



THE AMERICAN LEGION

For God and Country

Phil Mowry

Department Judge Advocate

March 5, 2021

Commander Rick Johnson
c/o The American Legion
Department of Florida
P.O. Box 547859
Orlando, FL 32854

RE: American Legion Post 24
Proposed Amendments to the Constitution and By-Laws

Dear Commander Johnson,

I am in receipt of and have reviewed the proposed Amendments to the Constitution and By-Laws of the above referenced Post. I hereby approve same as submitted.

For your convenience I have prepared and signed the necessary Approval Form. Your signature is needed on this form.

Should you have any questions, please do not hesitate to contact me at (704) 247-0407 or email me at JudgeAdvocate@legionmail.org.

Sincerely,

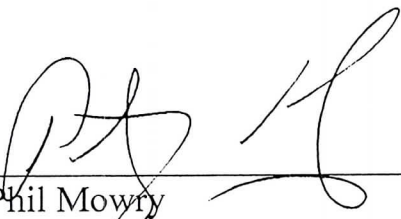
Phil Mowry
Department Judge Advocate

Enclosure

Cc: Post 24

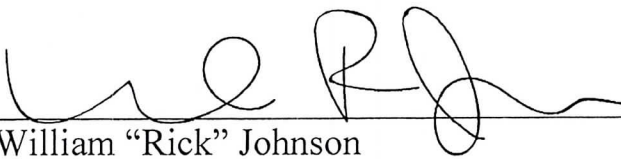
APPROVED

Pursuant to the applicable provisions of the Department Constitution, the foregoing Amendments to the Constitution and By-Laws of American Legion Post 24 have been reviewed and approved this 5th day of March, 2021.



Phil Mowry
Department Judge Advocate

Approval Confirmed:



William "Rick" Johnson
Department Commander

American Legion
Kirby Stewart Post 24

Constitution

And

By-Laws

CONSTITUTION

ARTICLE I

Name

Section 1. The name of this organization shall be "Kirby Stewart Post No. 24, of The American Legion, Department of Florida."

ARTICLE II

Object Nature and Purpose

Section 1. This Post is a civilian organization and membership therein does not affect or increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by his/her military title in any convention or meeting of the Legion.

Section 2. A candidate for nomination or election to, or an incumbent of, any remunerative public office may hold any elective office or any appointive remunerative office in the Post. However, The American Legion remains absolutely non-political 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.

ARTICLE III

Membership and Eligibility

Section 1. Eligibility for membership is as prescribed by the National Constitution.

Section 2. There shall be no form or class of membership except an active membership and dues shall be paid annually or for life.

Section 3. No person may be a member at any one time of more than one Post.

Section 4. Membership applications shall be made in writing on a form prescribed by the National Headquarters of The American Legion.

Section 5. Eligibility for membership will be verified from discharge papers or other types of separation documents prior to an application being acted upon by the Post. Applicant for Post membership shall not be present in the hall when vote for membership is taken.

Section 6. A member of this Post may be reprimanded, suspended, removed from office, or expelled from the Legion as set forth in the Department Constitution.

Section 7. No person who has been expelled by a Post of The American Legion shall be admitted to membership in this Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, the person may then appeal to the Department of Florida Executive Committee for permission to apply for membership in another Post, and shall be ineligible for membership until such permission is granted.

Section 8. Charter Members are those fifteen (15) veterans whose names appear on the Post Charter dated June 15, 1919.

Section 9. The jurisdiction of this Post is limited to Manatee County, Florida, and covers the entire county, except the geographical areas previously assigned to Palmetto Post 309, Oneco Post 312, Bayshore Post 317, and Ellenton Post 325. The jurisdiction of each Post shall be fixed by the District Commander.

Section 10. Membership in The American Legion is membership in The National Organization of The American Legion by affiliation with Post under the Department of Florida.

ARTICLE IV

Post Officers

Section 1. This Post shall have the following officers who shall be elected by the Post.

Commander
1st Vice Commander
2nd Vice Commander
3rd Vice Commander
Finance Officer
Sergeant-at-Arms
Chaplain
Historian

Section 2. The Post Adjutant, Service Officer, Post Judge Advocate, and any other officers deemed necessary, shall be appointed by the Commander elect and whose names shall be presented to the Post for confirmation by a majority of the members present.

ARTICLE V

Finance

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

Section 2. The amount of membership or initiation fees and the amount of annual dues shall be as prescribed by the Executive Committee with approval of the Post membership.

Section 3. All members having fifty (50) or more years of continuous membership in The American Legion, with the last five (5) years or more being a member of Kirby Stewart Post 24, will be awarded a full annual membership upon payment of the National and Department per capita levy as required each year.

Section 4. The Post shall pay to the Department Headquarters, National and Department per capita annual membership dues for each and every member of the Post.

Section 5. All Post officers and employees responsible for Post funds shall be bonded adequately for the faithful performance of their duties.

Section 6. There shall be a complete audit of the finances, accounts, and property and business affairs of the Post at least once annually or upon termination of the duties of an officer or employee responsible for Post funds. The audit will be made by an audit committee appointed by the Commander. Reports of the audit committee shall be made to the Post before an officer or employee terminations his/her responsibility.

ARTICLE VI

Incorporation

Section 1. The real property of this Post shall be vested in a corporation known as and hereinafter designated as Kirby Stewart Post No. 24, incorporated by The American Legion. Charter number for this corporation is 761467 issued in 1982 by the State of Florida as a nonprofit corporation. Post No. 24 encompasses Post No.24, and is specifically charged with the effective and efficient management of all real and personal property of Post No.24.

Section 2. The Board of Directors of this corporation shall consist of the Executive Committee of Kirby Stewart Post 24, Department of Florida, and The American Legion.

ARTICLE VII

The American Legion Auxiliary

Section 1. This Post recognizes an auxiliary organization known as the "Auxiliary Unit of Kirby Stewart Post 24, Department of Florida, and The American Legion."

Section 2. Membership in the Auxiliary shall be as prescribed in the National and Department Constitutions for The American Legion Auxiliary.

Section 3. The Auxiliary shall be governed as set forth in the National and Department Constitutions.

ARTICLE VIII

Sons of The American Legion

Section 1. This Post recognizes an auxiliary organization known as "The Sons of The American Legion, Department of Florida of The American Legion."

Section 2. Qualification for membership in the Sons of The American Legion shall be as prescribed by the National Organization of The American Legion and the Department Constitution.

Section 3. The Executive Committee/Board of Directors will insure that the By-Laws are enforced and changes made as necessary.

ARTICLE X

Amendments

Section 1. This Constitution may be amended at any regular Post meeting by a vote of two-thirds of the members of the Post attending such meeting, provided that the proposed amendments shall have been submitted in writing and read at the last preceding meeting of the Post and provided further, that written notice shall have been given to all members at least five (5) days in advance of the date when such amendment is to be voted upon.

Section 2. This Constitution is adopted subject to the provisions of The National Constitution of The Department of Florida, The American Legion. Any amendment to these two said constitutions, which is in conflict with any provision hereof, shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

BY-LAWS

ARTICLE I

Name and Object

Section 1. The Post existing under these By-Laws shall be known as "Kirby Stewart Post No. 24, The American Legion, Department of Florida."

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

Section 3. The Executive Committee/Board of Directors will insure that the By-Laws are enforced and changes made as necessary.

ARTICLE II

Management

Section 1. The government and management of this Post is entrusted to an Executive Committee/Board of Directors of eleven (11) members, three (3) of whom are elected. The other eight (8) must be the Commander, 1st Vice-Commander, 2nd Vice Commander, 3rd Vice-Commander, the Finance Officer, the Chaplain, the Sgt-at-Arms, and the Historian.

Section 2. The three (3) Executive Committee/Board of Directors members other than the eight (8) Post Officers shall be elected annually in the same manner as prescribed in Article III of the Post By-Laws.

ARTICLE III

Elections

Section 1. The annual elections of Post Officers and Executive Committee/Board of Directors members shall be as prescribed by the Department Constitution within this article.

Section 2. The Post Adjutant shall cause notice of the annual election to the membership of the Post at least fourteen (14) days prior to such election and the notice shall state the time and place of the election and offices to be filled. Notice by direct mail or through the Post publication shall constitute official notice.

Section 3. Nominations for the Post Officers and three (3) Executive Committee/Board of Directors at large shall be made at two (2) regular meetings prior to the annual elections. All nominations shall be made from the floor or by a nominating committee appointed by the Post Commander. A member of this Post shall not be a candidate for more than one elective position at any Post election. Nominees for an elected office must be present to accept nomination at the regular Post meeting for it. No voting shall be done by proxy or by mail.

Section 4. All elections shall be by ballot. A majority of the votes cast shall be necessary for the election of a Post Officer, but a plurality shall be sufficient for the election of an Executive Committee/Board of Directors member, except an election to fill a vacancy as herein provided. The Post Adjutant and the three (3) judges of election shall prepare a ballot containing the names of all candidates for office regularly nominated and eligible according to these By-Laws. This shall be the official ballot for the election and printed or prepared in sufficient numbers for the election and no other ballot shall be used. The names of the nominees shall appear on the ballot in alphabetical order according to surnames, in similar type and without any distinguishing nicknames, marks or symbols and under the office for which nominated. Within three (3) days after the closing of nominations, the Post Commander shall appoint three (3) impartial judges of election to supervise and conduct the election. It shall be the duty of the judges of election to insure that all nominees are eligible and that the By-Laws of the Post governing the qualification and election of all candidates are strictly complied with and that all voters are eligible.

Section 5. On the day of the annual election, a polling place shall be established at the Post Home or such other place as may be designated, and the polls shall be open five (5) PM until seven (7) PM of that day. The balloting shall be under the supervision of the judges of election, of which at least two (2) must remain on duty while the polls are open and until the results are announced. The counting of the ballots shall be open to observation by any of the candidates or their authorized representatives. No ballot shall be counted if mutilated or if containing votes for more than one candidate for each office. It shall not be necessary for a voter to cast his/her vote for a candidate for each office. After the ballots have been counted, the judges of election shall immediately make a written report to the Commander who shall immediately report the election results to the membership. In the event a majority shall not have been received by a candidate for a Post Officer position, a runoff ballot will be taken during the regular Post meeting on that date; also, in the event a plurality has not been received by one or more candidates for the Executive Committee/Board of Directors, a runoff ballot will be taken during the same regular meeting. The same form of ballot shall be used for such run-offs.

Section 6. All questions arising from any election, which cannot be resolved by a unanimous decision of the three (3) judges of election, will be referred to the Executive Committee/Board of Directors for resolution.

Section 7. Any vacancies existing in any office of the Post between annual elections, or in the Executive Committee/Board of Directors, shall be filled at a special election held on the first regular meeting after the vacancy has been declared. In the event that a vacancy exists in the office of Post Commander, the 1st Vice-Commander will automatically fill the Commander's position until an election can be held; said election will be held within thirty (30) days after such vacancy exists. Such election shall be for the unexpired term of the former incumbent.

Section 8. Pursuant to Article X Section 14 of the Constitution of the American Legion, Department of Florida, a Post Officer or member of the Executive Committee/Board of Directors may be suspended or removed from office based upon disloyalty to the American Legion or the National Government, neglect of duty, dishonesty, and conduct unbecoming a member or officer of the American Legion. Any charge against an officer or member must be in writing and the accused must be given a fair trail.

ARTICLE IV

Installation

Section 1. Installation of Post Officers shall take place at such time and in such manner as prescribed by the Department Constitution.

Section 2. The Annual Meeting shall be that meeting at which the newly elected officers are installed.

ARTICLE V

Manual of Ceremonies

Section 1. The Post shall follow the American Legion Manual of Ceremonies in the conduct of its meetings and other ceremonies prescribed therein.

ARTICLE VI

Executive Committee/Board of Directors

Section 1. The Executive Committee/Board of Directors shall meet for organization and such business as may come before it at the call of the Post Commander, within ten (10) days after the installation of the new Officers. Thereafter the Executive Committee/Board of Directors shall meet at the call of the Post Commander at least once each calendar month, and as often as said Commander may deem necessary.

Section 2. The Post Commander shall call a meeting of the Executive Committee/Board of Directors upon the joint written request of five (5) or more members of the Executive Committee/Board of Directors.

Section 3. A majority of the members of the Executive Committee/Board of Directors shall constitute a quorum.

Section 4. The Adjutant/Personnel Manager shall have the final decision on employment and termination on any and all employees. The Adjutant/Personnel Manager with approval of the Post membership may hire a Food and Beverage Manager. The Food and Beverage Manager will supersede the Adjutant/Personnel Manager on matters relating to the employment and termination of employees under his/her Jurisdiction up to ninety (90) days probation period. After said probation period the Food and Beverage Manager will submit the name/names of individuals considered for permanent employment to the Adjutant/Personnel Manager for final approval. The Executive Committee/Board of Directors shall authorize and approve all expenditures in excess of five hundred (\$500) dollars. Payments of any amount less than five hundred (\$500) dollars shall be authorized by the Post Commander, Finance Officer or Post Adjutant. This section is subject to line item budget amounts.

Section 5. The Executive Committee/Board of Directors shall require adequate bonding and Officers and Directors Coverage, of all persons having custody of Post funds, shall hear reports of Post Committee Chairpersons, and generally have charge of, and be responsible for the management of the affairs of the Post.

Section 6. The Executive Committee/Board of Directors will determine the Post Adjutant's and Finance Officer's salaries.

Section 7. To avoid and conflict of interest, no elected Post Officer will be permitted to be an employee of Kirby Stewart Post 24, Inc.

ARTICLE VII

Duties of Officers

Section 1. All officers of the Post shall memorize their parts in the ceremonial for regular meetings and initiations as prescribed in the American Legion Manual of Ceremonies between the dates of the election and installation.

Section 2. *Duties of the Post Commander.* It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over all of the business and affairs of the Post, and such officer shall be the chief executive officer of the Post. The proceedings of this Post shall be conducted under Article V, Section 1 of these By-Laws; Rules of Robert's may be used to settle any disputes that Article V or Department of State Constitution cannot resolve. The Post Commander shall make an annual report covering the business of the Post for the year which shall be read at the annual meeting, a copy therefore shall be forwarded to the Department Adjutant and three (3) additional copies furnished to the incoming Post Commander (one given to outgoing Historian), for their files. The Post Commander shall perform such other duties as directed by the Post. The Post Commander shall have a proposed budget prepared and ready for membership approval within forty-five (45) days after being installed; and shall place a draft copy of the proposed budget on the Adjutant's bulletin board within (30) days after being installed.

Section 3. Duties of the 1st Vice-Commander. The 1st Vice Commander shall assume and discharge the duties of the office of the Post Commander in the absence or disability of, or when called upon by the Post Commander. The 1st Vice Commander shall automatically perform the duties of the Post Commander in the case of a vacancy of the Post Commander's position until such time as an election is held in accordance with Article III, Section 7 of this document. The 1st Vice Commander shall automatically be the chairperson of the Membership Committee; **and be responsible for planning and organizing membership drives. The 1st Vice Commander shall select the membership committee.**

Section 4. Duties of the 2nd Vice-Commander. The 2nd Vice Commander shall assume and discharge the duties of the 1st and 2nd Vice Commander in the absence or disability of the 1st Vice Commander, or when called upon by the Post Commander he/she shall assume the office of the Post Commander. The 2nd Vice Commander shall automatically be chairperson of the **Entertainment Committee**, such committee is selected/appointed by the 2nd Vice Commander. He/she shall submit a written financial report to the Post Finance Officer and a verbal report during a regular Post meeting within thirty (30) days of all **Entertainment Venues** for which Post expenditures have been made. Expenditures exceeding five hundred (\$500) dollars for entertainment venues must have prior approval of the Executive Committee/Board of Directors. With approval of the Post Commander, the 2nd Vice Commander will place on the official Post bulletin board within thirty (30) days after being installed; an entertainment event calendar to include all proposed Post activities.

Section 5. Duties of the 3rd Vice-Commander. In the absence or disability of the 2nd Vice Commander, or when called upon by the Post Commander, he/she shall assume the duties of the 2nd Vice Commander. In the absence of the Post Commander and the 1st and 2nd Vice Commanders, he/she shall automatically assume and discharge the office of Post Commander. **The 3rd Vice Commander shall automatically be chairperson of the Publicity and Media Committee and shall be responsible for the Public Relations activities of the Post. Such Committee selected/appointed by the 3rd Vice Commander. Expenditures exceeding five (\$500) dollars for media coverage must have prior approval of the Executive Committee/Board of Directors.**

Section 6. Duties of the Adjutant. The Adjutant shall have charge of, and keep a full record of all proceedings of all meetings, keep such records as the Department and National Organizations may require, render reports of membership to the 1st Vice Commander prior to each meeting of the Post, and under the direction of the Post Commander, handle all correspondence of the Post. The Adjutant shall give notice of all meetings of the Post and shall keep minutes of such meeting. The minutes shall be kept as prescribed by constitution and by-laws of the National Headquarters and Department of Florida. The minutes of all Post meetings and of the Executive Committee/Board of Directors meetings will be kept chronologically throughout the year and will be posted on the Post bulletin board immediately upon endorsement by the Post Commander and Judge Advocate. The Adjutant shall provide a copy of all minutes and other official post records to the Post Historian.

The Adjutant shall maintain copies of Post membership rosters, minutes, and other official Post records within the Post. The Adjutant shall maintain an accurate and current membership roster and provide address changes as received to National Headquarters as prescribed by such National Headquarters and to the editor of any Post publications. He/she shall keep the Post Commander and other interested personnel fully and currently informed of all actions pertinent to them. The Adjutant is authorized to co-sign all checks issued by the Post. The Commander or Finance Officer may also sign such checks. Rubber signature stamps will not be used to sign checks.

The Adjutant will serve as personnel officer and be responsible for interviewing and hiring all applicants for employment.

Section 7. *Duties of the Finance Officer.* The finance Officer shall have charge of all finances and see that they are safely deposited in some local bank or banks, and shall report at least once a month to the Executive Committee and to the Post, the condition of the finances of the Post and corporate accounts, with such recommendations as he/she may deem expedient or necessary for raising funds with which to carry on activities of the Post.

The Finance Officer shall give receipt for all Post funds turned over to him/her by the Post Adjutant or other member, or employee of the Post.

The Finance Officer is authorized to co-sign all checks issued by the Post; however, in his/her absence the Post Commander or Post Adjutant may sign such checks. Rubber signature stamps will not be used to sign checks.

The Finance Officer shall be custodian of all deeds, abstracts of title of property owned by the Post, certificates of incorporation, insurance policies and documents of similar nature. The Finance Officer shall maintain inventory of the documents in his/her custodial care; shall keep said documents in a safety deposit box within a bank as approved by the Executive Committee/Board of Directors; and provision shall be made for transfer to a successor and his/her receipt therefore, after verifying all items enumerated in the deposit box inventory; also for an annual audit by the Audit Committee.

He/she shall establish special accounts as may be directed by the Executive Committee/Board of Directors and or the Post for funds earmarked for Building Fund, Reserve Funds for various purposes, etc. Such funds shall not be available for expenditure as long as they remain so earmarked.

In case of death or removal from office of the Post Finance Officer, the Audit Committee shall forthwith audit his/her accounts and inventory all assets and liabilities and transfer them to the new Finance Officer, taking receipt therefore. A copy of the Audit Committee action signed by all members of the Audit Committee will be turned over to the Post Commander who, in turn, will cause it to be read to the Executive Committee/Board of Directors.

The Finance Officer shall automatically be chairperson of the Finance Committee.

Section 8. *Duties of the Sergeant-at-Arms.* The Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to him/her by the Post Commander.

Section 9. *Duties of the Post Historian.* The 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 the Executive Committee/Board of Directors. The Historian will receive from the Post Adjutant, a copy of the minutes of each {Post meeting and collect other data of value and interest in order to compile, during his/her term of office, a complete history of the Post's activities; each year's activities being separate and complete within it. Such history to be typed legibly and maintained in a loose-leaf binder prepared for the purpose. The historical information will be kept current at all times and ready for inspection by the Post Commander or Executive Committee/Board of Directors upon call. Each year, during the annual meeting, the Post Historian will deliver the year's history to the outgoing Post Commander who, in turn, will deliver it to the incoming Post Commander for use by his/her Historian. The History will be kept within the Post locked in a container. The History will contain copies of the Constitution and By-Laws of the Post, Department of Florida, and National.

Section 10. *Duties of the Post Chaplain.* The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc., and adhere to such ceremonial rituals as are recommended by the National and Department Headquarters from time to time, and which are prescribed within the American Legion Manual of Ceremonies.

Section 11. *Duties of the Post Service Officer.* The Post Service Officer shall be charged with all matters pertaining to service to Post comrades in the prosecution of just claims related to their military service. The Post Service Officer shall have jurisdiction in all cases where veterans or their dependents need relief. The Post Service Officer shall represent the Post on community welfare matters. The Post Service Officer shall keep in contact with Manatee County Veterans Service Officer, and the St. Petersburg and Tampa Veterans facilities. The Post Service Officer is automatically chairman of the Post Service Committee.

Section 12. *Duties of the Judge Advocate.* The Commander of Kirby Stewart Post 24 will appoint The Judge Advocate. The Judge Advocate will interpret the Constitution and By-Laws of the Post. The Judge Advocate will make himself/herself available to the Commander and other Post Officers and members of the Post to rule on the legality of their actions and decisions insofar as they affect the good of the American Legion. The Judge Advocate will further be charged with protecting the integrity of the Post. The Judge Advocate will also supply professional advice in the conduct of post business or to procure proper counsel. The Judge Advocate will act as the guardian of the constitution form of government. The Judge Advocate and/or his/her designee shall be charged with the auditing of the Post financial accounts pursuant to Article V, Section 6 of the Constitution of Post 24. The Judge Advocate will also be charged with the conduct of all investigations and/or inquiries that may be the result of actions or business of all employees or members of the Post.

The Judge Advocate will review and sign all Post and Executive Committee/Board of Directors meeting minutes to assure their accuracy. The Judge Advocate will review the House Rules annually. The Judge Advocate will further be charged with all security measures as they relate to Kirby Stewart Post 24 and its affiliates.

ARTICLE VIII

Charity Finds

Section 1. The chairperson of the Charity Fund Committee shall be a co-signer on all Charity Fund Checks.

ARTICLE IX

Initiation Ceremony

Section 1. All new members are encouraged to be initiated as soon as possible after their acceptance by the Post. They shall be formally inducted as prescribed in the Manual of Ceremonies.

Section 2. At the time of initiation, the new member will be given a copy of the Post Constitution and By-Laws and an American Legion lapel emblem.

ARTICLE X

Delegates

Section 1. Delegates and alternate delegates to Department Conventions, or to District Conferences shall be nominated by the Post Commander and approved by the Executive Committee and then approved by the Post Membership.

ARTICLE XI

Appointments

Section 1. The Post Commander and the Post Commander elect, immediately following the Post Elections and prior to the annual installation of officers shall set a priority of transition. The Post Commander Elect shall prepare and submit to the current Executive Committee/Board of Directors his/her list of appointments and committee chairpersons, to include: Finance, Audit, Service, Americanism, Legal, Athletic, and Publicity, and any other committees as deemed necessary. These appointments will be voted on by the post membership at the next regularly scheduled Post meeting.

Sub-Section 1. Finance Committee. Shall be charged with the administration of finance policy, preparing the annual budget recommendations, developing overhead and other necessary costs, receiving and disbursing Post finds and maintain proper accounting records.

Sub-Section 2. *Audit Committee.* Shall audit Post financial accounts to include Post assets as directed by the Post Commander or Executive Committee/Board of Directors.

Sub-Section 3. *Service Committee.* Shall be charged with visiting and comforting Post members and their families when they are sick or in distress and with veterans in nearby hospitals. It shall assist the Post Service Officer in carrying out his/her responsibilities to the Post.

Sub-Section 4. *Americanism Committee.* Shall be charged with the inspiration of patriotism and good citizenship by encouragement of patriotic and civic phases of instruction in schools; Americanism of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums and activities for the community and civic betterment.

Sub-Section 5. *Legal Committee.* Shall be charged with legal supervision of Post affairs and Post financial accounts.

Sub-Section 6. *Athletic Committee.* Shall be charged with the promotion of Physical development and clean sports by the organization of Post athletic teams, recreation, etc., and by cooperation and support in the general recreational and athletic programs of the community.

Sub-Section 7. *Publicity Committee.* Shall be charged with information on Post activities, which can be published by local news media such as the press, radio, and television.

Sub-Section 8. *Children and Youth 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 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 2. *Post-Advisory Committee.* All past Commanders of Post 24 shall constitute the Advisory Committee to the Post Commander. Said committee will meet after the annual Post election. The chairperson of the Advisory Committee and or the Post Commander shall call further meetings of the committee.

Section 3. The Commander shall appoint a Building Chairperson and a Grounds Chairperson. They shall each have the authority to make expenditures only for replacement items on behalf of Kirby Stewart Post 24, Inc and not to exceed five (\$500 dollars per month. Expenditures in excess of five (\$500) dollars will be recommended to the Executive Committee/Board of Directors for appropriate action. Expenditures shall not be cumulative.

Section 4. The Commander shall appoint a lounge Supervisor and Kitchen/Dinning Room Supervisor. They shall each have the authority to make expenditures only for replacement items on behalf of Kirby Stewart Post 24, Inc. and not to exceed two hundred fifty (\$250) dollars per month. Expenditures in excess of two hundred fifty (\$250) dollars will be recommended to the Executive Committee/Board of Directors for appropriate action. Expenditures shall not be cumulative. In such event that the Executive Committee/Board of Directors shall approve the hiring of a Food and Beverage Manager, such hiring will supersede the appointment of the Lounge Supervisor and appointment of the Kitchen-Dining Room Supervisor.

ARTICLE XII

Deleted

ARTICLE XIII

Resolutions

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

ARTICLE XIV

Dues

Section 1. *Annual Dues.* The annual dues shall be fixed and determined by the Post membership.

Section 2. *Per Capita Dues.* Should National or Department Conventions increase the per capita dues, then the Post annual dues will automatically be increased a like amount. Per Capita Dues will only be paid subsequent to the member paying his/her dues.

ARTICLE XV

Regular Meetings

Section 1. The regular meeting of this Post shall be held in the Post Legion Hall on the first Thursday of each calendar month at 7:00 PM. Business may be transacted that is properly brought up for action at these meetings.

Section 2. The Post Commander or a majority of the Executive Committee/Board of Directors shall have the power to call a special meeting of the Post at any time.

Section 3. Upon written request of twenty (20) members of the Post, the Executive Committee/Board of Directors shall call a special meeting of the Post

Section 4. Fifteen (15) members of the Post, in good standing shall constitute a quorum for a regular meeting of the Post.

Section 5. All Officers of the Post shall wear the designated American Legion cap during regular Post meetings.

ARTICLE XVI

Notices

Section 1. Every member shall furnish the Post Adjutant his/her address to which notices and documents may be sent. Written communications is considered duly sent to a member of this Post when posted or mailed to him/her at address furnished to this Post.

ARTICLE XVII

Post Home Finances

Section 1. There is hereby established a Post Home Fund to be kept separate and apart from the other monies of Kirby Stewart Post 24. This Post Home Fund shall be invested so as to produce income. Preferably the Post Home Fund shall be in savings accounts or Government securities, but the specific investing of such funds shall have to have the approval of a majority of the Executive Committee. The Principal of the Post Home Fund is two Hundred Thousand (\$200,000) Dollars. The Post Home Funds shall be invested in only accounts covered by the Federal Depository Insurance Corporation (FDIC) the income from the Post Home Fund shall be placed in the contingency account.

Section 2. The principal of the Post Home Fund shall be subject to withdrawal only by a two-thirds vote of the membership of Kirby Stewart Post 24 as said membership is established on the date of such vote by the Department of Florida of the American Legion. No vote may be held until written notice of the amount and the purpose to be used is furnished the membership at least thirty (30) days prior to the date set for the vote, which date shall be set only by a majority of the Executive Committee of the Post.

Section 3. Sale of all or any part of the Post real property shall not be made without first obtaining the written consent of the Department Commander acknowledging receipt of the written notice to the American Legion, Department of Florida not less than thirty (30) days prior to such sale or disposal, that all members of the Post have been given written notice, sent via U.S. Mail, of the proposed sale or other disposition. The Post shall provide the American Legion, Department of Florida written acknowledgement of the foregoing, duly executed by the Post Commander and the Adjutant, and in a form suitable to the Department.

The Department Adjutant shall cause this written acknowledgement to be recorded through the Manatee County Recorder's Office. Pledging of the Post real property, or of the principal of the Post Home Fund as collateral for a loan, may be done only by a majority vote of the Post membership present and voting, and after having been first recommended to the Post by a two-thirds vote of the Executive Committee, and after written notice is furnished the membership of the pending action at least thirty (30) days prior to the date set for the vote, which shall be set only by the Board of Directors of the Post.

Section 4. The income from this Post Home Fund shall be spent only for capital improvements, maintenance, repairs, and paying insurance on the Post Home. This income may be spent for the above named purposes after authorization by a majority of the Executive Committee. If it is desired to spend the income for any other purpose than for capital improvements, maintenance, repairs and insurance, than after recommendation by a two-thirds vote of the Executive Committee, a vote of a majority of the membership of Kirby Stewart Post 24 as said membership is established on the date of the vote by the Department of Florida of the American Legion, may so vote. No vote may be taken until written notice is furnished the membership at least thirty (30) days prior to the date set for the vote, setting forth the amount, purpose to be spent, and date of the vote, which date shall be set only by the Board of Directors of the Post.

If there is a question raised by any one member of the Executive Committee as to whether an expense is properly classified as expenditure for capital improvements, maintenance, repairs, or insurance, then the proposed expense shall have to be approved by a two-thirds vote of the Board of Directors.

Section 5. Amendments to this Article of the By-Laws regarding Post Home finances shall be made only in the following manner:

1. A majority of the Executive Committee or a majority of the membership voting at any regular Post meeting may call for any amendment to these Articles of the By-Laws.
2. After compliance with provision number one (1), such amendment, hereinafter referred to as the "Proposal", with the exact wording of the "Proposal" shall be furnished in writing to the membership.
3. Not less than thirty (30) days after the exact wording of the "Proposal" is furnished to the membership, the "Proposal" may be debated at a regular Post meeting. At this meeting, amendments to the "Proposal" may be offered, but none will be voted upon at the meeting, if no amendments are offered, then the "Proposal" may be voted on at this meeting.
4. At the next regular meeting after the debate and offering of any amendments, there shall be offered an opportunity for additional debate and the voting on any amendments to the "Proposal". If any amendments to the "Proposal" are adopted, then a written copy of the exact wording of the adopted amendments to the "Proposal" shall be furnished to the membership, and the vote taken on such amended "Proposal" may be voted on at this meeting.

5. For the "Proposal" to be finally adopted, there must be a majority vote of the membership as established by the Department of Florida of the American Legion as of the date of the vote.

Section 6. An emergency contingency fund shall be created. The initial amount of the fund shall be \$60,000. Expenditures from the fund shall require two-thirds majority of the Executive Committee. Expenditures from the fund shall be replaced at the earliest possible date. Said fund will be added to, when money is available to bring this fund up to one hundred thousand (\$100,000) dollars.

ARTICLE XVIII

Amendments

Section 1. These By-Laws may be amended at any regular meeting of the Post by a two-thirds vote of the members of said Post attending such meeting, providing that the proposed amendments shall have been submitted in writing and read at the next preceding regular meeting of said Post, and provided further, that written notice shall have been given all members at least five (5) days in advance of the date when such amendment is to be voted upon. Exception: Provisions of Article XVII, Post Home Finances, relating to the corporate amendment adopted on March 17, 1966 shall prevail.

Section 2. These By-Laws are adopted, subject to the approval of the Department Commander and Department Adjutant or the Department Executive Committee and the Department Judge Advocate. These by-Laws will be audited, reviewed, and amended as needed or as prescribed by the Executive Committee/Board of Directors.

Adopted at the regular meeting June 7, 1979

As amended through October 18, 1990

As amended at the regular meeting October 18, 2001

As amended at the regular meeting March 1, 2007

As amended at the regular meeting January 8, 2019

As amended at the regular meeting December 1, 2011

As amended at the regular meeting April 4, 2019