



**CONSTITUTION OF
PASO DEL NORTE POST 58
EL PASO, TEXAS**

PREAMBLE

For God and Country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in all Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might, to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I- NAME AND CHARTER

SECTION 1. The name of this organization shall be Paso del Norte, Post No. 58, the American Legion, Department of Texas. The charter for incorporation was filed in the office of the Secretary of State, Texas under Charter 606492. The supplemental charter was issued by the National American Legion is hereby adopted as the charter of the Post.

ARTICLE II— PURPOSE

SECTION 1. The objects and purposes of this Post shall be to promote the principles and policies set forth in the foregoing Preamble, and the National and Departmental Constitutions of the American Legion.

ARTICLE III— NATURE

SECTION 1. This post is a civilian organization and membership therein does not affect or increase liability for military or police service.

SECTION 2. This organization shall be non-political and shall not be used for the dissemination of partisan principles, nor for the promoting or retarding of the candidacy of any person seeking public office or preferment.

SECTION 3. Rank does not exist in the American Legion; no member shall be addressed by his/her military or naval title in any meeting of this Post or Post areas.

ARTICLE IV - ELIGIBILITY AND MEMBERSHIP

SECTION 1. An individual is eligible for membership in The American Legion only if the individual(!) has served in the Armed Forces of (A) the United States at any time during—(i) the period of April 6, 1917, through November 11, 1918; or (ii) any time after December 7, 1941; or (B) a government associated with the United States Government during a period or time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and (2) was honorably discharged or separated from that service or continues to serve honorably during or after that period or time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

SECTION 2. There shall be no form or class of membership except active membership. Membership shall be only through a Post, and dues shall be paid annually or for life.

SECTION 3. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

SECTION 4. All applications for membership and transfers into this Post shall be acted upon at the next Post General Membership Meeting following the making of such application or transfer, and shall, at such meeting, be accepted, rejected, or referred for further investigation and consideration. If a majority of the members present at the Post General Membership Meeting cast their vote against the acceptance of such application, then such application shall be recorded as rejected.

SECTION 5. No person may be a member at any one time of more than one Post in the American Legion.

SECTION 6. No person who has been expelled by a Post shall be admitted to membership in another Post without the consent of the expelling Post, except that where such consent has been denied by such Post, he may then appeal to the Executive Committee of the department of the expelling Post for permission to be admitted to membership in another Post and shall be ineligible for membership until such permission is granted.

SECTION 7. Each Post shall be the judge of its own membership, subject only to the restrictions of the National and Department Constitution and By-Laws.

SECTION 8. Transfers. Any member in good standing, to include members of Headquarters Post 345, moving or transferring to a Post near their home shall be transferred using The American Legion Member Data Form, completed by the new Post, without additional payment of dues. The new Post shall be the judge of its own membership in accordance with Article III, Section 5, Department of Texas Constitution and Bylaws. Dues already paid shall remain with the original Post and the transfer shall be complete upon issue of a new membership card.

SECTION 9. A member of this Post may only be disciplined in accordance with the Department Uniform Code of Procedure for Disciplinary Actions.

SECTION 10. If a member is expelled in a disciplinary proceeding, his/her membership is suspended until his/her final appeal is heard and a decision is rendered, and if he/she is expelled by the decision, he/she shall not be eligible for membership in this Post for one year from the date of expulsion, and then only in the event his/her application for reinstatement is approved in the manner in which memberships are approved in this Post.

SECTION 11. Members found to be ineligible. If a Post determines one of its members is not eligible for membership, the Post shall notify the Department Adjutant at once in writing so that his name can be forwarded to the National Headquarters for removal from the membership rolls. It shall be presumed that a member who will not furnish proof of eligibility within 30 days of a written request, certified mail, return receipt requested is not eligible for membership in The American Legion.

ARTICLE V - OFFICERS

SECTION 1. The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of a Post Executive Committee which shall consist of up to (5) members in addition to the Officers of the Post. The term of office of members of the Post Executive Committee shall be for one (1) year. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

SECTION 2. The officers of the Post shall be Commander, a Vice Commander, an Adjutant/Finance Officer, a Historian, a Service Officer, a Judge Advocate, a Chaplain, and a Sergeant-At-Arms and such other officers as may be deemed necessary. Executive Committee persons will also be considered officers of this Post.

SECTION 3. A nominating committee may be appointed by the Post Executive Committee, who shall report their nominations to the regular monthly meeting next

preceding the annual election of officers. Nominations may also be made from the floor at such meeting, and again at the meeting for the annual election.

SECTION 4. All Officers and Executive Committeemen shall be elected annually, by majority vote on written ballots, at a Post meeting held not less than fifteen (15) days prior to the Department Convention and shall be installed not later than the first regular Post meeting in August following their election. Only those members holding current calendar year membership cards shall have the privilege of vote in the election. They shall hold office until their successors are duly installed. Any Post Officer or Post Executive Committeeman may be removed for cause by the Post Executive Committee, a two-thirds (2/3) vote of said Committee being necessary to affect such removal. The membership shall be entitled to be present at the Post Executive Committee meeting without voice or vote. The decision of the Post Executive Committee shall be subject to the approval or reversal by the Post membership at the next regular Post meeting where a quorum is present.

SECTION 5. The duties of Officers and Executive Committeeman shall be those usually appertaining to such Officers or Committeemen and as further provided in the By-Laws.

SECTION 6. Officers and Executive Committeemen are expected to attend the regular meetings of the Post and Post Executive Committee. Failure of any Officer or Executive Committeeman to attend three (3) successive meetings, without reasonable cause having been furnished the Post Adjutant or Post Commander, shall be cause for forfeiture of said office. The Post Executive Committee shall decide when an Officer's failure to attend three (3) successive regular business meetings, without reasonable cause having been furnished the Post Adjutant or Post Commander, shall be cause for forfeiture of said office. The Post Executive Committee shall decide, when an Officer by his/her failure to attend three (3) successive business meetings has forfeited his/her right to continue in office, when or whether to declare such office vacant, and when to order an election to fill the vacancy.

SECTION 7. In case of vacancy in any office for any cause, the said vacancy shall be filled by the Commander as an appointment until any regular meeting provided at least fifteen (15) days' notice of such election has been given to the membership to fill the position.

SECTION 8. The official training program for officers of the American Legion is the Basic Training Course. All officers of Post 58 and newly elected officers, including appointed officers shall be required to complete this course within 90 days of installation or appointment. Upon a vote of the Executive Committee, failure to complete the course within the prescribed time without extenuating circumstances will result in the vacating of their elected or appointed position.

SECTION 9. Based on Post growth and participation, Committee Chairman may be appointed as deemed necessary by the Post Commander. Committee Chairman are not officers of the Post and report to the Executive Committee with voice but no vote and will provide reports as necessary or required. Examples are Boy's State Chairman, Oratorical Contest Chairman, Flag Day Chairman, etc.

ARTICLE VI - FINANCE

SECTION 1. The revenue of this Post shall be derived from membership and/or initiation fees from annual membership dues, and from such other sources approved by the Executive Committee and approved by the Post.

SECTION 2. The amount of membership or initiation fees and the amount of annual dues shall be fixed and determined by the Post.

SECTION 3. The Post shall pay to Department Headquarters the Department and National annual membership dues within thirty (30) days from receipt thereof for each paid member of the Post.

SECTION 4.

- A. The Post Commander is authorized to spend up to \$250.00 a month, with a maximum of \$100.00 per expenditure. If the Commander needs more, he/she must have approval from the Executive Committee.
- B. Assistance, not to exceed \$250.00 to a temporarily destitute veteran and must be authorized by the Executive Committee.
- C. The Executive Committee may approve expenditures of not more than \$1,000 except as stated above. Any single expenditure or transaction in excess of \$1,000 having been approved by the Executive Committee must be approved by the majority at a general or special membership meeting, except operational type of emergencies.

ARTICLE VII - CHARTER MEMBERS

SECTION 1. Members who joined this Post prior to the issuance of charter shall be known as charter members and shall include members of Post 215 and 351 at the time of their consolidation into present Post 58.

ARTICLE VIII - AMERICAN LEGION AUXILIARY

SECTION 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Paso Del Norte Post 58, The American Legion.

SECTION 2. Membership in the Auxiliary shall be as prescribed by the National and Department of Texas Constitutions and By-Laws of The American Legion.

SECTION 3. Unit 58 shall not incur any financial obligations against Post 58 without the prior approval of Post 58's Executive Committee.

ARTICLE IX - AMENDMENTS

SECTION 1. This Constitution is adopted subject to the provisions of the National and Department Constitution of The American Legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

SECTION 2. This Constitution may be amended at any General Post Meeting by a vote of two-thirds (2/3) of the members of said Post attending such General Meeting; provided that the proposed amendment(s) have been submitted in writing to the Executive Committee in session and approved by it; or if rejected in whole or in part, it may be taken to a regular Post meeting on a minority report; and providing that the proposed amendment(s) shall have been submitted in writing and read at the next regular meeting of said Post; and provided further that the proposed amendment(s) shall have been given to all members at least fifteen (15) days in advance of the date on which the amendment(s) is to be voted upon, notifying said members that at such meeting a proposal to amend the constitution is to be voted upon. Announcement in the Post Monthly Bulletin that a proposed amendment is being considered shall be written notification to Post Members.

SECTION 3. Anything not covered in this Constitution will be governed by the Constitution of the Department of Texas.

ARTICLE X - REAL PROPERTY

SECTION 1. Real property owned by the Post may be sold, leased or otherwise disposed of, where control of said property is involved, (after first complying with the Department and National Constitution and following the procedures provided by the Department Adjutant.), at any regular meeting by a vote of two-thirds (2/3) of the Post members attending a regular meeting, provided that the proposal shall have been submitted in writing, after approval by a majority of the Post Executive Committee, if there be a Post Executive Committee, and further after approval by a majority of the Board of Trustees, if there be a Board of Trustees, and read at the preceding regular meeting of the Post, and provided further notice shall have been given all members by mail at least fifteen (15) days in advance of the date when such proposal is to be voted

upon and that notice is given in the local press and radio and that it is posted on the Post bulletin board in the same time limits prior to the actual voting on the proposal.

SECTION 2. No real estate owned by the Post or trustee of Post 58 will be sold or used as collateral for a loan without the approval of the Department Executive Committee or, where time is of the essence, the Department Commander, who shall report said action at the next Department Executive Committee meeting.

ARTICLE XI - PROGRAMS

SECTION 1. This Post sponsors a Sons of the American Legion Squadron, known as Squadron 58. Such Squadron shall be subject to the rules, regulations, and supervision of Post 58 as may be promulgated by the Post Executive Committee and ratified by the Post membership, and which shall not be in conflict with the rules and regulations set up for the Sons of the American Legion by the National Executive Committee, The American Legion.

SECTION 2. Said SAL Squadron 58 may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until SAL Squadron 58 adopts its own Constitution and By-Laws, it shall be governed by this Post rules and regulations, and by the recommended Constitution and By-Laws of a SAL Squadron as has been approved by the Department Executive Committee, The American Legion, Department of Texas.

SECTION 3. Once created, this Post may cease its sponsorship of S.A.L. Squadron 58 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in activities illegal, immoral, or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee.

SECTION 4. To ensure the S.A.L. Program operates within the established Constitution and By-Laws, the Commander will appoint a S.A.L. Advisor who will report all S.A.L. activities to the Post Executive Committee and General Membership meetings.

SECTION 5. This Post sponsors an American Legion Riders program. All Legion Riders shall uphold the declared principles of The American Legion as well as conform to and abide by the regulations and decisions of the Department of Texas and American Legion Post 58. American Legion Rider groups shall abide by The American Legion Constitution and By-laws as well as the established Post and Department directives.

- A. All members of The American Legion Riders (ALR) shall be current members of The American Legion, American Legion Auxiliary or Sons of The American Legion
- B. Each ALR member shall establish and maintain membership by owning, individually or through marriage, a motorcycle licensed and insured as required by state law.

- C. ALR programs may allow for continued membership for those members who have given up motorcycle ownership because of age, illness, injury, or other reasons outside the member's control.
- D. All ALR members shall strive to maintain the image of The American Legion, at all times upholding The American Legion name and emblem, which symbolizes the integrity and principles of this great organization
- E. The Post 58 ALR group shall avoid the perception of being a "motorcycle club" or biker club."
- F. The only recognized The American Legion Rider logo is that which is copyrighted and sold through The American Legion National Emblem sales.
- G. All Members shall obey the motorcycle laws of the State of Texas.
- H. Post 58 will annually review liability insurance coverage to ensure that adequate coverage is available to cover the organization to include coverage for any specific special riding events.

SECTION 6. Said Legion Riders Chapter 58 may adopt its own Constitution and By-laws, subject to approval of same by the Post Executive Committee. Until Legion Riders Chapter 58 adopts its own Constitution and By-Laws, it shall be governed by Post 58 rules and regulations.

SECTION 7. Once created, this Post may cease its sponsorship of Legion Riders Chapter 58 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in activities illegal, immoral or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership.

SECTION 8. The President of the Legion Riders Chapter must be a current member of the American Legion Riders (ALR), the American Legion Post 58, American Legion Auxiliary Unit 58, or Sons of The American Legion Squadron 58.

SECTION 9. To ensure the Legion Rider Program operates within the established Constitution and By-Laws, the Commander will appoint an American Legion Rider Advisor who will report all ALR activities to the Post Executive Committee and General Membership meetings.

ARTICLE XII -SOCIAL MEDIA AND THE INTERNET

SECTION 1. Social Media Guidelines. All members of this post and all participants in the programs of this post are required to adhere to the Social Media Guidelines promulgated by the Department of Texas.

SECTION 2. Ownership of Domain Names and Social Media Accounts. Applicants for social media accounts and registrants of domain names for this post or its programs are serving as agents of this post and ownership of these account and domain names are vested in the post. Applicants or registrants should obtain approval from the Post Executive Committee to establish a domain name or social media account. Applicants or registrants shall, upon demand, transfer the account or domain name to another individual designated by the Post Executive Committee.

BY- LAWS
PASO del NORTE POST 58
EI PASO, TEXAS

ARTICLE I- NAME

SECTION 1. The Post existing under these By-Laws is to be known as Paso del Norte Post 58, the American Legion, Department of Texas.

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

ARTICLE II - MANAGEMENT

SECTION 1. The government and management of this Post shall be entrusted to the Post Executive Committee which shall consist of up to five (5) members in addition to the Officers of this Post. They shall be elected annually as provided in Article V, Section 4, of this Constitution, and all shall take office immediately upon installation.

SECTION 2. The Post Executive committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall cause all funds to be placed in the hands of the Post Finance Officer for deposit and accounting purposes; shall hear the reports of Post Committee Chairmen, and generally, shall have charge of and be responsible for the management of the affairs of this Post. At the end of each fiscal year, an review committee shall be appointed with the Post Judge Advocate as Chairman to conduct a complete review of Post records before turning them over to the new Post Finance Officer. Except for hiring and firing of employees, all actions of the Post Executive Committee shall be submitted for approval to the membership at the next regular membership meeting.

ARTICLE III- POST EXECUTIVE COMMITTEE

SECTION 1. The Post Executive Committee shall meet for organization and business at the call of the Post Commander and within ten (10) days after installation. Thereafter, it shall meet at the call of the Post Commander at least once a month and as often as the Commander deems necessary. Executive Committee members must be notified at least one (1) day prior to a special meeting. The Commander must call a meeting of the Post Executive Committee on the joint written request of three (3) or more members of the Executive Committee of the Post. A majority of the Executive Committee constitutes a quorum. The Post Commander shall act as Chairman of the Executive Committee.

SECTION 2. The Executive Committee shall hire such Post employees as necessary. The Executive Committee shall authorize and approve all expenditures for normal operating expenses. Except for hiring and firing of employees, all actions of the Post Executive Committee shall be submitted for approval to the membership at the next regular membership meeting.

ARTICLE IV - DUTIES OF OFFICERS

SECTION 1. Duties of 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. The Post Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. The Post Commander shall see that this Constitution and By-Laws is observed. The Post Commander shall perform such other duties as are directed by the Post.

SECTION 2. Duties of Post 1st Vice Commander - The Post 1st Vice Commander shall assume and discharge the duties of the office of Post Commander in the absence or disability thereof, or when called upon by the Commander and shall be fully involved in, and responsible for, all aspects of Post Membership.

SECTION 3. Duties of Post 2nd Vice Commander - The Post 2nd Vice Commander shall assume and discharge the duties of the office of Post Commander/1st Vice Commander in the absence or disability thereof, or when called upon by the Commander and shall be fully involved in, and responsible for, all social activities of the Post.

SECTION 4. Duties of Post 3rd Vice Commander - The Post 3rd Vice Commander shall assume and discharge the duties of the office of Post Commander/1st Vice Commander/2nd Vice Commander in the absence or disability thereof, or when called upon by the Commander and shall be fully involved in, and responsible for, all Americanism programs of the Post.

SECTION 5. Duties of the Post Adjutant - The Post Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National Organizations may require, issue membership cards, handle certificates of transfer, render reports of membership annually or when called upon at a meeting, and under direction of the Post Commander, handle all correspondence of the Post. The Post Adjutant shall comply with Article V, Section 5, Department Constitution.

SECTION 6. Duties of the Post Finance Officer -- The Post Finance Officer shall have charge of all finances and see that they are safely deposited in some local bank or banks

and shall report once a month to the Post Executive Committee and the Post, in writing, the condition of the finances of the Post, with such recommendations as The Post Finance Officer may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Post Finance Officer shall sign all checks disbursing the moneys of the Post as authorized by the Post Executive Committee. The Post shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee.

SECTION 7. Duties of Post Judge Advocate -- The Post Judge Advocate shall supply professional advice in the conduct of the Post business, or to retain proper counsel. The Post Judge Advocate shall be the Chairman of any committee concerning the amendment of the Post Constitution or By-Laws. The Post Judge Advocate shall be in charge of the annual review of the Post financial accounts as set out in Section 3, Article II of these By-Laws. The Post Judge Advocate shall be responsible for the orderly conduct of disciplinary procedures.

SECTION 8. Duties of the Post Historian -- The Post Historian shall be charged with the individual records and incidents of the Post and Post members and shall perform such other duties as may properly pertain to the office as may be determined by the Post or Post Executive Committee.

SECTION 9. Duties of Post Chaplain -- The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

SECTION 10. Duties of Post Sergeant at Arms -- The Post Sergeant at Arms shall preserve order at all times and meetings and shall perform such other duties as may be from time to time assigned to the Post Sergeant at Arms by the Post Commander or Post Executive Committee. The Post Sergeant at Arms shall have charge of the Post Colors and shall not display or permit them to be displayed without specific authority of the Post Commander.

SECTION 11. Duties of Post Service Officer -- The Post Service Officer shall comply with the Service Officer's Manual and Post Officers Guide of The American Legion, and recommendations of National and Department Headquarters, and needs of this Post.

ARTICLE V-CONVENTION DELEGATES

SECTION 1. Delegates and alternates to a Department, Division, or District Convention shall be elected by the Post at a regular meeting of the Post to be held not less than fifteen (15) days prior to the date of such convention. However, the Post, by two-thirds (2/3) vote of members present may authorize the Post Commander to appoint said delegates. The Post Commander shall, immediately upon their election or appointment,

designate the chairman. Alternates for delegates shall have all the privileges of registered delegates except that of voting. A registered delegate is one who has received his/her credentials after his/her registration fee has been paid.

SECTION 2. Each duly registered delegate shall be entitled to one vote. At the time the delegates are elected, the Post will select either the Pro-Rata Rule or the Modified Unit Rule, as described below, as the method of voting for those delegates who do not attend the convention.

a. Modified Unit Rule Each duly registered delegate shall be entitled to one vote, unless there are less delegates than votes. Under those circumstances, each delegate will cast one vote, then any votes of absent delegates will be cast, in their entirety, in accordance with the majority of the delegates in attendance.

b. Pro Rata Rule Each duly registered delegate shall be entitled to one vote, unless there are less delegates than votes. Under those circumstances, each delegate present will be entitled to a portion of the total number of votes allocated to the Post that is directly proportionate to the percentage that the delegate represents of the total delegation present.

SECTION 3. The chairman of the delegation shall cast the entire delegate vote on any convention matter, after first polling the delegates present, so as to reflect the vote of each delegate present.

SECTION 4. All delegates at District, Division, Department, and National conventions may be reimbursed their registration fee, providing the delegates attend Legion meetings and funds are available. The Commander or delegate chairman may be reimbursed up to \$100.00 providing funds are available.

ARTICLE VI -- DUES - FISCAL YEAR

SECTION 1. Annual dues shall be as prescribed by the Post and shall be payable on or before October 20th of each year for the succeeding calendar year. A member whose dues for the current year have not been paid by January 1st shall be classed as delinquent. If his/her dues are paid on or before February 1st, he/she shall be automatically reinstated. If he/she is still delinquent after February 1st, he/she shall be suspended from all privileges. If he/she is still under such suspension on June 30th of such year, his/her membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the years in which the reinstatement occurs.

SECTION 2. The newly elected Post Officers shall be installed at a regular or special meeting and according to Article V, Section 4 of this Constitution.

SECTION 3. The Chairman of the membership committee may recommend to the Post Executive Committee the names of members whose dues shall be paid for by the Post with reasons for such recommendation. The Post Executive Committee shall have the power to approve or reject such recommendations except new members and transfers.

ARTICLE VII – POST COMMITTEE APPOINTMENTS

SECTION 1. The Post Commander, immediately upon taking office each year, shall appoint such standing committees as the Post Commander deems necessary for the efficient operation of the Post, such as those listed in the Post Officers Guide; the Post Commander shall also appoint such other committees as the Post Commander finds to be necessary from time to time. All of such committees shall consist of such members and the chairman thereof as shall be designated by the Post Commander and confirmed by the Post Executive Committee.

SECTION 2. The duties and functions of the respective Post committees shall be in accordance with the current Post Officers Guide of The American Legion and with the recommendations of National and Department Headquarters.

ARTICLE VIII - 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.

ARTICLE IX- MEETINGS

SECTION 1. The general meetings and special meetings of this Post shall be held monthly at Post 58 or as otherwise designated by the Post Commander, at which place may be transacted such business as may properly be brought up for action, approve the minutes of the previous meeting and minutes of all Post Executive Committee meetings since the last regular meeting; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the Post. Procedure at regular meetings shall comply with the current Manual of Ceremonies.

SECTION 2. The regular business meetings of the Post shall be as determined by the Post. Other business or social meetings may be held as directed by the Post Commander and the Post Executive Committee.

SECTION 3. 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.

SECTION 4. Upon the written request by signed petition of not less than five (5) of the members in good standing of this Post delivered to the Post Commander, requesting a special meeting of the Post, the Post Commander shall call the said special meetings within not less than seven (7) days, nor more than fourteen (14) days after receipt of the said petition. In the said petition shall be stated the purpose for which the meeting is requested and matters not pertaining to said purpose for the meeting shall not be considered at such meeting. In notices given to the membership of said meeting, the subject matter to be discussed shall be stated. The Post Commander or a majority of the Post Executive Committee shall have the power to call a special meeting of the Post, and the notice of the call for this meeting sent to the membership shall contain the subject matter to be discussed at the said meeting, and the said meeting shall not discuss other matters not relating to said notice.

SECTION 5. The Commander or any Vice Commander or Representative and at least four (4) members in good standing shall constitute a quorum at any regular or special meetings of the Post.

SECTION 6. The post may conduct its meeting by electronic or other remote access means as reasonably necessary for the conduct of Post business.

- a. The post shall use its best efforts to implement any such virtual meetings with full regard for the need to maintain as much as possible accessibility for all members, including those with disabilities and those who lack the access to sophisticated technology.
- b. Any action that could be taken at an in-person meeting, including amendment of the constitution and by-laws, may also be taken at a virtual meeting held pursuant to this provision.
- c. Any action taken at any such virtual meeting shall be ratified at the first regular in-person post meeting.
- d. During a virtual meeting, the post adjutant shall ensure that all participants are members in good standing and that a quorum is present.
- e. The post commander shall determine the need for a virtual meeting.
- f. If there is a vote, the Adjutant must make a record of the vote and ensure that every voter is sufficiently identified and a member of the Post in good standing.

ARTICLE X - NOTICES

SECTION 1. Current Address Policy - Every member shall furnish the Post Adjutant with his/her address for mailing purposes. Notices sent to the last known address shall constitute sufficient legal notice.

SECTION 2. Annual Election Policy - The Post Adjutant shall cause written notice of the annual election to be given at least one (1) regular Post meeting prior to the election date, but in no event less than fifteen (15) days prior to the election date. Announcement of election should also be made public by posting said notice on the Post's website, monthly newsletter, local newspaper covering Post's membership area, email or other electronic communications, presently existing or existing in the future; however, such shall not relieve the Post of, at least, sending post cards, by United States Mail, postage prepaid, as previously stated above.

SECTION 3. Statement of Nondiscrimination - In its efforts to promote nondiscrimination, the Post does not discriminate on the basis of race, religion, color, national origin, gender, sex or disability in accordance with Title VI of the Civil Rights Act of 1964, as amended.

SECTION 4. Whistleblower Protection Policy- Neither the Post Commander, Post officers nor Post Executive Committee shall unlawfully retaliate against any member for bringing a grievance or complaint under these By-Laws.

SECTION 5. Conflict of Interest Policy - No person in a position of authority over the Post, such as the Post Commander, Post Officers or members of the Post Executive Committee may benefit personally from a decision he or she could make.

SECTION 6. Written Documentation Retention/Destruction of Confidential and Sensitive Documents Policy -Any person that possesses or maintains such information is required to take reasonable measures to protect against unauthorized access to, or use of the information in connection with its disposal. In addition, Sarbanes-Oxley requires that records be retained for all audits and legal proceedings.

SECTION 6 a. Record Types and Retention Periods:

- (1) Accounts Payable/Receivable Ledgers - 7 years
- (2) Audit Reports of Accounts - Permanently
- (3) Bank Statements - 7 years
- (4) Contracts and Leases - Permanently
- (5) Correspondence (Legal) - Permanently
- (6) Membership Applications - 3 years
- (7) Insurance Records - Permanently
- (8) Tax Returns - 7 years
- (9) Training Manuals - Permanently

SECTION 7. IRS Authority to Request Information (Public Disclosure Policy) - The Post must make available for public inspections IRS annual returns and applications for exemption and must provide copies of such returns and applications to individual who request them. Copies usually must be provided immediately in the case of in-person requests, and within 30 days in the case of written requests. The tax-exempt organization may charge a reasonable copying fee plus actual postage, if any.

SECTION 8. IRS 990 Compliance Policy- The IRS Form 990 must be filed annually by the 15th day of the 5th month after the close of the tax year. The Pension Protection Act requires the IRS to revoke the tax-exempt status of any organization that fails to meet its annual filing requirement for three (3) consecutive years.

SECTION 9. Review of Form 990 by Executive Committee - The Post Finance Officer will create a timeline for compliance in 4 months following the previous tax year. Data will be gathered to complete the IRS Form 990 and shared with the Post Executive Committee no later than the Post Executive Committee November meeting. The Post Executive Committee will review the completed IRS Form 990 annually before it is sent to the IRS.

ARTICLE XI - RULES OF ORDER

SECTION 1. All proceedings of this Post shall be conducted under and pursuant to "Robert's Rules of Order, Newly Revised" except as herein otherwise provided.

ARTICLE XII - LIMITATIONS OF LIABILITY

SECTION 1. This Post shall not incur, nor cause to be incurred, any liability or obligation whatsoever which shall be subject to liability from any other Post, subdivision, group of men, members of the American Legion, or other individuals, corporations, or organizations.

ARTICLE XIII - AMENDMENTS

SECTION 1. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Post Executive Committee in session and approved by it; or if rejected in whole or in part, it may be taken to a regular Post meeting on a minority report; and provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and provided, further, that written notice shall have been given to all members at least fifteen (15) days in advance of the date when such amendment is to be voted upon, notifying all said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

ARTICLE XIV - ANNUAL ELECTIONS (PROCEDURES)

SECTION 1. The third Wednesday of May, annually, a nomination night will be held for the position of each qualified member of his/her choice. The candidates nominated that night will be verified on the night of election that they have already been nominated. The specific time of the nominations on nomination day will be announced in the Post Monthly Bulletin at least two (2) months prior to nominations.

SECTION 2. The Commander, on the night of annual election, will appoint an election committee who will be responsible for the conduct of the election to include the counting and verifying the votes cast. Nomination night will be under the supervision of the Post Commander.

SECTION 3. On the night of election, third Wednesday in June, annually, nominations will be made from the floor beginning with the Commander down. The Election Committee Chairman will explain the procedure for voting. Nominations will not include verbiage as to the qualifications of the candidate nomination – no second is required, however, the nominee must verify that he/she will serve if elected. The election will be recessed for the purpose of counting votes after each position.

SECTION 4. Titled officers will be elected by majority vote {majority being over 50%}. In the event a candidate does not have enough majority, a run-off will be held between the two (2) candidates with the most votes. That run-off election will be conducted immediately after the recess when such run-off is required. The Executive Committee persons will be elected by a plurality vote; the top (5) will be elected. A run-off will be held only when a tie vote exists for the position of the last Executive Committee person, the other four (4) positions having received a larger number of votes for places 1- 4.

SECTION 5. The elections will be held by a secret ballot. The Election Committee Chairman will announce successful candidates based on the above criteria without regard to specifically announcing exact votes per candidate.

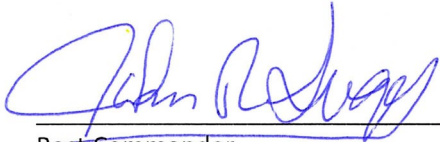
SECTION 6. The Election Committee will make available all ballots for the office in question to those appealing or questioning the count. Matters of election will be resolved on the night of election and the decision of the Election Committee is final. Ballots will be destroyed immediately after installation of new officers.

SECTION 7. The specific time of the election on Election Day will be announced in the Post Monthly Bulletin at least two (2) months prior to the election.

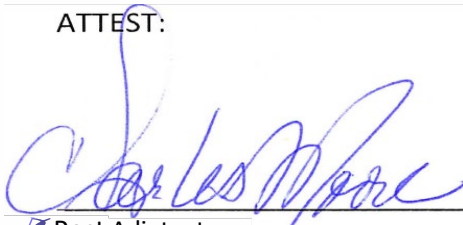
SECTION 8. In case of vacancy in any office for any cause, the said vacancy shall be filled at any regular meeting provided at least five (5) days' notice of such election has been given to the members.

POST CERTIFICATION

We, the following officers of Paso del Norte Post 58, The American Legion, hereby certify that the foregoing Constitution and By-Laws, after due notice was given to all members, was adopted at a regular meeting of this Post held on the 15th day of September 2021, A.D.


Post Commander

ATTEST:


Post Adjutant

DEPARTMENT CERTIFICATION

Approved by the Department Judge Advocate on the 28th day of December, 20 21, A. D.


DEPARTMENT JUDGE ADVOCATE