

**CONSTITUTION AND BYLAWS OF THE
AMERICAN LEGION MERRELL MITCHELL POST 39**

206 North Gilbert Road Gilbert, Arizona 85234-5702
480-892-7038 FAX 480-892-0451
www.azlegion39.org

**Amended March 15, 2005
Amended July 16, 2007
Amended January 19, 2010
Amended March 6, 2012
Amended April 1, 2014
Amended March 1, 2016
Amended January 4, 2022
Amended March 7, 2023
Amended September 5, 2023**

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 ALL 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 COMRADSHIP BY OUR DEVOTION TO MUTUAL HELPFULNESS.

Article I: Name

The name of this organization shall be Merrell Mitchell Post 39, The American Legion, Incorporated, Department of Arizona.

Article II: Objects

The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Department of Arizona Constitutions of The American Legion.

Article III: Nature

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

Section 2. This organization shall be absolutely nonpolitical and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Rank does not exist in The American Legion; no member shall be addressed by his 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.

Section 2. 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 3. All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration by a majority vote of the membership present. Results of the vote shall be recorded in the minutes.

Section 4. Any member of this Post may be expelled for cause by a two-thirds vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial had upon the same, providing further that such trial shall be held in accordance with National, Department, and District rules and regulations.

Section 5. No person who has been expelled from another Post shall be admitted to membership in this Post, without the consent of the expelling Post. Where such consent has been asked for and denied by such Post, the person may then appeal to the Department Executive Committee of Arizona.

Section 6. Nothing in Section 4 or 5 shall deny an applicant or member who has been rejected or expelled to appeal to The American Legion, the Department of Arizona, as provided for in Article XI of the Department Constitution.

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. The Executive Committee shall consist of one (1) elected member-at-large per 100 or proportion thereof members in addition to the elected officers of the Post. A cap on the maximum number of members-at-large may be established by the Executive Committee. This Post, by its Bylaws, may provide for such other standing committees as the business of the organization may require.

Section 2. The elected officers of this Post shall be a Post Commander, Vice-Commander, 2nd Vice-Commander, Finance Officer, and the members-at-large.

Section 3. All officers and Executive Committee members shall be elected annually, and they shall hold office until their successors are duly installed or as otherwise provided. The Executive Committee may remove any officer or Executive Committee member for cause. A two-thirds vote of the whole Executive Committee shall be necessary to affect such removal.

Section 4. Every member of this Post in good standing (i.e., dues paid through the current year) shall be eligible to hold office in this Post.

Section 5. The duties of officers and the Executive Committee shall be those usually appertaining to such officers or committee(s) and as further provided in the Bylaws.

Section 6. The Post Commander shall appoint an Adjutant, Chaplain, Judge Advocate, Service Officer, Statutory Agent, and Sergeant-At-Arms with the approval of two-thirds vote of the Executive Committee. These appointed officers shall attend executive committee meetings with voice but no vote.

Section 7. Officers elected at the Post annual election will be installed at June General Meeting Installation Ceremony. These New Officers will assume their duties at the conclusion of the Arizona Department June Convention.

Section 8. It is a requirement that to be the Post Commander, Vice-Commander, or 2nd Vice-Commander that the Officer/Member/Candidate have already served as a Member-At-Large on the Executive Committee or an appointed officer for a minimum of 1 years.

Article VI: Finance

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

Section 2. The amount of annual Post dues shall be fixed and determined by the Post Executive Committee.

Section 3. The Post shall pay to Departmental headquarters the National and Department annual membership dues for every member of the Post.

Article VII: Charter Members

Members who joined this Post prior to the issuance of the permanent charter and who signed, or whose names appear on the charter application, shall be known as charter members.

Article VIII: American Legion Auxiliary

Section 1. American Legion Post 39 recognizes an auxiliary organization to be known as the Auxiliary Unit 39 of Merrell-Mitchell Post 39, the American Legion.

Section 2. Membership in the Auxiliary shall be prescribed by the National Constitution of the American Legion Auxiliary.

Article IX: Sons of the American Legion

Section 1. American Legion Post 39 recognizes a subsidiary organization to be known as Sons of the American Legion Squadron 39, of Merrell-Mitchell Post 39 of the American Legion.

Section 2. Membership in the Sons of the American Legion shall be as prescribed by the National Constitution of the Sons of the American Legion. To hold an office in the Sons of the American Legion Squadron 39, a person must be a member in good standing of Squadron 39.

Article X: American Legion Riders

Section 1. American Legion Post 39 recognizes the program American Legion Riders to be known as the American Legion Riders Chapter 39, of Merrell-Mitchell Post 39 of The American Legion.

Section 2. Membership in the American Legion Riders shall be as prescribed by the National Constitution & Bylaws of the American Legion (with Resolutions), Department of Arizona Constitution & Bylaws, and Post 39 Constitution & Bylaws. To hold an office in the American Legion Riders Chapter 39, a person must be a member in good standing of the Post 39 American Legion, Unit 39 Auxiliary or Squadron 39 Sons of The American Legion.

Article XI: 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 American Legion, the Department of Arizona. Any amendment to the National Constitution or Department Constitution, which is in conflict with any provisions hereof, shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any regular Post meeting by vote of two-thirds of the members of the Post attending such regular meeting, providing the proposed amendment(s) having been submitted in writing and read at the immediately 2 preceding regular meeting of the Post. Written notice will be considered given since the Amendment(s) will be including the regular post meeting minutes. Notification will be considered given for the scheduled vote when it is communicated by means of the Post's bulletin board, website, or Social Media Accounts.

Article XII: Enacting Clause

This constitution of Merrell-Mitchell Post 39, the American Legion, Incorporated Department of Arizona, approved and adopted by two-thirds (2/3) affirmative vote of the Post members present by a Meeting held September 5, 2023 and supersedes any and all previously enacted similar documents.

DocuSigned by:

Frank Banaszewski

AD45E0D7CDCB422

Frank Banaszewski
Commander

DocuSigned by:

W. Gen

72714A839B174B1

Mitch Ellis
Adjutant

BYLAWS OF MERRELL MITCHELL POST #39
The American Legion, Department of Arizona

Article I: Name and Objects

Section 1. The Post existing under these Bylaws is to be known as Merrell Mitchell Post 39, The American Legion, Incorporated, Department of Arizona.

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

Article II: Management

Section 1. The management of the Post are entrusted to an Executive Committee and Elected Officers as established in Article V, Section 1 and 2 of the Post Constitution. Voting privileges are limited to the elected Executive Committee members and Elected Officers as set forth in Article V, Section 1 and 2 of the Post Constitution.

Section 2. All officers of this Post shall be elected annually at least thirty-one (31) days prior to the Department Convention.

All elections of officers and Executive Committee members shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.

Section 3. A permanent vacancy shall exist when a member at large or officer is absent from three (3) consecutive meetings without prior approval of the Commander or Committee Chairperson, removed for cause, or when an elected officer resigns his/her office. The commander shall nominate a member to fill an existing permanent vacancy. The nomination shall be ratified by a majority vote of the remaining members of the 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.

Article III: Post Executive Committee

Section 1. The Post Executive Committee shall meet at the call of the Commander at least once every month and as often as the Post Commander may deem necessary.

Section 2. The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall hear the reports of Post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of this Post. The financial responsibility for the bonds will be paid by Post 39.

Section 3. The Executive Committee may establish standing rules as necessary to govern the operations of the Post.

Article IV: Duties of Officers

Section 1. Duties of Post Commander
Shall preside at all meeting of the Post.

Shall provide general supervision over the business and affairs of the Post.

Shall be the chief executive officer of the Post.

Shall review all requests to expend Post funds and present the request to the Executive Committee and/or the General Membership as appropriate.

Shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant.

Shall be responsible for the storage and accountability of the ceremonial rifles and ammunition.

Section 2. Duties of Vice Commander

Shall assume and discharge the duties of the office of Commander in the temporary absence or disability of, or when called upon by the Post Commander.

Shall Chair the Membership Committee.

Shall audit the monthly Finance Report against Post Bank Statements.

Section 3. Duties of 2nd Vice Commander

Shall assume and discharge the duties of the office of Commander in the temporary absence, or disability of, both the Post Commander and Vice Commander, or when called upon by the Post Commander.

Shall supervise, coordinate, and administer functions related to Post operations and food service.

Shall Chair the House Committee with the special duties of coordination of entertainment and special social activities.

Section 4. Duties of the Finance Officer

Shall have charge of all finances.

Shall develop procedures for reporting, accounting for, and safeguarding all Post assets.

Shall render all required reports of a financial nature as may be necessary to comply with local, county, state, or federal law as pertains to Post or club operations.

Shall ensure all monthly expenses related to Post or club operation are paid without further approval.

Shall administer Post financial policy, prepare an annual budget to be presented to the general membership for approval at the July meeting, recommend policy on receipts, disbursements and accounting of all Post funds and establish limits for retained accounts.

Shall secure bonding as required for members and/or employees.

Shall Chair the Finance Committee.

Shall prepare and submit to the Post a monthly financial statement.

Shall receive financial statements from the Sons of American Legion Squadron 39, American Legion Riders Chapter 39, Color Guard Post 39, and Club Manager every month.

Shall submit the Legion financial records annually to the Post Audit Committee chaired by a person appointed by the commander. This person shall not be the Finance Officer.

Section 5. Executive Committee

Is generally responsible to the membership for management of the business and administrative affairs of the Post.

Shall approve and authorize expenditures for Post operation.

Shall require bonding or acquire liability insurance of all persons handling or having custody of Post funds.

Shall submit plans for capital investments or improvements totaling over \$5,000.00 to the membership at regular Post meetings for its approval. Shall have final authority for sale, or lease of fixed assets. If the value of the fixed asset exceeds \$5,000.00 a 2/3 vote shall be required, and then submitted to the membership at a regular Post meeting for its approval.

Shall approve contracts for goods or services as may be required for Post operation.

Shall have final authority for hiring or discharging Post or club employees, providing however that this section shall not restrict the club manager, or House Committee from hiring or discharging help as required on a temporary basis.

Article V: Delegates to Department Convention

Section 1. Post Commander, Vice Commander, 2nd Vice Commander, Finance Officer, Adjutant, and the Post Officers-elect shall be automatic delegates. The Post Commander shall be Chairperson of the delegation.

Section 2. The balance of the delegation to be chosen from the membership at least one meeting prior to the Department Convention.

Section 3. The Post will pay the Department Convention and Conference pre-registration fees for the Post 39 Delegates.

Article VI: Appointments and Organization

Section 1. The appointed officers are Adjutant, Sergeant-at-Arms, Chaplain, Service Officer, Judge Advocate, Statutory Agent, Tax Officer, and Past Finance Officer Advisor. The Commander with the approval of a majority of the Executive Committee may appoint other officers as necessary for Post operation (e.g., Post Historian).

Section 2. The appointed Committees and associated Committee Chairperson shall be Membership, House, Finance, Children and Youth, Boys State, Americanism, Audit and Public Affairs.

Section 3. Other committees may from time to time be formed as deemed necessary by the Executive Committee.

Section 4. Post Commander shall temporarily appoint a current member to replace any vacancy created by the resignation, removal, or death of an existing member of the Executive Committee. This appointment is valid for a period not to exceed 90 days, or until made permanent by a majority affirmative vote of the Executive Committee.

Section 5. All appointments, other than temporary appointments, shall be made with approval of majority affirmative vote of the Executive Committee.

Article VII: Appointed Officers and their Duties

Section 1. Adjutant

Shall have charge of and maintain a full and correct record of all proceedings of the Post.

Shall keep such records, as the District, Department, and National Organization shall require.

Shall Prepare and Submit the required reports such as the Consolidated Post Report (CPR) as required by Department and/or National.

Shall prepare Post correspondence and reports required by District, Department, and National as directed by the Post Commander.

Shall obtain and maintain copies of all Executive Committee, Finance, House, Kitchen, Sons of the American Legion, Color Guard, American Legion Riders minutes and other reports as the Executive Committee shall require.

Shall ensure current Constitution and By-Laws are available on Post website.

Shall act as Parliamentarian at meetings in the absence of the Judge Advocate.

Shall cause notice of all meetings to be given far enough in advance that members shall be advised of such meetings.

Section 2. Sergeant-At-Arms

Shall preserve order at all regular Post or special meetings.

Shall ensure proper presentation of the colors at meetings and other functions as required.

Shall ensure the meeting hall is properly arranged for all Legion Executive Committee and General Meetings.

Shall ensure all members at Post Meetings are members in good standing.

Shall perform such other duties as may be assigned by the Post Commander or Executive Committee.

Section 3. Chaplain

Shall be in charge of the spiritual welfare of the Post.

Shall conduct divine, but non-sectarian services at Post meetings, dedications, funerals, and public functions adhering to the rituals recommended by District, Department, and National organizations of the American Legion.

Shall be responsible to tracking members entering Post Everlasting and working with families to address their needs.

Shall be responsible to Post Everlasting Ceremonies.

Shall be responsible for Boys State Program/Committee.

Section 4. Service Officer

Shall be responsible for bringing to the attention of the Post members the rights and benefits granted them.

Shall assist all veterans in obtaining such benefits or services to which they may be entitled, and as they require.

Shall be responsible for Veteran Affairs and Rehabilitation Program.

Section 5. Judge Advocate

Shall provide guidance to the Post concerning matters of a legal nature in Post operation.

Shall procure professional legal counsel when required to do so by the Executive Committee.

Shall act as Parliamentarian at Post meetings.

Section 6. Tax Officer

The Tax Officer is to work for the Finance Officer to assist with the preparing of the IRS Form 990 Nonprofit Tax-Exempt Return. The Finance Officer will recommend to the Commander a suitable candidate for the position. The Commander will at his/her discretion appoint the candidate.

Section 7. Statutory Agent

May be filled by any member in good standing of American Legion Merrell Mitchell Post 39. In accordance with Arizona law, this person must reside in Arizona and provide written acceptance of this position, to be filed with the Corporation Commissions Annual Report.

Accept any legal notices on behalf of American Legion Merrell Mitchell Post 39.

Notify Commander and Executive committee within 3 days of receiving any such notice.

Section 8. Past Finance Officer Advisor

If there is a change of member in the Finance Officer Position, the Commander may appoint the past Finance Officer to assist the new Finance Officer in understanding his/her Duties. This position will report to the Commander. The Commander will at his/her discretion appoint the candidate.

Article VIII: Committees

Section 1. Membership Committee

Shall consist of the Vice-Commander (Chairperson), Adjutant, and other members as deemed necessary by the Chairperson.

Shall investigate new applicants and transfers for eligibility. (Proof required)

Shall present new or transferred members for acceptance at regular Post meetings.

Shall be in charge of initiating new members.

Shall advise each new/transfer member that the current Constitution and By-Laws are available on the Post web site and provide new/transfer member with a paper copy if so requested.

Shall furnish membership reports as required.

Shall make recommendations to the membership for "Honorary Life Members". A member must have 40 years or more of continuous membership in the American Legion and must have 5 years or more of continuous membership in Post 39 in order to be considered. Members once voted as "Honorary Life Member" shall be "Honorary Life Members" for perpetuity, as long as they maintain their membership at Merrell-Mitchell Post #39.

Dues for this Post will be established by the Executive Committee.

Section 2. House Committee

Shall be appointed by the Post Commander.

Will consist of eight members, chaired by the Legion 2nd Vice Commander. The remaining members are the Post Commander, two legion members appointed by the Commander, one member of the American Legion Auxiliary, one Sons of American Legion member, one Color Guard member and one American Legion Riders member. All members will have a vote on the committee.

Shall have charge of all matters pertaining to Club operation subject to approval of Executive Committee.

Shall meet at call of the House Committee Chairperson, not less than once monthly.

Ensure compliance with all federal, state, local and American Legion directives, statues, ordinances governing private club operations.

Shall render such reports as may be required by the Post Finance Officer, Executive Committee or Post Commander.

The House Committee shall review the qualifications of proposed Club Manager and make the recommendations to the Executive Committee on the hiring of a Club Manager. The Club Manager shall have responsibility of day-to-day operation of the Clubroom, Building and Grounds under the supervision of the House Committee Chairperson.

The House Committee shall prepare and maintain a written job

description outlining duties and responsibilities of the Club Manager.

The House Committee Chairperson, with the Club Manager, shall have the authority to temporarily hire or discharge such employees as needed for the proper operation of the club, subject to final approval of the House Committee and Executive Committee. Only Voting House Committee members may be present for any discussion of sensitive items. These items include, but are not limited to, employee issues, pay or incident reports. The House Committee Chairperson has the discretion to close meetings to all but voting members for these and other sensitive issues.

The House Committee shall draw up and post a code of conduct for members and guests.

Shall review and forward the monthly Kitchen profit and loss statement from the 2nd Vice-Commander to the Executive Board.

The House Committee will allow non-committee Post 39 members to attend meetings without a voice at the Committee Chairperson's discretion.

Section 4. Child Welfare

Children and Youth Committee shall consist of Chairperson and three (3) members.

Shall maintain contact with local social services, educational, and welfare agencies to assist local needy children.

Shall coordinate with the Legion entities in sponsoring events for the needy children in the community.

Shall meet at the call of the Chairperson.

Section 5. Americanism

Shall consist of at the minimum the appointed chairperson, and other members as deemed necessary by the Chairperson.

Shall make arrangements for proper observance of patriotic occasions.

Shall encourage patriotic and civic phases of instruction in schools.

Shall foster American ideals through participation in public forums and activities for community and civic betterment.

Shall meet at the call of the Americanism Committee Chairman.

Shall report to the Executive Board Monthly.

Section 6. Audit Committee

Chairman of the Legion Audit Committee shall be appointed by the Commander and shall not be the Finance Officer. The Audit Committee Chairperson shall appoint a minimum of three post members in good standing to assist in conduct of the audit.

Shall conduct an audit of the financial records and accounts pertaining to all Post and program activities no later than thirty (30) Days prior to the annual election.

Shall present the result of the audit to the Executive Committee prior to the annual election.

Shall perform other audits at such times as the Executive Committee may direct.

Section 7. Voting on Committees

From time to time the Post Commander might appoint an American Legion Auxiliary or Son of the Legion member on a committee. These appointees will have full voting rights.

Section 8. Limitations of Committees

The purpose of the committees is to provide recommendations to the Executive Board. No committee except the Executive Committee has the authority to expend or obligate funds or to execute Post or Club policy without prior Executive Committee approval.

Article IX: Nominations

Section 1. Nominations for Post elective positions will be held over 2 membership meetings prior to the Post Election. Post-Election will be held the month prior to the Arizona Department Convention. A Nominee (Candidate) for any office must be present at the general meeting to accept the nomination or shall have delivered written notice to the Post Commander or Adjutant indicating a willingness to serve if elected.

Section 2. Candidates may be written-in for office subsequent to nominations being closed. Blank spaces will be provided on the ballot for write-in candidates.

Section 3. All candidates for elected office must be members in good standing at Post 39 and at the request of the Adjutant provide proof of eligibility in the American Legion.

Section 4. All candidates for elected office must provide the Adjutant their American Legion On-Line Basic Training Completion Certificate.

Article X: Elections

Section 1. Annual Post Elections.

Shall be held at least thirty-one (31) days prior to the Department Convention. Elections shall be held at the annual meeting with Post general membership meeting to follow.

An Election Committee appointed by the Post Commander shall conduct the ballot poll.

Votes on Election Day shall be counted by the Tally Committee consisting of two members invited by the Post 39 Commander from another Post of the American Legion, and one member from Post 39 appointed at the Election Day meeting by the Commander.

Candidates for elected office and current elected or appointed officers may not serve on the Election Committee or tally votes.

The Tally Committee shall count and announce the votes at the Election Day meeting subject to the rules set forth in subparagraphs F of this section.

Election Results.

The candidate receiving the most votes shall be declared the winner.

In case of a tie there shall be an immediate run-off election, by ballot.

In case more than two (2) candidates are running for a single office one candidate must have over fifty (50) percent of the votes cast to be declared the winner. If no candidate receives a majority (over 50%) of the vote the candidate with the least amount of votes drops out and the others will have run-off elections until one receives a majority.

The Members at Large receiving the most votes will be declared the winners.

In the event that any person present at the election results meeting declines the position, the member with the next highest

number of votes shall be declared the winner. If there is no such candidate, the position shall remain vacant until the incoming Executive Committee, having been sworn into office, fills it in accordance with rules herein.

Section 2. Voting and Voting Eligibility

Election shall take place at the annual meeting in May. Voting will be by secret ballot, the polling place to be at the Post.

All members of Post 39 in good standing are eligible to vote. A log will be kept with each member signing his/her name, and his/her card number being recorded.

A membership receipt shall not be honored.

Section 3. Special Elections

The Post Commander will call a special election if he/she determines that it is in the best interest of the Post. Notice of the Special election shall be posted on the Post's bulletin board, website, and Social Media Accounts at least 31 days prior to the election.

Article XI: Meetings

Section 1. General Meetings

There will be at least one General Membership meeting per month.

The general membership meeting held in May shall also be known as the annual meeting.

A majority of the Executive Committee will constitute a quorum.

Section 2. Executive Committee Meetings

There will be at least one Executive Committee meeting per month. A majority of the Executive Committee will constitute a quorum.

The Commander shall call a meeting of the Post Executive Committee upon the request of two or more members of the Post Executive Committee to the Commander and the Post Adjutant; a majority of the members of the Executive Committee shall constitute a quorum thereof. This meeting shall be called no sooner than 24 hours after request is received, nor any later than 96 hours after the request is received.

The Commander may call an Executive Committee meeting at any time. This meeting shall be called no sooner than 24 hours nor any later than 96 hours.

Section 3. Special General Meetings

May be called by the Post Commander, or a majority of the Executive Committee.

Written notice of special meetings shall be given to all members five(5) days before the date of the scheduled special meeting. Notification will be considered given when it is communicated by means of the Post's bulletin board, website, and Social Media Accounts.

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.

Section 2. No officer, committee Chairperson, Post member, or Post employee shall in any way expend funds or obligate funds of this Post without prior approval of the Executive Board or Post members at a regular or special meeting. Exception to this rule is the normal recurring monthly and annual expenses and the normal cost of supplies for club, kitchen, etc.

Article XIII: Prohibitions

The following prohibitions shall be strictly enforced in this Post:

No elected officer, or appointed officer, or Executive Committee member may be a paid employee of this Post.

No elected officer, or appointed officer, or Executive Committee member, or House Committee member may hold a contract with this Post.

No immediate family member or domestic partner of an elected or appointed officer or Club Manager shall be under the direct supervision of the parties.

Article XIV: Resolutions

All resolutions of State or National scope presented to this Post by a committee shall merely embody the opinion of this Post on the subject and copy of same shall be forwarded to the Department headquarters for its approval before any publicity is given or

action other than mere passage by the Post is taken.

Article XV: Rules of Order

All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order Newly Revised, except as herein otherwise provided. Standing Rules may be amended, set aside, added or deleted by a majority vote of the Executive Committee Meeting or General Membership Meeting.

Article XVI: Amendments


These By-Laws may be amended at any regular Post meeting by vote of two-thirds of the members of the Post attending such regular meeting, providing the proposed amendment(s) having been submitted in writing and read at the immediately 2 preceding regular meeting of the Post. Written notice will be considered given since the Amendment(s) will be including the regular post meeting minutes. Notification will be considered given for the scheduled vote when it is communicated by means of the Post's bulletin board, website, or Social Media Accounts. The Constitution & Bylaws shall be reviewed for amendment(s) every two years.

Article XVII: Enacting Clause

These By-Laws to the Constitution of Merrell-Mitchell Post 39, The American Legion, Incorporated, Department of Arizona approved and adopted by two-thirds (2/3) affirmative vote of the Post members at a meeting held this September 5, 2023, and supersedes any and all previously enacted similar documents.

DocuSigned by:

AD45E0D7CDCB422...
Frank Banaszewski
Commander

DocuSigned by:

72714A839B174B1..
Mitch Ellis
Adjutant

Associated with Constitution & Bylaws revision

**STANDING RULES dated 6 September 2023
(updated at General Membership Meeting 5 September 2023)**

1. The term "written notice" as used in the Constitution and By Laws shall include letter, FAX, or email delivered to the commander or adjutant.
2. The General Meeting shall be the third Tuesday of every month at 6 PM. The Commander can change the start time with 72-hour notice. (Effective October 2023)
3. Polls for the election of officers at the annual meeting shall be open from Noon to 6PM.
4. The Executive Committee meeting shall be the first Tuesday of every month 10 minutes after the conclusion of the House Committee Meeting (if there is one) which normally starts at 6PM. (Effective October 2023)
5. Each Executive Committee Member at large shall chair at least one committee.
6. There shall be no alcohol consumed at any general meeting of this Post and anyone who is obviously incapacitated or disorderly shall be asked to leave.
7. Dues shall be \$45.00 per year.
8. All officers, Committee Chairpersons, and Committee Members shall refer to the most current American Legion Officer's Guide and Manual of Ceremonies for additional guidelines for carrying out their functions.
9. The Club Manager, or in the absence of the Club Manager, the on-duty bartender shall be responsible for customer conduct in the Post. Any person deemed intoxicated or exhibiting bad behavior (in the sole opinion of the person in charge) will be asked to leave immediately for the remainder of the day. If the person does not leave when asked, they will be informed that they are to leave and not to return to the club for 30 days. If they still do not leave the police will be called, and the suspension will be for 60 days. When this action is taken by a bartender, the Club Manager shall be informed and will notify other employees, the House Committee Chairperson, Adjutant, and Commander of this fact.
10. This is a non-smoking establishment. Smoking is permitted on the patios. E-cigarettes are restricted as smoking.

11. The number of Executive Committee Members-At-Large shall be 1 for every 100 General Members. Not to exceed 8 Members-At-Large.
12. Announcement of our Officer Nomination Procedures and Candidate Requirements will be made at the two General Membership Meetings prior to the two General Membership Meetings when the Nominations are made. In Example: Since the Legion Department of Arizona Convention is in June, Our Post Election would take place prior to our May General Membership Meeting, Nominations would be made at our April and March General Membership Meetings, and so this Announcement would be made at the February and January General Membership Meeting.
13. Financial Reports: Attached are three financial reports to be used as Examples of reports to be provided at our Membership Meetings.
 - a. 12 Month Ending Account Balances
 - b. Last Month Expense Item Reports of the Post Account
 - c. Post Program Balance and Transaction Reports
14. While the Kitchen at the Post is open, No Food is allowed to be made or sold by the Bartenders (i.e. Pizza, Tacos, or Popcorn) and No food is allowed to be brought into the Post. The Post is defined as: Inside the Building, The Front Patio, and the Back Patio.