

**Lt. John Farnkopf American Legion Post #401**  
**South Brunswick, NJ**  
**Post Bylaws**

**Article I – Name**

**Section 1.** The American Legion Post existing under these Bylaws is to be known as Lt. John Farnkopf American Legion Post #401, South Brunswick, NJ. Chartered May 8, 1946.

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

**Article II - Management**

**Section 1.** The government and management of the Post are entrusted to an Executive Committee of sixteen (16) members, to be known as the Post Executive Committee.

**Section 2.** The Post Executive Committee shall consist of the duly elected officers, namely, Commander, First (1<sup>st</sup>) Vice Commander, Second (2<sup>nd</sup>) Vice Commander, Finance Officer, Chaplain, Sergeant-at-Arms and a Service Officer; and appointed officers, namely, Adjutant, Historian, Judge Advocate, Building Chair, Membership Chair, Hall Rental Chair, and Bar Chair, plus the two immediate Past Commanders. All elections of Officers shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates. Members in good standing must be present to vote for officer candidates. Absentee ballots or proxy votes will not be permitted.

**Section 3.** All vacancies existing in the Post Executive Committee, or in any office of the Post from any cause other than the expiration of the term, shall be filled by a majority vote of the remaining members of the committee, and a member so appointed shall hold office for the unexpired term of the member whom he succeeds. A vacancy shall exist when a member or officer is absent from his Post duties for a continuous period that is considered detrimental to the interest of the Post by the majority of the remaining members of the Post Executive Committee.

**Section 4.** All newly elected officers are to be installed in the month of May before the state convention in June.

**Section 5.** The retiring Commander shall receive a Past Commander's cap pin or patch, or gold-filled lapel tack at the ceremony that installs his successor or at the end of the first term, if reelected. Should the retiring Commander wish a more expensive pin or ring, an allowance in the amount of the aforementioned pins will be granted with the retiring Commander making up the difference in cost. It will be the duty of the Finance Officer to see that the pin is provided by ordering the same, and to collect, before ordering, any additional costs. The prepaid order shall be mailed in time to have the item at the Post installation.

### **Article III - Post Executive Committee Responsibilities**

**Section 1.** The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten (10) days after the installation of new officers. Thereafter, they shall meet at least once a month and as often as said Commander may deem necessary. The Commander shall call a meeting of the committee upon the joint written request of three or more members of the committee, and half of the members or seven (7) shall constitute a quorum thereof.

**Section 2.** The Post Executive Committee shall hire such employees as may be necessary and shall require adequate bonding of all such members so hired having custody of Post funds; they shall authorize and approve all expenditures; shall hear the reports of all committee chairs; and generally shall have charge of and be responsible for the management of the affairs of this Post once approved on the floor by the regular members, at a regularly scheduled Post meeting.

### **Article IV - Duties of Officers and Chairmen**

**Section 1.** Post Commander. It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such officer shall be the Chief Executive Officer of the Post. The Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the past year's business with recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof shall be forwarded to the Department Adjutant. The Commander shall perform such duties as directed by the Post members.

**Section 2.** First (1<sup>st</sup>) Vice Commander. It shall be the duty of the First (1<sup>st</sup>) Vice Commander to assume and discharge the duties of the office of the Commander in his absence or disability thereof, or when called upon by the Commander. The First (1<sup>st</sup>) Vice Commander shall involve himself in membership, working with the Membership Chair and Adjutant, and in any other activities set forth by the Commander and/or Executive Committee.

**Section 3.** Second (2<sup>nd</sup>) Vice Commander. It shall be the duty of the Second (2<sup>nd</sup>) Vice Commander to assume and discharge the duties of the Commander in the absence of both he and the First (1<sup>st</sup>) Vice Commander, or if called upon by the Commander. He will be Chair of the Entertainment Committee and have the responsibilities of running all Post affairs and functions while working closely with the Executive Committee on hiring of bands, etc., for the coming year's affairs that require reservations on an annual basis. The Second (2<sup>nd</sup>) Vice Commander will recommend any changes to his successor.

**Section 4.** Post Adjutant. It shall be the duty of the Post Adjutant to have charge of and keep a full and correct record of all proceedings at all meetings, keep such records available should they be questioned, keep such records as the County, Department, or National may require, render reports annually or as called upon at a meeting, and under the direction of the Commander handle all correspondence of the Post.

**Section 5.** Finance Officer. It shall be the duty of the Finance Officer to have charge of the regular Post funds and see that they are safely deposited in a local bank. The Finance Officer shall report the condition of the Post's finances at least once a month at a regular meeting and co-sign all checks in conjunction with the Post Commander in disbursing monies of the Post.

**Section 6.** Post Historian. It shall be the duty of the Historian to put together and maintain pertinent facts of historic value and continue the building of a permanent record of the Post. The Post Historian shall perform such other duties as may properly pertain to the office as may be directed by the Post Executive Committee.

**Section 7.** Chaplain. It shall be the duty of the Post Chaplain to handle the spiritual welfare of the Post members by offering divine but non-sectarian services in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by National and, from time to time, conduct such services as directed by the Post Executive Committee.

**Section 8.** Sergeant-at-Arms. It shall be the duty of the Sergeant-at-Arms to preserve order at all meetings and perform duties as may be assigned by the Post Executive Committee.

**Section 9.** Membership Chair. The Membership Chair will process membership applications and renewals in accordance with the guidelines set forth by the National Headquarters of the American Legion, working closely with the 1<sup>st</sup> Vice Commander, Adjutant and Executive Board.

**Section 10.** It shall be the duty of the Judge Advocate to take charge of all legal affairs of the Post and to be responsible to answer all constitutional questions that may arise from the operations of the Post.

Section 11. Service Officer. It shall be the duty of the Service Officer to assist all veterans in their quest for varied problem solutions and to be knowledgeable concerning all benefits available to said veterans and their dependents. The Service Officer shall strive to keep abreast of all veterans benefits at all times.

**Section 12.** Building Chair. It shall be the duty of the Building Chair to keep a complete record of house equipment and supplies and shall be responsible for keeping the building in good repair.

**Section 13.** Bar Chair. It shall be the duty of the Bar Chairman to maintain complete details of the operation of the bar and hall rentals, to comply with all rules set down by the Borough and/or the Alcoholic Beverage Commission. The Bar Chair shall report all incomes and expenditures at least once a month to the members at a regular meeting and all records must be filed with the Finance Officer for viewing at the request of any nine (9) members. All monies are to be coordinated with the Post Finance Officer and deposited in a local bank. An outside accounting firm shall complete the books annually and said reports must be filed and recorded in the minutes of the Post. All checks must be signed by two members. The Bar Chair shall make an annual report of activities and any recommendations for the coming year.

**Section 14.** Hall Rental Chair. It shall be the duty of the Hall Rental Chair, to implement all contracts for hall usage, following the direction of the current house rules and regulations. All monies to be coordinated with the Bar Chair, to whom the Hall Rental Chair will report. The Hall Rental Chair will provide a written report on hall rental activities once a month at the regular meeting.

#### **Article V - Delegates**

Delegates and Alternate Delegates to both County and to the Department Convention shall be elected by ballot by the Post membership at the regular annual election of officers or at least 20 days before the date of the Department Convention in accordance with the quota assigned this Post by County and Department. The elected Commander shall automatically be elected a Delegate concurrently with his election to Commander.

## **Article VI - Appointments**

The Post Commander, immediately upon taking office each year, shall appoint those standing committees he deems necessary for the proper operation and management of the Post. Any committee chair handling funds shall be responsible to and report all monies to the Finance Officer and the membership.

## **Article VII - Resolutions**

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

**Section 2.** All resolutions must be presented in triplicate in writing to the Post Executive Committee for consideration before being presented on the floor.

## **Article VIII - Meeting**

**Section 1.** The regular meetings of the Post shall be held at the Post home at, 7 P.M. on the 3<sup>rd</sup> Wednesday of each month, at which time all business of the Post may be transacted if properly presented for action. Meetings may be postponed at the discretion of the Post Executive Committee or if they fall on a national holiday. The Post will not have a regular meeting in August, unless called for by the Commander or Executive Committee.

**Section 2.** The Post Commander or a majority of the Executive Committee shall have the power to call a special meeting of the Post at any time as long as the regular membership is notified in advance in writing.

**Section 3.** Upon the written request of twenty-five (25) members, the Post Executive Committee shall call a special meeting of the Post after duly notifying all other members in writing in advance.

**Section 4.** Twelve (12) members in good standing shall constitute a quorum providing that no less than five (5) are officers of the Post.

**Section 5.** In the event there is not a quorum present at the time for a regularly scheduled meeting and there is an item of urgent business that must be handled FOR THE GOOD OF THE LEGION, then those present may act on that item only with complete minutes recorded and filed.

## **Article IX - Notices**

**Section 1.** Every member shall furnish the Post Adjutant with his or her current address and e-mail address for mailing purposes.

**Section 2.** The Post Adjutant shall cause notice of the annual April elections, to include the slate of those nominated for positions, at least two weeks prior thereto, in writing, to all members in good standing.

**Section 3.** The Post Adjutant shall also send written notices to all members as per instructions from the Post Executive Committee.

## **Article X - Rules of Order**

All proceedings of this Post shall be conducted under and pursuant to ROBERT'S RULES OF ORDER, except as herein otherwise provided.

## **Article XI - Limitations of Liabilities**

This Post shall not incur or cause to be incurred any liability or obligation whatever which shall subject to liability any other Post, subdivision, members of the American Legion, or other individuals, corporations, or organizations.

## **Article XII - Dues and Membership**

**Section 1.** Dues are payable for the current year in the amount stipulated by a vote of the majority of the members present at a regular meeting provided that the entire membership has been properly notified of the fact that such a vote to change dues is to be taken.

**Section 2.** Voting membership shall be restricted to those whose dues are in a "paid" status as shown in Section 4, Article IX, of the National Bylaws of the American Legion. Only a "voting member" shall have the right to vote upon any issue brought before the membership.

**Article XIII - Amendments**

These Bylaws may be amended at any regular meeting by a vote of two-thirds of the members present, provided, that the proposed amendments shall have been submitted in writing through the Post Adjutant and read at the next proceeding regular meeting of the Post; and providing, further, that written notices shall have been given to all members at least ten (10) days in advance of the date such amendments are to be voted upon, notifying said members that such an amendment proposal to change the Bylaws is to be voted upon.

**Article XIV – Electronic Media**

**Section 1.** The establishment of any electronic communications media (such as Web sites, e-mail accounts, blogs, pod casts, etc.) using any of the logos of the American Legion or the name(s) of American Legion Post 401 must receive approval from the Executive Committee, with the understanding that all access codes, to include user names, passwords and site address to said media will be provided to the Post Commander, Adjutant and, if applicable, Committee Chair.

**Section 2.** Changes to access codes must be approved by the Executive Committee.

**Section 3.** Failure to maintain any such media site to the detriment of the American Legion and Post 401 will be grounds for rescission of said approval and notice to delete or cease the media site.

**Article XV**

These Post Bylaws are amended Post Bylaws and will supersede any previous Post Bylaws.

**BYLAWS AS AMENDED**

**January 21, 2009**

**ADOPTED AT FINAL READING**

**January 21, 2009**

          Irv Demarest

Commander

          Rich Allen

Adjutant

          January 25, 2009

Date