

**THE AMERICAN LEGION
GAUTIER - VANCLEAVE POST 1992
GAUTIER, MISSISSIPPI**

BY-LAWS

**ADOPTED
MARCH 16, 1992**

**Amendment I - July 6, 1992
Amendment II - February 4, 2002
Amendment III - January 12, 2009
Errata to Amendment III – March 9, 2009
Errata to Amendment III – April 30, 2009
Rewritten to incorporate all Amendments
and Errata – April 30, 2009
Errata – May 1, 2010
Amendment IV – October 11, 2010
Amendment V – March 12, 2012**

ARTICLE I

Name and Objects

Section 1. The Post existing under these By-laws is to be known as Gautier - Vancleave Post 1992, Inc., the American Legion, Department of Mississippi.

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

ARTICLE II

Management

Section 1. The government and management of the Post are entrusted to the Post Executive Committee, consisting of thirteen (13) members, to be known as the "Executive Committee".

Section 2. The Executive Committee shall consist of five (5) Executive committeemen, in addition to the Officers of the Post. Together, with the officers elected annually as provided for in the Constitution, they shall take office at the next regular or special meeting following the Installation of Officers. The meeting for the installation of officers may be at a special meeting, at a time designated by the incoming Commander, provided that the membership shall be advised of such change, and that this meeting shall take place within one (1) week of the July Department Convention. All Officers and Executive Committeemen shall be elected to their respective office(s) for which they were candidates.

Section 3. All vacancies in the Executive Committee for any cause, other than expiration of term, shall be filled by the majority vote of the remaining members of the Executive committee, and persons so appointed shall hold office for the un-expired term of the member of the committee whom he/she succeeds. A vacancy shall exist when a committee member is absent from his/her post for two (2) consecutive meetings without cause as determined by the Post Commander.

ARTICLE III

Post Executive Committee

Section 1. The Executive committee shall meet for organization and such other business that may come before it at the call of the Post Commander, within ten (10) days after the installation of the new officers. Thereafter, the Executive Committee shall meet on the Thursday night preceding the regular meeting each month or as often as the Post Commander may deem necessary. The Commander shall call a meeting of the Executive Committee upon the joint request of three (3) or more members of the said Executive Committee. Seven (7) members of the Executive Committee shall constitute a quorum.

ARTICLE IV

Duties of Officers

Section I. Post Commander - It shall be the duty of the Post commander to preside at all meetings of the Post and have general supervision over the business affairs of the Post through the Committee Chairman. As such he/she shall be the Chief Executive Officer of the Post. He/she shall approve all orders directing the disbursements of Post funds and shall make an annual report covering the business of the Post for the year, and shall carry out the mandates and directions of the governing bodies. He/she shall make recommendations for the ensuing year and his/her report will be read at the final meeting of his/her tenure, with a copy of the report being forwarded to the Department Adjutant. He/she shall perform such other duties as may be directed by the Post.

Section 2. First (1st) Vice-Commander - It shall be the duty of the 1st Vice-Commander to assume and discharge the duties of the Post Commander in the absence of, disability of, or when called upon by the Post Commander. He/she shall be responsible for the collection of membership dues, transmitting reports and cards to the Department, forwarding the membership cards to the members and maintaining an up-to-date membership status. In general he/she has full responsibilities for the Post's Membership Program and management of the Membership Fund, in conjunction with the Finance Officer, and organizing drives for the year. He/she shall perform such other duties as may be directed.

Section 3. Second (2nd) Vice-Commander - The 2nd Vice-Commander, by virtue of his/her office shall be the Chairman of the Post Americanism Committee. He/she shall perform such other duties as may be directed.

Section 4. Third (3rd) Vice-Commander - The 3rd Vice-Commander shall be the Chairman of the Public Relations Committee, and shall perform such other duties as may be directed

Section 5. Post Adjutant - The 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 may require, render reports of membership annually or when called upon at meetings, and under the direction of the Post Commander, handle all correspondence of the Post.

Section 6. Post Service Officer - The Post Service Officer is responsible for bringing to the attention of all veterans and their dependents the rights and benefits granted them by law – law for which The American Legion can accept a major share of credit.

Section 7. Post Finance Officer - The Finance Officer of the Post shall have oversight of all finances of the Post and see that they are safely deposited in some local bank(s) and shall report once a month to the Post Executive Committee and to the floor on the conditions of the Post finances, with such recommendations as he/she may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He/she shall make a recommendation to the Post Executive Committee as to the impact of any proposed fiscal actions or acquisitions on overall Post Finances or the cumulative affects of a series of such actions constituting a fiscal policy. He/she shall maintain a computer financial data base current to the most recently concluded financial month, accessible to members of the Post Executive Committee, and an end-of-year summary upon relief or reelection. To maintain prudent separation between oversight and disbursement, the Post Finance Officer shall not have check disbursement signature authority from the Post funds, although he/she shall have access to all records and accounts of all checking accounts, savings accounts, and other standing funds. He/she shall furnish such surety bonds in such sums as shall be fixed by the Executive Committee. The Finance Officer is limited to three consecutive terms of office but may again stand for office after at least one year out of office. This does not preclude membership on the Post Finance Committee when not serving in office.

Section 8. Post Historian - The Post Historian shall be charged with the individual records and incidents of the Post and its members, and shall perform such other duties as may properly pertain to the office, as may be determined by the Post Commander or Executive Committee.

Section 9. Post Chaplain - The Post Chaplain shall be charged with such divine and non-sectarian services as may be deemed necessary for Post events, adhering to the ritual as may be recommended by the National and Department organizations from time to time.

Section 10. Post Sergeant-At-Arms - The Post Sergeant-at-Arms shall preserve order at all Post meetings and shall perform such other duties as may from time to time be assigned to him/her by the Post Commander and the Post Executive Committee.

Section 11. Post Executive Committeemen - The Post Executive Committeemen, in conjunction with the Post Legal committee, will be responsible for auditing all Post accounts and records on a quarterly basis and shall report the results to the Executive Committee and to the general membership.

Section 12. Post Judge Advocate - Judge Advocate is the interpreter of the constitution and By-laws of this Post, and may at any time be called on by the Post Commander or Executive Committee to rule on the legality of their actions and decisions in-so-far as they affect the good of the American Legion and this Post.

ARTICLE V

Delegates

Section 1. Delegates and alternates to the Department Convention, Area and District Conventions and Conferences, shall be elected each year by ballot of the members of the Post at a regular meeting to be held at least twenty (20) days prior to the date of such convention or conference.

ARTICLE VI

Appointments

Section 1. The Post Commander, as soon as practical after taking office, shall appoint the following committees: Americanism, Ceremonial, Children and Youth, Disaster Relief, Economic, Entertainment, Finance, House, Legal, Legislative, Public Relations, Security, Sons of The American Legion, Veterans Affairs & Rehabilitation, and Visiting. Members may serve on more than one committee; however, chairpersonships shall be limited to one committee, to the extent practical. All appointments under this article are subject to ratification or rejection by the Post Executive Committee.

Section 2. Americanism - The Americanism Committee shall be charged with the inspiration of patriotism and citizenship by the arrangement for proper observation of patriotic occasions; the encouragement of the patriotic and civic phases of instructions in the schools; Americanization of aliens; combating anti-American propaganda by the general education of the public in the American ideals through public forums and etc; and activities for the community and civic betterment. The 2nd Vice Commander shall be the chairman of this committee.

Section 3. Ceremonial - The principle duty of the Ceremonial Committee is to ensure that all new members are properly initiated. The committee shall also concern itself with the proper burial of Post members and the presentation of other rituals as outlined in the Manual of Ceremonies, and the proper wearing of legion regalia.

Section 4. Children and Youth – This committee shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community; laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "no child of a war veteran shall be in need of the necessities of life" and "a square deal for every child."

Section 5. Disaster Relief Committee - This committee is charged with the coordination of Post activities with the community disaster relief program covering a local disaster and providing shelter where needed for the Post members and their families; shall coordinate actions with the Department and National organizations concerning disasters in other areas involving region members.

Section 6. Economic – The Post Economic Committee is primarily concerned with local employment programs, Veterans' preference, government employment and re-employment rights.

Section 7. Entertainment - The Entertainment Committee shall have charge of the promotion and arrangements for all Post social functions.

Section 8. Finance - The Finance Committee shall be charged with the administration of the Post's financial policy, preparation of the annual Post budget recommendations and the supervision of receiving, disbursing and accounting of all Post funds. The Finance Officer shall be chairman of the committee.

Section 9. House - The House Committee shall be entrusted with all aspects of management and operations of the Post home and lounge. The Post Commander shall appoint six (6) committee members and recommend the Chairman who shall be approved by the Executive Committee.

Section 10. Legal - The Judge Advocate of the Post and shall be charged with the legal supervision of Post affairs, and shall, in conjunction with the Executive Committee, audit the Post books and financial accounts on a quarterly basis.

Section 11. Legislative - This committee shall be charged with having knowledge of what is going on in the State legislature and the National Congress on what the Legion favors and opposes, develop resolutions concerning veterans' affairs, and should be ready to initiate action to support the Legions position when requested by Department or National.

Section 12. Public Relations - The Public Relations Committee shall be charged with the promotion of public support for the Post's programs by establishment of the proper contact of persons in the American Legion news services and local news media, covering the Post's programs and activities. The 3rd Vice-commander shall serve as chairman of this committee.

Section 13. Security – The Security Committee shall work with and coordinate Legion effort with the local Civil Defense Council on matters pertaining to national, civilian and home defenses. It shall assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.

Section 14. Sons of The American Legion – This committee shall supervise the operations of the Post's squadron of The American Legion.

Section 15. Veteran Affairs and Rehabilitation - The Veteran Affairs and Rehabilitation Committee shall supervise all matters pertaining to the service of veteran's, their dependants and families, in the prosecution of all claims against the United States or state governments, employment, relief and etc.

Section 16. Visiting - This committee is charged with the visiting and comforting of members and their families when sick or bereaved, and with the visiting of the veterans and conducting programs at V. A. Hospitals.

ARTICLE VII

Resolutions

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

ARTICLE VIII

Meetings

Section 1. Post regular monthly membership meetings shall be held on the second Monday evening of each month. The Post Commander may reschedule a monthly meeting due to conflicts with holiday or unforeseen events.

Section 2. The Post Commander, a majority of the Executive Committee, or a written request of seven (7) members shall have the power to call a special meeting of the Post at any time, provided that the membership is advised of the purpose of the special meeting at least ten (10) days in advance of such meeting. Only those items presented as the purpose of the meeting shall be discussed at the special meeting.

Section 3. The Post Commander shall have the power to call a special meeting for the purpose of installation of officers as provided for in Article II of these By-laws. The regular meeting for the month of July may be converted into an awards night.

Section 4. Eight (8) members, at least two of which shall be the Post Commander, 1st Vice Commander or 2nd Vice Commander, or other elected Officers of the Post, shall constitute a quorum for a regular or a special meeting.

ARTICLE IX

Notices

Section 1. Every member of the Post shall supply the Adjutant or membership Chairman with his/her current mailing address for mailing purposes. The Post Adjutant shall cause notice of the annual election of officers, to be given to each member at least two weeks prior to the election.

ARTICLE X

Rules of Procedure

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

ARTICLE XI

Limitations & Liabilities

Section 1. This Post shall not incur, or cause to be incurred, any liability or obligation what-so-ever, which shall subject the liability of any other Post, sub-division, group or members of The American Legion, or other individuals, corporations or organizations.

ARTICLE XII

Amendment to By-laws

Section 1. These By-laws may be amended at any regular Post meeting by a vote of two thirds (2/3) of the Post members attending such regular meeting, provided that the proposed amendment shall have been presented in writing and read at such regular meeting, and notifying said members at such meeting that a proposal to amend the By-laws is to be voted on at the next regular meeting of the Post.

ARTICLE XIII
Effective Date

The foregoing By-laws is the first writing of the Post By-Laws and will be duly adopted a regular meeting on March 16, 1992.

These By-laws shall be in full force effective from the date of adoption.

**THE AMERICAN LEGION
GAUTIER - VANCLEAVE POST 1992
GAUTIER, MISSISSIPPI**

BY-LAWS

AMENDMENT I

The American Legion Gautier / Vancleave Post 1992 of Gautier, MS, By-laws were originally adopted March 16, 1992. This amendment was adopted at a regular meeting on July 6, 1992.

Add the following to BY-LAWS ARTICLE VI – Appointments:

Section 15. House Committee – The House Committee shall be entrusted with all aspects of management and operations of the Post Home and Lounge. The Post Commander shall appoint Six (6) committee members and recommend the Chairman who shall be approved by the Executive Committee.

AMENDMENT II

The American Legion Gautier / Vancleave Post 1992 of Gautier, MS, By-laws were originally adopted March 16, 1992. This amendment was adopted at a regular meeting on February 4, 2002.

1. Change Amendment I Section 7 to read “The House Committee shall turn over to the Post General Fund all monies in the House Operations Account in excess of four thousand dollars (\$4,000.00) on a monthly basis”. However this amount may be adjusted by a majority of members present at a regularly scheduled meeting”.
2. Change Article VII Section 5 to read “The Bingo Committee shall turn over to the Post General Fund Account on a monthly basis, all Bingo Account monies in excess of the current obligated Jackpot, plus reserve jackpots, and fifteen hundred dollars (\$1,500,00) of operation capital. In no Case shall the petty cash, jackpots and reserves and/or bank balance exceed six thousand dollars (\$6,500.00)”.

AMENDMENT III

The American Legion, Gautier - Vancleave Post 1992 of Gautier, MS, By-Laws were originally adopted March 16, 1992. This amendment was adopted at a regular meeting on January 12, 2009, as follows:

1. Article III, Section 1, second sentence, is hereby revised to read:
“Thereafter, the Executive Committee shall meet on Thursday evening of each month preceding the Regular monthly membership meeting of each month, or as often as the Post Commander may deem necessary.
2. Article VII, Section 5, is hereby revised to read:
“Section 5. The Bingo Committee shall turn over to the Post General Fund Account on a monthly basis, all Bingo Account monies in excess of the current obligated jackpot, plus reserve jackpots, and two thousand five hundred dollars (\$2,500.00) of operating capital. In no case shall the petty cash, jackpots and reserves and/or bank balance exceed eight thousand dollars (\$8,000.00).”
3. Add new Section 1 to Article VIII to read"
“Section 1. Post regular monthly membership meetings shall be held on the second Monday evening of each month. The Post Commander may reschedule a monthly meeting due to conflicts with holidays or unforeseen events.”

Original Sections 1, 2 and 3 of this Article shall be renumbered Sections 2, 3 and 4.

Amendment I (Post Home Operation), Section 7, is hereby revised to read:

“Section 7. The House Committee shall turn over to the Post General Fund all monies in the House Operations Account in excess of eight thousand dollars (\$8,000.00) on a monthly basis. This amount may be adjusted by a majority of members present at a regularly scheduled monthly membership meeting.”

Corrected typographical and omissions. Reformatted text of the Post By-laws to consume less space.

**ERRATA TO AMENDMENT III TO THE BY-LAWS
of
GAUTIER – VANCLEAVE
AMERICAN LEGION POST 1992
GAUTIER, MISSISSIPPI**

March 9, 2009

Note: This errata was prompted by the Department of Mississippi Judge Advocate by separate correspondence and approved by the Post Membership at its regular monthly Meeting, on March 9, 2009.

ARTICLE VI

Section 1

Section 1 is revised in its entirety to read as follows:

“Section 1. The Post Commander, as soon as practical after taking office, shall appoint the Following committees: Americanism, Biloxi VA Cemetery, Bingo, Boy/Cub Scouts, Building, Ceremonial, Disaster Relief, Entertainment, Finance, Grounds, House, Kitchen, Legal, Legislative, Legal, Membership, Post Service, Public Relations, Veterans Affairs and Rehabilitation, and Visiting.

Members may serve on more than one committee; however, chairpersonships shall be limited to one committee, to the extent practical.

All appointments under this article are subject to ratification or rejection by the Post Executive Committee.”

ARTICLE VIII

MEETINGS - Section 3

Section 3 of this article is amended, as follows: (This is now Section 4.)

“Section 3. Eight (8) members of the Post, at least two of which shall be the Post Commander, 1st Vice-Commander or 2nd Vice-Commander, or other elected officers of the Post, shall constitute a quorum for a regular or a special meeting.”

**ARTICLE XIII
AMENDMENT TO BY-LAWS
Section 2**

Section 2 of this article is amended, as follows:

“Section 2. These By-laws may be amended at any regular or special Post meeting by a vote of two thirds (2/3) of the Post members attending such regular meeting; provided that the proposed amendment shall have been presented in writing and read at the preceding regular meeting of the Post; provided further that written notice shall have been given to all members at least ten (10) days in advance of the date when such amendment is to be voted on, notifying said members that at such meeting a proposal to amend the By-laws is to be voted on.”

**ARTICLE VII - Bingo Operation
and
AMENDMENT I TO THE BY-LAWS - Post Home Operation**

Article VII – Bingo Operation and Amendment I to the By-laws – Post Home Operations, have been removed from these by-laws and made part of/inserted in the Post’s copy of the National American Legion POST OPERATIONS AND POST BUILDING GUIDE.

Articles VIII through XIV have been renumbered to VII through XIII

**ERRATA TO AMENDMENT III TO THE BY-LAWS
Of
GAUTIER – VANCLEAVE
AMERICAN LEGION POST 1992
GAUTIER, MISSISSIPPI**

April 30, 2009

1. Amended Article IV - Duties of Officers, Section 6 Post Finance Officer to read:
Section 6. Post Finance Officer - The Finance Officer of the Post shall have oversight charge of all finances of the Post and see that they are safely deposited in some local bank(s) and shall report once a month to the Post Executive Committee and to the floor on the conditions of the Post finances, with such recommendations as he/she may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He/she shall make a recommendation to the Post Executive Committee as to the impact of any proposed fiscal actions or acquisitions on overall Post Finances or the cumulative effects of a series of such actions constituting a fiscal policy. He/she shall make a recommendation to the Post Executive Committee as to the impact of any proposed fiscal actions or acquisitions on overall Post Finances or the cumulative effects of a series of such actions constituting a fiscal policy. He/she shall maintain a computer financial data base current to the most recently concluded financial month, accessible to members of the Post Executive Committee, and an end-of-year summary upon relief or reelection. To maintain prudent separation between oversight and disbursement, the Post Finance Officer shall not have check disbursement signature authority from the Post funds, although he/she shall have access to all records and accounts of all checking accounts, savings accounts, and other standing funds. He/she shall furnish such surety bonds in such sums as shall be fixed by the Executive Committee. The Finance Officer is limited to three consecutive terms of office but may again stand for office after at least one year out of office. This does not preclude membership on the Post Finance Committee when not serving in office.
 2. Corrected additional typographical errors.
-

Errata to
**THE BY-LAWS OF
GAUTIER – VANCLEAVE
AMERICAN LEGION POST 1992
GAUTIER, MISSISSIPPI**

May 1, 2010

Corrected typographical errors and omissions.

**Amendment IV
to the
BY-LAWS
of
AMERICAN LEGION POST 1992
Gautier, Mississippi
October 11, 2010**

Article II, Section 2: Corrected the assumption of duties for members of the Executive Committee to take effect concurrent with the Installation of Officers, vice following their election.

Corrected Vice Commander to read, Vice-Commander.

**Amendment V
to the
BY-LAWS
of
AMERICAN LEGION
Gautier – Vancleave Post 1992
Gautier, Mississippi
March 12, 2012**

Section IV (Duties of Officers): Added new Section 6, Post Service Officer and renumbered subsequent paragraphs.

Section VI (Appointments): To align this section with the 2011 Officer's Guide Suggested Form Of Post by-Laws:

Deleted – Membership, Kitchen and Bingo Committees;

Added – Children and Youth, Economic, Post Service Officer, Security and Sons of the American Legion Committees;

Deleted – "Committee" from section titles;

Listed committees in alphabetical order and renumbered paragraphs, as required;

Corrected typographical errors.