



The American Legion Jonathan D. Rozier Post No. 164 June 28, 2017 Membership Meeting

Opening ceremony

All officers should be in uniform, each wearing an official Legion cap and the official badge of office.

The commander shall announce the meeting is about to open.

Officers shall take their stations.

The commander shall seat those present with one rap of the gavel, and the sergeant-at-arms shall close the doors of the meeting hall.

The commander shall then give three raps of the gavel, and all who are present shall stand at attention.

Post commander: "The color bearers will advance the colors."

As the color bearers start to advance, the commander gives the command to salute.

Post commander: "Hand salute."

The command "Two" is given immediately after the colors have been posted.

Post commander: "All members/guests Please remain Standing

Post commander: "The chaplain will offer prayer."

Chaplain:

POW/MIA Empty Chair

Post commander: "A POW/MIA empty chair is placed at all official meetings of The American Legion as a physical symbol of the thousands of American POW/MIAs still unaccounted for from all wars and conflicts involving the United States of America. This is a reminder for all of us to spare no effort to secure the release of any American prisoners from captivity, the repatriation of the remains of those who died bravely in defense of liberty, and a full accounting of those missing. Let us rededicate ourselves to this vital endeavor!"

Post commander: "Sergeant-at-arms, Place the POW/MIA flag on the empty chair."

The commander (or appropriate official) leads the assembly in the Pledge of Allegiance. Legionnaires will remove their caps.

“I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.”

Post commander: “Everyone will re-cover.”

The commander and membership recite the preamble of the Constitution of The American Legion slowly and in unison, as follows:

“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.”

The commander seats members with one rap of the gavel.

Post commander: “I now declare Jonathan D. Rozier Post No.164, Department of Texas, regularly convened.”

Order of business

Officer Roll Call

- Post Commander
- Vice Commander
- Adjutant
- Finance Officer
- Judge Advocate
- Chaplain
- Historian
- Sergeant-At-Arms
- Service Officer
- Public Relations

Review of minutes of previous meeting (Changes?)

Review of minutes of Executive Committee (Executive committee action items covered in new business.)

Introduction of guests and prospective and new members

Reports (Written 3 minutes or less)

1. Finance
2. Sergeant-at-Arms
3. Sick call, relief and employment
4. Service Officer
5. Vice-Commander
6. Boys State (Henry Thomas)
7. Honor Guard (Ron Defoor)
8. Public Relations

Unfinished business

Initiation of candidates

New business, correspondence and announcements

1. Boys State Feedback meeting
2. Creation of Post Directory
3. Constitution & Bylaw changes (Details Attached)
 - a. Change of Auxiliary Name
 - b. Authorize Executive Committee \$250 Expenditure
 - c. Remove Gender Language
4. Committees
 - a. Training
 - b. Honor Guard
 - c. Flag Retirement
 - d. Fire Fighter and EMT Awards
 - e. Boys State
 - f. Oratorical
 - g. JROTC
 - h. School Award Medals
 - i. Boy Scouts
 - j. Military Commitment Awards
 - k. VA Relations
5. Fund Raisers
6. Sponsorship Program
7. WWII Dues
8. July 4th Family Fun Day
9. Sons of the American Legion
10. Legion Riders

The good of The American Legion

Guest Speaker - Sponsorship Program – Jim McGuire

Closing ceremony

Post commander: “Is there any further business to come before the meeting? If not, the chaplain will lead us in memorial service.”

The commander gives three raps of the gavel, and the membership rises, uncovers and stands in silence.

Chaplain:

Post commander: “Cover.”

Post commander: “Sergeant-at-arms, recover the POW/MIA flag.”

The sergeant-at-arms steps forward, picks up the POW-MIA flag off the chair, folds the flag, steps back and places the POW-MIA flag on the table in front of the commander.

“Till we meet again let us remember our obligation to our country can be fulfilled only by the faithful performance of all duties of citizenship. Let service to the community, state and nation be ever a main objective of The American Legion and its members. Let us be ever watchful of the honor of our country, our organization and ourselves, that nothing shall swerve us from the path of Justice, Freedom and Democracy. Sergeant-at-arms will retire the flag of our country.”

Post commander: “Hand salute.”

As the color bearers reach the rear of the meeting hall, the commander says, “Two.”

Post commander: “I now declare this meeting of Jonathan D Rozier Post No. 164, The American Legion, Department of Texas adjourned.”

The commander gives one rap of the gavel.

Proposed Changes to the Post 164 Constitution and Bylaws

1. Article VIII of the Constitution – American Legion Auxiliary – Section 1. Change to read as follows:

Section 1. In the event Post 164 formulates an Auxiliary Unit. The Post will recognize an auxiliary organization to be known as the ~~Auxiliary Unit of Jonathan D. Rozier, Katy Post 164, The American Legion.~~ **American Legion Auxiliary Jonathan D. Rozier, Unit 164, Katy Texas.**

2. Article III of the Bylaws – Duties of Officers – Section 4. Duties of the Post Finance Officer. Change to read as follows:

Section 4. Duties of the Post Finance Officer -- The finance officer/treasurer must be a person of proven integrity and experience in handling financial affairs. The Post Finance Officer shall have charge of all finances and see that they are safely deposited in some local 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, with 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. The Post Finance Officer shall sign all checks disbursing the moneys of the Post. The Post Commander may authorize emergency expenditures up to \$100.00 **and the Executive Committee may authorize emergency expenditures up to \$250 by two thirds (2/3) vote of the Executive Committee** without membership vote but shall bring before the membership body at the next scheduled monthly membership meeting the reason of the emergency expenditure and shall furnish a report to the Adjutant and Finance Officer. The Post Adjutant, in all matters relating to finance, should carry on the work in close correlation with the finance officer. Both officers must be covered by adequate bond. Department headquarters should be consulted for blanket bond arrangement. Post accounting forms are designed to meet the requirements of Legion posts in maintaining a correct and permanent membership and finance record.

3. Remove and replacement of gender specific language as follows:

Article III of the Constitution – Nature – Section 3 change to read as follows:

Section 3. Rank does not exist in The American Legion; no member shall be addressed by ~~his/her~~ **their** military or naval title in any meeting of this Post.

Article IV of the Constitution – Eligibility and Membership – Section 1 change to read as follows:

Section 1. Any person shall be eligible for membership in THE AMERICAN LEGION who was a member of the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States and assigned to active duty at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; February 28, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; August 2, 1990, to the cessation of hostilities as determined by the government of the United States; all dates inclusive, or who, being a citizen of the United States at the time of ~~his~~ **their** entry therein, served on active duty in the armed forces of any 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 discipline or unqualified service.

Article IV of the Constitution – Eligibility and Membership – Section 6 change to read as follows:

Section 6. 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~~ **the member** 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.

Article IV of the Constitution – Eligibility and Membership – Section 10 change to read as follows:

Section 10. If a member is expelled in a disciplinary proceeding, ~~his/her~~ **their** membership is suspended until ~~his/her~~ **their** final appeal is heard and a decision is rendered, and if ~~he/she~~ **the member** is expelled by the decision, ~~he/she~~ **the member** 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~~ **their** application for reinstatement is approved in the manner in which memberships are approved in this Post.

Article IV of the Constitution – Eligibility and Membership – Section 11 change to read as follows:

Section 11. 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~~ **the member's** 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.

Article V of the Constitution – Officers – Section 6 change to read as follows:

Section 6. Officers and Executive Committeemen are expected to attend the regular meetings of the Post and Post Executive Committee. Failure of any Officer or Executive Committeeman 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 office. The Post Executive Committee shall decide when an Officer's 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 office. The Post Executive Committee shall

decide, when an Officer by ~~his/her~~ **their** failure to attend three (3) successive business meetings has forfeited ~~his/her~~ **their** right to continue in office, when or whether to declare such office vacant, and when to order an election to fill the vacancy.

Article III of the Bylaws – Duties of Officers – Section 3 change to read as follows:

Section 3. 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, 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 shall comply with Article V, Section 5, Department Constitution. The adjutant may provide continuity in the post. ~~He or she~~ **The Post Adjutant** is the personnel officer and personal point of contact for individual members of the post. The adjutant's office should be a clearing-house for all post activities. The adjutant assists new officers and committees in getting started with their work and provides direction to their endeavors.

Article IV of the Bylaws – Delegates – Section 1 change to read as follows:

Section 1. 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. However, 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~~ **their** credentials after ~~his/her~~ **their** registration fee has been paid.

Article V of the Bylaws – Dues Fiscal Year – Section 1 change to read as follows:

Section 1. Annual dues of \$40.00 effective January 1, 2016, 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~~ **their** dues are paid on or before February first, ~~he/she~~ **the member** shall be automatically reinstated. If ~~he/she~~ **the member** is still delinquent after February first, ~~he/she~~ **the member** shall be suspended from all privileges. If ~~he/she~~ **the member** is still under such suspension on June thirtieth of such year, ~~his/her~~ **their** 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.

Article IX of the Bylaws – Notices – Section 1 change to read as follows:

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

Article XIII of the Bylaws – Board of Trustees – Section 1 change to read as follows:

Section 1. In the event A Board of Trustees is hereby created or formulated, said Board of Trustees shall consist of five (5) members of the Post, and the current Post Commander, with right to vote. One member of said Board of Trustees shall be elected each year by the Post Executive Committee on nomination by the Post Commander to serve for a term of five (5) years. No member of the Board, other than the Post Commander, shall hold any other elected office in the Post nor shall be eligible to succeed ~~himself/herself~~ **themselves**.

CONSTITUTION OF: The American Legion Jonathan D. Rozier

Post No. 164 of Katy, Texas

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

Section 1. The name of this organization shall be Jonathan D. Rozier Post No.164, The American Legion.

ARTICLE II – PURPOSE

Section 1. 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. This Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2. 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. Rank does not exist in The American Legion; no member shall be addressed by their military or naval title in any meeting of this Post.

ARTICLE IV – ELIGIBILITY AND MEMBERSHIP

Section 1. Any person shall be eligible for membership in THE AMERICAN LEGION who was a member of the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States and assigned to active duty at some time during any of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; February 28, 1961, to May 7, 1975; August 24, 1982, to July 31, 1984; December 20, 1989, to January 31, 1990; August 2, 1990, to the cessation of hostilities as determined by the government of the United States; all dates inclusive, or who, being a citizen of the United States at the time of their entry therein, served on active duty in the armed forces of any 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 discipline or unqualified service.

Section 2. 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. 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. 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. No person may be a member at any one time of more than one Post in The American Legion.

Section 6. 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, the member 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. 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 Article III, Section 5, 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. A member of this Post may only be disciplined in accordance with the Department Uniform Code of Procedure and Supplement 1.

Section 10. If a member is expelled in a disciplinary proceeding, their membership is suspended until their final appeal is heard and a decision is rendered, and if the member is expelled by the decision, the member shall not be eligible for membership in this Post for one year from the date of expulsion, and then only in the event their application for reinstatement is approved in the manner in which memberships are approved in this Post.

Section 11. 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 the member's 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.

ARTICLE V – OFFICERS

Section 1. 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 term of

office of members of the Post Executive Committee shall be for one (1) year. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this Post shall be a Commander, a 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.

Section 3. 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. Nominations may also be made from the floor at such meeting, and again at the meeting for the annual election.

Section 4. All Officers and Executive Committeemen shall be elected annually, by majority vote on written ballots, 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. 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. 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 5. The duties of Officers and Executive Committeeman shall be those usually appertaining to such Officers or Committeemen and as further provided in the By-Laws.

Section 6. Officers and Executive Committeemen are expected to attend the regular meetings of the Post and Post Executive Committee. Failure of any Officer or Executive Committeeman 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 office. The Post Executive Committee shall decide when an Officer's 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 office. The Post Executive Committee shall decide, when an Officer by their failure to attend three (3) successive business meetings has forfeited their right to continue in office, when or whether to declare such office vacant, and when to order an election to fill the vacancy.

Section 7. 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.

ARTICLE VI – FINANCE

Section 1. The revenue of this Post shall be derived from annual membership dues and from other such sources as may be approved by the Post Executive Committee and approved by the Post.

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

Section 3. 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.

ARTICLE VII – CHARTER MEMBERS

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

ARTICLE VIII – AMERICAN LEGION AUXILIARY

Section 1. In the event Post 164 formulates an Auxiliary Unit. The Post will recognize an auxiliary organization to be known as the American Legion Auxiliary Jonathan D. Rozier Unit 164, Katy Texas.

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

Section 3. The Auxiliary shall be governed by the Constitution and By-laws of the American Legion Auxiliary to the extent same are not in conflict with the Constitution and By-laws of The American Legion.

ARTICLE IX – AMENDMENTS

Section 1. 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. This Constitution may be amended at any regular Post meeting by a vote of two thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall 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 written 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 constitution is to be voted upon.

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

ARTICLE X – REAL PROPERTY

Section 1. In the event Post 164, acquires real property owned by the Post. Said property may be sold, (after first complying with Department and National Constitution), leased or otherwise disposed of, where control of said property is involved, at any regular meeting by a vote of two thirds (2/3) of the Post members attending a regular meeting, provided that the proposal shall have been submitted in writing, after approval by a majority of the Post Executive Committee, if there be a Post Executive Committee, and further after approval by a majority of the Board of Trustees, if there be a Board of Trustees, and read at the preceding regular meeting of the Post, and provided further notice shall have been given all members by mail at least fifteen (15) days in advance of the date when such proposal is to be voted upon and that notice is given in the local press and radio and that it is posted on the Post bulletin board in the same time limits prior to the actual voting on the proposal.

Section 2. 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. 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. Upon purchasing real estate the Post will notify the Department of Texas.

ARTICLE XI – PROGRAMS

Section 1. This Post may sponsor a Sons of The American Legion Squadron. Such Squadron, once formed, shall be subject to 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. Said SAL Squadron when or if formulated may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until SAL Squadron of Post 164 adopts its own Constitution and By-Laws, it shall be governed by this Post rules and regulations, and by the recommended Constitution and By-Laws of a SAL Squadron as has been approved by the Department Executive Committee, The American Legion, Department of Texas.

Section 3. Once created this Post may cease its sponsorship of SAL Squadron Post 164 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. This Post may sponsor a Legion Riders Chapter. Such Chapter, once formed shall be subject to the rules, regulations and supervision of this Post as may be promulgated by the Post Executive Committee and ratified by the Post Membership.

Section 5. Said Legion Riders Chapter Post 164 may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until Legion Riders Chapter 164 adopts its own Constitution and By-Laws, it shall be governed by Post 164 rules and regulations.

Section 6. Once created, this Post may cease its sponsorship of Legion Riders Chapter 164 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. The Director of the Legion Riders Chapter must be a member of this Post.

BY-LAWS OF JONATHAN D. ROZIER, POST NO. 164

KATY, TEXAS.

ARTICLE 1 – NAME

Section 1. The Post existing under these By-Laws is to be known as Jonathan D. Rozier Post No.164, The American Legion.

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

ARTICLE II – MANAGEMENT

Section 1. The government and management of the Post is entrusted to a Post Executive Committee which shall consist of two (2) members in addition to the Officers of this Post. They shall be elected annually as provided in Article V, Section 4, of this Constitution, and all shall take office immediately upon installation.

Section 2. 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 shall constitute a quorum thereof.

Section 3. The Post Executive committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; 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 generally, shall have charge of and be responsible for the management of the affairs of this Post. At the end of each fiscal year, an audit committee shall be appointed with the Post Judge Advocate as Chairman to conduct a complete audit of Post records before turning them over to the new Post Finance Officer. Except for hiring and firing of employees, all actions of the Post Executive Committee shall be submitted for approval to the membership at the next regular membership meeting.

ARTICLE III – DUTIES OF OFFICERS

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 approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. The Post Commander shall see that this Constitution and By-Laws is observed. The Post Commander shall perform such other duties as are directed by the Post.

Section 2. Duties of Post 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 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, 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 shall comply with Article V, Section 5, Department Constitution. The adjutant may provide continuity in the post. The Post Adjutant is the personnel officer and personal point of contact for individual members of the post. The adjutant's office should be a clearing-house for all post activities. The adjutant assists new officers and committees in getting started with their work and provides direction to their endeavors.

Section 4. Duties of the Post Finance Officer -- The finance officer/treasurer must be a person of proven integrity and experience in handling financial affairs. The Post Finance Officer shall have charge of all finances and see that they are safely deposited in some local 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, with 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. The Post Finance Officer shall sign all checks disbursing the moneys of the Post. The Post Commander may authorize emergency expenditures up to \$100.00 and the Executive Committee may authorize emergency expenditures up to \$250 by two thirds (2/3) vote of the Executive Committee without membership vote but shall bring before the membership body at the next scheduled monthly membership meeting the reason of the emergency expenditure and shall furnish a report to the Adjutant and Finance Officer. The Post Adjutant, in all matters relating to finance, should carry on the work in close correlation with the finance officer. Both officers must

be covered by adequate bond. Department headquarters should be consulted for blanket bond arrangement. Post accounting forms are designed to meet the requirements of Legion posts in maintaining a correct and permanent membership and finance record.

Section 5. 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 audit of the Post financial accounts as set out in Section 3, Article II of these By-Laws. The Post Judge Advocate shall be responsible for the orderly conduct of disciplinary procedures.

Section 6. 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 7. 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 8. 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 9. 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.

ARTICLE IV – DELEGATES

Section 1. 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. However, 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 their credentials after their registration fee has been paid.

Section 2. 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. 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. Annual dues of \$40.00 effective January 1, 2016, 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 their dues are paid on or before February first, the member shall be automatically reinstated. If the member is still delinquent after February first, the member shall be suspended from all privileges. If the member is still under such suspension on June thirtieth of such year, their 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. The newly elected Post Officers shall be installed at a regular or special meeting, as may be designated by the Post Executive Committee, as soon as practicable after the annual election, not later than the first regular Post meeting in October following their election, and according to Article V, Section 4 of this Constitution.

Section 3. 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.

ARTICLE VI – POST COMMITTEE APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year, shall appoint such standing committees 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 appoint such other committees as the Post Commander finds to be necessary from time to time. All of such committees shall consist of such members and the chairman thereof as shall be designated by the Post Commander and confirmed by the Post Executive Committee.

Section 2. 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. 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. The regular and special meetings of the Post shall be held at the Katy Elks Lodge, on the fourth (4) Wednesday of each month at 7:30 p.m., or as otherwise designated by the Post Commander, at which place may be transacted such business as may properly be brought up for action, approve the minutes of the previous meeting and minutes of all Post Executive Committee meetings since the last regular meeting; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the Post. Procedure at regular meetings shall comply with the current Manual of Ceremonies.

Section 2. 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. 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. Upon the written request by signed petition of not less than five (5) of the members in good standing of this Post delivered to the 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 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. At least four (4) members in good standing shall constitute a quorum at any regular or special meeting of the Post.

ARTICLE IX – NOTICES

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

Section 2. The Post Adjutant shall cause written notice of the annual election to be given by mailing the notice at least fifteen (15) days prior thereto.

ARTICLE X – RULES OF ORDER

Section 1. All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, Newly Revised, except as herein otherwise provided.

ARTICLE XI – LIMITATIONS OF LIABILITIES

Section 1. 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. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall 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 written 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 all 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. In the event A Board of Trustees is hereby created or formulated, said Board of Trustees shall consist of five (5) members of the Post, and the current Post Commander, with right to vote. One member of said Board of Trustees shall be elected each year by the Post Executive Committee on nomination by the Post Commander to serve for a term of five (5) years. No member of the Board, other than the Post Commander, shall hold any other elected office in the Post nor shall be eligible to succeed themselves.

Section 2. At the first regular meeting of the Board of Trustees in each year, the Board shall elect a Chairman and a Vice-Chairman who shall serve for a term of one (1) year and shall not be eligible to succeed themselves. The Post Finance Officer, Post Judge Advocate, and Post Adjutant shall serve the Board in their respective capacities, but shall not be granted the privilege of vote on any question coming before the Board of Trustees. 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.

Section 3. A majority shall have power to act and to exercise all the authority of the Board. The members of the Board shall serve without pay. Each member shall be bonded with a solvent surety company as surety in the penal sum of Five Thousand and NO/100 (\$5,000.00) Dollars,

the premium thereon to be paid out of the income from such property as they may hold in Trust for the Post. Said bond shall be approved by the Post Judge Advocate before such Trustee shall be qualified.

Section 4. Vacancies in the Board of Trustees shall be filled by election by the Post Executive Committee of the Post, upon nomination by the Post Commander.

Section 5. Duties and Functions.

- a. The duties of the Board of Trustees shall be to take care of all Trust Funds and all properties, real personal or mixed, the legal title to which is now vested, or may hereafter vest, in the Post, or which may be offered to and accepted by the Post. Real Property owned by the Post may be sold (after first complying with Article VII, Section 6, Department Constitution), leased, or otherwise disposed of, where control of said property is involved, at any regular meeting of the Post by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposal shall have been submitted in writing and read at a meeting of the Post Executive Committee, if there be one, and approved by a majority of the Post Executive Committee present and voting, and further provided that the proposal shall have been submitted in writing and read at a meeting of the Board of Trustees and approved by a majority of those present and voting, and provided further that the proposal shall have been submitted in writing and read at the first regular meeting of said Post following action by the Board of Trustees; provided further that notice shall have been given to all members by mail at least fifteen (15) days in advance of the date when such proposal is to be voted upon, provided further that notices of the proposal have been given publication in area press, radio and the bulletin board in The American Legion Post Home, notifying the said members that at such a meeting a proposal to sell, lease, or otherwise dispose of said property is to be voted upon.
- b. No changes, alterations or additions to the real property of the Post shall be made without the prior approval of the Board of Trustees; final approval after recommendation by the Board of Trustees shall be vested in the Post Executive Committee and the Post.
- c. The disposal of control of real property of the Post can only be amended by the same procedure as set forth in the above Section S(a) for the disposal of control of real property.

Section 6. The Board of Trustees shall act as a Building and Grounds Committee for the purpose of rental of said property on a temporary basis and/or otherwise handle use of said property; subject to final approval of the Post Executive committee. The Post Executive Committee may assign such other duties to the Board of Trustees as it deems advisable.

POST CERTIFICATION

We the following officers of *Jonathan D. Rozier Katy, Post No. 164 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 _____ day of _____, 20____ A.D.

POST COMMANDER

ATTESTED: POST ADJUTANT



DEPARTMENT CERTIFICATION

Passed on by the Department Judge Advocate on the _____ day of _____, 20____ A.D., and Approved by the Department Executive Committee on the _____ day of _____, 20____ A.D.