legal notice.

The notification date is either the email date or the date of USPS postmark.

Section 3. Electronic Notification

The Post Adjutant shall cause notice of elections to be given one (1) regular Post meeting prior to the election date, but in no event less than fifteen (15) days prior to the election date.

Section 4. Statement of Nondiscrimination

In its efforts to promote nondiscrimination, the Post does not discriminate on the basis of race, religion, color, national origin, gender, sex or disability in accordance with Title VI of the Civil Rights Act of 1964, as amended.

Section 5. Whistleblower Protection Policy

Neither the Post Commander, Post officers nor Post Executive Committee shall unlawfully retaliate against any member for bringing a grievance or complaint under these By-Laws.

Section 6. Conflict of Interest Policy

All persons in a position of authority over the Post, such as the Post Commander, Post Officers, members of the Post Executive Committee, or Board of Trustees shall comply with the Post 990 Compliance Policy.

Section 7. Retention/Destruction of Confidential and Sensitive Documents Policy

Any person that possesses or maintains such information is required to take reasonable measures to protect against unauthorized access to, or use of the information in connection with its disposal. In addition, Sarbanes-Oxley requires that records be retained for all audits and legal proceedings.

Post members shall maintain official record types and retention periods in accordance with the Post 990 Compliance policy.

Section 8. IRS Authority to Request Information (Public Disclosure Policy) –

The Post must make available for public inspections IRS annual returns and applications for exemption, and must provide copies of such returns and applications to individual who request them. Copies usually must be provided immediately in the case of in-person requests, and within 30 days in the case of written requests. The Post may charge a reasonable copying fee plus actual postage, if any. Any request shall comply with the Post 990 Compliance Policy.

Section 9. IRS 990 Compliance Policy

The IRS Form 990 must be filed annually by the 15th day of the 5th month after the close of the tax year. The Pension Protection Act requires the IRS to revoke the tax-exempt status of any organization that fails to meet its annual filing requirement for three (3) consecutive years.

Section 10. Review of Form 990 by Executive Committee

Data will be gathered to complete the IRS Form 990 and shared with the Post Executive Committee prior to filing and shall comply with the 990 Compliance Policy.

Article X. RULES OF ORDER

Section 1. Robert's Rules of Order

All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, Newly Revised, except as herein otherwise provided.

Section 2. Elections

In the case of electing Officers of the Post, the Commander (of record) will follow the prescribed rules governing 'Post Meetings For The Purposes of Electing Officers', including the following:

Adherence to proper American Legion meeting decorum.

All new members and/or transfer members will be duly recognized and voted on before the beginning of the election phase of the meeting.

The normal order of business will be suspended for the purposes of electing Officers of the Post for the next fiscal year.

Considerations shall be given to selecting a "vote-count" committee, for the purposes of insuring speedy and accurate results.

Prior to the vote for any position, all candidates for such position must be introduced and given the opportunity to explain his/her qualifications for such position. This privilege is reserved for candidates only. Written, faxed, or e-mailed comments from friends of the candidate will not be allowed.

Any candidate for any position, who may not be present, must have presented a formal letter of nomination acceptance to the Post Commander or Adjutant prior to the meeting to elect Post Officers.

Only Post members in good standing will be permitted to cast a vote for a candidate seeking an Officers position.

Members present and voting will write the name of his/her choice for Officer of the Post. There will be one candidate name (only) on each ballot except Trustee if there are multiple positions for the same tenure vacant.

All such ballots must be retained in Post records for a period of not less than one (1) year from the date of the election.

After the election of Post Officers has been completed, the meeting will revert back to the normal order of business, after which the Commander may waive such business until the next scheduled regular Post membership meeting.

These rules will also apply to the election of Officers by the Post-Sponsored Sons of the American Legion and The Legion Riders. There will be no exceptions to these rules.

Article XI. LIMITATIONS OF LIABILITIES

Section 1. No liabilities

This Post shall incur, or cause to be incurred, no liability, nor obligations whatsoever which shall subject to liability any other Post, subdivision, group of men or women, members of The American Legion, or other individuals, corporation, or organization.

Article XII. AMENDMENTS

Section 1. Procedure to Amend

All proposed amendments to these By-Laws must be presented to the Post Chairman of the Constitution and By-Laws Committee.

The By-Laws of the Constitution of the Post can be amended at any regular Post meeting, by a vote of two thirds (2/3) of the Post members attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Post Executive Committee in session and approved by it;

or if rejected in whole or in 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 regular meeting of said Post, and provided, further, that notice shall have been given to all members at least fifteen (15) 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.

Article XIII. BOARD OF TRUSTEES

Section 1. Composition

A Board of Trustees is hereby created to consist of six (6) members of the Post, and the current Post Commander, with right to vote. The Post Finance Officer shall serve the Board, but shall not be granted the privilege of vote on any question coming before the Board of Trustees.

Two members of said Board of Trustees shall be elected each year by the Post General Membership to serve for a term of three (3) years. At the first regular meeting of the Board of Trustees in each year, held no later than thirty (30) days after the regular Post elections, the Board shall elect a Chairman and a Foreman who shall serve for a term of one (1) year.

Section 2. Meetings

The members of the Board shall meet at least once each month and hold special meetings at such time and place as deemed necessary by the Chairman or on call of three (3) members thereof or on demand of five (5) or more members of the Post Executive Committee. All members of the Board will be given seventy-two (72) hours of notification prior to any in-person special meeting.

Section 3. Quorum

A majority of members constitute a quorum and shall have power to act and to exercise all the authority of the Board. The members of the Board shall serve without pay.

Section 4. Bond

A blanket bond will cover all Trustees in the amount equal to the Post's liquid assets, to be paid for from Post funds. Said bond shall be approved by the Post Judge Advocate before such Trustee shall be qualified.

Section 5. Vacancies

All vacancies on the Board will be filled by the election of Post members, in good standing, at a regular meeting after the Post membership has been notified in advance of such meeting in accordance with Article V and Post Notification procedures. Temporary and permanent vacancies are addressed in the Trustee Management Policy.

Until the election by the General Membership, the Commander may nominate a member in good standing in accordance with Article V of the Constitution.

Section 6. Duties and Functions.

The duties of the Board will be to take charge of all trust funds and of all properties, real, personal, or mixed, the title of which is owned partially, or wholly by the Post.

The Board will be in charge of operation, maintenance, improvements or expansions of all buildings, grounds, and other properties partially, or wholly owned by the Post.

The Board will be entrusted with approving all contracts pertaining to the rental, excluding the Hall Rentals and RV spots, or leasing, of Post property, or grounds, and all contracts pertaining to the maintenance, repairs, improvements, or expansions of all buildings or grounds.

The Board will ensure that such properties are in full compliance with all applicable codes, regulations and/or ordinances.

In addition, to the duties required elsewhere in this Article, the Board will maintain adequate fire, windstorm, tornado, gas explosion, flood, and public liability insurance to properly protect the Post against any such losses.

The Board will also ensure payment of all bills pertaining to improving the buildings and grounds, as further described in this Article, and will ensure payment of all other bills, as may be required.

Section 7. Supervision and Reimbursement

The Board will be under the supervision of the Post Executive Committee, who will oversee, direct, and approve the actions of the Board, related to the dispensing of any income earned, or funds generated and entrusted to the Board, for the purposes of maintenance and upkeep of all Post properties, and as further described in this Article.

Any and all income held by the Board will be invested prudently and in the best interest of the Post.

Any expenses incurred by members of the Board, during the discharge of their official duties, will be submitted to the Chairman for approval and reimbursement.

All such expenses must be properly documented with all applicable receipts attached.

Section 8. Trustee Bank Account

The Board will deposit all funds in a separate bank account designated as "The Board of Trustees Fund," out of which they will then pay all Post debts, secured or unsecured.

Section 9. Budget Authority

The Chairman of the Board, or Foreman in the absence of the Chairman, will have the authority to spend not more than five hundred (\$500.00) dollars in any one month, without calling a special Board meeting.

All expenditures so made will be fully explained to the Board at its next regular meeting and will be included in the monthly report to the Executive Committee and Post general membership respectively.

All expenditures in excess of five hundred (\$500.00) dollars must be approved by the Board, in meeting, and as further prescribed in these By-Laws.

Section 10. Meeting Minutes

The Board Chairman will keep minutes of all meetings of the Board and make them available to the Executive Committee and general membership.

A complete financial statement will be presented each month to the Executive Committee, who will then present both Board minutes and financial statements at the following Post general membership meeting.

Such reports will be made by the Chairman of the Board, or by someone duly acting in his/her behalf.

Section 11. Forecasting Funds

The Post Finance Officer will, on a monthly basis, review the contents of the Post General Funds, as further described in this Article, and will prepare a forecast of all income and expenditures to determine if any excess funds are available to be transferred to the Board for deposit, or investment, accordingly.

POST CERTIFICATION

We, the following officers of South Houston Post No. 490 The American Legion, hereby certify that the foregoing Constitution and By-Laws, after due notice was given to all members, was adopted at a regular meeting of this Post held on the 9th day of June, 2021, A. D.


John J. Cronin
POST COMMANDER


ATTESTED: Wendell Denney
POST ADJUTANT

 11 Jun 21
Benjamin I. Edwards II
Chair, Constitution and By-Law Committee

DEPARTMENT CERTIFICATION

Passed on by the Department Judge Advocate on the 22 day of June, 2021, A. D., and Approved by the Department Executive Committee on the 22 day of June, 2021, A. D.


DEPARTMENT JUDGE ADVOCATE