

(Please note that parts to be added are in **Bold Face Type**, and parts to be deleted are underlined. Disregard page numbers; they will be changed)

## POST CONSTITUTION

### CONSTITUTION OF

### AMERICAN LEGION POST 141 SILVER LAKE

### DEPARTMENT OF MINNESOTA

#### 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 g**Great**w**Wars** and to inculcate a sense to 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 principals 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 American Legion Post 141 Silver Lake, Department of Minnesota.

#### ARTICLE II

##### Objectives

**Section 1.** The object and purpose of the Post shall be to promote the principles and policies as set forth in the foregoing Preamble and the National **and** Departmental Constitutions of the American Legion.

#### ARTICLE III

##### Nature

**Section 1.** The Post is a civilian organization and membership does not effect or increase liability for military or police service.

**Section 2.** This organization shall be absolutely non political and non sectarian, and shall not be used for the dissemination of partisan principles, nor for the promotion of the candidacy of the any person seeking public office or preferment for any public office.

**Section 3.** No member shall be addressed by his or her military or naval title in any meeting of this Post.

#### ARTICLE IV

##### Membership

**Section 1.** Any person shall be eligible for membership in the American Legion who enlisted or **was** drafted, inducted, or commissioned, and who served on active duty in the Armed Forces or segments of the military attached to or considered part of the Armed Forces of the United States, and was honorably discharged therefore. **therefrom**.

The eligibility dates for membership in the American Legion are as follows:

World War I April 6, 1917 to November 11, 1918

World War II December 7, 1941 to December 31, 1946

U S Merchant Marine December 7, 1941 to August 15, 1945

Korean War June 25, 1950 to January 31, 1955

Vietnam War February 28, 1961 to May 7, 1975

**August 24, 1982 – July 31, 1984**

**December 20, 1989 - January 31, 1990**

Desert Storm August 2, 1990 **1990** to cessation of hostilities as determined by the United States Government;

**all dates inclusive, or who, being a citizen of the United States at the time of his 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 during or after any of such 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.**

**Anyone requesting membership in Post 141 may be required by the membership director or membership committee to present a copy of Form DD214 or similar proof of eligible military service.**

All the above dates are inclusive. Also eligible is a person who being a citizen of the United States during the wars; Provided that: No person shall be entitled to membership; (a) Who being in the Armed Forces of the United States or any of its attached segments during the periods of time when the United States was at war, refused on conscientious, political, or other grounds to subject themselves to military discipline, or unqualified service, or (b) Who being in the Armed Forces was separated therefrom under circumstances amounting to dishonorable discharge and has not subsequently been officially restored to an honorable status.

**Section 2.** There shall be no form or class of membership except an active membership as herein above provided.

**Section 3.** Application for membership shall be under such regulation as may be revised from time to time by proper authority.

**Section 4.** All applications shall be acted upon at the next Post Membership committee meeting following the making of the application and shall at such meeting be accepted, rejected, or referred for further investigation and consideration. If the majority of committee members cast their vote against acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not be reconsidered until after the expiration of sic six(6) months from the date of such rejection.

**Section 5.** An applicant for the membership in the Post who has been suspended from another Post in the American Legion for misconduct or misinterpretation shall not be admitted to this Post until a thorough investigation has been made by the Post Membership committee and the only on the positive recommendation of that committee.

**Section 6.** Any member of this Post may be expelled FOR CAUSE by two-thirds vote of the executive committee

**Section 7.** A member who has been expelled from this Post for any cause, may be reinstated to membership by two-thirds vote of the Executive committee; provided however; that he shall make a payment of any arrears in his or her dues at the time of expulsion, and also payment of other regular dues which became payable in the interval between expulsion and reinstatement.

## 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 the duly elected officers and members in good standing of this Post. This Post, by its by-laws, may provide for such other standing committees as a business of the organization may require.

**Section 2.** The offices of this organization shall be a Commander, A First and Second Vice-Commander, an Adjutant, a Finance Officer, a Post Chaplain, a **Service Officer**, and a Sergeant-At-Arms and such other officers as may be deemed necessary.

**Section 3.** The names of candidates for the offices of this Post, with the exception of the Adjutant, Chaplain, and Service Officer, who shall be appointed by the Commander, with the approval of the Executive Committee, shall be presented to the membership at the regular monthly meeting in the month of April by the Nominating Committee for consideration

and election or rejection at that time. Nominations shall also be accepted from the floor for these officers at this April meeting.

**Section 4.** All officers of this Post shall be elected annually and they shall hold office until their successors are duly installed or as otherwise provided by majority vote of the Executive Committee. **The term of office for elected and appointed officers is for one year, beginning on June 1 (the month following installation) until the following May 31.** Any officer may be removed for inefficiency, or other reasons as deemed necessary, by a two-thirds vote of the Executive Committee.

**Section 5.** Every member of this Post in good standing, shall be eligible to hold office in this Post unless otherwise provided herein.

**Section 6.** The duties of the officers of this Post shall be those usually appertaining to such officers and committee members as further provided in the Post By-Laws.

## ARTICLE VI

### Finance

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

**Section 2.** The amount of such membership dues shall be determined by the Post Officers but must be approved by the post membership at a regular monthly meeting.

**Section 3.** The Post shall pay to Headquarters of the National, Department and District annual membership dues for each member of the Post.

## ARTICLE VII

### Charter Members

**Section 1.** Members who joined this Post prior to November 11, 1919, (or members who joined this Post prior to the issuance of a charter) shall be known as Charter Members.

## ARTICLE VIII

### Women's Auxiliary

**Section 1.** This Post recognizes an Auxiliary Organization to be known as the Women's Auxiliary of American Legion Post 141 Silver Lake Department of Minnesota.

**Section 2.** Membership in the Women's Auxiliary of American Legion Post 141 Silver Lake Department of Minnesota shall be limited to the Mothers, Wives, Daughters, Sisters, and Granddaughters of all men and women who were in the military service of the United States and are or were eligible to become members of the American Legion and received an honorable discharge or died in the line of duty.

**Section 3.** The Auxiliary shall be governed by such rules and regulations as may be prescribed by the National Executive Committee and the Department of Minnesota 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 Department Constitution of the Department of Minnesota of the American Legion. Any amendments to said National Constitution and Department Constitution which is in conflict with any provisions herein shall be regarded as

automatically repealing of, 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 an affirmative vote of the majority of the members of said Post attending such meeting, providing the proposed amendment(s) shall have been submitted in writing and read at the preceding regular meeting of said Post, and further, that written notice shall have been given to all members at least five (5) days in advance of the date when such amendment(s) is to be voted upon, notifying said members that at such meeting a proposal to amend the constitution is to be voted upon.

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## American Legion Post 141 Silver Lake, Department of Minnesota

### BY-LAWS

#### Article I

**Section 1.** The Post existing under these by-laws is to be known as American Legion Post 141 Silver Lake, Department of Minnesota.

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

#### Article II

##### Management

**Section 1.** The government and management of this Post is entrusted to the Post Officers and the duly appointed or elected committees, with the final decision resting with the members in good standing, by majority vote at regular convened monthly meetings.

**Section 2.** The Commander may call the Executive Committee to meet, to act upon such matters that cannot wait until a regular monthly meeting, but the business acted upon by the Executive Committee shall be subject to the approval, by majority vote, of the members assembled at the immediate following regular monthly meeting.

**Section 3.** The Executive Committee shall consist of the seven (7) **three (3)** immediate past commanders, or if a vacancy occurs for any reason, another past commander shall be appointed by the Post Commander, with approval of the Post members in good standing at a regular monthly meeting immediately following the appointment. Also included in the Executive Committee will be the Post Commander, the First Vice Commander, the Second Vice Commander, **the Finance Officer**, and the Post Adjutant. The Adjutant shall act as secretary, but have no vote. The First Vice Commander shall be allowed to participate in the discussions, but shall also have no vote. The Post Commander will also be allowed to participate in the discussions, but shall vote only in such event that a tie vote occurs in the Executive Committee. **In the event of a tie vote of the members of the Executive Committee, the voting stance of the current Post Commander shall have precedence.**

**Section 4.** Any vacancies occurring in the Post Officers, for any cause other than expiration of the term, shall be filled by a majority vote of the members in attendance at a regular monthly meeting within sixty (60) days of such vacancy occurring. The person so elected shall hold that office for the remaining term of the member whom he or she succeeds. A vacancy shall exist when a committee member or officer is absent from this Post for a continuous period of time considered detrimental to the interests of the Post, by the Executive Committee.

#### Article III

Post Executive Committee

**Section 1.** The Post Executive Committee shall meet for such business as may come before it, at the call of the Post Commander within thirty (30) days after the installation of the new Post Officers. Thereafter the Executive Committee shall meet at the call of the Post Commander, as often as said Commander may deem necessary. The Commander shall call the Executive Committee upon the written request of three (3) or more members of said Executive Committee. ~~Five (5)~~ **Four (4)** members of the Post Executive Committee shall constitute a quorum.

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**Section 2.** The Post Executive Committee shall, upon recommendations from another Post Committee, and with the approval, by majority vote of the Post members, hire such **management level** employees as may be deemed necessary to conduct the business of the Post, at a salary approved by the recommending committee, the Post Executive Committee, and the employees.

**Section 3.** The Post Members in good standing, shall approve or reject, by majority vote, such expenditures as pertain to the function of the Post.

**Section 4.** The Post Commander and the other Officers of the Post shall generally have charge of, and be responsible for the management of the affairs of this Post.

**Section 5.** An adequate surety bond shall be required from all persons having custody of Post funds.

**Section 6.** **The Executive Committee shall annually set parameters on spending of funds by management level employees and/or officers of the Post to allow for day-to-day operations of Post facilities and activities, as well as in case of emergencies. Such spending parameters shall be considered and approved or adjusted by membership present at each June meeting. Unusual expenditures may be given preliminary approval, with or without limits, by membership at the monthly meetings.**

## ARTICLE IV

### Duties of Post Officers

**Section 1.** 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 said officer shall be the Chief Executive Officer of the Post. The Post Commander shall recommend for approval or rejection, all orders directing the disbursement of funds of the Post, and shall make reports covering the business of the Post, and shall make recommendations which will be read at meetings. The Post Commander shall perform such duties as directed by the Post.

**Section 2.** 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 shall also be in charge of, and be responsible for the activities of the membership committee.

**Section 3.** The Second Vice Commander shall assist the Post Commander and the First Vice Commander when he or she is asked. The Second Vice Commander shall also be responsible for procuring and serving lunch at all regular monthly meetings **and shall assist with socialization of members.**

**Section 4.** The Post Adjutant shall have charge of, and keep a full and correct record of all proceedings of all meetings, also keep such records as the Department and National Organization may require. The Adjutant shall also render reports of membership annually or when called upon at a meeting, and under the direction and supervision of the Post

Commander shall handle all correspondence of the Post.

**Section 5.** The Finance Officer of the Post shall have charge of all moneys directed into and out of the Post General Fund. The Finance Officer shall make all deposits into the Post General Fund and issue and sign all checks drawn on this Post account. The Finance Officer shall report once a month to the Post membership, at a regular monthly meeting, the condition of the finances in the Post General fund and make such recommendations as he or she may deem necessary for raising funds with which to carry on the activities of the Post.

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**Section 6.** The Post Chaplain shall be charged with the spiritual welfare of the Post Comrades, and will offer divine, but the non-sectarian service in the event of dedications, funerals, public functions, etc., and adhere to such ceremonial rituals as are recommended by the National or Department headquarters. The Post Chaplain shall also lead the membership in prayer at the beginning of regular monthly meetings and also the close of each meeting. **The Post Chaplain shall also be responsible for ordering, preparing, and sending of "Get Well" cards and other greeting cards, as directed by the Commander.**

**Section 7.** The duties of the Sergeant-at-Arms shall be to preserve order at all Post meetings and shall perform such other duties as may from time to time be assigned to him or her by the Post Commander or the Executive Committee.

#### ARTICLE V

Delegates

**Section 1.** Delegates and Alternates to National and Department conventions, conferences, and seminars shall be elected by ballot or nomination from the floor and approved by a majority vote of the members in attendance at a regular monthly meeting when such issues shall be introduced and discussed as part of the regular business to come before such meeting and at least ten (10) days prior to such conventions, conferences, and seminars.

**Section 2.** Compensation for Legion members who are voted on and approved to attend such events as pertain to the business and, or, the good of the Post shall be determined by the membership at a regular monthly meeting of the Post prior to such event.

#### ARTICLE VI

**Section 1.** The Post Commander, upon taking office each year shall have the power and duty to appoint the Adjutant, **the Chaplain, and the Service Officer.** and the following Committees, with the approval of the Executive Committee: (A) Law Enforcement, (B) Service, (C) Health and Sanitation, (D) Membership, (E) Program and entertainment, (F) Finance, (G) Public Affairs, (H) Sports, (I) Publicity, and (J) Historian. **The Executive Committee shall determine necessary standing committees and the membership of such committees.**

**Section 2.** Law Enforcement Committee: It shall be the duty of this committee to attend to the enforcement of laws: National, State, and City Ordinances in any way effecting ex-service people, and to handle the legal affairs of the Post, including the giving of legal advice to the Officers of the Post.

**Section 3.** **Service and Health Committee:** This committee shall supervise all matters pertaining to the needs of ex-service people coming under the Bureau of War Risk Insurance, United States Public Health Service and Federal Board of vocational Education. This committee shall also do and perform such things as are necessary to remedy unfavorable conditions of employment of all members and shall supervise the giving of assistance to indigents, and assist at the funerals of members who request such help and also help care for the families of ex-service people.

**Section 4.** Health and Sanitation Committee: This committee shall supervise **This committee shall also supervise** the rendering of medical assistance to indigent ex-service people and their families, and to C co-operate with the Health and Sanitation Commissions of all pother public bodies relative to the Health and Sanitation conditions of the community.

**Section 5.** Membership committee: This committee shall be responsible for encouraging members to pay their annual dues in a timely manner and also approach and encourage eligible veterans to join this Post. This committee shall also investigate the eligibility of prospective members. This committee shall be the charge of the First Vice Commander.

**Section 6.** Dance and Entertainment Committee: This committee shall have charge of all entertainments and dances and shall supervise the activities of all other post entertainment.

**Section 7.** Finance Committee: This Executive Committee shall have general supervision over the finances of the Post, also shall devise ways and means for raising finances and shall arrange for authorization thereof. This committee shall audit the account of the Finance Officer annually.

**Section 8.** Public Affairs Committee: This committee shall have supervision of all public affairs not within the jurisdiction of the other committees which may affect the interest of the American Legion and shall be in charge of all matters relating to and dealing with the relationship of the American Legion with other civic bodies and organizations. This committee shall also help organize, direct and manage all the activities relating to all other athletic sports which shall be participated in by members or member families or community youth.

**Section 9.** Publicity Committee: This committee, with the assistance of the Post Adjutant, will have charge of the publishing, by the press, and otherwise, of the activities of the Post; and also do "Press Agent" work which would enhance the **standing** standard of the Post in the community.

**Section 10.** Nomination Committee: This committee shall be comprised of the three (3) immediate past commanders. This committee shall be self propagating. As a commander is replaced by another, by procedure described within this document, he or she shall replace the committee member having the longest tenure therein.

**Section 11.** Gambling Committee: This committee shall consist of Gambling Manager, assistant Gambling Manager, and the House Committee. The Gambling Manager is a hired position in accordance with the Gambling Control Board regulations.

**Section 12.** Bingo Committee: This committee shall be selected by the Executive Committee, with the Post membership approval, at their first meeting following the annual election which is held at the regular meeting each April. This committee shall have seven (7) members one of which shall be designated "Bingo Manager" and one shall be assistant Bingo Manager. The Post's Gambling Manager may also be the Bingo Manager. This committee shall organize within, having a chairperson and a secretary and shall meet at the call of the Chairperson, the Gambling Manager or the Post Commander.

**Section 13.** The duties of this committee shall be to conduct Bingo or advise the Bingo Manager and his or her assistant on how to conduct Bingo for the benefit of the Post.

The Bingo program shall conform to the stipulation of the Minnesota Gambling Control Board.

**Section 14.** This committee shall assist the Assistant Gambling Manager in making the Bingo roster either by actually helping make the roster or at least by advising and then by possibly distributing the roster when completed.

**Section 15.** The Gambling Manager, in that he or she does handle Post funds, must be bonded for an amount specified by the Minnesota Gambling Control Board.

**Section 16.** House Committee: This committee shall prescribe the rules for the use of the Post Headquarters, and may modify or revoke the same; it shall determine the penalties for violation of the rules and have the power to enforce the same, and also have the power to remit such penalties. This committee shall consist of **six (6)** at least four (4) members, who shall be voted in at the annual election meeting in April. Committee members shall rotate as to tenure, but may replace themselves for a period not to exceed three (3) full terms. At least two (2) members shall be elected each year

for a two (2) year term. This committee shall organize within and shall have a President, Vice President, and Secretary.

The bar manager may act as secretary.

**Section 17.** The duties of **the House Committee** the bar or Club Committee shall be to meet at least once a month when they shall audit the club books for the previous month and conduct such other business as shall properly come before them.

## 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 a copy of the same shall be forwarded to departmental Headquarters for **its** it's approval before any publicity is given, or action taken, other than mere passage by the Post.

## ARTICLE VIII

### Meetings

**Section 1.** The regular meetings of the Post shall be held in the Post Headquarters on the third Monday of each month at 1900 hours (7 p.m.) at which time and place any and all business may be transacted that should be properly brought before the membership for discussion and action.

**Section 2.** The regular monthly meetings of this Post may, after adjournment , be converted into an entertainment meeting, as **may** cay be deemed advisable by the Officers of the Post.

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**Section 3.** The Post Commander or a majority of the Executive Committee four (4) shall have the power to call a special meeting of the Post at any reasonable time. Notice of any special meeting shall be published in the local paper; and a notice informing the members of a special meeting shall be posted in a conspicuous place in the Post Headquarters , at least five(5) days preceding such meeting.

**Section 4.** Upon written request of at least ten (10) members, the Post Commander shall call a special meeting of the Post; giving notice as described in section 3 of this Article.

**Section 5.** Seven (7) members shall constitute a quorum at a regular or special Post meeting.

## ARTICLE IX

### Notices

**Section 1.** Every member shall furnish the Post Adjutant with his or her current address for mailing purposes.



**Section 2.** The Post Commander shall, at the regular monthly meeting in March, notify all present that at the regular monthly meeting in April the Nominating Committee shall present a slate of candidates for the Post's officers and an election shall be held.

Notification shall also be made that the newly elected officers shall be installed at the May meeting and shall each have a year of tenure, beginning **on June 1 and ending on May 31 of the following year.**

**ARTICLE X**

Rules of Order

**Section 1.** All proceedings at meetings of this Post shall be conducted under and be pursuant to ROBERT'S RULES OF ORDER, except as herein provided.

**ARTICLE XI**

Limitations of liabilities

**Section 1.** This Post shall **neither incur nor cause to be incurred, any liability or obligation whatsoever, which shall subject to liability the Post, any Post subdivision, group of persons, incur, or cause to be incurred, no liability or obligation whatsoever** whatever, which shall subject to liability and other Post subdivision, group of persons, members of the American Legion, or other individuals, corporations, or organization.

**ARTICLE XII**

Amendments

**Section 1.** The constitution and/or by-laws may be amended at any regular Post meeting by a majority vote of members, in good standing, of said Post attending such regular meeting provided that written **or electronic** notice shall have been given to all members at least five (5) five days in advance of the date when such amendment(s) **is/are** to be voted upon, notifying said members that at such meeting a proposal to amend the constitution and/or by-laws is to be voted upon.

**CONCLUSION**

**Section 1.** All committees are responsible to the membership of the Post and their decisions and actions may be overruled by a majority vote of the membership at a regular Post meeting.

**Section 2.** The Post Commander shall be an **ex-officio** ex officio member of all committees of this Post.

These By-Laws and this Constitution last amended at the regular monthly meeting on **December 18, 2017** June 18th, 2012, with the membership present approving any changes, **and the effective date of revisions shall be January 1, 2018.**

Post 141 Commander, **Ron Paggen** Larry Lhotka \_\_\_\_\_

Post 141 Adjutant, **Gary Mallak** George Lhotka \_\_\_\_\_

Past Commander, Cory Fouquette \_\_\_\_\_

Past Commander, Gary Mallak \_\_\_\_\_

Past Commander, Ron Miskoski \_\_\_\_\_

Past Commander, Ron Yurek

Past Commander, Randy Hlavka

Past Commander, Linda Klima