

BY-LAWS OF AMERICAN LEGION MANDARIN FALLEN HEROES POST #372

ARTICLE I – PURPOSE OF BY-LAWS REVISION

The By-Laws of this organization are under revision to clarify and expand upon the existing By-Laws. These Revised By-Laws shall in no way be in conflict with the American Legion Department of Florida By-Laws, the National American Legion By-Laws, the Federal Internal Revenue Code relating to non-profit organizations as set forth at IRS Code Section 501(c) or as amended by future legislative changes, or the Florida Statutes relating to non-profit organizations.

ARTICLE II – NAME

Section 1. The Post existing under these By-Laws is to be known as **MANDARIN FALLEN HEROES POST 372**, The American Legion Department of Florida.

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

ARTICLE III – DUTIES OF OFFICERS

Section 1. Separation of Duties: Separation of duties involves splitting responsibility for bookkeeping, accounts payable, and auditing. As such, these three responsibilities have been divided between the Finance Officer, Adjutant, and Audit Committee and are detailed in the appropriate position descriptions.

Section 2. Commander: The Commander will perform the duties as outlined in the Articles of Incorporation filed with the State of Florida and Will preside over all Executive Board and General Assembly meetings of the Post and have supervision over the business and affairs of the Post and as such be the Chief Executive Officer.

The Commander shall:

- a. Be an authorized signatory on all Post financial accounts, unless he or she is unable due to employment restrictions.
- b. Appoint the Adjutant, the Judge Advocate, the Public Relations Officer, and the Service Officer, with the approval of the Executive Committee and General Membership.
- c. Ensure that all resolutions passed by the Executive Committee or the Membership at a General Assembly Meeting are executed.
- d. Write an annual report covering the business of the Post for the year and report same at the Annual Meeting of the Post in June.
- e. Be an ex-officio, non-voting, member of all Standing Committees of the Post, except the nominating committee.
- f. Ask for written reports of all Committee Chairpersons.
- g. Not serve more than three (3) consecutive terms, unless running unopposed.
- h. Approve all orders directing the disbursement of funds.
- i. Make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, forwarded to the Department Adjutant.
- j. Notify the First Vice Commander and Adjutant of the date(s) and duration of any intended absences, so that the First Vice Commander will be aware that they are the Acting Commander.

1. Proper notifications shall be made by the Post Adjutant to the Department Adjutant within one (1) week of notice.
2. The Acting Commander shall appoint, subject to approval of the Executive Committee and General Assembly, appointive officers and committees.
- k. Will be authorized to spend up to \$50.00 per month for items necessary for the operation of the Post. If a larger amount is required for an emergency, the Commander shall consult with the Executive Board. All expenditures of this nature will be reported at the monthly Executive Board meeting.
- l. May appoint, from time to time, secondary committees or sub-committees when deemed necessary for the operation of the Post or a particular assignment. Such committees will always be chaired by a Legionnaire.
- m. Will undertake additional duties as may be assigned from time to time by the Executive Board.

If a duly elected Commander resigns during his/her term of office, the 1st Vice Commander shall assume the position in an Acting capacity for the balance of the term. Proper notifications shall be made by the Post Adjutant to the Department Adjutant within one (1) week of the resignation.

Section 3. The First (1st) Vice Commander:

The First Vice Commander shall:

- a. Assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Commander.
- b. Be an authorized signatory on all Post financial accounts, unless he or she is unable due to employment restrictions.
- c. Have the use of Post debit/credit cards.
- d. Be chairman of the Membership Committee.
- e. Verify eligibility of all applications under consideration for membership in the Post.
- f. Schedule a minimum of one (1) Post Revitalization Drive per year.
- g. Conduct at least one (1) Post 400 and DMS solicitation a year and have contact with these members-at-large for transfer into the Post at least quarterly.
- h. Resolve any discrepancies that may arise during a membership application process.
- i. Work with the Adjutant to ensure that the Post meets or exceeds the monthly membership goals set by the Department and National.
- j. Undertake additional duties as may be assigned from time to time by the Commander.

Section 4. The Second (2nd) Vice Commander:

The Second Vice Commander shall:

- a. Be an authorized signatory on all Post financial accounts, unless he or she is unable due to employment restrictions.
- b. Assume and discharge the duties of the First Vice Commander in the absence or disability of, or when called upon by the First Vice Commander.
- c. Be a member of the Membership Committee.
- d. Make, with the assistance of the Adjutant, periodic checks of membership cards of all persons entering the Post.

- e. Periodically purge, with the assistance of the First Vice Commander and/or the Adjutant, the membership files of the members who are deceased, transferred, or resigned from the Post.
- f. Coordinate a minimum of five (5) membership rallies per year.
- g. Undertake additional duties as may be assigned from time to time by the Commander.

Section 5. The Third (3rd) Vice Commander:

The Third Vice Commander shall:

- a. Chair the Strategic Planning Committee.
- b. Coordinate with other Post Officers and Committees as needed.
- c. Undertake additional duties as may be assigned from time to time by the Commander.

Section 6. The Fourth (4th) Vice Commander:

The Fourth Vice Commander shall:

- a. Assist the Third Vice Commander in the discharge of his/her duties.
- b. Undertake additional duties as may be assigned from time to time by the Commander.

Section 7. The Adjutant:

The Adjutant shall:

- a. Be appointed by the Commander.
- b. Be an authorized signatory on all Post financial accounts.
- c. Be responsible for the following area of separation of duties as outlined in Section 1:
 - i. Will pay all Post invoices and reimbursements utilizing the Post checkbook or debit card.
- d. Will take minutes at each Executive Board and General Assembly meetings and present them at the next meetings for omissions, corrections and final approval. These minutes will be electronically preserved, posted online, and filed.
- e. Ensure that the records of the Post are permanently retained as required by law or at the least for a minimum of seven (7) years. The destruction of any permanent records of the Post, must first be approved by the Executive Board.
- f. Will complete and submit the Post's Annual Consolidated Post Report.
- g. Keep such records as the Department and/or National organizations may require.
- h. Handle all incoming and outgoing correspondence of the Post.
- i. Be a member of the Membership Committee.
- j. Verify eligibility of all applications under consideration for membership in the American Legion.
- k. Verify eligibility of all applications under consideration for membership in the Sons of the American Legion to ensure that the sponsoring legionnaire is either a current Legionnaire or is deceased and would have been eligible if still living.
- l. Verify eligibility of all applications under consideration for membership in the American Legion Auxiliary to ensure that the sponsoring legionnaire is either a

- current Legionnaire or is deceased and would have been eligible if still living.
- m. Work with the First Vice Commander on all membership activities and plans.
- n. Prepare all documentation necessary to conduct Post Revitalization Drives, Post 400 solicitations, DMS solicitations, and any other recruiting events.
- o. Assist the 2nd Vice Commander make periodic checks of membership cards of all persons entering the Post.
- p. Assist the First Vice Commander and/or Second Vice Commander periodically purge the membership files of the members who are deceased, transferred, or resigned from the Post.
- q. Issue membership cards for the current year to all members renewing their membership and to new members joining the Post, including transfers.
- r. Will process all membership paperwork online or with the Department of Florida in a timely manner.
- s. Will return documents and money to rejected applicants, if requested.
- t. Will render reports of membership at all General Assembly meetings.
- u. Will keep an "Early Bird" list of all members whose dues are paid prior to November 11th. Any member who is paid up for life (PUFL) is automatically an 'Early Bird'.
- v. Will undertake additional clerical duties as may be assigned by the Commander.

Section 8. The Finance Officer:

The Finance Officer Shall:

- a. Chair the Finance Committee
- b. Be an authorized signatory on all Post financial accounts.
- c. Have the use of Post debit/credit cards.
- d. Be charged with the collection of all funds, including dues.
- e. Be charged with the custody of all Post funds subject to the direction of the Executive Board.
- f. Ensure that all funds are properly and safely deposited in the accounts authorized by the Executive Board by setting the proper controls in place.
- g. Be responsible for the following area of separation of duties as outlined in Section 1:
 - 1. Will maintain an itemized account of monies received and dispersed through the accounts of the Post. Electronic recordkeeping will be acceptable as approved by the Executive Board.
 - 2. Will balance post financial transactions with monthly bank statements.
- h. Ensure proper retention of all receipts and invoices by setting the proper controls in place.
- i. Prepare a budget, within sixty (60) days of assuming office and having met with the appropriate committees and/or chairs needed in order to develop such budget. The budget shall be reviewed and approved by the Executive Board prior to submission to the General Assembly for approval.
- j. Regularly monitor and compare the actual revenues and expenses incurred to the Post's budget. The development of a budget supports the Post's goals and drives decision-making.

- k. Report the financial position of the Post each month at the Executive Board meetings.
- l. Work with the Adjutant to complete the Post's Annual Consolidated Report.
- m. Be required as a signatory on all financial accounts of the 'Sons of The American Legion Squadron 372' as per National directive.
- n. Be required as a signatory on all financial accounts of 'The American Legion Riders Chapter 372' as per National directive.
- o. Ensure that both The Sons of The American Legion Squadron 372 and The American Legion Riders Chapter 372 monthly financial reports and/or statements from the subsidiary programs of the Post are submitted. These reports will be included each month in the monthly report to the Executive Board.
- p. Ensure that all Federal, State, County and Local required financial forms are properly and timely filed.
 - 1. Will maintain the Post's Federal Employee Identification Number or Federal Tax ID. Maintenance requires filing the appropriate annual tax report with the IRS.
 - 2. Ensure that the State Incorporation Certificate (www.sunbiz.org) will be filed every year prior to March. A copy must be forwarded to Department.
 - 3. The Finance Officer shall maintain the Florida Consumer's Certificate of Exemption and the following records
- ii. Maintain previous years' tax information (7 years is current requirement)
- q. Maintain property deeds of all real property.
- r. Purchase and maintain all Post General Liability, Surety Bonds, and Directors and Officer Insurance Policies.
- s. Shall report to the Executive Board and to the General Assembly the status of a General Liability Policy and Directors and Officers policies.
- t. Ensure that all officers and member that handle funds of the Post are properly bonded and/or insured with surety bonds in such sum as shall be fixed by the Executive Committee.
- u. Create and maintain systems for ensuring the Post's ongoing solvency and oversee the development of the Post's financial policies.
- v. Provide all Post financial records to the Audit Committee quarterly and upon request.
- w. Be responsible for investing funds consistent with Chapter 617.2104 Florida Uniform Prudent Management of Institutional Funds Act.
- x. Verify regulatory requirements before undertaking activities such as serving liquor at a special event, conducting a raffle, or starting a bingo night.
- y. Undertake additional duties as may be assigned from time to time by the Commander.

Section 9. The Service Officer:

The Service Officer shall:

- a. Be appointed by the Commander.
- b. Will Chair the Veterans Affairs & Rehabilitation Committee
- c. Be required to attend the proper certified training and annual recertification classes

in order to hold this position.

- d. Assist with the necessary paperwork and perform home visits for veterans applying for financial assistance.
 1. Be knowledgeable about The American Legion's Temporary Financial Assistance Program.
 2. Be knowledgeable about The Department of Florida's PROJECT: VetRelief Program.
 3. Will become a PROJECT: VetRelief Advocate.
- e. Help veterans and their families understand their rights concerning their benefits.
- f. Provide information about The Veterans Administration's services to all veterans requesting assistance.
- g. Assist all Veterans with filling out paperwork to file a claim with The Veterans Administration.
- h. Direct veterans pursuing claims to the appropriate resources necessary to file claims against the federal and state governments.
- i. Briefly report monthly at the Executive Board meeting as to any help that was provided.
- j. Assist all Veterans with paperwork necessary to upgrade discharges that are not honorable.
- k. Perform duties prescribed in the Manual of Post Service Officers as issued periodically by the National Headquarters.
- l. Report the number of Veterans requesting assistance for the month at the General Assembly meeting.
- m. Report the total number of Veterans requesting assistance for the year to the Adjutant on or before April 30th of each year.
- n. Ensure that veterans who are sick, disabled or residing in assisted living facilities are visited
- o. Ensure that comfort to members' families in illness and bereavement is provided.
- p. Undertake additional duties as may be assigned from time to time by the Commander.

Section 10. The Historian: The work of post historian is cumulative. It is wise to leave the responsibility to one person if handled well. There should be close cooperation between the post adjutant and the historian.

The Historian shall:

- a. Shall record all activities and events of the Post for historical reference.
- b. Maintains files on matters of historical interest.
- c. Maintain contact with the department historian and be prompt in answering inquiries
- d. Create and send an annual report to the department historian prior to the department convention.
- e. Deposit copies of printed material regarding the post in local and state libraries, as well as in the post and department archives.

- f. Maintain items of interest on programs, activities, meetings, and events, to include photographs and news media accounts, etc.
- g. Archive an annual overview history.
- h. Perform such other duties as may be directed by the Commander.

Section 11. The Chaplain:

The Chaplain shall:

- a. Chair the Visiting Committee
- b. Be in charge of the spiritual welfare of the Post.
- c. Offer divine nonsectarian service for meetings, dedications, funerals, and at other functions of the Post.
- d. Adhere to such ceremonial rituals as are recommended by the National and Department organizations.
- e. Visit the sick and distressed members and their families to offer assistance if needed.
- f. Mail, when appropriate, mail 'Get Well' or 'Sympathy' cards to members and their families.
- g. Perform such other duties as may be directed by the Executive Committee.

Section 12. The Sergeant-at-Arms:

The Sergeant-at-Arms shall:

- a. Preserve order at all meetings.
- b. Be the custodian of the colors and all ceremonial equipment of the Post.
- c. Prepare the meeting room for all Executive Board and Regular Membership meetings and other special functions or meetings.
- d. Validate the currency of membership cards at each meeting. No valid card, no admittance.
- e. Assist the First Vice Commander and Adjutant when they make periodic checks of members entering the Post to ensure they are members in good standing.
- f. Inform the Commander the names of all guests that are attending a meeting, along with their title and Post, District, Department or National affiliations.
- g. Will have a copy of the United States Flag Code at every Post meeting.
- h. Perform such other duties as may be from time to time assigned to him/her by the Commander.

Section 13. The Judge Advocate: The primary duty of the judge advocate is to supply professional advice in the conduct of post business or to procure proper counsel. The Judge Advocate is the guardian of the constitutional form of post government.

The Judge Advocate shall:

- a. Be appointed by the Commander.
- b. Will chair the Constitution and By-Laws review committee.
- c. Be a member of the Audit Committee.
- d. Assist post committees and officers as needed.

- e. Shall be charged with the interpretation of the National, Department and Post Constitution and By-Laws.
- f. Advise the Commander and Executive Board on all legal matters involving the business of the Post.
- g. Act as parliamentarian.
- h. Maintain contact with local government officials.
- i. Verify eligibility of members seeking office with DD-214 or active duty I.D. card.
- j. Shall act as custodian of the ballot box and prepare the ballots.
- k. Conduct the election of Post officers.
- l. Chair the Post Disciplinary Sub-Committee. This committee hears charges against members for violations of Post Rules and Regulations.
- m. Preside at all meetings called to hear charges against any member of the Post.
- n. Seek, when necessary, appropriate legal advice from the National and Department organizations' Judge Advocates. The Judge Advocate may also seek local legal advice if and when necessary.
- o. Preside as otherwise described in the Department of Florida Judge Advocate Manual (2017) or later.
- p. At the conclusion of his/her term, recommend to the new Commander-elect, the past Commander who should be considered for appointment as Judge Advocate. This recommendation considers both the prior experience and training for the appointed position.

Section 14. The Public Information Officer:

The Public Information Officer shall:

- a. Be appointed by the Commander.
- b. Will Chair the Public Relations Committee.
- c. Become a member of the Florida American Legion Press Association.
- d. Become a member of the National American Legion Press Association.
- e. Will serve as the Post's liaison to all media outlets.
- f. Will represent the Post, where possible, at community events.
- g. Promote The American Legion's mission and programs.
- h. Establish media contacts at the local level.
- i. Establish Legion contacts at both the Department and National levels.
- j. Will submit Press Releases to local media about Post events and activities.
- k. Maintain the Post's Website, Facebook Page, Twitter account, Instagram account, and any other social media accounts deemed necessary to promote The American Legion.
- l. Will produce the Post's newsletter.
- m. Perform such other duties as may be from time to time assigned to him/her by the Commander.

Section 15. Past Commanders: The basis with which this group was created and maintains its

purpose is Honor, Fellowship, Pride, Mentoring, and Support.

Past Commanders shall:

- a. Always show Honor and respect to all veterans, take Pride in the accomplishments of the Post, mentor new Commanders, and show Support for all sanctioned programs of the Legion that are undertaken by the Post.
- b. Be open to all full-term past Commanders of the Post that are currently members in good standing of the Post.
- a. Be a Fellowship of elite members, charged with the selection of a representative past commander to serve on the Executive Board each term.
- b. Be called upon at any time by the current Commander to act as an advisory committee, if needed.

ARTICLE IV – THE EXECUTIVE COMMITTEE

Section 1. The Executive Board shall consist of the current nine (9) elected officers of the Post, four (4) members-at-large elected as committeemen, one past Commander elected by the Past Commanders Club, and six (6) non-voting appointees: Adjutant, Judge Advocate, Public Information Officer, Service Officer, Sons of the American Legion Squadron 372 Commander, and American Legion Riders Chapter 372 Director.

- a. Executive Committee members will be elected at the same time and in the same manner as the other elected Officers and shall take office with the new Officers.
- b. The Adjutant, Judge Advocate, Public Information Officer, and Service Officer shall be appointed by the Commander-elect and their names shall be presented to the Executive Board at the first meeting following the election for approval and recommendation for confirmation to the General Assembly. These officers shall be members of the Executive Board without vote, unless one has been elected as an officer or executive committeeman.
- c. The Post Commander shall serve as the Chairman of the Executive Committee and will vote only in case of a tie vote.
- d. All elections shall be by ballot, and the candidates receiving the highest number of votes shall be elected to the Executive Committee. Should all nominees be running unopposed, a voice vote may be held in place instead of balloting if such a motion is presented from the floor of the General Assembly.
- e. In the absence of the Post Commander, the First Vice Commander will act as Chairman, and so on down the chain.
- f. The term of office of members of the Executive Committee shall be for one year.
- g. The minutes of each Executive Committee will be distributed at the next General Assembly Meeting.

Section 2. Attendance:

- a. In performance of their duties, officers and committeemen are expected to attend all Executive Board and Regular General Assembly meetings of the Post. The Executive Board may interpret unexcused absences from meetings as 'Neglect of Duty' as detailed in Article X, Section 14 of the Constitution of the Department of Florida.
- b. Approved (excused) absences will be considered for sickness, death in the family, vacation, and call to active military duty. Executive Board members who fail to attend three (3) consecutive meetings (unexcused), shall by default be considered

- as having resigned their office.
- c. The Adjutant shall track all absences and prepare a quarterly report for the Commander.
 - d. The Commander shall nominate replacements for vacancies on the Executive Board. The Commander should first consider a Legionnaire who had run for an office and was not elected.
 - e. All vacancies existing on the Executive Board, from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the Board. The person so appointed and approved shall hold office for the remainder of the term of the member they succeed.

Section 3. Meetings:

- a. The Executive Board 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 election of officers. Thereafter, the Board shall meet once monthly prior to the regular General Assembly meeting.
- b. The Commander or Board chair may call a special Board meeting with a three (3) day advanced notice to members. Emergency Board meetings may be called whenever an immediate emergent need exists.
- c. In certain cases, determined by the Commander, email communication with the Board may be necessary to correct an emergent need. In this case, all electronic communications will be made part of the official record at the next Executive Board meeting.
- d. A quorum of four (4) voting members present is necessary to conduct an Executive Board meeting.

Section 4. Responsibilities:

The Executive Board shall:

- a. Never allow for a non-Legionnaire to be authorized as a signatory on any Legion banking accounts.
- b. Provide the Adjutant the dates that they will conduct Office Hours. Each Executive Board Member is expected to serve a minimum of two per fiscal year.
- c. Hear reports from Committee chairpersons.
- d. Have charge of and be responsible for the management of the affairs of the Post.
- e. Ensure that each elected and appointed officer is conducting their duties as described in the position descriptions as outlined in these By-Laws.
- f. Elect one Executive Board member to serve as the Audit Committee Chair.
- g. Audit all post financial and operation records. Accounts shall be audited quarterly and yearly at the end of the Legion's fiscal year.
- h. Determine the amount of the surety bonds that will be issued for officers handling post funds.

ARTICLE V – STANDING COMMITTEES

Section 1: Unless specified in these By-Laws, the Commander shall name the Chairman of standing committees and any other committees that may be needed to promote The American Legion's mission and programs.

Section 2: Each chairperson shall appoint the Legionnaire members of their committees. The Commander of the Sons of the American Legion, Director of the American Legion Riders, and President of the American Legion Auxiliary shall appoint members from their respective entity to committees to which they have membership, subject to approval by the Chair of each committee.

Section 3: Duties of the committees are defined in the current edition of the Officer's Guide and Manual of Ceremonies unless specifically defined or modified by sections of these bylaws.

Section 4. Membership: This committee recruits, retains and engages members to give the post the volunteers to create success for The American Legion in the local community. The First Vice Commander shall chair this committee. The committee may consist of up to three (3) Post members, including the First Vice Commander.

The Membership Committee shall:

- a. Have charge of the investigation of applications and determining the eligibility for new members and transfers. Completed applications shall be forwarded to the Post Adjutant for presentation to the membership for approval.
- b. Assist with all membership drive initiatives planned by the Post.

Section 5. Finance: The Finance Officer shall chair this committee. The committee may consist of up to five (5) Post members, including the Finance Officer.

The Finance Committee shall:

- a. Assist with the administration of all Post finances.
- b. Assist in the preparation of the annual budget.
- c. Set controls for the proper receiving, disbursing and accounting of Post funds.
- d. Assist in the assurance that all Federal, State, County and Local required financial forms are properly and timely filed.
- e. Assist the Finance Officer in his/her duties if needed.

Section 6. Legislative: This committee promotes The American Legion's official legislative mandates. The Judge Advocate shall chair this committee and be charged with the resolution of legal questions that may arise concerning the Post affairs. This committee may consist of up to three (3) Post members, including the Judge Advocate.

The Legislative Committee shall:

- a. Prepare or recommend appropriate resolutions and amendments to the membership, then after approval, to the Department of Florida Adjutant.
- b. Have knowledge of The American Legion's Legislative Agenda.
- c. Have knowledge of The American Legion Department of Florida's Rules of Procedure.
- d. Have knowledge of The American Legion Department of Florida's process for electing Department Officers.
- e. Ensure the Post is free of any political materials that would appear to be an endorsement of a particular candidate. Every effort must be made to remain nonpartisan.
- f. Conduct voter education classes.
- g. Host town hall meetings.
- h. Host "meet the candidate" nights and allow candidates to address post membership at General Assembly meetings. Candidates may participate as long as invitations

are extended to all candidates, affording them equal opportunity to participate. A Post cannot endorse or oppose any candidate, even if the candidate is a Legionnaire and post member.

- i. Disseminate legislative updates.

Section 7. National Security: This committee engages in community emergency preparedness, promotes public safety, and supports local and national civilian defense projects.

Section 8. Audit: An Executive Committeeman shall chair this committee. This committee may consist of up to four (4) additional Post members, including the Judge Advocate, but excluding the current and immediate past Finance Officer(s).

The Audit Committee shall:

- a. Have at least one person that has some knowledge concerning audits.
- b. Conduct Post Audits in accordance with GAAP using the Post Audit Checklist.
- c. Review the Post Audit checklist bi-annually and amend as necessary.
- d. Report the results of an audit at the first General Assembly meeting following each audit.

Section 9. Boys State: The chair of this committee shall coordinate the interviewing and selection of delegates. This committee may consist of up to two (2) additional Post members.

The Boys State committee shall:

- a. Meet in September/October with selected school counselors to review the selection criteria.
- b. Ensure that school counselors know the deadline for delegate selection.
- c. Ensure that the required Post funds are sent to Department of Florida for each of the delegates attending in adequate time for admission.
- e. Ensure that the required funds for transportation of the candidates to Tallahassee are sent to the District in adequate time.
- f. Set time(s) and date(s) and place for interviewing the delegates with the committee.
- g. Collect and distribute necessary materials to be given to selected delegates.
- h. Select a date for delegates to give feedback to the Post on their experience.

Section 10. Oratorical: The chairperson of this committee shall coordinate the recruiting of students for the Post's Competition. This committee may consist of up to two (2) additional Legion family members.

The Oratorical committee shall:

- a. Contact selected school counselors in August to review Competition guidelines and the current year's Oratorical Assigned Topics.
- b. Follow-up with schools in September to get information about interested students.
- c. Set location, date, and time for the Post Competition.
- d. Recruit impartial judges from the pool of local news anchors, law firms, Toastmaster Clubs. Ensure that only one judge is recruited from a location.
- e. Recruit Post volunteers to serve as timekeepers, tabulators, escorts, and a room monitor.

- f. Follow all rules and regulations as spelled out in the Department of Florida's Oratorical Post/District/Area Manual.
- g. Ensure parents sign a media release prior to competition.
- h. Select a date for the student to give feedback to the Post on their experience after they have completed their highest level of competition.

Section 11. Public Relations: The Public Information Officer shall chair this committee. This committee may consist of up to four (4) additional Legion Family members, consisting of one member each from The American Legion, The American Legion Auxiliary, The Sons of the American Legion, and The American Legion Riders.

The Public Relations Committee shall:

- a. Promote American Legion programs.
- b. Establish media contacts at the local level to disseminate information about official programs being sponsored at the Post level.
- c. Establish contacts at both the Department and National levels to ensure the consistency of information being disseminated.
- d. Elevate awareness in the local community of American Legion advocacy of veterans' issues, national security, Americanism, and youth programs.
- e. When possible, place radio and TV advertisements and public service announcements produced by National Headquarters
- f. Develop relationships with editors and journalists in the post's community so they cover programs supporting the Legion's four pillars.

Section 12. Visiting Committee: The Chaplain shall chair this committee. This committee may consist of up to six (6) additional Legion Family members, consisting of the Chaplain and one member from The American Legion Auxiliary, The Sons of the American Legion, and The American Legion Riders.

The Visiting Committee shall:

- a. Visit and comfort members and their families when sick or bereaved.
- b. Visit veterans in nearby hospitals.

Section 13. Americanism: This committee seeks to inspire love of country and good citizenship through patriotic observances, flag etiquette, civic instruction in schools, the Americanization of immigrants, and community service.

The chairperson of this committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions, encouragement of patriotic and civic phases of instruction in schools, combating anti-American propaganda by education of the public in American ideals through public forums etc., and activities for community and civic betterment.

This committee may consist of up to four (4) additional Legion Family members, consisting of one member each from The American Legion, The American Legion Auxiliary, The Sons of the American Legion, and The American Legion Riders.

Section 14. Law and Order: The chairperson of this committee shall coordinate with Jacksonville Sheriff's Office, the Jacksonville Fire Department, and Mandarin-area EMT/Paramedics to obtain nominations for the Post's Law and Order Award. This committee may consist of up to two (2) additional Legion family members.

Section 15. JROTC: The chairperson of this committee shall coordinate with selected high school JROTC programs to obtain the names of students from each school selected for the Military and Scholastic Excellence Awards.

The JROTC Chair shall:

- a. Coordinate with JROTC programs to recruit cadets to volunteer at Post programs and events.
- b. Coordinate with JROTC programs for nominations for The Department of Florida's JROTC Cadet of the Year.
- c. Present Military and Scholastic Excellence medals to the students selected by the JROTC program at each school.
- d. Provide a report at the General Assembly after all medals have been awarded.

Section 16: School Medals: The chairperson of this committee shall coordinate with selected elementary, middle, and high schools to select one male and one female student from each school who meet the qualities of courage, honor, leadership, patriotism, scholarship and service.

The School Medals Chair shall:

- a. Meet in March/April with selected school counselors to review Competition guidelines and that year's Oratorical Assigned Topics.
- b. Recruit Post volunteers to present School Medals to students.
- c. Provide a report at the General Assembly after all school medals have been awarded.

Section 17: Children & Youth: The Children & Youth Committee shall be charged with aid and service to the children of veterans; cooperating with other established agencies in the community for the above purposes. To act as intermediary for the needy child of the veteran in obtaining the fulfillment of the American 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". This committee may consist of up to four (4) additional Legion Family members, consisting of one member each from The American Legion, The American Legion Auxiliary, The Sons of the American Legion, and The American Legion Riders.

The chairperson of this committee shall:

- a. Be knowledgeable about The American Legion's Temporary Assistance Program.
- b. Be knowledgeable about The Department of Florida's PROJECT: VetRelief Program.
- c. Refer families in need to the Post's Service Officer.
- d. Coordinate Post 372's Teacher of the Year award.
 1. Meet in March/April with Principals/Vice Principals from selected schools to obtain their nomination for Teacher of the Year.
 2. Evaluate all Teacher of the Year nominations with committee members and select a winner.
 3. Submit Post Winner for consideration for the Department of Florida's Teacher of the Year Award.
 4. Invite Post 372 Teacher of the Year to the May General Assembly meeting for award presentation.
- e. Coordinate events and activities for the children and grandchildren of Post members.
- f. Coordinate events and activities for underserved youth in the area.

Section 18: Veterans Affairs & Rehabilitation: The Service Officer shall chair this committee. This committee assists veterans in pursuing claims, understanding their rights and obtaining their benefits. Committee members also visit veterans who are sick, disabled or residing in assisted living facilities, and provide comfort to members' families in illness and bereavement. This committee may consist of up to three (3) additional Legion members.

Section 19: Sons of The American Legion: This committee supervises the Sons of The American Legion squadron in its organization, activities and programs. The Finance Officer is a standing member of this committee.

Section 20: American Legion Riders: This committee supervises the American Legion Riders chapter in its organization, activities and programs. The Finance Officer is a standing member of this committee.

ARTICLE VI - ELECTIONS

Section 1. Vacancies:

- a. All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than expiration of the term, shall be filled by a majority vote of the remaining members of the Executive Board, and the person so appointed shall hold office for the unexpired term of the member or officer who is succeeded.
- b. The Executive Board shall have the authority to declare the existence of a vacancy of office when such vacancy occurs do to resignation, death, or unexcused absence. An unexcused absence of this Post shall be understood to be a total of three (3) consecutive absences from any Executive Board and/or Regular Membership meetings. The Commander shall fill the vacancy by appointment subject to approval by the Executive Board.
- c. The name and address of the successor shall be reported to the Department Adjutant within one (1) week after such vacancy has been filled.

Section 2. Nominations:

- a. The Executive Board shall appoint a nominating chairman and committee who shall canvass, review qualifications and present one (1) nominee with their permission for each office (not Executive Committeemen). The nominating chair or committee can be candidates for office on the nomination slate. The list will be presented to the Post membership not less than three (3) regular meetings preceding the election. Additional nominations for Post Officers and Executive Committeemen may be made from the floor during the two (2) regular meetings preceding the election. All members nominated must be on the floor to accept or decline the nomination.
- b. A nominator may nominate only one nominee then release the floor for other nominators. The nominators will rotate until there are no more nominations. No person shall be nominated for more than one (1) elected office.
- c. The office of each officer shall be placed on the ballot in the sequence of rank of office, i.e. Commander, First Vice Commander, etc.

Section 3. Each Commander nominee shall name a 'Teller' to verify voters current membership card and count the balloted votes of the election. The Commander shall designate an 'Election Judge' to preside over the administration of the voting and counting of ballots. The Election Judge shall have the authority to eject any person loitering in the voting area. If the Commander is a candidate for any office, then the Executive Board shall designate the 'Election Judge'. The Tellers and Election Judge shall not be candidates for any office on the ballot.

Section 4. The Adjutant shall be available to verify each member's current status (i.e. paid for current year) The Sergeant-at-Arms will assist in card verification of members voting. Presentation of a current card is a prerequisite to vote. The Adjutant and Sergeant-at-Arms will not be involved

in the vote counting process.

Section 5. Voting will take place during the May General Assembly Meeting once final nominations are closed.

An absentee ballot will be available after first nominations have closed. A member must request in writing an absentee ballot from the Adjutant and the absentee ballot, along with a copy of their current American Legion Mandarin Fallen Heroes Post 372 Membership Card, must be received, via USPS, at least one day prior to the election.

Announcement of those elected shall take place on this date at or about 8:00pm.

Section 6. The Election Judge and Tellers shall count the votes cast. Candidates will be elected by a simple majority. Four (4) Executive Committeemen nominees will be elected by the highest number of votes received. In the event of a tie for any office, a coin flip will be used to determine the winner.

Section 7. Any candidate for a specific office, may request a recount of votes for that office only. Any discrepancy in the count will be referred to the Post Judge Advocate whose decision will be final.

Section 8. All marked election ballots that are received will be secured and retained for thirty (30) days after which the Executive Board may order their destruction.

Section 9. Should all nominees be running unopposed, a voice vote may be held in place instead of balloting if such a motion is presented from the floor of the General Assembly.

ARTICLE VII – MEETINGS

Section 1. The Annual Meeting (Installation) shall be held within thirty (30) days after the Annual Convention of the Department of Florida.

Section 2. The regular monthly meeting shall be called the General Assembly, and it shall be held on the second Thursday of each month, at which may be transacted such business as may properly be brought up for action. Seven members shall constitute a quorum for any General Assembly.

Section 3. Special General Assembly Meetings shall be convened at the request of the Commander, at the request of a majority of the Executive Committee, or at the request in writing of 10 members of the Post.

Section 4. The Executive Committee shall hold a meeting not less than once a month at a time and place agreeable to the members. Four (4) members shall constitute a quorum for any meeting of the Executive Committee.

Section 5. Special Executive Committee Meetings shall be convened at the request of the Commander or at the request of a majority of the Executive Committee. Four (4) members shall constitute a quorum for any Special Executive Committee Meeting.

Section 6. The Commander may convene an emergency Executive Committee Meeting or General Assembly, meeting without notice. The Executive Committee can also convene an emergency Executive Committee Meeting provided a quorum of elected members agree and are present.

ARTICLE VIII – NOTICES

Section 1. All members should provide the Adjutant with a current mailing address, telephone number, and email address (if applicable) for Post files. This includes members of the Sons of the American Legion and American Legion Riders of the Post.

Section 2. The Adjutant shall cause notice of the annual election to be given at least thirty days prior thereto. Notice shall be given either by mail or email.

Section 3. Three days' notice shall be given for all Special General Assembly Meetings or Special

Executive Committee Meetings. When possible, such notice shall be a written notice mailed and/or emailed to members' addresses as they appear in the Adjutant's records. The notice shall state any special matters that are proposed to be brought up at the meeting.

Section 4. The Post recognizes the need for notices via electronic communications and has established a website, emailing service, and social media presence for that purpose. Information about media sources is available at every General Assembly Meeting, by contacting the Adjutant, or online at www.MandarinPost372.org.

ARTICLE IX – RULES OF ORDER

Section 1. The Post shall use and follow the American Legion Post Officers Guide in conducting its meetings, initiation of members and other ceremonies prescribed therein.

Section 2. Interpretation of the Rules of Procedure shall be provided by the Judge Advocate.

ARTICLE X – DELEGATES

Section 1. All delegates who this Post shall be entitled to have as representatives at the Department Convention under the rules and provisions of the American Legion, Department of Florida, shall be elected at a regular meeting of the members of the Post, by a majority vote of those present at the meeting. Alternates shall be elected at the same time and in the same manner.

Section 2. The Post Commander at the Executive Committee meeting prior to the Department Convention will review prospective candidates for State Officers. The Executive Committee will vote on those candidates that they are recommending that Post 372 should support. These candidates' names will be presented to the General Assembly for a vote. All Post 372 delegates must support the candidates approved by the Post 372 General Assembly.

Section 3. If available in the budget, the Post shall pay all registration fees for each Post delegate who attends The Department Convention. These delegates must attend the General Session and Northern Area Caucus or required classes. Reimbursements are limited to the prevailing hotel rate of the designated Conference hotel for lodging. Also, any Post Officer, such as the Service Officer, who is attending **required** classes at the Department Convention can also be paid the prevailing Hotel rate of the designated Convention hotel for two nights of lodging if funds are available in the budget.

Section 4. If available in the budget, the Post shall pay for the Post Commander or any Post designated representative to attend the Fall Conference. Reimbursements are limited to the prevailing hotel rate of the designated Conference hotel for two nights of lodging. Also, any Post Officer, such as the Service Officer, who is attending **required** classes at the Department Convention can also be paid the prevailing Hotel rate of the designated Convention hotel for lodging if funds are available in the budget.

ARTICLE XI – FINANCE/REVENUE

Section 1. The revenues of the Post shall be derived from annual membership dues, approved functions or events, and such other sources as may be approved by the Post Executive Board, or general membership.

Section 2. The amount of annual membership dues shall be fixed and determined by the Executive Board and approved by the general membership.

Section 3. All officers or employees responsible for the handling of Post funds shall be bonded for the faithful performance of their duties. The cost of all bonding and/or insurance shall be assumed by the Post.

Section 4. The fiscal year of the Post will be from July 1 to June 30 of the succeeding year. Each

date being inclusive.

Section 5. Incoming Term Audit

- a. There shall be a complete internal audit of all finances, accounts, property, and business affairs of the Post made during the month of July. Areas of interest should include the Legion operation account, Post Building Fund, Sons of the American Legion, and American Legion Riders accounts.
- b. The Commander elect shall appoint three (3) Post members to the audit committee, reference Article XI, Section 5.
- c. The Commander, Executive Board, Audit Chairman or any member in good standing may call for an audit at any time that it is felt necessary.
- d. An inventory of all tangible property owned by the Post should be recorded annually.

Section 6. Contracts:

- a. No member, officer, committee or employee of the Post shall have the authority to bind the Post by contract or incur an obligation upon the Post, without the express authority of the Executive Board.
- b. All contracts entered upon on behalf of the Post in the amount of five hundred dollars (\$500.00) or more should have at least three (3) estimates in writing and must be approved by the Executive Board. All contracts under five hundred dollars (\$500.00) must first be approved by the Executive Board.

ARTICLE XII – LIMITATIONS AND LIABILITIES

Section 1. the Post shall not incur, or cause to be incurred, any liability or obligation whatsoever, that would be subject to the liability of any other Post, subdivision, group of men or women, members of The American Legion, or other individual(s), corporations or organizations.

ARTICLE XIII – RESOLUTIONS

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

Section 2. All resolutions shall be presented and read at a General Assembly of the Post. Unless proposed by the Resolutions Committee, they shall be referred immediately to said Committee for drafting and presentation to the Post for its consideration. Any resolution brought to the General Assembly by the Resolutions Committee must be passed by a two-thirds vote of the members present.

ARTICLE XIV – SPECIAL ACTIVITIES

Section 1. The Post shall not participate in, nor sponsor, any social or athletic activity unless the event has been approved at a regular or special meeting of the Post.

**ARTICLE XV – POST AUXILIARY, SONS OF THE AMERICAN LEGION,
AMERICAN LEGION RIDERS**

Section 1. This Post recognizes an organization to be known as The American Legion Auxiliary Unit 372.

- a. The National Constitution of The American Legion Auxiliary shall prescribe membership in the Auxiliary Unit.

- b. The American Legion Auxiliary Unit President is encouraged to attend all Post Executive Board and General Assembly Meetings.
- c. When possible, a dual member of both American Legion Fallen Heroes Mandarin Post 372 and American Legion Auxiliary Unit 372 shall be appointed as liaison between both entities. If there are no dual members, the Commander shall serve as liaison between both entities.
- d. The Post Adjutant will verify eligibility of all applications under consideration for membership in the American Legion Auxiliary to ensure that the sponsoring legionnaire is either a current Legionnaire or is deceased and would have been eligible if still living.

Section 2. This Post recognizes an organization to be known as The Sons of the American Legion Squadron 372.

- a. The Commander of the Sons of the American Legion Squadron 372 is required to attend all Executive Board Meetings or send a representative if he unable to attend.
 - 1. If unable to attend a meeting, the Sons of the American Legion Commander shall provide notice to the Post Commander and/or Adjutant within 24 hours of the meeting.
- b. The Post's Finance Officer will be a mandatory signatory on all financial accounts of the Sons of The American Legion Squadron 372 as required per National directive.
- c. The Squadron's Finance Officer will submit monthly financial reports and bank statements to the Post's Finance Officer by the last day of each month. These reports will be included each month in the monthly report to the Executive Board.
- d. The Post Adjutant will verify eligibility of all applications under consideration for membership in the Sons of the American Legion to ensure that the sponsoring legionnaire is either a current Legionnaire or is deceased and would have been eligible if still living.

Section 3. This Post recognizes an organization to be known as The American Legion Riders Chapter 372.

- a. The Director of the American Legion Riders Chapter 372 is required to attend all Executive Board Meetings or send a representative if he cannot attend.
 - 1. If unable to attend a meeting, the American Legion Riders Chapter 372 Director shall provide notice to the Post Commander and/or Adjutant within 24 hours of the meeting.
- b. The Post's Finance Officer will be a mandatory signatory on all financial accounts of the American Legion Riders Chapter 372 as required per National directive.
- c. The Chapter's Treasurer will submit monthly financial reports and bank statements to the Post's Finance Officer by the last day of each month. These reports will be included each month in the monthly report to the Executive Board.

ARTICLE XVI – REVISIONS

Section 1. At a minimum, the By-Laws will be reviewed once per year, in August, and revised as needed.

ARTICLE XVII – AMENDMENTS

Section 1. These By-Laws may be amended at any General Assembly by a vote of two- thirds of the members attending the Assembly, provided: the proposed amendment shall have been submitted in writing and read at the preceding General Assembly, **AND** that written notice shall have been given to all members by announcement through mail or email at least thirty (30) days

in advance of the date when such amendment is to be voted upon, notifying said members that at the General Assembly a proposal to amend the BY-LAWS is to be voted upon.

**Mandarin Fallen Heroes Post 372, Inc.
The American Legion, Inc.
Jacksonville, FL 32257**

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Attest:

The By-Laws printed on these twenty (20) pages have been approved unanimously by the general membership of Mandarin Fallen Heroes Post 372 at a meeting held on December 13, 2018.

Commander

Adjutant