

# **By Laws of USS Tampa Post 5, The American Legion Department of Florida**

*Revised April 4, 2024*

## **Article I**

The Post existing under the By-Laws is to be known as USS Tampa Post 5, The American Legion Department of Florida. This organization is a 501(c)(19) nonprofit veterans organization.

The Executive Committee shall consist of Officers and Qualifying Criteria.

**Section 1 – Post Officers.** The Officers of the Post shall be both elected and appointed.

Elected officers are: Commander, First (Senior) Vice-Commander, Second (Junior) Vice-Commander, Finance Officer, Historian, Sergeant-At-Arms, and Chaplain.

The Commander, after being elected, shall appoint the following officers: Adjutant, Judge Advocate, Service Officer, and Public Relations Officer. All appointed officers are subject to approval by a majority of the elected officers at the time of appointment, or need.

**Section 2 – Qualifying Criteria.** All officers of the Post will be members in good standing at the time of the election and throughout the term of their office. The post shall have copies of membership eligibility, on file for all officers elected or appointed.

## **Article II**

### **Duties of Elected Officers**

(Not limited to the following)

**Section 1 – Commander.** The Commander will be the Chief Executive Officer of the Post, will preside at all meetings of the Post, and have general supervision over all Post activities. He/she shall be a member ex-officio of any committee, regular or special, created by the Post or by its authority.

**Section 2 – Vice-Commanders.** The First and Second Vice-Commanders will perform the duties and be vested with the authority of the Commander in his/her absence.

In addition, the First Vice-Commander will be the Chairman of the Membership Committee, with the primary function being to maintain and increase the membership of the Post.

The Second Vice-Commander will be Chairman of the Program Committee with the primary duty to see that appropriate programs are arranged for Post meetings and for the observance of Patriotic occasions.

**Section 3 – Finance Officer.** The Finance Officer will be Chairman of the Budget Committee. He/she is charged with the supervision of all finances of the Post, and with making reports of such finances to the Executive Board and the membership on a monthly basis. A committee appointed by the Commander will audit the books of the Post at least biennially.

The Finance Officer and the Budget Committee will prepare a budget of estimated receipts and expenditures of the Post for the forthcoming year, and will present that budget to the Executive Board during the first month of the year for which he/she has been elected.

The Executive Board will modify as necessary and approve said budget. If approved, will be submitted to the Post membership for final acceptance.

Any expenditure not included in the budget must be presented to the Executive Board and the membership for approval.

**Section 4 – Historian.** The Historian will compile, preserve, and maintain records of the Post and its activities, and member activities. He/she will prepare an annual report to Department of these activities and will prepare narrative histories or yearbooks.

**Section 5 – Sergeant-At-Arms.** The Sergeant-At-Arms is responsible for maintaining order in the Post. He/she will arrange the meeting hall and assist the Commander and Adjutant with meeting preparation. The Sergeant-At-Arms is also responsible for the proper care and display of the U.S. and Post flags. He/she should be well informed on flag etiquette as outlined in the United States Flag Code.

The Sergeant-At-Arms will also announce visitors to the Commander, and welcome them to the Post.

**Section 6 – Chaplain.** The Chaplain is responsible for the moral and spiritual activities of the Post. He/she should be in regular contact with the membership to be aware of any illness or any other needs. Using the Manual of Ceremonies, the Chaplain should participate in the conduct of meetings, in the observance of patriotic occasions, funeral services, remembrance ceremonies, and dedication ceremonies.

## **Article III**

### **Duties of Appointed Officers**

**Section 1 – Adjutant.** The Adjutant is the administrative head of the Post, with responsibility of maintaining Post rosters and membership records, minutes of meetings, and all correspondence and files generated by the Post.

The Adjutant will also give notice of all Post meetings and will notify candidates for membership of their approval, and furnish membership cards to all members.

The Adjutant is responsible for receiving and depositing funds into the bank designated by the Post, and give copies of these deposits to the Finance Office for proper accounting in the books of the Post.

The Adjutant will also serve as Secretary of the Executive Board. He/she will be compensated for these duties as fixed by the Executive Board and approved by the Post.

**Section 2 – Judge Advocate.** The primary responsibility of the Judge Advocate is to supply advice in the conduct of the post business or to procure proper counsel if needed. The Judge Advocate and any legal committee is also charged with the auditing of Post financial accounts. This is normally completed annually just before the election of officers.

**Section 3 – Service Officer.** The Service Officer is primarily responsible for bringing to the attention of all veterans, and their dependents, the rights and benefits granted them by law. He/she will help all veterans with contacting appropriate agencies and obtaining the proper forms needed to apply for benefits.

**Section 4 – Public Relations Officer.** The primary responsibility of the Public Relations Officer is to promote awareness and support of the Legion's programs and presence in the community through publicity on Post activities using local media (newspapers, radio, television, social media platforms, post website, and neighborhood newsletters). He/she should also assist the Commander and program committee in the planning of such activities for optimum public exposure and media interest, keeping the membership informed of Legion programs and policies.

The Public Relations Officer should be included in the planning of all programs and be kept advised of everything the Post and its officials are involved in that might be newsworthy.

## **Article IV**

### **Executive Board**

**Section 1 – Composition.** The Executive Board will consist of the following elected and appointed officers – Commander, First Vice-Commander, Second Vice-Commander, Finance Officer, Adjutant, Judge Advocate, Service Officer, and Public Relations Officer. In addition, the Immediate Past Commander and members-at-large elected by the membership. The number of these seats will be determined in a ratio of one member-at-large board member for each 50 Post members or parts thereof.

**Section 2 – Duties and Powers.** The Executive Board constitutes the executive body of the Post and will have general supervision and control over the property, real and personal, of the Post. However, all actions taken by the Board with respect to any property will be reported to the membership at the next regular Post meeting, subject to approval at that time.

The Executive Board can approve payment of all regular Post bills presented to it by the Finance Officer or their representative during a regularly scheduled meeting of the Board. These do not have to be presented to the membership for further approval.

Any contracts or agreements by which the Post may become financially obligated will first be presented to the Executive Board, who will present its recommendation at the next regular meeting of the Post. The membership must approve or disapprove the recommendation by a majority vote. If the action is disapproved, it may be revised and presented again to the Executive Board and to the membership for another vote.

In the case of a National or local emergency, the Executive Board may act in the name of the Post for the protection of life or property, or for the maintenance of good order, and the upholding of law and justice in the community. Any such action for these purposes shall be binding upon the Post although not voted on by the membership. Any emergency actions must be approved by a two-thirds vote of the members of the Executive Board.

## **Article V**

### **Meetings**

**Section 1 – Annual Elections.** The Post will hold its annual meeting for the purpose of election of officers annually, not less than 10 days and not more than 90 days prior to the Annual Department Convention.

**Section 2 – Regular Post Meetings.** Regular meetings will be held monthly on a date chosen by a majority of the membership. That day is subject to change if it should fall on a National holiday or in conflict with National or Department regulations.

**Section 3 – Special Meetings.** The Commander or the Executive Board may call special meetings of the Post. The membership must be given at least two days notification by phone, mail, email, text, social media, or publication through local media.

**Section 4 – Quorum.** The presence of not less than ten members in good standing at any regular or special meeting of the Post will constitute a quorum.

**Section 5 – Executive Board Meetings.** Regular meetings of the Executive Board must take place at least once every 30 days, and more frequently as needed. A majority of members of the Executive Board will constitute a quorum.

## **Article VI**

### **Elections and Vacancies**

**Section 1 – Nominations and Elected Offices.** The elected officers of the Post are as stated in Article I of this document, and will serve a period of one year, unless re-elected during the annual elections.

The Commander will appoint a Nominating Committee during the regularly held meeting at least 90 days, but not more than 120 days prior to the annual elections. The Nominating Committee will report the nominations at the regular meeting held at least 60 days prior to the annual elections. Nominations will remain open until the day of the election.

Voting will be completed by secret ballot and will be open at 9:00 AM and closed at 7:30 PM on the day of annual elections, at which time the results will be announced during the annual meeting. Any ballots delivered prior to the election shall be held by the Adjutant in a manner to prevent tampering and to preserve their security until the close of elections when ballots are counted. Only those members whose dues have been paid for the current year will be allowed to vote.

In all elections, the candidate for each office receiving the highest number of votes shall be declared duly elected. Once duly elected, officers should be installed as soon as possible after the Annual Department Convention, but not later than 30 days.

**Section 2 – Vacancies in Nominees.** In the event that a vacancy occurs in any position, the Executive Board will hold a special meeting to name at least one nominee to the position. This nominee must be approved by the membership.

**Section 3 – Vacancies in Office.** Should a vacancy in any office occur after a proper election, the Executive Board will make a recommendation to the membership to fill the vacancy, and a vote of the membership taken at the next regular meeting of the Post after the vacancy occurs.

**Section 4 – Removal from Office.** Any elected officer or member of the Executive Board may be removed as outlined in the Constitution of the American Legion, Department of Florida.

## **Article VII**

### **Committees**

**Section 1 – Standing Committees.** Following are the standing committees of the Post:

Administrative – Included under this are Membership, Constitution and By-Laws, Finance & Budget, Post Maintenance, and Legion Programs.

Americanism – Included here are Boy's State, Law and Order, Patriotic Observance and Flag Education.

Community Service – Included are Public Relations, School Medal Awards, Oratorical Contests, Baseball, and American Legion Cemetery (as outlined in the Cemetery's corporate charter).

**Section 2 – Assignment and Members.** The Commander may assign members to committees and may appoint other committees as deemed appropriate. The number of members on a committee will be determined at the time of appointment. All committee members serve at the discretion of the Commander.

## **Article VIII**

### **Finance**

**Section 1** – Revenues of the Post will consist of annual dues, hall rental receipts, signed property lease, parking lease and other sources approved by the Executive Board.

**Section 2** – The amount of the annual Post dues shall be recommended by the Executive Board and approved by the membership. Dues are payable on July 1<sup>st</sup> of each year for the succeeding year.

**Section 3** – No member, officer, or committee will have authority to bind the Post on any contract or incur any obligation binding to the Post. Only the Executive Board and the membership will have the authority to bind the Post to contracts and binding obligations. The Executive Board may approve obligations of less than \$500.00. Both the Executive Board and the membership must approve any amount in excess of \$500.00.

## **Article IX**

### **Delegates to Department Convention**

Delegates to Department Convention will be nominated and elected no later than the regular meeting held the month prior to the convention. A motion may be duly made and passed for the Commander to appoint the delegates.

A motion may be made for the Post to fund room accommodations or mileage for those delegates.

## **Article X**

### **Miscellaneous**

**Section 1 – Conflicts.** The National Constitution and By-Laws of The American Legion and the Constitution and By-Laws of the Department of Florida, and all amendments thereto, shall govern in the event any conflicts arise between the Post Charter and By-Laws and the aforementioned.

**Section 2 – Seal.** The Seal of this corporation shall be the same or similar to the Seal demonstrated here: (picture of the Seal of The American Legion)



**Section 3 – Suspension of Membership.** Members of this Post may be suspended or expelled only upon proper showing of cause, in the manner provided by the Constitution of the American Legion, Department of Florida. After due notice, the Post Judge Advocate will prosecute such charges and the accused will be represented by counsel of their choice, and that counsel need not be a member of the American Legion.

## **Article XI**

### **Procedures**

Roberts Rules of Order as revised shall govern the organization in all instances, when they do not conflict with these By-Laws.