

By-Laws
Steven H. Nipp Post 143
American Legion Department of Idaho,
Post Falls, Idaho

Notarized on June 30, 2009

Expires: July 19, 2013

Article I - Name and Purpose

Section 1. The Post existing under these By-Laws is to be known as Steven H. Nipp Post 143, The American Legion, Department of Idaho.

Section 2. The objects of this Post are as set forth in the Constitution and its Articles of Incorporation.

Article II – Management

Section 1. The government and management of the Post are entrusted to the Post Commander, with the support and assistance of all post officers shall comprise an Executive Committee.

Section 2. The Post Executive Committee shall supervise the overall administrative affairs of the Post, except as may be otherwise provide for in the By-Laws.

Article III – Post Executive Committee

Section 1. The Post Executive Committee shall consist of all officers of the Post. Each elected and appointed committeeman's term shall run concurrent with the term of their elected or appointed office.

Section 2. The First Vice Commander shall be Chairman of the Executive Committee. The Post Adjutant shall be the Vice Chairman. All other post officers shall be known as committeeman. The Post Commander serves in an advisory role only.

Section 3. All vacancies existing in the Post Executive Committee or in any office of the Post from any cause other than the expiration of the term shall be filled by a majority vote of the remaining members of the Post Executive Committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who is succeeded.

Section 4. The Post Executive Committee shall meet for organization and such other business as may come before it as the call of the Post Commander within 10 days after the installation of the new officers. The Post Commander shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of said Post Executive Committee; five members of the Post Executive Committee, other than the Post Commander shall constitute a quorum thereof.

Section 5. The purpose and authority of the Post Executive Committee shall be generally administrative and managerial in nature and as such shall be empowered to hire such employees as may be necessary; shall approve and authorize all budget projections and expenditures: shall require adequate bonds from all persons having the custody of post funds: shall hear the reports to Post committee chairs: shall assist the Post Commander in all aspects of post activities.

Article IV – Duties of Officers

Section 1. *General.* The officers of the post shall focus on assisting the Post Commander in executing the Post Mission, supporting plans and programs.

Section 2. *Duties of the Post Commander* The Post Commander shall be elected to serve for a period of two years. It shall be the duty of the Post Commander to serve as the chief executive officer of the post, as ex officio member of all appointed committees, to preside over all other meetings of the post, coordinate and publish an agenda for all regular and special Post meetings, and to have general supervision over the business and affairs of the post. The Post Commander shall approve all orders directing the day-to-day disbursement of budgeted and authorized funds and shall make an annual report covering the business of the Post for the preceding year, and recommendations for the ensuing year.

Section 3. *Duties of First Vice-Commander.* The First Vice-Commander shall be elected to serve for a period of two years. The First Vice-Commander shall assume and discharge the duties of the office of Post commander in the absence of disability of, or when called upon by the Post Commander. In doing so, the First Vice-Commander shall be

knowledgeable in all ceremonial protocol of regular and special Post meetings, including the preparation of and publishing the meeting agenda. The First Vice-Commander shall expressly interest himself in the membership of the post and shall be an ex officio member of the Post Membership Committee. No single factor has so important an influence of the Post's success as membership; the First Vice-Commander shall be assisted by the most active and devoted members. The First Vice-Commander shall also be the exponent of means of safeguarding the honor of the Flag of our country. The First Vice-Commander is the teacher of democracy and shall therefore be committed to these endeavors and shall fulfill each and every one of them. The First Vice-Commander shall perform other such duties as are usually incident to the office.

Section 4. *Duties of Second Vice-Commander.* The Second Vice-Commander shall be elected to serve for a period of two years. The Second Vice-Commander shall also be responsible for assisting and Post Commander with all duties. Particularly, the Second Vice-Commander shall be vested with responsibility in developing post activities, in developing entertainment features which mark all meetings, and in patriotic observances of all kinds including those requiring an Honor guard observance. The Second Vice-Commander shall help to observe strict tolerance among post members on all political, religious, and civic matters. The Second Vice-Commander shall be an ex officio member of the Ceremonials Committee and perform other such duties as are usually incident to the office.

Section 5. *Duties of Post Adjutant.* The Post Adjutant is appointed to serve for a period of two years. The Post Adjutant's duties are primarily administrative in nature. The Post Adjutant is the personnel office and thus maintains intimate contact with individual post members. The Post Adjutant maintains membership records, minutes of meetings, coordinates with and assists with the work of the other officers and committees, and publishes official orders, announcements, and instructions. The Post Adjutant, in all matters relating to finance, shall furnish such surety bonds in such sum as shall be fixed by the Post Executive Committee, and shall carry on the work in close correlation with the Post Finance Officer. The adjutant shall also be an ex officio member of the secretary to the Post Executive committee and shall prepare and keep all records and minutes of proceedings of the Post Executive Committee. The Post Adjutant shall be authorized in the event of death or resignation of the Post Commander, to summon the post Executive Committee for the election of a successor.

Section 6. *Duties of the Post Finance Officer.* The Post Finance Officer shall be elected to serve for a period of two years. The Post Finance Officer shall have a charge of all finances and see that they are safely deposited in a designated local bank or banks and shall report once a month to the Post Executive Committee, as well as the general membership of the post, the condition of the finances of the Post, with such recommendations as may deem expedient of necessary for raising funds with which to carry on the activities of the Post. The Post Finance Officer shall sign all checks disbursing the monies of the post, and shall furnish such surety bonds in such sum as shall be fixed by the Post Executive Committee. All checks issued by the Finance Officer shall be countersigned by the Post Commander. The Post Finance Officer shall conduct and annual audit of the post finances and upon completion of the annual tax return, report its findings to the Post Executive Committee. The Post Finance Officer shall be the Chairman of the Post Finance Committee and shall provide basic members of the Post, a report on finances at each regular business meeting.

Section 7. *Duties of Post Historian.* The Post Historian shall be elected to serve for a period of two years. The Post Historian shall be charged with the preservation of all records and incidents of the post and post members, and shall perform such other duties as may properly pertain to the office as may be determined by the Post of the Post Executive Committee. The Post Historian shall be the custodian of any and all awards; decorations and/or memorabilia received by the Post, and shall be an ex officio of the Graves Registration and Memorial Committee.

Section 8. *Duties of Post Chaplain* The Post Chaplain shall be elected to serve for a period of two years. The Post Chaplain shall be charged with the spiritual welfare of the Post's comrades and when requested will offer divine, but nonsectarian service in the event of dedications, funerals, public functions, etc., and shall adhere to such ceremonial rituals as are included in the Manual of Ceremonies, or recommended by the National or Department headquarters from time to time. The Post Chaplain shall be an officio of the Graves Registration and Memorial Committee.

Section 9. *Duties of Post Sergeant-at-Arms* The Post Sergeant-at-Arms shall be elected to serve for a period of two years. As the outer guard of the post, the Sergeant-at-Arms shall preserve order at meetings, identify and introduce to the Post Commander all visiting comrades and guests of the post, shall assume charge of the stand of colors which will be properly displayed at all post meetings and ceremonial occasions, and shall perform such other duties as may be from time to time assigned by the Post Executive Committee, the Post Commander, or as delineated in the Manual of Ceremonies. The Post Sergeant-at-Arms shall be an ex officio member of the Ceremonials Committee.

Section 10. *Duties of Post Service Officer* The Post Service Officer shall be elected to serve for a period of two years. The Post Service Officer shall conduct all matters pertaining to service to and the welfare of comrades through educational efforts/programs concerning the rights and benefits for all veterans, and their dependents as granted them by law, and in the prosecution of all just claims against the United States or state government, employment, relief, etc. The Post Service Officer shall be the Chairman of the Veterans Affairs and Rehabilitation Committee.

Article V – Delegates

Section 1. Delegates and alternates to a Department convention shall be elected at a regular meeting of the post to be held at least 30 days prior to the date of such convention.

Section 2. All delegates representing the Post Shall receive information from the Post Commander and Post Executive Committee as to the general position of the post on any issue or matter to be voted upon, and instructions for vote as necessary. At no time shall a delegate vote in contrary to the wishes of the Post membership.

Article VI – Committees

Section 1. *Appointments:* The Post Commander, immediately upon taking office, shall appoint the following standing committees: Americanism, Ceremonials, Finance, Grave Registration and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, and Visiting or VAVS. Standing committees shall consist of such members and sub-committees deemed necessary to perform assigned functions. The Chair of all appointed standing committees shall be designated by the Post Commander, except as outlined in Article IV, Duties of Officers, above. As recommended by the Post Finance Committee and designated by the Post Executive Committee, selected committee chairmen of program managers may be given limited authority to authorize and commit the Post budgeted program funds. Standing committees, or their functions, may be eliminated or combined with those of other committees, as deemed necessary by the Post Commander.

Section 2. *Americanism Committee* The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-American propoganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

Section 3. *Ceremonials Committee* The principal duty of the Ceremonials committee is to insure all new members are properly initiated. The committee also concerns itself with property presentation of other rituals outlined in the Manual of Ceremonies, *including but not limited to* burial detail and the wearing of Legion regalia, installation of Post officers, and preparation for and representation at parades and other public events. The Second Vice-Commander shall be an ex officio member of this committee.

Section 4. *Finance Committee* The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all Post funds. The Post Finance Officer shall be the Chairman of the Post Finance Committee.

Section 5. *Graves Registration and Memorial Committee* The Duties of this committee involve recording of gravesites and complete information on veteran's burial in cemeteries assigned to the Post. The Post Chaplain and Post Historian shall be ex officio members of the Graves Registration and Memorial Committee.

Section 6. *House and Entertainment Committee* The House and Entertainment Committee shall consist of the Lounge Manager, Events Coordinator and an alternate for each. The committee shall be responsible for planning and executing all post social activities within their area of responsibility, including but not limited to dances, entertainment, musicians, and decorations. The House and Entertainment committee shall be responsible for the general and special rules of conduct, dress code, and general decorum of members, and their guests, using any post facility. This committee shall make recommendations to the Post Executive Committee via the Post Commander on all matters pertaining to house rules, furnishing and maintaining the facilities and its grounds, and employee matters pertaining to the operation of all areas mentioned above.

Section 7. *Legislative Committee* The Legislative Committee shall have knowledge of what is going on in Congress – what we favor or oppose, and should be ready to initiate action in support of our position when requested by the National or Department organization.

Section 8. *Membership Committee* The Membership committee shall have charge of all matters pertaining to the membership of the Post, including the enlistment and training of new members, training of committee members, reinstatements, and eligibility of members. The Chair of said committee shall appoint and train, in accordance with prescribed American Legion standards such teams as necessary to perform this vital mission. The First Vice-Commander shall be an ex officio member of this committee.

Section 9. *Public Relations Committee* The Public Relations Committee shall be charged with the promotion of public support of the Legion's program by the establishment of proper contact with Department and National Legion news service and by local publicity of Post programs and activities.

Section 10. *Veterans' Affairs and Rehabilitation Committee* The Veterans' Affairs and Rehabilitation Committee shall be vested with responsibility for aid and service to all needy veterans and their families, and children of veterans. This

committee shall assist the Post Service Office as required and shall conduct all matters pertaining to service and the welfare of comrades through educational efforts/programs concerning the rights and benefits for all veterans, and their dependents as granted them by law, and involve itself in matters pertaining to comrades in their prosecuting of claims against the United States and state governments, employment of veterans programs, veterans' burial rights, and other privileges as appropriate. The Post Service Officer shall serve as chairman of this committee.

Section 11. Visiting or VA VS Committee This committee is charged with visiting and comforting members and their families when sick or bereaved, and with visiting ex-service personnel in hospitals.

Section 12. Athletic Committee The Athletic Committee shall be charged with the promotion of sports through the organization of post athletic teams, recreational events, and other skill activities that may promote intramural and extramural competitive sport activities.

Article VII – Resolution

Section 1. All resolutions of state or national scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and copy of same shall be forwarded to the Executive Committee for review and determination of appropriateness. Resolutions determined to be of the character meeting compliance with form and fact will be forwarded to 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 Post meetings shall be held at the Steven H. Nipp Post facility on the third Monday of each month, at which may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the Post.

Section 2. The Post Commander or a majority of the Post Executive committee shall have the power to call a special meeting of the post at any time.

Section 3. Upon the written request of fifteen members, the Post Commander or Post Executive Committee shall call a special meeting of the Post. Ten members shall constitute a quorum.

Section 4. The Post, by simple majority vote, may cancel or postpone any future meeting.

Article IX- Elections

Section 1. The bi-annual elections shall be held during the regular business meeting on the third Monday of April where selected Post Offices shall be elected. Voting shall be in accordance with National American Legion practice and, or Robert's Rules of Order. Nominations shall be made from the floor at said meeting. Officers so elected by a simple majority vote shall be installed into office at the next regular meeting held on the third Monday in May.

Section 2. For the purpose of expediting nominations and of giving due consideration to candidates for each elected position considered, the Post Commander shall appoint a nominating committee of three members at large thirty (30) days prior to election. The nominating committee shall select at least two suitable candidates for each position open for election and provide such nominations during the election. Other suitable candidates: may be nominated from the floor during the period of the general election.

Section 3. The Steven H. Nipp Post shall have four classes of members as defined in the Articles of Incorporation, dated August 20, 1984. Those classes of members in good standing shall include:

- Basic Members
- Junior and Senior members
- American Legion Auxiliary Unit 143
- Sons of the American Legion Squadron 143 members

Section 4. Voting rights within the Steven H. Nipp, American Legion Post shall be limited to **Basic** members in good standing.

Article X – Notices

Section 1. Notice shall be in compliance with Idaho State Statute

Section 2. Every member shall furnish the Post adjutant with a current address for mailing.

Section 3. The Post Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

Section 4. The Post Adjutant shall cause notice of any other item requiring general members action as prescribed by the Executive Committee, the Post Commander, or these By-Laws.

Article XI – Rules of Order

Section 1. All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, except as provided in the American Legion Trophies, Awards, and Ceremonies Manual, current edition. A copy of said rules of order shall be present at all, but not limited to regular and special meetings of the general membership.

Section 2. All business to be presented before the proceedings of this Post shall be properly noted and published in an official agenda that has been thoroughly coordinated with all participants.

Article XII – Limitations of Liabilities

Section 1. The Post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other post, subdivision, members of The American legion, or other individuals, corporations or organizations.

Article XIII – Amendments

Section 1. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting, except as stated in Section 2, Article XIII following: provided that the proposed amendment shall have been submitted in writing and read at a preceding regular meeting of the Post and provided further, that in accordance with Idaho State Statute written notice shall have been given to all members of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

Section 2. As an alternative voting option, these By-Laws may also be amended during a special election, held at a date/time/location designated by a majority vote of members present during a regular post meeting not exceeding 45 days prior to said special election: provided that the proposed amendment shall have been submitted in writing and read at a preceding regular meeting of the post and provided further, that written notice shall have been given to all members in accordance with Idaho State Statute of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon. This option shall be used at the discretion of the membership to ensure maximum participation in the decision making/voting process and shall be in ballot form only.

Section 3. Absentee ballots may be used at the discretion of the Post Executive Committee.

Section 4. Any element of or amendment to these By-Laws that is in conflict with any higher controlling guidelines shall be considered null and void upon recognition of the item of conflict.

Article XIV – Authority

Section 1. All By-Laws existing prior hereto and in conflict herewith are hereby specifically repealed.

Section 2. A copy of these By-Laws shall be made available to all members in good standing upon request.

Article XV- Omissions

Section 1. Any question of procedure not otherwise provided for in these By-Laws, shall be governed by Idaho State Statute, the National or Department of Idaho and American legion Constitutions of By-Laws.