

CONSTITUTION AND BY LAWS

This organization, known as the Oxnard Post 48, the American Legion, Department of California, is a non-profit corporation, organized and existing under, and by, virtue of the laws of the state of California. The rules governing the management and the control of the organization are legally known as By Laws, however, for the convenience of the organization, the By Laws have been divided into two parts; one part being known as the Constitution, and the other part being known as the By Laws. Together, the documents are designated as the Constitution and the By Laws of this corporation. The Board of Directors of this corporation shall be known as the Executive Committee and the official designation of the other officers of the organization shall be as hereinafter set forth.

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 the Great Wars; to inculcate the 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 right; 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.

CONSTITUTION

Article I - Name

Section 1. The name of this organization shall be the Oxnard Post 48, 2639 Wagon Wheel Road, Oxnard California, the American Legion Department of California.

Article II - Objects

Section 2. The objects and purpose of this Post shall to promote the principles and policies as set forth in the foregoing preamble, the National and the Department of California 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 the military or police service.

Section 2. This organization shall be absolutely non-political and shall not be used for dissemination of partisan principles nor for the promotion 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 or her military title in any meeting of this Post. Each member shall perform his or her full duty as a citizen.

Section 4. the membership year as used in this Constitution and By Laws, unless otherwise specifically provided hereinafter, shall mean January 1st to December 31st.

Article IV – Membership

Section 1. Eligibility for membership in the Post shall be as prescribed by the National Constitution of the American Legion. The Post shall require official evidence of eligibility with the application of membership. A person merely discharged from the draft shall not be considered as having served on active duty.

Section 2. There shall be no form or class of membership except active membership. Applicants for membership in the Post shall make applications on forms prescribed by the Executive Committee of this Post; shall pay therewith the dues for the current membership year, and shall furnish official evidence of eligibility.

Section 3. All applications for membership shall be referred to the membership committee with shall, at each regular meeting of the Post, report on all applications received during or after the last regular meeting. A majority vote of those present and voting shall approve or reject a candidate. In the event that an application for membership is received seven days or more prior to the next regular meeting, the chairman of the membership committee shall have the authority for final approval, or rejection, of the applicant; except that the applicant may appeal any rejection to the general membership. Further delegation of this authority may be made to the Post Adjutant. All applications shall be reported at the next regular meeting of the Post. *Any applicant rejected for membership is to be reported to the Post Commander with the reasons thereof.*

Section 5. No person shall be elected to membership in the Post who holds membership in any other Post of the American Legion except by official transfer from any other such Post.

Section 6. Honorary life membership in this Post may be conferred only by recommendation of the Executive Committee and the approval by the members present and voting at the subsequent regular Post meeting. The number of honorary life memberships in the Post shall not exceed (10).

Article V – Office

Section 1. The officers of this Post shall be the Commander, the First Vice Commander, the Second Vice Commander, The Third Vice Commander, the Junior Past Commander, the Adjutant, the Judge Advocate, the Historian, the Service Officer, the Finance Officer, the Chaplain, the Sergeant at Arms and all elective Executive Committee members. There shall be an elected Executive Committee member for each fifty (50) members in good standing, but not to exceed a total of eight (8) elected Executive Committee members.

Section 2. The Commander, Vice Commanders, Finance Officer, Sergeant at Arms and all elective Executive Committee members shall be elected as provided in the Constitution and By Laws. The Adjutant, Judge Advocate, the Service Officer, Historian, and Chaplain shall be appointed by and hold office at the pleasure of the Commander subject to approval by the Executive Committee. The Commander may also appoint an Assistant Sergeant at Arms and Assistant Adjutant Subject to Approval by the Executive Committee.

Section 3. All resignations from office in the Post, or any of its agencies shall be submitted in writing and shall not be effective until accepted by the electing or appointing authority, as the case may be, Such resignation shall be reported at the next regular meeting.

Section 4. All elections and appointments to office in this Post shall be for a period of one year except for Executive Committee members whose term shall be a two year term of office. Three (3) new members of Executive Committee shall be elected annually during the regular election of Post officers. Any officer other than the Commander or the Vice Commanders may hold two or more offices.

Section 5. Every member in good standing in the Post shall be eligible to office in the Post, unless otherwise provided herein, provided that no person may hold elective office in the Post and receive

remuneration as an employee of this post, or any of its agencies, at one and the same time. The provisions of this section which prohibit receipt of remuneration by an elected officer shall not prohibit an elected officer from also serving the Post in the capacity of an appointed officer and receiving remuneration by virtue of the appointed office; provided further, the Executive Committee may not consider any upward modification of the remuneration received for services rendered in the performance of the duties of the an appointed office while the office holder also hold an elected office. Furthermore, the provisions of this section which prohibit receipt of remuneration by an elected officer shall not prohibit reimbursement of approved expenditures for the Post by an elected officer when a receipt of expenditure is submitted, nor shall they prohibit payment of approved delegate expenses when all requirements of eligibility for reimbursement have been met

Section 6. the duties of officers and committee members of this Post shall be such as usually pertain to such officers and committee members and as further prescribed in the Constitution and By Laws.

Article VI – Finance

Section 1. No expenditures shall be made without first referring the same to the Finance Committee for report there from. The Executive committee shall specify, or approve, the methods and procedures for keeping the financial records.

Section 2. The Commander, or the designated representative of the Finance Committee, shall present a budget for approval to the Executive Committee within ninety (90) days of each Legion year, and shall recommend means of raising the necessary funds. After approval of the budget by the Executive Committee, Expenditures are for the purposes and the specified amounts contained in the budget. The Provisions of this section shall not apply to, nor act as a limitation upon, the provisions of Article 7, Section 2 of the By Laws.

Section3. No member, committee chairman or officer of this Post shall incur, or cause to be incurred, any liability or indebtedness without the approval of the Executive Committee.

Article VII – American Legion Auxiliary

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit 48 of Oxnard Post 48, 2639 Wagon Wheel Road, Oxnard, California, the American Legion, Department of California.

Section 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

Article VIII - Sons of the American Legion

Section 1. This Post recognizes a squadron organization to be known as Sons of the American Legion Squadron 48 of Oxnard Post 48, 2639 Wagon Wheel Road, Oxnard California, the American Legion, Department of California.

Section 2. Membership in the Sons of the American Legion shall be as prescribed by the National Constitution of the Sons of American Legion.

Article IX – Rules of Order

Section 1. Except as otherwise provided in this Constitution and By Laws, Roberts Rules of Order, revised, shall govern the conduct of all meetings held under authority of this Post.

Article X – Amendments

Section 1. This Constitution and By Laws shall be amended to conform to any change in the National or Department of California Constitution and By Laws; provided after adjournment of any National or Department of California convention, the Constitution and By Laws of the Post shall stand amended to comply with all amendments, if any adopted by either of said conventions; provided further, notice of such shall be announced by the Post Adjutant at the regular meeting following official receipt of such notice.

Section 2. Within thirty (30) days after any amendment to this Constitution and By Laws becomes fully effective, the Adjutant shall distribute copies of such amendment to all Post Officers, committee chairmen requiring same, and to all members requesting same. Additionally, all file copies of this Constitution and By Laws shall be updated to reflect such amendment.

Section 3. Any proposed amendment to the Constitution and By Laws shall be submitted in writing at a regular meeting of the Post and read thereat at the next regular meeting. Immediately after the second reading, a motion for adoption of the amendment is in order. A proposed amendment shall be adopted by two-thirds affirmative vote of those present and voting. Provisions of the Constitution and By Laws shall never be altered, in any way, except as provided in this Article.

Article XI – Dis-establishment

Section 1. The property of this non-profit corporation is irrevocably dedicated to charitable purposes and, upon abandonment, liquidation or dissolution of this corporation, said property shall inure to the benefit of any private person, but shall be distributed to a corporation organized and operated for charitable purposes. This corporation does not contemplate, and will not distribute gains, profits or dividends to the members thereof, and no part of its net earnings shall inure to the benefit of any private individual or any member thereof. This corporation is organized under the provisions of Part 1 of Division 2 of Title I of the Corporation Code of the State of California.

Article XII – Recall Provision

Section 2. A petition, signed by ten (10) percent of the membership in the good standing requesting the holding of an election for the purpose of recalling an elective officer or a member of the Executive Committee may be filed at any time with the Post Adjutant. The Post Adjutant shall, within five (5) days after filing said petition, compare the names on the said petition with the names on the master membership roster on file in the Post records. The Post Adjutant shall deliver the said petition and his report of verification of the signers to the Executive Committee at the next meeting. If it shall appear from the report of the Post Adjutant that ten (10) percent of the membership have not signed, said petition shall be forthwith returned to the member who filed the required number of valid signatures, and re-file said petition with the Post Adjutant who shall recheck with his records and resubmit the same to the Executive Committee at its next meeting thereafter with his report. If the petition is then found being sufficient, the recall election shall be fixed as forth above.

Section 3. The Notice of the date, time and place of holding the recall election shall be mailed to each

member of the Post, at least ten (10) days prior to the election.

Section 4. All recall elections shall be conducted by written secret ballot.

Section 5. At the recall election, the ballot shall read as follows.

SHALL _____ BE RECALLED”
(Name of officer or Executive Committee member)

YES: _____

NO: _____

A “YES” vote shall be counted as for the recall and a “NO” vote shall be counted as against the recall. Only members in good standing shall be entitled to vote at such recall elections.

Section 6. If the officer or member of the Executive Committee shall be recalled, the Post, at its next regular meeting, shall elect a successor to fill the unexpired term. Nominations shall be held the same night as the election. The person recalled shall not be eligible for election to fill such vacancy.

By LAWS

Article 1

Section 1. The Following articles shall constitute the By Laws of Oxnard Post 48, 2639 Wagon Wheel Road, Oxnard California, the American Legion, department of California.

Section 2. No provision of these By Laws shall stand in conflict with any provision of the Constitution of the Post.

Article 2

Section 1. Opening and closing of meetings, initiation of new members, and installation of officers, shall be conducted as prescribed and approved by the National Convention of the American Legion in Kansas City, 1921, with subsequent amendments adopted and approved by later conventions. Observance of this section is mandatory.

Section 2. The order of business shall be:

1. Opening ceremonies (National Manual of Ceremonies)
2. Roll Call of officers.
3. Reading of minutes of previous meetings.
4. Introduction of guest and prospective new members.
5. Committee reports.
6. Balloting on applications.
7. Sick call, relief and employment
8. Post Service Officer's report.
9. Unfinished business.
10. Initiation of candidates.
11. New Business and correspondence.
12. Memorial to a departed post member.

13. The good of the American Legion;
14. Closing ceremonies (National Manual of Ceremonies.)

Article 3 – Management

Section 1. Except as otherwise provided in the Constitution and By Laws, the management of this Post, all Post property, and Post activities shall be under the supervision of the Executive Committee, which shall meet the first Tuesday of each month at the place designated by the Commander.

Section 2. The Executive Committee shall consist of the Post Commander, who shall be the Chairman, the Vice Commanders, and all elected Executive Committeemen. The Adjutant and the Finance Officer shall be respectively, the Recording Secretary and Financial Adviser to the Executive Committee and shall attend all its meetings. The Junior Past Commander is a member of the Executive Committee but has only an advisory position upon said committee.

Section 3. the Post shall keep books of account and shall cause said books to be examined by a licensed accountant or a committee of three (3) competent persons, none of whom shall be the Commander, Adjutant, Finance Officer or any other person charged with the responsibility of handling Post Funds. Such examination shall be made within 90 days following installation of Post Officers, and for the period of the immediate preceding fiscal year of the Post; said fiscal year shall be 1 July to 30 June. The Post shall certify to the Department Adjutant prior to December 1 each year that such an examination has been made and filed the original thereof with the Department Adjutant before said date, with a copy thereof to the District Commander of the District of the Post Executive Committee may order an audit of the books of account at such other times during the current year as may be deemed advisable. Failure of the Post to meet any of the requirements of this section within said times or any general or special extension thereof, shall be deemed delinquent and the delegates of the Post shall not be entitled to be accredited at the Department Convention. The certification to the department Adjutant and the examination may be put on forms furnished by the Department Adjutant's office.

Section 4. All Post checks issued for any disbursement, expenditure or other purpose shall be signed by the Finance Officer and countersigned by the Commander. In the event that the Finance Officer and/or the Commander are not available, checks may be signed by the First Vice Commander. The Commander, First Vice Commander, Finance Officer and the Adjutant shall be bonded under a blanket bond, to be procured from the Department Headquarters and paid for this by this Post.

Section 5. No person shall be regularly employed by the Post or any of its agencies who is not a member in good standing in this Post, except as may be approved by the Executive Committee. The Executive committee shall not approved an individual who is not a member in good standing until a positive determination shall have been made that there are no qualified applicants who are members in good standing. Part-time employment is covered by this section. This article shall not be construed so as to require the dismissal of a non-member for the sole purpose of employing a member good standing.

Article 4 – Elections

Section 1. Regular elections of officers, elective Executive Committeemen and County Council delegates of this Post shall be held annually as prescribed in this article.

Section 2. all voting for elective officers of this Post shall be by secret written ballot, provided further,

any election where a ballot box is prescribed, no ballot shall be counted which has not been deposited in such ballot box before such voting has been declared closed; provided further, that in the event only one nomination has been made for the office, the Adjutant may, after proper motion from the floor, be instructed to cast a unanimous ballot for that nominee.

Section 3. During the regular meeting in February of each year, the Commander shall announce that nominations will be opened at the next regular meeting for delegates and alternate delegates for Department and County Council. During the regular meeting in April, the Commander shall reopen such nominations. After closing the nominations, the Commander shall announce the name of all nominees and state that elections will be held on the date prescribed for the regular meeting in May. Procedures for appointment of election committee and balloting committee shall as prescribed in Sections 4 and 5 of this article. After all the votes tallied, the election committee will prepare a list of nominees in numerical order according to the number of votes received by each nominee. The delegates, in the numbers authorized by Section 15 of Article 6, shall be those receiving the highest numbers of votes. An equal number of alternate delegates shall be determined in the same manner from the remaining nominees. Ties will be broken by an immediate voice vote by the assembly. The Adjutant shall keep strict accounting of the election records until after the close of the membership year. If, subsequent to election, more delegates are authorized, they will be taken from the top of the alternate delegate list. In the event fewer delegates are authorized, the required number of names will be removed from the bottom of the delegates list. In such event, names removed from the delegate list shall be placed on the top of the alternate delegates list. No names may be placed on the list of nominees unless that person consents either verbally or in writing.

Section 4. During the regular meeting in February of each year, the Commander shall announce that nominations of the officers shall be opened during the regular meeting in March. During the regular meeting in April, the Commander shall announce that such nominations shall be re-opened immediately. After the closing of nominations during the regular meeting in April, the Commander shall announce or otherwise publish to the meeting, the names of all nominees, and of the respective office for which named, and shall announce that election of officers shall begin at the regular meeting in May, also at this time, the Commander shall appoint an election committee consisting of at least three (3) but not exceed five (5) members in good standing to supervise such election; further, within ten (10) days following the regular meeting in April, the Adjutant shall have ballots printed containing the names of all nominees for election to above named offices; further, and five (5) days prior to the regular monthly meeting in May, the Adjutant shall deliver the above named ballots to the election committee. Further all elected officers shall be installed in accordance with the prevailing Nation Manual of Ceremonies, in their respective offices prior to the Department Convention of that year. No name may be placed on the list of nominees unless that person consents either verbally or in writing. Furthermore, no person must choose which office he or she wishes to be considered for. The Exception being that a person may be a nominee to the Executive Committee in addition to other elected position.

Section 5. Balloting for regular election of officers shall be as set forth in this section. A member of the election committee, designated by the chairmen thereof, shall preside over the ballot box with the Post at 2636 Wagon Wheel Road, Oxnard, California, on date set for election. One Ballot shall be given to each qualified member of this Post requesting such; provided, before receiving a ballot, the member must present his or her current membership card or, in lieu thereof, the Adjutant's receipt showing current dues paid. Such receipt shall be dated at least thirty (30) days prior to official balloting. Member shall then and there cast the ballot by marking the proper square after the names of the candidates of his or her choice and then depositing the ballot in the ballot box provided therefore. At the prescribed time, which is ten (10) minutes prior to opening of the General Membership meeting,

the Commander shall declare the voting closed. The election committee shall then retire to another room and canvas the ballots, announcing the results of the election before the meeting is closed. At the election of the officers, a simple majority of all votes cast shall be required for the election of the Commander and Vice Commanders. The other elective officers and the Executive committeemen of the Post shall be elected by the plurality vote. In the event more than one candidate is to be elected to a single body, they shall be elected in order of the plurality vote received. In the case where the nominees for Commander or Vice Commanders do not receive a simple majority of the vote, the two persons receiving the most number of votes will be voted on again at the next regular meeting by the secret ballot. The nominee receiving the simple majority of the vote from those present shall be elected to that position.

Section 6. All vacancies in elective offices in the Post shall be filled as prescribed in Section 1 of this article by opening nominations during the meeting at which the vacancies are announced and by re-opening nominations and holding elections at the next regular meeting.

Article 5 – Meetings

Section 1. The regular General membership meeting of this Post shall be held on the Second Thursday of each month at Oxnard Post 48 at 2639 Wagon Wheel Road, Oxnard, California at 7:00 PM or such other place as designated by the Post Commander; provided, in case any meeting falls on a holiday, the meeting may be canceled or changed to some other day by a majority vote of all members present and voting at the previous meeting. The General Membership at any meeting may consider and pass upon any matters irrespective of whatever such matters that have been previously considered by the Executive Committee.

Section 2. Special meeting may be called by the Commander or by the Executive Committee, and must be called upon the written request of eight (8) members; no special meeting shall be called unless announced by the Commander at the regular meeting preceding, or unless notice be mailed to each member five (5) days prior to said meeting stating the time and place of such meeting and the subject to be considered.

Item A. Emergency meetings may be called by the commander or by the Executive Committee, and must be called upon the oral request of eight (8) members stating time and place of such meeting and the subject to be considered.

Section 3. A quorum at all Post meeting shall consist of five (5) elective members.

Section 4. The Executive committee shall regularly meet on the first Tuesday of each month at Oxnard Post 48 at 2639 Wagon Wheel Road, Oxnard, California, at 7:00 PM A majority of the committee membership shall constitute a quorum. The Executive Committee may hold such special meeting as it or the Commander may deem advisable, provided that notice of any such meeting is given each committee member at least three (3) working days (Monday and through Friday, Holidays not included) before the time such meeting is to convene, giving time and place meeting is to convene, and the business to be considered. Any meeting of such committee may be adjourned to a later time and place.

Item A. Emergency meetings may be called by the Executive Committee, and must be called upon the oral request of the five(5) members stating time and place of such meeting and the subject to be considered.

Section 5. If any Post officer or Executive Committee member is absent from three (3) consecutive meeting which his or her Post duties require him or her to attend, unless excused by the Commander or the Executive committee, such office may be declared vacant by the commander or the Executive Committee or a motion from the floor. For the purpose of this section, Executive Committee members are required to attend all General Membership meeting of the Post.

Section 6. Except by special invitation of the Post Commander or the Executive Committee, no person shall take active part in any meeting of this Post unless he or she is a member in good standing in this Post.

Article 6 – Duties of Officers

Section 1. The Commander shall preside at all meetings of this Post, and have general supervision over its business affairs. As Post Commander, he or she is the Chief Executive Officer and shall perform such other duties as may be required.

Section 2. The First Vice Commander shall assume and discharge the duties of the office of the Commander in the absence or disability of, or when called upon by the Post Commander, and in addition, shall be ex-officio chairman of membership committee.

Section 3. The Second Vice Commander shall assume and discharge the duties of the First Vice Commander in the absence or disability of such officer. He or she shall, in addition, be Entertainment Chairman and shall perform such other duties as directed by the Post Commander.

Section 4. The third Vice Commander shall be Vice C0mmander at larger, and shall perform such duties as may be prescribed by the Post Commander.

Section 5. The Junior Past Commander shall perform any duties as may be prescribed by the Post Commander, he or she shall assume and discharge the duties of the office of the Commander in the absence or disability of the Post Commander and First Vice Commander.

Section 6. The Post Adjutant shall have charge of and keep a full and correct record of proceedings of all meetings, and under the directive of the Commander, shall handle all correspondence of the Post. He or she shall keep a correct account of all membership dues and issue membership receipts upon the payment of such dues; shall take and receive all funds paid for membership dues, emblem sales, and such other funds as directed by the Executive Committee, and within five (5) days shall deposit the same, along with an itemized statement of such receipts, with the Post Finance Office, shall establish and maintain all records of the Post including roster of the paid-up membership except where others have been specifically delegated such responsibility by the Executive Committee. Upon retiring from office, the Adjutant shall immediately deliver all books, papers, funds, and other items in his or her possession or under his or her control belonging to the American Legion, to the successor in the office or the Post Commander. On or before the first meeting of the Executive Committee in December of each year, the Adjutant shall, in conjunction with the Finance Officer, submit to the Executive Committee a true and correct in inventory of all properties having a book value of more than \$50.00. The Adjutant shall be bonded as set forth in Article 3, Section 3 if these By Laws. He or she shall be authorized to procure necessary maintenance services and operation supplies, provided that any services and supplies in excess of \$100.00, other than emergency requirements, shall first be approved by the Executive Committee. Purchases may be made through charge accounts authorized by the Executive Committee or by means of a revolving fund established for such purposes. Additionally,

purchases made from personal funds shall be reimbursed upon proper application to the Post Finance Officer.

Section 7. The Post Finance Officer shall be charged with the custody of the funds of the Post. He or she shall keep such books and other financial records as may be recommended by the Executive Committee, which books shall be at all times open to inspection by the Executive Committee or any member thereof, and for any audit ordered by the Executive Committee, or which may be provided for in these By Laws. He or she shall receive all money transferred to him or her by the Adjutant, Lounge or other operations issuing a receipt therefore. Upon receipt of money, the Finance Officer shall deposit the same in banks, as may be designated by the Executive Committee. Upon retiring from office, the Finance Officer shall immediately deliver all books, papers, funds or other articles in his or her possession or under his or her control, belonging to the American Legion, to the successor in office or the Commander of the Post. He or she shall be bonded under a blanket bond to be procured from the Department Headquarters and paid by the Post. He or she shall prepare and submit to the Post or Executive Committee thereof, such report or reports as to the financial condition of this Post as may be requested of him or her, or as may be elsewhere provided for in this Constitution and By Laws.; He or she in conjunction with the Adjutant, prepare and file a true and correct inventory of all properties and shall file the same with the Executive Committee as provided for in section 6 of this Article.

Section 8. The Post service Office shall advise and assist all members of this Post of the American Legion with the filing of any claims or applications with the United States Veterans Administration. He or she shall personally conduct all correspondence with various branches of our Government in connection with any claim or application of a member of this Post. He or she shall cooperate to the fullest extent with the Country Veteran Service Office in all claims or applications filed with the United States Veterans Administration. He or she shall be duly compensated for any travel or material expenses incurred while performing his or her duty as Service Office. An expense report with appropriate receipts shall be submitted to the Finance Committee for review and reimbursement.

Section 9. The Historian shall maintain records of noteworthy incidents of the Post and members, and shall maintain in a complete manner, the Post History Book. He or she shall be duly compensated for any material expenses incurred while performing his or her duty as the Historian. An expense report with appropriate receipts shall be submitted to the Finance Committee for review and reimbursement.

Section 10. The Post Chaplain shall be charged with the spiritual welfare of the Post members and shall offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., adhering to such ceremonial rituals as are recommended by the National and Department Headquarters from time to time. He or she shall be duly compensated for any travel or material expenses incurred while performing his or her duty as Chaplain. An expense report with appropriate receipts shall be submitted to the Finance Committee for review and reimbursement.

Section 11. The Sergeant-At-Arms and assistant shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned by the Post Commander.

Section 12. The Assistant Adjutant shall assist the Post Adjutant, assumed the duties as of the Adjutant in the absence of that officer, and perform such other duties as may be properly assigned.

Section 13. The Judge Advocate will advise the Post and its officers on the application of the Constitution and By Laws, and on parliamentary procedures when requested to do so by any member of this Post, and shall perform such other duties as may be prescribed elsewhere in the Constitution and

By Laws.

Section 14. The Executive Committee: In addition to the other duties elsewhere in this Constitution and By Laws imposed upon the Executive Committee, it shall be the duty of said committee, or before the first regular meeting of the Post in each Legion year, to appraise at its reasonable value all the property of the Post, as set forth in the inventory of such property prepared by the Adjutant and Finance Officer. The Executive Committee shall, at the first regular meeting of the Post in each Legion year, present the result of such appraisal to the Post in such a regular meeting, and shall at the same time inform the Post as to the amount and nature of all insurance carried by the Post upon its properties. The Post shall thereupon, by majority vote of those present and voting, decide the amount and character of insurance which the Post shall carry upon its properties, and the Adjutant and the Commander shall thereupon make such changes or alterations in the insurance carried by the Post as has been indicated by the majority vote of the members present and voting. During the first Executive Committee meeting in January of year, the Executive Committee, less the Commander, shall appoint a Nominating Committee or not less than three (3) or more than five (5) Legionnaires, who are Post 48 members in good standing, one of which will be designated as Committee Chairman.

Section 15. The Nomination Committee shall select for nomination, from the Post membership, those Legionnaires they deem best fitted to represent the Post as Department and County Council delegates and elected Post officers, and shall present such selectees at the regular meeting in February of each year. Two selectees shall be chosen for delegate plus one additional selectee for each fifty (50) members, or major fraction thereof, of the years membership goal. A like number of members shall be selected as alternate delegates. The committee shall further select worthy Post Legionnaires for all other Post elective offices in accordance with Article 4 of these By Laws. While not mandatory, the committee is encouraged to submit recommendations to all candidates for Post Commander those members deemed by the Committee to be well qualified for the various appointive positions. The committee shall follow the direction and rules as prescribed in Section VI – Nominations and Elections, Parliamentary Procedure, in the Post Officers Guide.

Article 7 – Dues, Fees and Funds

Section 1. The annual dues for membership in this Post shall be amount recommended by the Executive Committee subject to approval by the general membership and the Department of California.

Section 2. From such dues and fees, the Post shall pay all per capita tax or assessments, and such other expenditures as the Post may approve.

Section 3. A member whose dues for the current years has not been paid by January 1st shall be classed as delinquent. If dues have been paid on or before February 1st, he or she shall be automatically reinstated. If dues are still delinquent after February 1st, he or she shall be suspended from all Post privileges. If still under suspension on June 30th of each year, his or 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 year in which the reinstatement occurs.

Article 8 – Delegates and Representatives

Section 1. Delegates and alternates, to represent this Post at Department Convention and County Council meetings, shall be as set forth in Article 4, Sections 1, 2, 3, and 4 of these By Laws.

Section 2. A list of all elected Officers, Delegates and alternates shall be posted on the Post bulletin board within seven (7) days after election.

Article 9 – Appointments

Section 1. Except as otherwise provided in this Constitution and By Laws, the Commander, shall immediately after taking office each year, appoint such officers and standing committees as are required by this Constitution and By Laws to be appointed. Neither the Adjutant nor the Finance Officer may be appointed as Chairman of any standing committee.

Section 2. The commander shall appoint a Finance Committee which shall be charged with the administration of the financial polity, preparation of an annual budget with recommendations, and the supervision of receiving, disbursing and accounting of all Post funds.

Section 3. The Commander shall appoint a Membership Committee who shall have charge of all matters pertaining to the membership of the Post, including procuring of new members, reinstatement and eligibility of members, subject to approval by the Commander.

Article 10 – Trials

Section 1. The Post, and its members shall be subject to disciplinary action as provided in the Trial Manual of the American Legion, Department of California, as adopted, and as the same may be amended from time to time hereafter. A copy of the verdict certified by the Post Commander and the Post Adjutant, shall forthwith be forwarded to the Department Adjutant. A copy of the Trial Manual shall be made available to any member of this Post upon proper application to the Post Adjutant.

Section 2. All purchases shall be made as prescribed by the Executive Committee.

Article 12 – Post Lounge/Hall

Section 1. The Post lounge of the American Legion Hall shall be under the supervision of the Executive Committee. They shall see that all applicable laws and regulations are enforced, that all Post property, both real and personal, is properly maintained, and they shall report to the membership at each business meeting.

Section 2. All entrance doorways leading from the hall to the lounge shall be closed ten (10) minutes prior to each regular meeting of this Post, they will remain closed during the meeting, and no alcoholic beverages shall be brought on the floor of the Post while the meeting is in session. Should it be necessary, the Commander has the authority to close the lounge during regular meetings.

Section 3. The Post shall comply with all existing laws and ordinances which are applicable to the City of Oxnard and the State of California.

Section 4. The Post Hall shall be at the disposal of the American Legion Auxiliary Unit 48 on the First Tuesday and second Thursday of each month; they shall also have use of the hall for any meetings of any subdivision of their unit on notification to the Post five (5) days in advance of said meeting, provided said meeting does not conflict with any scheduled meeting of this Post nor with any contracted hall rental as scheduled.

THE AMERICAN LEGION
POST 48
3410 SOUTH "A" STREET
Oxnard, CA 93033

Adjutant, Department of California
117 War Memorial Veterans Bldg.
San Francisco, CA 94102

AMENDMENT CHANGES TO THE CONSTITUTION AND BY LAWS OF OXNARD POST 48

Article V, Section 4, Line 3:

After annually, insert

Provided opening exist.

Article V, Officers, section 5, Line 9:

After office, insert Additionally, no employee may receive pay raises, and / or participate in any voting on matters that may directly or indirectly affect their pay. An exception would be in any individual is already employed: they not receive upward remuneration during their term of office.

Article 5, Meeting, Section 4, Line 1:

After ...regularly meet on the, replace first and third Tuesday with Fourth Tuesday.

Article 12, Post Lounge/Hall, Section 4, Line 2:

Replace first Tuesday with the second Thursday.

Article 12, Post Lounge/ Hall, Section 5, Line 2:

Replace second and fourth Saturday with the second and fourth Tuesday.

We hereby certify that the above Amendment Changes to the Constitution and By Laws of Oxnard Post 48 were read at the two meetings, a quorum being present, and approved by two-thirds vote of those present and voting for adoption.

FIRST READING 13 JANUARY 1994

SECOND READING 10 FEBRUAR 1994

/s/ James Hitch

JAMES HITCH
POST COMMANDER

/s/ Brian Crankshnaw

BRIAN CRANKSHAW
POST ADJUTANT