

Post 26 American Legion

Constitution

November 11, 2019

Mission Statement

The Members of Davenport Post 26 American Legion Inc. pledge to ensure that all veterans and their dependents be kept informed of benefits due them and legislation that affect those benefits. We will assist all qualified veterans who need physical, financial and psychological care from the Veterans Administration or other qualified agencies. We will support community and youth programs that emphasize fitness and citizenship.

ARTICLE I – Name

The name of this organization shall be Davenport Post 26 American Legion Inc., herein after called Post. This is a non-profit Corporation organized in the State of Iowa and governed by Section 501 (c) (19) of the Internal Revenue Code. The Post shall maintain affiliation with The American Legion.

ARTICLE II – Location

Post 26 shall be located at 702 West 35th Street, Davenport, Iowa 52806.

ARTICLE III – Policies

The Post's Constitution and By-Laws shall not be in conflict with the National Constitution and By-Laws of The American Legion nor with the Department of Iowa Constitution and By-Laws. The Post and members shall abide by the Constitution and By-Laws of the Post.

ARTICLE IV – Membership

Eligibility for membership in the Post shall be as stated by the United States Congress for The American Legion.

ARTICLE V – Officers

The officers shall be elected for one (1) year except as noted below. These officers constitute the Executive Board.

Elected officers shall be:

Commander

Vice Commander, Vice Commander (there are two Vice Commanders of equal rank)

Adjutant

Finance Officer

Chaplain(s)

Judge Advocate

Sergeant-at-Arms

Executives-at-Large:

3-year term – 2 members

2-year term – 2 members

1-year term – 2 members

Each of the Executives-at-Large is elected to a 3-year term. Then after the first year automatically have a 2-year term. After the second year they have a 1-year term. This means that 2 members are elected to a 3-year term each year. The exception being when an Executives-at-Large member resigns before that term is ended.

Appointed Officers (appointed by the Commander):

Service Officer

Honor Guard Commander(s)

Membership Chairman

ARTICLE VI – Qualifications for Membership

The qualifications for membership shall be as listed in the American Legion National Constitution and By-Laws. Any member of The American Legion may become a member of the Post; however, a member may only belong to one (1) Post.

ARTICLE VII – Dues

The method of collection of dues of the members of the Post shall be as provided in The American Legion National By-Laws.

The amount of dues from each member shall be recommended by the Executive Board and voted on by the members of the Post. In no case shall the dues collected be less than the amount stipulated by the National and Department By-Laws, plus a minimum of \$5.00.

ARTICLE VIII – Government

1. General Policies of the Post shall be controlled by the Post Executive Board through its powers to initiate changes in this Constitution and By-Laws, to establish budget policies, and to review the annual reports of the officers.
2. The determination of operating policies and the control of affairs and funds of the Post shall be vested in the Executive Board.
3. All questions coming before the Post, its governing body and committees, shall be decided by a majority of the votes cast, except as otherwise provided by this Constitution and By-Laws. The Commander shall not vote except as needed to break tie votes.
4. Ballots shall be used when requested by any Post member or when recommended by the Post Executive Board in voting on Post matters. Unless otherwise specified in this Constitution and By-Laws, vocal or “show of hands” voting shall be used in Post meetings.
5. All MEMBERS not in arrears for dues and otherwise in good standing, may be present and participate in the discussions or proceedings of any of the regular, special or annual meetings and may vote on all questions and in all elections in such meetings.
6. Each member shall be entitled to one vote on all questions submitted to the membership in the Post.
7. Roberts’s Rules of Order (latest revision) where applicable shall determine the conduct of business in all meetings of the Post, except where the rules conflict with National and District rules. Other exceptions are when Robert’s Rules of Order (latest revision) conflict with this Constitution and By-Laws.

ARTICLE IX – Officers of the Post

The officers, except the Executives-at-Large, shall be elected annually and shall hold office for the fiscal year with the exception of the Executives-at-Large.

ARTICLE X – Election of Officers

1. The officers shall have been Members in the Post, in good standing, for at least one (1) year prior to their election to office.
2. Any officer in the Post, except Commander, becoming vacant during its regular term shall be filled by and interim appointment of the Post Executive Board until the next regular election.

ARTICLE XI – Amendment of this Constitution

This Constitution and By-Laws may be amended as follows: The proposed amendment(s) shall be submitted in writing and read at a regular meeting of the Post and a copy thereof shall, at said time, be posted upon the bulletin board at the Post Quarters. Such amendment(s) shall be voted upon at the

next regular meeting of the Post and the favorable vote of 2/3rd (two-thirds) of the members present at such meeting shall be necessary for the adoption thereof.

ARTICLE XII – Dissolution

Upon Dissolution of Post 26 American Legion, all funds and property are to be transferred to The American Legion of Iowa, located at:

720 Lyon Street

Des Moines, IA 50309-5481

Phones: 515-282-5068

800-365-8387

Fax: 515-282-7583

info@ialegion.org

By-Laws

ARTICLE I – Name-Management

1. The Post existing under these By-Laws shall be known as Davenport Post 26 American Legion Inc.
2. The management of this Post is entrusted to the Executive Board.

ARTICLE II – Executive Board

1. The membership is the governing body for this Post.
2. In the event a vacancy shall occur on the Executive Board from any cause other than the expiration of term of office, it shall be filled by the appointment of the Commander, with the approval of a majority vote of the remaining members of the Executive Board. Any person(s) so appointed shall hold office until the close of the next annual Department of Iowa Convention. The Executive Board may declare that a vacancy exists when a member's absence from Post meeting(s) or his/her committee meetings are considered detrimental to the interests of the Post.
3. The Executive Board shall meet for organization and such other business as may come before it in the call of the Commander within thirty (30) days after the close of the annual convention of the Department of Iowa. Thereafter it shall meet at the call of the Commander at least once each month and at such additional times it or the Commander may deem necessary or advisable. The Commander shall call a meeting of the Executive Board upon the joint written request of three (3) or more members thereof. Eight (8) members of the board shall constitute a quorum.
4. The Executive Board shall:
 - a. Have charge and be responsible for the management and control of the Legion activities within the Post.
 - b. Employ or discharge such employees as may be necessary or advisable in conduct of Legion activities.
 - c. Authorize and approve all expenditures of this Post in connection with the conduct of Legion activities.
 - d. Have custody and control of all the Post funds.
 - e. Determine and approve the amount of Directors and Officers Liability Insurance to be required for the Adjutant, Finance Officer, Office Manager, and all parties having custody of Post funds.
5. Executive Board shall set up the accounting records of the Post in such form as it may deem necessary or advisable to protect at all times the funds and property of the Post and to provide accurate reports. Such accounting records shall provide:

- a. That all funds of the Post or any committee or special purpose funds shall be concentrated in such accounts as the Executive Board may designate, with separate bookkeeping accounts for general Post funds, property funds and committee or special purpose funds.
- b. That all checks issued from the general Post funds shall be drawn and signed by one of the following three: Commander, Finance Officer, or Office Manager. The Executive Board may authorize special funds to be administered by the committee chairman. All chairmen in charge of such funds shall make a monthly report to the Executive Board.
- c. That no expenditures of funds administered by the Executive Board may be made without obtaining the approval of said Board.
- d. For a suitable accounting system, as may be determined by the Executive Board, so that accurate records will be kept and it will be possible at all times to check the records of all Post officers and committees.

6. A complete report by the Finance Officer shall be made at each regular meeting of the Executive Board and each regular meeting of the Post.

7. An audit of all accounting records of the Post including any Post officers and committees shall be made annually. The Post audit shall be conducted by an audit Ad Hoc committee appointed by the Commander. Such Audit Committee shall consist of at least three (3) eligible Post members.

8. The Executive Board shall be responsible for the operation, management, and control of any real estate owned by the Post. The day-to-day operation of the building shall be governed by a set of rules administered by the Building Committee.

ARTICLE III – Duties of Officers

1. The Commander shall preside at all meetings of the Post and its Executive Board, and be the chief executive officer of the Post, and have general supervision over the business and affairs of the Post. He/She shall approve all orders directing the disbursement of general Post funds and shall present an annual report covering the business of the Post at the close of his year including any recommendations he/she may have for the ensuing year. He/She shall perform such other duties as may be prescribed by the Executive Board. He/She shall serve ex-officio on all committees.

2. Either Vice Commander shall assume and discharge the duties of Commander in the absence or disability of, or when called upon by the Commander. They shall perform such other duties as may be prescribed by the Commander or the Executive Board.

3. The Adjutant shall have charge and keep a full and correct record of proceedings at all meetings of the Post or its Executive Board, keep such records as the Department and National organizations of The American Legion may require, have charge of and render reports of membership annual or when called upon at any meeting; and under the direction of the Commander, handle all correspondence of the Post. It shall be his/her duty to provide adequate notice of special meetings as set forth in Article VII. He/She shall distribute and post on the Post bulletin board the names, addresses, and telephone numbers of all current officers of the Post.

4. The Finance Officer shall have custody and keep suitable records of all Post funds including, but not limited to trust funds; ensure that they are safely deposited in such local financial institution(s) as directed by the Executive Board; and shall issue a monthly report of Post finances to the Executive Board. He/She shall further present such recommendations as he/she may deem expedient or necessary for raising funds with which to carry on the activities of the Post, and shall perform all functions prescribed for him/her by the Executive Board. The Finance Officer shall insure that the Post is in full compliance with all Federal, State, and Local tax and licensing obligations and that all required tax returns and other documents are filed on a timely basis.
5. The Historian shall be charged with individual records and incidents of the Post and its members, and perform such other duties pertaining to his/her office as may be determined by the Post or Executive Board.
6. The Chaplain shall be charged with the spiritual welfare of the Post members and will offer divine but non-sectarian service at meetings, dedications, and funerals, public functions, and adhere to the official ceremonial rituals.
7. The Judge Advocate shall be the immediate Post 26 Past Commander and shall advise the officers, Executive Board on all legal matters including the construction and interpretation of Post Articles of Re-Incorporation, Constitution and By-Laws, and shall perform the duties usually incident to that office.
8. The Sergeant-of-Arms shall preserve order at all meetings, and perform such other duties as may be assigned to him/her, from time to time, by the Commander or Executive Board. He/She shall be in charge of monies collected at the monthly membership meeting. These monies shall be given to the Finance Officer.
9. The Members at Large of the Executive Board shall perform such duties as assigned to them by the Commander or the Executive Board. These duties shall include, but not limited to: Membership, Finance, Americanism, Guard of Honor, Boy and/or Girl Scouts, Entertainment, and Publicity. No officer of the Executive Board shall sign and contract that legally obligates the Post without prior approval of the Executive Board.

ARTICLE IV – Delegates

Delegates and alternates to a Department convention shall be elected by majority vote by the Post at a regular meeting immediately preceding such convention. The Post may at its discretion pay the expenses of a member(s) to attend a department Convention or any other as deemed appropriate.

ARTICLE V – Appointment and Duties of Committees

1. Immediately upon taking office each year, the Commander shall, subject to the approval of the Executive Board, appoint the following standing committees and designate the chairman of each thereof: Membership, Finance, Americanism, Sick & Relief, Guard of Honor, Boy and /or Girl Scouts,

Entertainment, Publicity, and Properties. In addition the Commander, with the approval of the Executive Board, may appoint such other committees from time to time as he/she or the Executive Board may consider necessary or advisable to promote the best interests or activities of the Post. Member(s) of any such committee, including those above-named, may be removed at any time, and any vacancy therein filled, by the Commander with the approval of the Executive Board. All of the committees and positions created under this Article are subject to the control of the Executive Board and shall make suitable and timely reports to it.

2. The Membership Committee shall serve under a Vice Commander and assist the Adjutant in matters pertaining to the membership of the Post including the obtaining, reinstatement and eligibility of members.

3. The Finance Committee shall be charged with the administration of the financial policy of the Post, the preparation of budget recommendations, and the supervision of receiving, accounting and annual audit of Post funds. The Post trust funds shall include:

a. The Harvey Klindt Scholarship Fund, whose interest shall be used to provide scholarships for students who meet the qualifications listed in the Davenport Post 26, American Legion, Harvey W. Klindt Scholarship Fund, Application, latest revision.

b. The Davenport Post 26 Trust Fund, whose interest shall be used for monthly operating costs of Post 26. Funds from this trust, both interest and principal, with approval of the Executive Board, may be used for capital improvements to the Post meeting facility.

c. Plans for future expansion of this fund through bequests, memorials, gifts, and other fund raising means should be presented at least annually to the Executive Board.

d. All Trust Fund accounting is to be presented through the Post Financial Officer, as part of his/her monthly report to the Executive Board.

4. The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for the proper observance of patriotic occasions, encouragement of patriotic and civic phases of instruction in schools, combating anti-Americanism propaganda by education of the general public in American ideals through public forms, etc., and activities for community and civic betterment, and in general, with carrying out the program of the National Americanism Commission of The American Legion.

5. The Guard of Honor shall conduct ceremonials and other related activities in which the Post may officially participate.

6. The Scout Chairmen are charged with the promotion of any Scout Troop(s), Cub Packs, Venture Crews of the Post, and of all activities connected with Boy and/or Girl Scouts.

7. The Entertainment Committee shall have charge of all Post entertainment.

8. The Publicity Committee is charged with the promotion of Post activities and special events to the general public through various media outlets.

9. The Property Committee shall be charged with the maintenance, upkeep, cleanliness, orderliness of all Post property, including, but not limited to lawn mowing, parking lot maintenance, painting inside and out, and general cleaning, etc.

ARTICLE VI – Resolutions

All resolutions of state or national scope adopted by this Post shall merely embody the opinion of the Post upon the subject matter thereof, and a copy of the same shall be forwarded to the Department of Iowa for its approval before and publicity is given or action taken other than mere adoption by the Post is taken.

ARTICLE VII – Meetings

1. The regular meeting of the Post shall be held on the second Monday of each month, at a time approved by a vote of the members present at which may be transacted such business as may be properly brought before it.
2. All meetings of the Post shall be held at the Post Quarters, except when casualty prevents.
3. The July meeting is designated as the annual meeting of the Post.
4. Installation of new officers shall be conducted annually at the August meeting.
5. Special meetings of the Post may be held at any time upon the call of the Commander or by a majority of the Executive Board. Upon written request of twenty-five (25) members, the Commander, or Executive Board shall call a special meeting of the Post.
6. Twenty-five (25) members shall constitute a quorum for the transaction of business.

ARTICLE VIII – Notices

1. Members shall furnish the Adjutant with their current addresses and the mailing of any notices from the Post to the members at such addresses shall constitute valid legal notice.
2. A minimum of ten (10) day notice of the annual meeting of the Post shall be mailed to all members by the Adjutant through the monthly newsletter.
3. Notice of each special meeting of the Post shall be given either by mailing notice stating the time, place, and purpose thereof to each member at least (10) days prior thereto by the Adjutant, or by two (2) publications of such notice in some daily or weekly English newspaper printed and published in Davenport, Iowa, and having a general circulation therein, the last publication to be at least (10) days prior thereto.
4. Notice of any special meeting of the Executive Board shall be given in writing signed by the Commander, or in his absence a Vice Commander, or by any three (3) members of the Board. Notice may be mailed three days prior to said meeting, or in the event of an emergency, notice may be by telephone.

ARTICLE IX – Rules of Order

All proceedings of this Post shall be conducted under and pursuant to Roberts' Rules of Order, except as herein provided.

ARTICLE X – Membership

1. This Post is a civilian organization. Rank does not exist in The American Legion; no member shall be addressed by his military title at any meeting of this Post.
2. This organization shall be 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.
3. Eligibility for membership in this Post shall be as prescribed by the National Constitution of The American Legion.
4. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Board.
5. The procedure for expulsion of any member of this Post will be as set forth in the Constitution and By-Laws of The American Legion, Department of Iowa.

ARTICLE XI – Dues

1. Regular dues shall be payable in advance of the membership year which is from January through December. These dues are inclusive of the following: National, Department, District, County per capita tax and Local dues of a least \$5.00. The Adjutant shall deliver to each member a paid-up membership card for that year upon receipt of payment. A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent in accordance with Article IV, Section 4 of the National By-Laws of The American Legion.
2. Members may pay any year's dues in advance, but in such case the money so paid shall be segregated on the books of the Finance Officer and may not be disbursed except by the officers of the Post for the year for which such dues are paid.
3. Only members in good standing shall be entitled to vote at meetings.
4. A member may be removed from the Post for non-payment of dues.

ARTICLE XII – Limitation of Liabilities

This Post shall not incur, or cause to be incurred, any liability that shall subject to liability any other person, firm, partnership, association, corporation, nor organization.

ARTICLE XIII – Amendments

These By-Laws may be amended as follows: The proposed amendment(s) shall be submitted in writing and read at a regular meeting of the Post and a copy thereof shall, at said time, be posted upon the bulletin board in the Post Quarters. Such amendment(s) shall be voted upon at the next regular meeting of the Post and the favorable vote of two-thirds of the members present at such meeting shall be necessary for adoption thereof.

ARTICLE XIV – American Legion Auxiliary

1. This Post recognizes an auxiliary organization to be known as The Auxiliary Unit of Davenport Post No. 26, The American Legion.
2. Membership in the Auxiliary shall be as prescribed by the National Constitution of The American Legion.

ARTICLE XV – Sons of The American Legion

1. The Post recognizes an auxiliary organization to be known as Sons of The American Legion (Sons). It must be constantly borne in mind that each squadron exists through sponsorship of the individual post of The American Legion and is subject to such rules, regulations and supervision as shall be created by the sponsoring post not in conflict with rules and regulations set up by the National Executive Committee. Recognition of district and detachment organizations of Sons have been approved by the National Executive Committee to more effectively coordinate the activities of the Sons of The American Legion and the District and Department of The American Legion.
2. Membership in the Sons of The American Legion shall be as proscribed by the National Constitution of The American Legion.
3. The Post Commander may appoint the Sons Commander as a participant at the Executive Board meetings to provide input and report as deemed necessary. However, this does not include voting rights in matters of the Post, unless a member of the Post and elected as an officer or executive-at-large on the board.

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Submitted by the Constitution and By-Laws Committee

October, 1 2019

Mike Novak Michael a. Novak
Richard Madsen Richard Madsen
Marlene Marolf Marlene Marolf
Bill MacDougall Bill MacDougall
Ted Stimach Ted Stimach

Ron Mueller Ron Mueller
Bill Churchill Bill Churchill
Cecil Fuhlman Cecil Fuhlman
Richard Lowe Richard a Lowe

Approved by the Post membership, with revisions, November, 11 2019.

Effective starting date: November, 11 2019.

Constitution: No amendments

By-Laws: Proposed changes to the By-Laws

Article I – 2. Removed the word (government) from the sentence.

Article II – 1. Replaced (Executive Board) with the word (membership).

Article II – 2. Added /her after the reference to his.

Article II – 4e. Replace (surety bonds) with (Directors and Officers Liability Insurance).

Article III – 1, 3, 4, and 8 Added (/She or /Her) after a reference of He or Him.

Article III – 9 Remove the word Bingo.

Article V – 1 Remove the word Bingo.

Article V - 3d. Added (/She or /Her) after a reference to He or Him.

Article V – 4. Removed (The Bingo Committee) from the list of committees.

Article XV – 1. Rewrite to include details of Sons of The American Legion.

3. Added statement for Sons Commander participation at Executive Board meetings.