

BY-LAWS
OF
HOLLYWOOD POST
NO. 43



Adopted: 7/25/16

Approved: TBD

By

THE AMERICAN LEGION
DEPARTMENT OF CALIFORNIA

(Incorporated February 28, 1957)

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 Great 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

The name of this organization shall be Hollywood Post No. 43, The American Legion, Department of California, (located at Hollywood in the City of Los Angeles), herein referred to as the 'Post'.

ARTICLE II – OBJECTIVES, PURPOSES AND POWERS

Section 1 – Objectives and Purposes. The objectives and purposes of this Post shall be to promote the principles and policies set forth in the foregoing Preamble and the National and Department Constitutions of the American Legion and to dispense charity.

Section 2 – Powers. The Post shall have power to do each and everything necessary, suitable, convenient or proper for the accomplishment of any of the purposes or the attainment of any of objectives herein, stated or conducive to or expedient for such purposes or objectives or for the interest or benefit of the Post, and to contract accordingly and, in addition, to possess and exercise all powers, rights and privileges necessary, convenient, or incidental, to the objectives and purposes for which the Post is organized, or to the activities in which it is engaged.

ARTICLE III – NATURE

Section 1 – Civilian Organization. This Post is a civilian organization. Rank does not exist in this Post, and no member should be addressed by his military or naval title in any meeting of the Post.

Section 2 – Non-Partisan. This Post shall be absolutely non-partisan and shall not be used for the dissemination of partisan principles, nor endorsement for the promotion of the candidacy of any person seeking public office.

Section 3 – Non-profit. This Post is and shall remain a non-profit organization. Its funds or other property shall never be distributed to its members, but shall be used only for the purposes stated in the Articles of Incorporation and By-Laws, and for charitable purposes.

Section 4 – Citizenship Duty. Each member of this Post should perform his full duty as a citizen of the United States of America.

ARTICLE IV – ELIGIBILITY FOR MEMBERSHIP

Section 1 – Eligibility. Any person shall be eligible for membership in this Post who qualifies for membership as determined by The American Legion National Organization and United States Congress that amends requirements from time to time. The candidate for membership shall be eligible if he/she was a member of the Army, Navy, Marine Corps, Coast Guard, Air Force or Merchant Marine (in World War II) of the United States, and assigned to active duty at some time during the following periods: April 16, 1917 to November 11, 1918 (World War I); December 7, 1941 to December 31, 1946 (World War II); June 25, 1950 to January 31, 1955 (Korea); February 28, 1961 to May 1975 (Vietnam); August 24, 1982 to July 21, 1984 (Lebanon/Grenada); December 20, 1989 to January 31, 1990 (Panama); August 2, 1990 to cessation of hostilities as determined by the United States



Government; other conflicts and hostilities as determined by the United States at the time of his or her entry therein, served on active duty in the Armed Forces of the governments associated with the United States during any of said periods; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably after any of said periods; provided further, that no person shall be entitled to membership who, being in such service, during any of said periods, refused on conscientious, political or other grounds to subject himself to military service; or who, being in such service, was separated therefrom under circumstances amounting to dishonorable discharge and has not subsequently been officially restored to an honorable status. This Post shall require official evidence of eligibility with application for membership (i.e. a DD-214). A person merely “discharged from the draft” shall not be considered as having served on active duty.

Section 2 – Determination of Membership. This Post shall be the judge of its own membership, subject to the restrictions contained in the Constitution and the By-Laws of The American Legion, Department of California.

Section 3 – Active Membership. There shall be no form or class of membership except as an active membership.

Section 4 – Member of Multiple Posts. No person may be a member of this Post and of another Post of The American Legion at the same time.

Section 5 – Expulsion. No person who has been expelled by another Post shall be admitted to membership in this Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post. He/she may then appeal to the Department Executive Committee for permission to be admitted to membership in this Post, and shall be ineligible for membership until such permission is granted.

Section 6 – Equal Opportunity. No applicant for membership to this post shall be excluded or denied membership because of race, religion, gender, age, color, disability, national origin, or sexual orientation in this post or in any group affiliated with this post.

Section 7 – Good Standing. A member who is not delinquent with dues and not under disciplinary action shall be considered in good standing.

ARTICLE V – APPLICATIONS FOR AND ELECTION TO MEMBERSHIP

Section 1 – Candidates. Candidates for membership in this Post shall make application upon a form prescribed by The American Legion National Organization and shall pay therewith the initiation fee and dues for the remainder of the current year. New members shall purchase a Post 43 cap prior to installation.

Section 2 - Transfer of Membership. A member of another post of The American Legion may transfer to this Post, providing his/her dues in the other post are paid for the current year, and he/she is a member in good standing at the other post and otherwise eligible for membership.

Section 3 – Application Review. All applications for membership, including transfers, shall be referred to the Adjutant for determination of eligibility.

Section 4 – Application Approval. Every applicant for membership in Hollywood American Legion Post No. 43 shall, unless excused by the Post, appear at a regular meeting of the Post for election for membership. Posting and election shall be combined in one (1) meeting.

Section 5 – Majority Vote. The affirmative vote of a majority of the members present at a meeting shall be required to elect an applicant to membership in the Post.

ARTICLE VI – OFFICERS

Section 1 – Officers of the Post. The elected officers of this Post shall be the Commander, the First Vice-Commander and the Second Vice-Commander. The appointed officers shall be the Adjutant, Finance Officer, Judge



Advocate, Chaplain, Historian, Service Officer and Sergeant-At-Arms. Other members holding office in the Post are not officers of the Post within the purview of the By-Laws.

Section 2 – Eligibility. No one shall be elected or appointed an officer of the Post, elected a member of the Executive Committee, elected a member of the Board of Trustees, elected a delegate or alternate to the Annual Convention of the Department of California, appointed a member of any committee, appointed a delegate to the County Council, or remain such, unless he/she shall be a member of the Post in good standing.

ARTICLE VII – EXECUTIVE COMMITTEE

The Executive Committee shall consist of six members of the Post, elected as provided herein, each to serve three-year terms; in addition to, the Commander, First Vice-Commander, Second Vice-Commander and Junior Past Commander. Two of the six members shall be elected each year. To begin this process for the first time, the two candidates with the highest number of votes will receive three-year terms, the two candidates with the third and fourth highest number of votes will receive two-year terms and the last two candidates receiving the fifth and sixth highest number of votes will receive one-year terms.

ARTICLE VIII – BOARD OF TRUSTEES

The Board of Trustees shall consist of three (3) members of the Post, elected as provided by these By-Laws.

ARTICLE IX – BUDGET AND FINANCE COMMITTEE

The Budget and Finance Committee shall consist of five (5) members, the Chairman of which to be elected by the members of the Committee. No more than two (2) members of the Budget and Finance Committee shall be current members of the Executive Committee. Members are to be appointed by the Commander with the approval of the Executive Committee.

ARTICLE X – DELEGATES AND ALTERNATES

Section 1 – Department Convention. The Post shall elect Delegates to the Annual Convention of the Department of California in conformance with the By-Laws of the Department of California. The Post shall elect two Delegates and two Alternates, and one additional delegate and one additional alternate for each fifty (50) memberships or major fraction thereof. Delegate names shall be transmitted to the Department of California forty-five (45) days prior to the date of such Convention by the Adjutant.

Section 2 – Expense Allowance. Whenever the Post shall appropriate any funds for the purpose of defraying the expenses of any delegate to a Department Convention, the secretary of the Convention Delegates shall keep a record of attendance of each of the Delegates at the business sessions of the convention. Attendance at a meeting of a convention committee, which convention committee is held during a business session of the convention, shall be considered attendance at a convention business session. Only such Delegates present at the business sessions shall be entitled to retain the amount allotted to each delegate. Any delegate not entitled to retain his allotment shall forthwith repay same to the Post.

Section 3 – County Council. There shall be three (3) Delegates to the American Legion County Council, appointed by the Commander.

ARTICLE XI – NOMINATIONS AND ELECTIONS

Section 1 - Nominations, Annual Election, Installation. The Commander, the Vice-Commanders, the two (2) elective members of the Executive Committee, and one of the three (3) elective members of the Board of



Trustees shall be nominated at the first meeting of the Post in April (Nomination Meeting), elected at the second meeting in May (Election Meeting), and installed at the first meeting in June (Installation Meeting). The Delegates to the annual convention shall be nominated at the second meeting in April and elected at the first meeting in May of each year.

Section 2 – Vacancies and Special Elections. All vacancies in elective offices shall be filled by a vote of the Post at a regular meeting not later than the fourth regular meeting after the occurrence of the vacancy, except when said vacancy occurs in the last four (4) months prior to the post election cycle; and notices of nominations and such Special Election shall be given respectively at the previous regular meetings by the Adjutant as provided in Section 6 of this Article. In addition, notice of such Special Election shall be mailed or emailed by the Adjutant to all members of the Post or by notice in the Hollywood Legionnaire newsletter at least seven (7) days prior to the date of such election.

Section 3 – Appointments. The Adjutant, Finance Officer, Judge Advocate, Historian, Sergeant-At-Arms, Chaplain and Service Officer, together with any necessary assistants, shall be appointed by the Post Commander, subject to the approval of the Executive Committee.

Section 4 – Nominations. All nominations shall be made orally and do not require a second, except that delegates may nominate themselves in writing.

Section 5 – Secret Ballots, Majority Vote, Plurality Vote. The conduct of the elections, ballot handling and counting shall be in accordance with the most current version of Roberts Rules of Order. All elections shall be by secret written ballot. A majority vote shall be necessary to elect the Commander, First Vice-Commander and Second Vice-Commander. If a majority is not secured on the first ballot, the two candidates receiving the highest vote for each office respectively shall be the only candidates on the second ballot. The other officers, including the elective members of the Executive Committee and Board of Trustees, shall be elected by a plurality vote. The Delegates to the Annual Convention of the Department of California shall be those members receiving the highest number of votes and the Alternates shall be those members receiving the next highest number of votes in descending order.

Section 6 – Notice of Nominations and Elections. Notice of the times of making nominations and the holding of every election shall be given by the Adjutant by an announcement thereof in the Post newsletter and at the last regular meeting of the Post prior to such nominations or elections as the case may be.

Section 7 – Campaigning. Circulating or distributing any resolutions, letters, tickets, or any other devices by a member or persons upon which suggests, recommends, opposes, or contains the name or names of proposed candidates for any elected Post office, is hereby prohibited on any Post property or properties controlled by the Post. Verbal campaigning is prohibited within one hundred (100) feet of the polling station area at the same level or floor. This does not prohibit any announcement by a candidate published in the Hollywood Legionnaire under ground rules promulgated by the Executive Committee or oral statements as allowed on the floor by the Post.

ARTICLE XII – TERMS OF OFFICE

Section 1 – Elected Offices. Each elected officer shall serve a term beginning with the Installation Meeting following his/her election and ending with the next Installation Meeting. Elected Executive Committee and Board of Trustees members shall serve a three-year term beginning with the Installation Meeting following their election and ending with the Installation Meeting three years hence.

Section 2 – Appointed Offices. Each appointed officer shall hold office at the pleasure of the Commander; however, no appointed officer shall be removed from office without the consent of the Executive Committee. The Adjutant or Finance Officer shall not be removed except upon recommendation of the Commander or by two-thirds of the Executive Committee if acting without the Commander's recommendation, and subsequently approved by two-thirds of the full Executive Committee.



Section 3 – Delegates and Alternates to the Department Convention. The term of office of each Delegate and Alternate to the Annual Department Convention of the Department of California shall commence with the annual meeting of the District and end at the next annual meeting of the District.

Section 4 – Delegates to the County Council. Each Delegate to the County Council shall be appointed by the Commander and ratified by the Executive Committee.

ARTICLE XIII – COMMITTEES

Section 1 – Standing Committees. The following shall be the standing committees of this Post: Amateur Radio, American Legion Baseball, Americanism, Awards, Boys State, Oratorical, By-Laws, Children and Youth, Emergency Preparedness, Membership, Conduct & Discipline Committee, House, Theater, and Resolutions. Each committee shall be composed of not more than nine (9) members. Subject to ratification by the Executive Committee, the Post Commander shall appoint the members of standing committees of the Post. The Commander shall designate the chairman of each committee who shall serve as such at the pleasure of the Commander. The Commander may recommend to the Executive Committee that any member of a committee be removed and, upon the approval of the recommendation by the Executive Committee, the member is forthwith removed. The Commander may then appoint a member of the Post to fill the vacancy thus created, the appointment being subject to the ratification of the Executive Committee.

Section 2 – Special Committees. The Commander is empowered to appoint all special committees that may be ordered by the Post or the Executive Committee and to appoint the chair thereof, subject to ratification by the Executive Committee.

ARTICLE XIV – CONDUCT OF MEETINGS

All meetings of the Post shall be conducted in accordance with the most current version of Roberts Rules of Order and be in compliance with the Post's By-Laws. Any member in good standing may initiate on the floor, at the recognition of the Commander or Chairman, any motion or resolution concerning the business or affairs of the Post, provided that any motion or resolution so offered may, at the discretion of the Commander, be referred to the Executive Committee for consideration and recommendation first before a final vote is taken by the Post at the next general meeting of the Post.

ARTICLE XV – RECALL PROCEDURE

If five percent (5%) of the members in good standing petition the Post in writing for the recall of any elected officer of the Post or any delegate or alternate to the Annual Convention of the Department of California; the Executive Committee at its next meeting shall verify the petition is signed by five percent (5%) of the members in good standing. If such determination be that such petition is signed by five percent (5%) of the members in good standing then the Adjutant shall forthwith give written notice to each member of the Post, at a date specified in the notice, that the recall vote shall be held not less than two nor more than seven weeks from the date of the notice. The voting shall be by secret ballot. It shall require a majority of the members present to decide the question of such recall.

ARTICLE XVI – PROPERTY

Section 1 – Acquisition and Disposition. The Post shall have power to purchase, or otherwise acquire, own, hold, improve, operate, mortgage or otherwise encumber, lease, lend, hypothecate or otherwise pledge, sell or otherwise dispose of, and otherwise exercise all privileges of ownership in and over such real and personal property as may be necessary or convenient for the conduct and operation of any of the affairs of the Post or incidental thereto.

Section 2 – Conveyances. Any lease or agreement for the rental or use of any of the property of the Post, including the Clubhouse, and any contract with the Post, which by its terms, or by reason of any renewal thereof or



option to renew therein provided for, would extend beyond the period of three (3) months after the effective date, shall be in writing, and all such leases, agreements and contracts and all mortgages, trust deeds, conveyances or other instruments transferring or in any matter affecting the real or personal property owned or held by the Post, or the title thereto, shall be submitted to and approved by both the Executive Committee and the Board of Trustees, and subsequently thereto a resolution of the Post authorizing the execution of the same shall have been duly passed by two-thirds of the members of the Post present at a regular meeting of the Post where the membership received advance notice of the conveyance.

ARTICLE XVII – TERM LIMITS

Section 1 – Commander and Vice-Commanders. The Commander or Vice-Commanders shall not serve more than two consecutive terms in their office, without a break in tenure in their respective office.

Section 2 – Multiple Offices. No member shall be elected to or hold more than one elective office in the Post, provided that this provision shall not apply to the Delegates and Alternates to the Annual Convention of the Department of California.

Section 3 – Adjutant/Finance Officer. The Adjutant and/or Finance Officer shall not hold any elective office in the Post, other than delegate or alternate to the Annual Convention of the Department of California.

Section 4 – Member Not to Obligate Post Without Authority. No member of the Post shall, without authority, incur any obligation which shall subject the Post to any liability.

ARTICLE XVIII – POST MEETINGS

Section 1. The opening and closing of meetings, initiation of new members and installation of Officers, shall be conducted as prescribed and approved by the National Convention of The American Legion in Kansas City, 1921, with subsequent amendments adopted and approved by later conventions.

Section 2. The current version of Robert’s Rules of Order shall govern the conduct of all meetings of this Post except as may be otherwise provided in these By-Laws.

Section 3 – Order of Business. The order of business at Post meetings shall be:

1. Opening Ceremonies. (National Manual of Procedure).
2. Roll call of Post officers and Executive Committee members.
3. Reading minutes from the previous meeting of the Executive Committee.
4. Introduction of guests.
5. Applications for membership.
6. Balloting upon applications for membership.
7. Initiation of new members.
8. Communications and notices.
9. Report of Adjutant and Finance Officer.
10. Reports of standing committees.
11. Reports of special committees.
12. Unfinished Business.
13. New Business.
14. Closing ceremonies. (National Manual of Procedure).

Section 4 – Regular Meetings. The Post shall have a minimum of one business meeting per month to be held on either the first or third Monday, unless otherwise ordered by the Executive Committee or these By-Laws.

Section 5 – National or State Holiday. In the event of a regular meeting of the Post falling on a National or State Holiday, a meeting shall not be held.



Section 6 – Quorum. A quorum at all meetings of the Post shall consist of thirty (30) members in good standing.

ARTICLE XIX – EXECUTIVE COMMITTEE MEETINGS

Section 1 – Regular Meetings. Regular meetings of the Executive Committee shall be held on the second Monday of each month unless otherwise ordered by the Committee.

Section 2 – Special Meetings. Special meetings of the Executive Committee may be called by the Commander or by written request of four members of the Committee. Notice of a special meeting shall be given by the Adjutant to each member of the Committee at least forty-eight (48) hours prior to holding the meeting. Said meeting shall not be held more than seven (7) days from date of notice.

Section 3 – Quorum. A quorum of the Executive Committee shall be six members.

ARTICLE XX – DUTIES

Section 1 – The Commander. The Commander shall be the chief executive officer of the Post. He/she shall preside at all meetings of the Post and of the Executive Committee of which he/she shall be the Chairman. The Commander shall appoint the Adjutant, Finance Officer, Judge Advocate, Service Officer, Historian, Sergeant-at-Arms and Chaplain, any necessary assistants to said officers, the members of all standing committees unless otherwise provided in these By-Laws, and delegates to the County Council; all of which appointments shall be subject to ratification by the Executive Committee. The Commander shall, when authorized by resolution of the Post, execute such documents as may be required to be executed by Article XVI of these By-Laws and he/she shall sign the checks on such bank accounts as he/she may be authorized to sign. The Commander shall not discharge employees without prior affirmation of such action by a two-thirds majority vote of the Executive Committee. The Commander shall, with the Adjutant, certify to Area Meetings and the District Council the names of the Post delegates and alternates accredited to the Annual Convention of the Department of California. The Commander shall perform any other duties as may be directed by the Post or the Executive Committee.

Section 2 – The First Vice-Commander. The First Vice-Commander shall discharge the duties which pertain to his office. He/she shall assume and discharge the duties of Commander in the event that office becomes vacant and in the absence or disability thereof and when called upon by the Commander. He/she shall perform such other duties as may be directed by the Post, the Commander or the Executive Committee.

Section 3 – The Second Vice-Commander. The Second Vice-Commander shall discharge the duties which usually pertain to his office and of the office of First Vice-Commander in the event that office becomes vacant and in the absence or disability of such officer. He/she shall perform such other duties as may be directed by the Post, the Commander or the Executive Committee.

Section 4 – The Adjutant. The Adjutant shall be the secretary of the Post and of the Executive Committee and of the Post delegation to each Department Convention. The Adjutant shall keep a record of all the meetings of the Post and the Executive Committee and prepare the same for permanent record. The Adjutant shall provide at each regular meeting, at the direction of the Commander, the minutes of the previous meeting and make such corrections as may be approved. The Adjutant shall, in accordance with these By-Laws, cause notice to be given of meetings. The Adjutant shall submit to the Executive Committee all reports and papers filed with him/her. The Adjutant shall, unless otherwise directed by the Commander, handle the correspondence of the Post. The Adjutant shall faithfully keep and preserve all records, flags and trophies of the Post. The Adjutant shall, with the Commander, certify to the Department the names of the Post delegates and alternates accredited to the Annual Convention of the Department of California.

The Adjutant shall have the direction and control of the office and building employees, and with the approval of the Commander and the Executive Committee, he/she shall employ and discharge said employees. The Adjutant shall direct the work of the other employees of the Post and transmit to such employees the necessary orders and directions. The Adjutant shall keep all records and files of the business of the Post, including the Board of Trustees



and the subsidiary organizations of the Post, in the manner as directed by the Executive Committee. The Adjutant shall perform such other duties as may be directed by the Post, the Commander or the Executive Committee. The Adjutant and Finance Officer, together with the Commander, shall be bonded under a blanket bond to be procured through the Department of California and paid for by the Post. The Adjutant shall perform such other duties as may be directed by the Post, the Commander or the Executive Committee.

Section 5 – The Finance Officer. The Finance Officer may be a separate position or combined with the Adjutant into one position as recommended by the Commander and approved by a majority vote of the Executive Committee. The Finance Officer shall, when authorized by resolution of the Post, execute such bank accounts as he/she may be authorized to sign and shall keep all accounts of the business of the Post in the manner as directed by the Executive Committee. The Finance Officer shall keep records of all Budget and Finance Committee meetings and decisions and shall prepare for Committee approval quarterly, semi-annual and annual finance/budget reports, which, after approval, shall be submitted to the Executive Committee for their approval. The Finance Officer shall provide the Budget and Finance Committee the same monthly Income and Expense Report submitted to the Executive Committee, by the 15th day of each month and a detailed accounting of the funds expended in the preceding month in the manner prescribed by the Executive Committee. The Finance Officer shall perform such other duties as may be directed by the Post, the Commander or the Executive Committee.

Section 6 – Post Judge Advocate. The Post Judge Advocate shall be the parliamentarian of the Post, shall advise the Post officers, the Executive Committee, the Board of Trustees, and the Budget and Finance Committee on other matters pertaining to the Post, as may be referred to him, including the construction and interpretation of the Articles of Incorporation and By-Laws, and he/she shall perform such other duties as are usually incident to the office.

Section 7 – Appointed Officers. The other officers shall perform the duties which usually pertain to their offices, and such as may be directed by the Post, the Commander or the Executive Committee.

Section 8 – The Executive Committee. The administrative and financial affairs of the Post shall be under the supervision of the Executive Committee. The Committee shall consider matters affecting the Post and make recommendations to the Post and advise the Post of its decisions. The Executive Committee may instruct the other committees and boards of the Post as to their respective operations. The Committee shall review and approve the budget submitted by the Budget and Finance Committee. The Committee shall perform such other duties as may be directed by the Post.

Section 9 – Board of Trustees. The Board of Trustees shall develop a prudent investment strategy to insure a reasonable return on investment and the preservation of capital of the Post's investments. The Board of Trustees shall submit its investment strategy to the Executive Committee for approval as changes are made to meet economic conditions. The Board of Trustees will select an independent external Investment Manager(s), with Executive Committee approval, and instruct them to ensure investments and trading are within the scope of the Post's investment strategy. The investment strategy should consider overall global and national economic conditions, the future financial requirements of the Post, and be based on the recommendations of the Investment Manager(s). The Board of Trustees shall report semi-annually the status of the Post's investments to the Executive Committee and to the members. The Board of Trustees shall not release for expenditure any funds, entrusted to its care, except for additions to, acquisitions or the replacement of fixed capital and upon the proper authorization of the Executive Committee and the Post. The Board of Trustees shall elect a chairman and secretary. The Secretary shall keep full minutes of all meetings of the Board of Trustees and shall file a copy of the minutes of each meeting with the Adjutant of the Post.

Section 10 – Budget and Finance Committee. The Budget and Finance Committee shall prepare and file with the Adjutant on the sixth day of February and August of each year a full and complete "Budget Report" for the Post for the ensuing six months. Thirty (30) days prior to said dates, the Adjutant and all Committee Chairs shall file with the Budget and Finance Committee in the accounting manner prescribed by the Budget and Finance Committee, a brief but concise report setting forth their estimates covered by the Budget. The proposed budget as prepared and filed shall be submitted to the Executive Committee at its meeting in February and August of each year for its consideration. The Executive Committee may accept the proposed budget as written or may amend it. The proposed budget, as submitted or as amended, as the case may be, shall be submitted to the Post the next following meeting of the Post, and upon approval by the Post, either as submitted or as amended on the floor of the Post, said



proposed budget shall be in full force and effect. The Budget and Finance Committee shall ensure the Post's books of account are examined annually at the end of the fiscal year by three competent persons, one of whom shall not be an officer of the Post or a member charged by the By-Laws with the responsibility of handling Post funds. Certification shall be given to the Department Adjutant, prior to the close of the current year, that such an audit was made and is on file with the Post Adjutant. The Committee shall conduct a full and complete audit every five (5) years, using a reputable Certified Public Accountant, of the Post's finances. The Committee shall meet at least quarterly to review expenses vs. budget and shall perform such other duties as may be directed by the Post.

Section 11 – Conduct and Discipline Committee. The Conduct and Discipline Committee shall have oversight of the conduct of all persons in and around the premises of the Post. The Committee has the power to promulgate and enforce rules for the conduct of the members and their guests. All rules are subject to the approval of the Executive Committee and of the Post, at a regular meeting, before they become effective. Any members or their guests found violating the rules shall be reported to the Committee in writing. The Committee shall meet to discuss the reported rule(s) violation(s) within forty-eight (48) hours to review the matter. If the violations are then deemed serious enough, the Committee shall make a report to the Adjutant prior to the Executive Committee's next scheduled meeting. The report must include an overview of the incident and statements from all parties, including witness statements if any. Any disciplinary action considered by the Executive Committee shall comply with the policies and procedures set forth by the Department of California.

ARTICLE XXI – DUES

Section 1 – Cost. The initiation fee and the annual dues shall be set by the Executive Committee.

Section 2 – Transferred Member. If a transferring member is accepted for membership in this Post, he/she shall be given credit for dues already paid to the other Post.

Section 3 – Delinquency. 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 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 with payment of current dues for the year in which the reinstatement occurs.

ARTICLE XXII – VACANCIES IN OFFICE

Section 1 – Elected or Appointed Offices. A vacancy exists in the office of an elected officer of the Post, or Committee, when the incumbent thereof dies, resigns, is recalled, is removed, or is unable to perform the necessary duties. Offices may be declared vacant by a majority vote of those present and voting at a regular Post meeting, held after a written notice to all the membership that such vote will be taken. The vacancy so created shall be filled by election or appointment as the same was originally filled. Committee seats declared vacant by absence or the inability to perform the required duties shall be filled by the same appointment process as outlined in ARTICLE XII.

Section 2 – Delegates To County Council. A vacancy exists on the delegation when any delegate to the County Council fails to perform the necessary duties.

Section 3 – Roll Call. The Adjutant shall, at every regular meeting of the Post, call the roll of the officers of the Post and members of the Executive Committee at its meetings, and keep a record thereof.

ARTICLE XXIII – PRIVILEGES

Only Post members in good standing shall be entitled to vote or to take an active part in the affairs of the Post; but any person, with the consent of the Post, may be given the privileges of the floor at any meeting of the Post.



ARTICLE XXIV – DISCIPLINE

The members of this Post shall be subject to disciplinary action as provided in the Trial Manual of the Department of California, as adopted and as the same may be amended from time to time thereafter. A copy of the verdict, certified by the Post Commander and Post Adjutant, shall forthwith be forwarded to the Department Adjutant.

ARTICLE XXV – AMENDMENTS

Section 1 – Procedure. Proposed Amendments to these By-Laws shall be in writing and shall be submitted to the Executive Committee of the Post, which shall then consider such proposed amendment and make a recommendation to the Post concerning such proposed amendment no longer than two months after its submission as a regular meeting of the Committee. The proposed amendment shall then be read at a regular meeting of the Post, together with the recommendation of the Executive Committee, and may thereafter be adopted by a two-thirds affirmative vote of the members present and voting.

Section 2 – Conformity. These By-Laws shall be amended to conform to any changes in the National or Department of California Constitution or By-Laws. Failure of this Post to adopt the required amendments shall not delay or modify the effect of such changes.

CERTIFICATION OF BY-LAWS

THIS IS TO CERTIFY

That at a regular meeting of Hollywood Post No. 43, The American Legion, Department of California, held on July 25, 2016, a quorum being present, the forgoing By-Laws were regularly adopted by a vote of more than two thirds of the membership present and voting.

SIGNED,

Timothy J. Shaner, Commander

Dated: _____

ATTEST:

Karl Risinger, Adjutant

Dated: _____

APPROVED:

Constitution & By-Laws, Commissioner AREA 6

Dated: _____

