

H. U. Wood Post # 245

AMERICAN LEGION

DEPARTMENT of TEXAS

CONSTITUTION

and

BY-LAWS



SEGUIN, GUADALUPE COUNTY, TEXAS

REVISED 01/04/2018

**CONSTITUTION OF H. U. WOOD POST #245
AMERICAN LEGION, DEPARTMENT OF TEXAS
SEGUIN, GUADALUPE COUNTY, 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 American; 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 H.U. Wood Post No. 245, The American Legion, Department of Texas.

ARTICLE II – PURPOSE

SECTION 1. The Objects and purposes of this Post shall be to promote the principles and polices as set forth in the forgoing Preamble, and the National and Department Constitution of the American Legion.

ARTICLE III - NATURE

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

SECTION 2. This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles, nor for the promoting or retarding 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 his/her military or naval title in any meeting of this Post.

ARTICLE IV – MEMBERSHIP

SECTION 1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of the American Legion, and the Constitution and Bylaws of the American Legion, The Department of Texas, and as further stated in this Constitution and Bylaws.

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 Executive Committee 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 or more Post Executive Committeemen cast their vote against the acceptance of such application, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six (6) months from date of such rejection.

SECTION 5. No person may be a member at any one time of more than one Post in The American Legion.

SECTION 6. Any member of this Post may be expelled for cause by two-thirds (2/3) vote of the Executive Committee after charges are preferred under oath in writing, and a fair trail is had upon the same, the Commander not voting, under the rules and regulations of the Department of Texas and the Uniform Code of Procedure of the Department of Texas and Supplement 1, and Article IV, National Bylaws of the American Legion.

SECTION 7. If the accused is convicted, 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 membership are approved in this Post.

SECTION 8. No person who has been expelled by a Post shall be admitted to membership in this Post, without the consent of the expelling Post, until after a year has elapsed since his/her expulsion, and then only in event his/her application for reinstatement is approved in the manner in which memberships are approved in that Post.

SECTION 9. 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 10. 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/her 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 with 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 Bylaws, be under the supervision of an Executive Committee, which shall consist of two (2) members in addition to the Officers of the Post. The term of office of members of the Executive Committee shall be for one (1) year. This Post, by its Bylaws, 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 First Vice-Commander, a Second Vice-Commander, an Adjutant, a Finance Officer, a Judge Advocate, a Post Historian, a Post 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 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 (Article V. Section 4, Department Constitution), 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 or as otherwise provided. Any Officer or Executive Committeeman may be removed for cause by the 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 the Executive Committeemen shall be those usually appertaining to such Officers or Committeemen and as further provided in the Bylaws.

SECTION 6. Officers and Executive Committeemen are expected to attend the regular meetings of the Post and Executive Committee. Failure of any Officer or executive Committeeman to attend three (3) successive meetings, without reasonable cause having been furnished the Adjutant or Commander, shall be cause for forfeiture of said office. The Executive Committee shall decide when an Officer's failure to attend three (3) successive regular business meetings, without reasonable cause having been furnished the Adjutant or Commander, shall be cause for forfeiture of said office. The Executive Committee shall decide, when an Officer by his failure to attend three (3) successive business meeting has forfeited his 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 such other sources as may be approved by the Executive Committee and sanctioned by the Post.

SECTION 2. The amount of membership annual dues shall be fixed and determined by this Post.

SECTION 3. The Post shall pay to Department Headquarters the National and Department annual membership dues not less than thirty (30) days from receipt thereof for every member of the Post.

ARTICLE VII - CHARTER MEMBERS

SECTION 1. Members who joined this Post at its original organization and inception shall be known as charter members.

ARTICLE VIII - AMERICAN LEGION AUXILIARY

SECTION 1. This post recognizes an auxiliary organization to be known as the Auxiliary Unit of H. U. Wood Post No 245, The American Legion.

SECTION 2. Membership in the Auxiliary shall be prescribed by the National and Department of Texas Constitutions and Bylaws of the American Legion.

ARTICLE IX - AMENDMENTS

SECTION 1. This Constitution is adopted subject to the provisions of the National Constitution of the American Legion and of the Constitution of the American Legion, Department of Texas. Any amendment to said National Constitution of Department Constitution which is in conflict with any provision 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 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. Real property owned by the Post may be sold" 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 Executive Committee, and read at the preceding regular meeting of the Post, and provided further that 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 will be sold or used as collateral for a loan without the approval of the Department Executive Committee or where time is of 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 Post 245 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 245 may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until SAL Squadron 245 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 245 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 245 may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until Legion Riders Chapter 245 adopts its own Constitution and By-Laws, it shall be governed by Post 245 rules and regulations.

SECTION 6. Once created, this Post may cease its sponsorship of Legion Riders Chapter 245 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in 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.

**BYLAWS OF H.U. WOOD POST NO. 245
AMERICAN LEGION, DEPARTMENT OF TEXAS
SEGUIN, GUADALUPE COUNTY, TEXAS**

ARTICLE I – NAME

SECTION 1. The Post existing under these Bylaws is to be known as H. U. Wood Post No. 245, The American Legion, Department of Texas.

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 an Executive Committee. which shall consist of two (2) members in addition to the officers of the Post, and together with the other officers of this Post shall be elected annually as provided in Article V, Section 4 of this Constitution and it 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 (10) days after the installation of the new officers. Thereafter, the Post Executive Committee shall meet at the call of the Commander at least once a month as said Commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee upon the joint written request of three (3) or more members of the 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 custody of Post Funds; shall cause all funds to be placed in the hands of the Finance Officer for deposit and accounting purposes; shall hear the reports of Post Committee Chairman, 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 Judge Advocate as Chairman to conduct a complete audit of Post records before turning them over to the new 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. The Bingo Committee shall be responsible for the hiring of bingo workers.

ARTICLE III - DUTIES OF OFFICERS

SECTION 1. DUTIES OF COMMANDER. It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such Officer shall be the Chief Executive Officer of the Post. He/she shall approve all orders directing the disbursement of funds and shall 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 in June and a copy thereof immediately forwarded to the Department Adjutant. He/she shall see that this Constitution and Bylaws are observed. He/she shall perform such other duties as are directed by the Post.

SECTION 2. DUTIES OF FIRST VICE COMMANDER. The First Vice Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Post Commander. The First Vice Commander also has the duty of Membership Chairman, and shall serve as ex-officio member of the Bingo Committee.

SECTION 3. DUTIES OF SECOND VICE COMMANDER. The Second Vice Commander shall assume and discharge the duties of the office of Commander in the absence or disability of the Commander and First Vice Commander, or when called upon by the Post Commander. The Second Vice Commander has the duty of Program Chairman for all Post Meetings, and shall serve as ex-officio member of the Finance Committee.

SECTION 4. DUTIES OF THE POST ADJUTANT. The Adjutant shall have charge of and keep full and correct records of all proceedings of all meeting, 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 Commander, handle all correspondence of the Post. He/she shall comply with Article V, Section 5, Department Constitution.

SECTION 5. DUTIES OF THE FINANCE OFFICER. The Finance Officer of the Post 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 Executive Committee and the Post, in writing, the condition of the finances of the Post, with such recommendations as he may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He/she shall sign all checks disbursing the moneys of the Post and authorized by the Executive Committee of the Post. The Post shall furnish such surety bond in such sum as shall be fixed by the Executive Committee. The Finance Officer shall be an ex-officio member (without vote) of the Finance Committee.

SECTION 6. DUTIES OF THE JUDGE ADVOCATE. The Judge Advocate shall supply professional advice in the conduct of the Post's business, or advise on procuring proper counsel. He/she shall be Chairman of any committee concerning the Constitution or Bylaws revision. He/she shall be in charge of the annual audit of the Post financial accounts as set out in Section 3. Article II, of these Bylaws. He/she shall be responsible for the orderly conduct of disciplinary procedures.

SECTION 7. DUTIES OF THE POST HISTORIAN. The Historian shall be charged with the individual records and incidents of the Post and Post members, shall perform such other duties as may properly pertain to the office as may be determined by the Post or Executive Committee.

SECTION 8. DUTIES OF POST CHAPLAIN. The Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine, but non-sectarian, service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Department Headquarters, and needs of this Post.

SECTION 9. DUTIES OF SERGEANT-AT-ARMS. The Sergeant-at-Arms shall preserve order at all times and all meetings, and shall perform such other duties as may be from time to time assigned to him/her by the Commander or Executive Committee. He/she 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 SERVICE OFFICER. He/she shall comply with the Service Officer's Manual and Post Handbook 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 written ballot 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 Commander to appoint said delegates. The Post Commander shall, immediately upon their election or appointment, designate the Chairman.

SECTION 2. The delegates at convention shall cast their votes using the “pro-rata vote” rule such that each delegate present shall have the right to cast a pro-rata share of the entire delegate vote, i.e. if a Post has 20 delegates elected or appointed, and only 10 delegates are present on the convention floor, the each 10 delegates would be entitled to cast 2 votes in any manner that they choose.

SECTION 3. The chairman of the delegation shall cast the entire vote on any convention matter as follows, the delegate chairman shall poll the delegates present and shall cast the total delegate vote, reflecting the vote of each delegate present.

ARTICLE V - DUES AND FISCAL YEAR

SECTION 1. Annual dues shall be prescribed by the Post and shall be payable on or before October 20th of each year for the succeeding calendar year. Following the calendar year, a member becomes delinquent for nonpayment of dues by January 1st, and if he/she continues delinquent, he/she loses all privileges by February 1st, and his/her membership is forfeited on June 30th, if still delinquent. A member so suspended or whose membership has been forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which reinstatement occurs.

SECTION 2. The newly elected officers shall be installed at a regular or special meeting, as may be designated by the 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 Executive Committee the names of members whose dues shall be remitted by the Post with reasons for such recommendation. The Executive Committee shall have the power to approve or reject such recommendations.

ARTICLE VI - POST COMMITTEES APPOINTMENTS

SECTION 1. The Post Commander, immediately upon taking office each year, shall appoint such standing Committees as he deems necessary for the efficient operation of the Post, such as those listed in the Post Officers Guide; he shall also appoint such other committees as he finds to be necessary from time to time. All of such committees shall consist of members and the chairman thereof as shall be designated by the Post Commander, except Finance, as designed below.

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.

SECTION 3. The Standing Committees of this Post shall be: Membership, House, Finance, Publicity, Service, Visiting, Americanism, and Bingo.

SECTION 4. There shall be a three member Finance Committee, to be elected by the membership at the first regular meeting following the installation of officers each year, and the members shall serve a three year term. The initial election shall be for all three members; one to service a three-year term, one to serve a two-year term, and one to serve a one-year term. The following and subsequent years, elections shall be for one member to serve a three-year term. Any vacancy will be covered under Article V, Section 7 of the Constitution. Expenditures associated with normal business operations (i.e., bar supplies, bingo supplies, repairs to building, and equipment necessary to protect the health and safety of members and guests) shall be authorized by the Commander through the Bar Manager, Bingo Manager, Adjutant, or Finance Officer up to one thousand dollars (\$1000.00). Expenditure requests exceeding \$1000.00 shall be submitted in writing to the Executive Committee. If approved by said Executive Committee, the request shall be submitted to the Finance Committee. If approved by said Finance Committee the final approval shall be by a simple majority vote of the members at the next meeting. If rejected by either the Executive Committee or The Finance Committee, the request shall not be granted unless it is brought to the members at the next regular meeting as a minority report, submitted in writing, and read at the preceding meeting of said Post, and provided, further, that written notice shall have been given to all members at least five (5) days in advance of the date when such proposal is to be voted upon, notifying all said members that at such meeting a proposal for said expenditure to be voted on. It shall require a two-thirds (2/3) vote of members present at the regular meeting for the expenditure to be granted. The Post Finance Officer shall be an ex-officio member, without vote, of the Finance Committee, to provide information concerning post finances to the Committee. The Second Vice Commander shall be an ex-officio member, without vote, of the Finance Committee.

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 committee shall merely embody the opinion of the 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 premises of the Post on the first Thursday of each month, 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 the Post Executive Committee meetings. Procedure at regular meeting shall comply with the current Manual of Ceremonies.

SECTION 2. The regular business meeting of the Post shall be determined by the Post. Other business or social meetings may be held, as directed by the Commander and the Executive Committee.

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

SECTION 4. Upon the written request by a signed petition of not less than six (6) of the members in good standing of this Post delivered to the Commander, requesting a special meeting within not less than seven (7) days, nor more than fourteen (14) days after receipt of said petition. In the 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. In the notice of the call for any special meeting called by the Commander or a majority of the Executive Committee under the provisions of Section 3 of this Article VIII, said notice shall contain the subject matter to be discussed at the called meeting, and the said meeting shall not discuss other matters not related to said notice.

SECTION 5. At least 12 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 his or her 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 at least one (1) regular Post meeting prior to the election date, but in no event less than fifteen (15) days prior to the election date. Announcement of election should also be made public by posting said notice on the Post's website, monthly newsletter, local newspaper covering Post's membership area, email or other electronic communications, presently existing or existing in the future; however, such shall not relieve the Post of, at least, sending post cards, by United States Mail, postage prepaid, as previously stated above.

SECTION 3. Statement of Nondiscrimination – In its efforts to promote nondiscrimination, the Post does not discriminate on the basis of race, religion, color national origin, sex or disability in accordance with Title VI of the Civil Rights Act of 1964, as amended.

SECTION 4. Whistleblower Protection Policy – Neither the Post Commander, Post Officers nor the Post Executive Committee shall unlawfully retaliate against any member for bringing a grievance or complaint under these By-Laws.

SECTION 5. Conflict of Interest Policy – No person in a position of authority over the Post, such as the Post Commander, Post Officers or members of the Post Executive Committee may benefit personally from a decision he or she could make.

SECTION 6. Written Documentation 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.

SECTION 6a. Record Types and Retention Periods:

- (1) Accounts Payable/Receivable Ledges – 7 years
- (2) Audit Reports of Accounts – Permanently
- (3) Bank Statements – 7 years
- (4) Contracts and Leases – Permanently
- (5) Correspondence (Legal) – Permanently
- (6) Membership Applications – 3 years
- (7) Insurance Records – Permanently
- (8) Tax Returns – 7 years
- (9) Training Manuals – Permanently

SECTION 7. IRS Authority to request Information (Public Disclosure Policy) – The Post must make available for public inspections annual returns and applications for exemption, and must provide copies of such returns and applications to individuals 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 tax-exempt organization may charge a reasonable copying fee plus actual postage, if any.

SECTION 8. 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 IRS to revoke the tax-exempt status of any organization that fails to meet its annual filing requirement for three (3) consecutive years.

ARTICLE X – RULES OF ORDER

SECTION 1. All proceeding of this Post shall be conducted under 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 Bylaws 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 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 or 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 Bylaws is to be voted upon.

POST CERTIFICATION

We, the following officers of H. U. Wood Post 245, The American Legion, hereby certify that the foregoing Constitution and By-Laws, after due notice was given to all members, was adopted as a regular meeting of the Post held on the 4th day of January, 2018, A.D.

Reno W. Reiley
Reno W. Reiley, Post Commander

Robert L Jackson
ATTESTED: Robert L Jackson, Post Adjutant



DEPARTMENT CERTIFICATION

Passed on by the Department Judge Advocate on the 25th day of January, 2018, A.D., and approved by the Department Executive Committee on the 28th day of January, 2018, A.D.

Samuel M.
DEPARTMENT JUDGE ADVOCATE

APPENDIX “A”

Local Constitution and By-Laws

CLUB RULES FOR AMERICAN LEGION POST 245

Club room hours and general operation shall be set to comply with State Laws and Alcoholic Beverage Commission Regulations.

1. To have club privileges and key card privileges a Legionnaire, Auxiliary or SAL membership card (January 1 to December 1) must be valid, NO EXCEPTIONS.
2. A Legionnaire, Auxiliary or SAL member is permitted to bring his/her guests as long as he/she is responsible for their conduct.
3. A member bringing guests will sign a “Guest Register Book” to be provided by the Post UPON ARRIVAL, for himself/herself as the sponsor for his/her guests.
4. Any member or guest will leave the premises when requested to do so by authorized club personnel.
5. Club Manager, his/her assistants or hired employees, have the privilege of refusing service to anyone who is in violation of these rules or supplementary Post Club Rules.
6. No member or guest shall secure beverage or merchandise for any person who has been refused service.
7. No alcoholic beverages may be taken in or out of the premises covered by license where State Laws and TABC regulations so restrict.
8. No persons under 21 years of age, or whatever the legal age is at the time, will be served alcoholic beverages on premises or otherwise.
9. NO GAMBLING (as defined by State Statutes) ON PREMISES.
10. NO DISORDERLY CONDUCT to be permitted on the premises.
11. No profane or abusive language to be used on the premises.
12. Positively no drunkenness. Should any member or guests come to the club room intoxicated, or become intoxicated thereafter, the club manager, assistants, or hired employees shall refuse to serve them.
 - A. Officers, the Club Manager, assistants or hired employees and any person working the bar, who serves or allows the consumption of alcoholic beverages in violation of these club rules shall be subject to suspension of club room privileges and/or termination of employment.
13. The club manager, assistants or hired employees or any member of the Executive Board, may check a member’s card or a Visiting Legionnaire, Auxiliary or SAL member’s card at any time.
14. Any person admitting anyone into the club room who is not a member or his/her guest, shall be subject to suspension of Club privileges.
15. Any person removing, damaging or destroying Legion property shall pay for the same and shall be subject to suspension of Club privileges.
16. LITTERING on Legion grounds is prohibited.
17. CLUB ROOM SHALL BE CLOSED DURING REGULAR POST MEMBERSHIP MEETINGS
SUBJECT TO THE FOLLOWING:
 - A. No Drink containers shall be taken into the hall during the meeting other than plastic or paper cups and the members shall be responsible for their clean-up.
 - B. When the club room is closed during a regular Post Membership Meeting, no alcoholic beverages shall be served fifteen minutes prior to the start of the meeting.
18. All persons shall conduct themselves in a proper manner while on premises.
19. The club manager, assistants, hired employees, House/Bar Committee, or any Post Officer shall be responsible for enforcement of rules.
20. No furniture, equipment, or supplies may be taken from the Legion premises without the permission of the majority of the Executive Board.
21. Violation of any of the club rules shall be subject to ruling of the Post governing body following the procedures set out in Section B of Appendix.

APPENDIX "B"

Local Constitution and By-Laws

CLUB RULES FOR AMERICAN LEGION POST 245

Suspension or Reprimand of a Member for Violations of Club Rules

For the purpose of distinguishing this procedure from the procedure set out in II, above (Expulsion of Suspension of a Member The American Legion, Department of Texas), the following procedures and sanctions set out below will apply only to a member's club privileges, whereas the procedures set out in II, above apply to a member's privileges as an American Legion member.

1. At the time of or as soon as reasonably possible after a violation has occurred, the person in charge of the Bar or The Executive Committee, or a member of the Bar Committee, if there be one, may suspend a member's privileges for a period of time, and if necessary, the person in charge of the Bar or member of the Bar Committee is authorized to require such member to leave the Bar.

2. As soon as reasonably possible after any suspension of action is taken by the person in charge of the Bar, or a member of the Bar Committee, as set out in the provisions of figure 1 above, but excepting the action of the Executive Committee, the Post Commander or Bar Committee, if applicable, shall meet with the person taking such suspension or action and shall approve or disapprove said suspension or action taken. Immediately thereafter, or immediately following the action of the Executive Committee, the Post Commander or Bar Committee, if applicable, shall notify said accused member of their decision that the suspension or action of the Executive Committee, the Post Commander of the Bar Committee, if applicable is to stand or is not to stand by delivery of a written notice of same under oath, certified mail, return receipt requested, or by personal delivery of such written notice, setting out the offense, the name of the complaining party and the suspension or action taken.

Thereafter, said accused member, upon receipt of such notice of suspension or action taken, shall have three (3) days to appeal the suspension or action by delivering to any member of the Bar Committee, if applicable, or officer or any member of the Executive Committee, in writing his election to so appeal; in the event that such written appeal is not taken, then said suspension or action taken shall stand without further hearing or appeal. Upon receipt of the accused member's election to appeal, the suspension or action taken shall be tolled until the appeal has taken its course.

In the event that an accused member elects to appeal the suspension or other action taken, a trial shall be held within thirty (30) days of the receipt the written notice of appeal, and the Post Commander shall call a special meeting of the Executive Committee who shall act as the Jury for such trial, and written notice to be given to the members of said Executive Committee and the accused member. The trial shall be governed by the spirit, meaning and general procedure set out in Article II, Section 12-22 of the Uniform Code of Procedure set out above. The Jury's verdict shall either up hold or overrule the suspension or action taken; however, said Jury may reduce the suspension or action taken; However, said Jury may reduce the suspension or action taken, but may not enlarge upon same. Said verdict of the Jury shall be final, without further appeal to the Department as set out in the procedures in III above.

APPENDIX "C"

Local Constitution and By-Laws

GUIDELINES FOR HALL RENTAL AMERICAN LEGION POST 245

The Club Manager shall be in charge of all hall rentals. He shall receive assistance from the bartender, finance officer, or other officers to fill out and sign contracts, receive rental money, and deposits and insure proper operation to the club.

The Executive Board shall settle any disputes; with the cooperation of the club manager, when the following guidelines are in question.

1. Hall rental by non-members: Complete contract shall be completed and agreed to by the "Renter". This will include deposit, security, and clean-up.
2. Hall rental by members: To qualify for the "member rate" the person renting the hall must have been a member in good standing for at least one (1) year previous to the rental, this includes Auxiliary and SAL members. A Member may rent the hall for the purpose of hosting a party for a family member that is not eligible to be a member.

Example: for a father's birthday who is not a veteran, provided that the member renting the hall does host the party - "not just rent the hall to allow a son or daughter to have a party who is not a member.

The member renting the hall shall complete the standard contracts and fulfill all requirements as requested by the club manager. **

**As per minutes: All personnel renting the hall will make a security deposit of two hundred dollars (\$200.00) to be returned at the end of the event. Before and after the hall is used, both the renter and the bartender on duty will make an inspection of the hall to inspect for damage. If the hall is damaged and repairs are needed, the deposit will not be returned until work is completed. (Regular Business Meeting, May 2002)

The use of the Hall will be given for the gathering of Family and Friends after the Funeral of a current Legion Family Member. This will also apply to the "Immediate Family" of a current member of the American Legion, American Legion Auxiliary, or Sons of the Legion. The immediate family is – Spouse, Father, Mother, Son or Daughter. The use of the Hall must include the clean-up and disposal of trash or payment of the current clean-up costs for the janitor for clean-up. (Revised 12-3-2009)

APPENDIX “D”

Local Constitution and By-Laws

Guidelines for Financial Management

The Finance Committee shall submit a proposed budget for each fiscal years operation to the Executive Committee for review no later than the May meeting each year. All changes/adjustments shall be reconciled, incorporated in the budget and a final document submitted for review and approval by the Executive Committee at the June meeting each year.

During budget preparation, post expenditures shall be segregated into two categories; Operating Expenses that are mandatory and Allocations-Other which are discretionary.

The budget forecast for Operating Expenses shall be based on actual cost if known, or on historical actuals adjusted for known anticipated changes to occur in the budget year. Operating Expenses line items shall also be evaluated each budget cycle for their continued relevance and or level of funding. Recommendations for changes shall be submitted to the Executive Committee with the proposed budget.

Each budget cycle, all discretionary allocation line items shall be evaluated individually for retention, elimination or adjustments in proposed funding and appropriate recommendations will accompany the proposed budget submittal to the Executive Committee.

In developing the budget, the Finance Committee shall include the following criteria and guidance in their deliberations and decisions:

- a. During the process of allocating discretionary funds for contributions or donations to charities and humanitarian activities, the total of proposed funding should conform to the quarterly distribution specified by the current Texas Bingo Enabling Act, Chapter 2001 and Texas Administrative Code, Title 16.
- b. The revenue source for all proposed expenditures shall be identified by the Finance Committee for all budgets and/or amendments submitted to the Executive Committee.
- c. The Finance Committee shall ensure that sufficient funds are allocated to maintain a building fund balance adequate to pay for repairs and equipment replacement forecast for the succeeding five years.

The Finance Committee shall review and evaluate revenue and expenses each quarter during the fiscal year, and if warranted, make recommendations to the Executive Committee for necessary adjustments to budget allocations.

All requests for contributions or donations received by the Post that are not already funded in the current fiscal year budget or approved by the Emergency Committee, shall be forwarded to the Finance Committee for determination of funds availability, budget impact and recommendation.

APPENDIX “E”

Local Constitution and By Laws

Guidelines for Annual Financial Audit

Bylaws of H. U. Wood Post 245, Article II, Section 3 requires that an audit of Post financial records be conducted at the end of each fiscal year prior to turning over records to the new Finance Officer. The required audit must be accomplished by an appointed committee with the Judge Advocate as Chairman utilizing the following suggested guidelines.

Audit Guidelines:

- a. Review monthly finance reports and end of year finance report for consistency of balances brought forward and obvious errors.
- b. Randomly sample and examine daily receipts from lounge, hall and game room income and deposit slips to compare for consistency and check accuracy of numbers.
- c. Randomly sample and examine BINGO and Pull Tab receipts and deposit slips for errors and consistency.
- d. Randomly sample employee time cards and verify that check register shows correct number of hours paid.
- e. Randomly determine if checks written for services, beverages, and other consumable supplies are supported by valid receipts and match amounts shown in accountant’s detailed ledger.
- f. Ensure that bank account balances shown on latest monthly financial report to include money market and CD’s match with latest bank statements.
- g. Randomly examine check registers initiated since the last audit for errors, consistency with accountant’s detailed ledger and adequate entries to support expenditures.

Expanding the scope of the audit beyond the preceding guidelines is the prevue of the audit committee if deemed necessary to validate proper record keeping or to resolve anomalies.

Upon completion of the audit, a written report of findings signed by all members of the audit committee to signify concurrence shall be submitted to the Executive Committee. The audit committee should Include in the written report any recommendations considered relevant or necessary for accurate financial recording.