

RESTATED BY-LAWS
SIDNEY L. SMITH POST NO. 24, DEPARTMENT OF SOUTH DAKOTA

ARTICLE I - PRIMACY

SECTION 1. The Post existing under these By-Laws is to be known as the Sidney L. Smith Post No. 24, The American Legion, Department of South Dakota located in Aberdeen, South Dakota.

SECTION 2. Any other By-Laws that may have been previously adopted by this Post are hereby declared void and inoperative and these By-Laws are substituted in lieu thereof.

SECTION 3. The objects of this Post are as set forth in the Constitution.

ARTICLE II - MANAGEMENT

SECTION 1. The Executive Committee shall consist of the three immediate Past Commanders and six elected members of the Post.

SECTION 2. The six elected members from the Post shall be nominated and elected from the floor to the Executive Committee, Each year two terms shall expire and two members will be elected to the Executive Committee for a three year term.

SECTION 3. Vacancies for any cause on the Executive Committee shall be filled by nomination and election of a Post member from the floor, to complete the term of the vacant member, and such election shall occur at the first general Post meeting immediately after such vacancy occurs.

SECTION 4. The Post Commander, Adjutant, First Vice Commander, Second Vice Commander, Finance Officer, and Legal Officer shall be *ex officio* members of the Executive Committee without the right to vote, unless also serving concurrently as an elected member, except the Commander has a vote in case of a tie. The Adjutant shall officiate as the Secretary of each Executive Committee meeting.

SECTION 5. The Executive Committee in conjunction with the *ex officio* members shall meet on the First Monday of each month and at such other times as deemed advisable by the Post Commander. The Committee may call a special meeting of the Post Executive Committee upon joint oral agreement of a quorum of said Post Executive Committee, with an effort being made to notify all the members. Five members of the Committee shall constitute a quorum thereof.

ARTICLE III - 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, and such officer shall be the Chief Executive Officer of the Post. The Commander shall approve all orders directing the disbursement of funds. The Commander may sign checks with the Finance Officer or Adjutant. The Commander shall be responsible for all property owned by the Post and shall perform such other duties as directed by the Post and as set forth in the Post Commander's Guide and Manual of Ceremonies. The Commander must be bondable, even if no bond is carried by the Post.

SECTION 2. Duties of First Vice Commander. The First Vice Commander shall assume and discharge the duties of the office of Commander in the absence of, disability of, or when called upon by, the Post Commander; shall be chairman of the membership committee and shall perform all duties set forth in the Post Commander's Guide and Manual of Ceremonies.

SECTION 3. Duties of Second Vice Commander. The Second Vice Commander shall assume the duties of the First Vice Commander in case of absence or disability of that officer, shall perform other duties as assigned by the Commander, and perform all duties set forth in the Post Commander's Guide and Manual of Ceremonies.

SECTION 4. Duties of Post Adjutant. The 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, render reports of membership annually or when called upon at a meeting, and under direction of the Commander handle all correspondence and publicity of the Post. The Adjutant shall keep and maintain a record of all the property owned by Sidney L. Smith Post No. 24. Maintain a record of all keys to the buildings, offices, and storage spaces used by the Post, and keep on file all receipts for keys when they are issued to any member of the Post. The Adjutant must be bondable, even if no bond is carried by the Post, and may sign checks with the Commander or Finance Officer.

SECTION 5. Duties of Finance Officer. The Post Finance Officer shall have charge of all finances and see that they are safely deposited in a local bank or banks and shall report once a month to the Executive Committee the condition of the finances of the Post, with such recommendations as he or she may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He or she may sign all checks with the Commander or

Adjutant, disbursing the monies of the Post. He or she must be bondable, and the Post shall furnish a fidelity bond in such sum as shall be fixed by the Post Executive Committee.

SECTION 6. Duties of 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 the Executive Committee.

SECTION 7. Duties of Post Chaplain. The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but nonsectarian 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 8. Duties of Sergeant-at-Arms. The Sergeant-at-Arms shall preserve order at meetings and shall perform such other duties as may be from time to time assigned by the Post Executive Committee.

SECTION 9. Duties of Assistant Sergeant-at-Arms. Assistant Sergeant-at-Arms shall assist the Sergeant-at-Arms and assume the Sergeant-at-Arms duties in his or her absence.

SECTION 10. Duties of Americanism Officer. The Americanism Officer shall inspire patriotism and good citizenship by making arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; combating anti-American propoganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

SECTION 11. Duties of Activities Officer. The Activities Officer promotes Post advantages and arranges social activities.

SECTION 12. Duties of Public Relations Officer. The Public Relations Officer shall promote public awareness and support of the Legion with local publicity of Post programs and activities, maintenance of Post websites and social media accounts, and the establishment of relevant contact with The American Legion Magazine, Department and national Legion news services.

SECTION 13. Duties of Legal Officer. The Legal Officer shall offer informed advice regarding the interpretation or modification of the Post's Constitution, By-laws, and Rules and Regulations. The provision of advice is expressly understood and acknowledged as not creating an attorney-client relationship nor constituting the practice of law.

ARTICLE IV - DELEGATES

Delegates and alternates to a Department Convention shall be elected by the Post at a regular meeting of the Post to be held at least twenty days prior to the date of such convention.

ARTICLE V - APPOINTMENTS

SECTION 1. The Post Commander, immediately upon taking office shall consult with the elected Post officials to determine the necessity of appointing standing committees: Americanism, Ceremonials, Children and Youth, Economic, Finance, House and Entertainment, Membership, Public Relations, Veterans Affairs and Rehabilitation, and Chili Cook Off. If created, such standing committees shall consist of the relevant Post official as the chair and such members as designated by the Post commander.

SECTION 2. All appointments made by the Post Commander shall be effective when confirmed by a majority of the Executive Committee at a regular meeting of this Committee.

SECTION 3. Duties of Committees. All committees regular or special appointed by the Commander having been authorized to carry on any certain activity for the Post, in which certain expenses are incurred in connection with such assignment involving the handling of cash income and receipts, shall promptly account for all cash receipts and turn such cash receipts over to the Post Finance Officer. Such Committees shall also approve or disallow any and all bills and accounts payable and list same in its report to the Post Finance Officer. Upon receipt of such report the Post Finance Officer shall pay all bills by check upon concurrent approval of the Post Finance Officer and Post Commander or Post Adjutant.

SECTION 4. Finance Committee. The Finance Committee shall administer financial policy, prepare of budget recommendations and supervision of receiving, disbursing and accounting of all Post funds.

SECTION 5. Membership Committee. The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatements, and eligibility of members.

ARTICLE VI - RESOLUTIONS

All resolutions of Department and 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 approval before any publicity is given or action other than mere passage by the Post is taken.

ARTICLE VII - MEETINGS

SECTION 1. The Executive Committee meeting will meet on the first Monday of the month and the regular meeting of the Post will be the third Monday of the month.

SECTION 2. The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the Post at any time.

SECTION 3. Upon the written request of twenty-five members, the Commander shall call a special meeting of the Post.

SECTION 4. Nine members shall constitute a quorum.

ARTICLE VIII - NOTICES

SECTION 1. Every member shall furnish the Post Adjutant with his or her physical mailing address, email address, and text number for communication purposes. In addition, any member with a social media account is urged to actively follow the Post's social media account to remain current on the latest information.

SECTION 2. The Post Adjutant shall give notice of the annual election at least two weeks prior thereto.

ARTICLE IX - RULES OF ORDER

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

ARTICLE X - LIMITATIONS OF LIABILITIES

SECTION 1. This Post shall incur, or cause to be incurred, no liability nor obligations whatever which shall subject to liability any other Post, subdivision, members of The American Legion, or other individuals, corporations, or organizations.

SECTION 2. This Post shall incur no obligation nor disburse any Post funds, with the

exception of regular, recurring monthly bills and expenses, unless the same has been referred to and approved by the Post Executive Committee. An itemized list of regular, recurring monthly bills and expenses shall be prepared and reported to membership at a Post meeting as often as deemed appropriate by the Post Commander but no less than once per calendar year.

SECTION 3. In case any proposed appropriation exceeding \$2,500.00 is submitted to the Post Executive Committee for consideration, the Adjutant shall notify all Post members at least ten days prior to a regular Post meeting at which it is to be voted upon. Authorization of such obligation or disbursement shall require a majority vote of members present.

SECTION 4. The Post Executive Committee shall approve the hiring and termination of all employees and shall authorize and approve all expenditures except as set forth in Article X, Section 2; shall require adequate bonds from all persons having the custody of Post funds, including, but not limited to the Adjutant, Finance Officer and Post Commander and generally shall have charge of and be responsible for the management of Post affairs.

ARTICLE XI - AMENDMENTS

These By-Laws may be amended at any regular Post meeting by vote of a simple majority of the Post members attending such regular meeting; 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 the members at least ten days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-Laws is to be voted upon and the nature thereof.

ARTICLE XII - CONTRACTS

Any and all written contracts entered into by the Post and duly authorized by the Post members

shall be executed by the Commander, the Adjutant, and the Finance Officer.

Signed and attested by:

_____ Steven Nemmers, Commander	_____ Date
_____ Gary Warne, Adjutant	_____ Date