

BY-LAWS

THE AMERICAN LEGION

POST 118

RIO RANCHO, NEW MEXICO

AS REVISED

February 17, 2024

## Contents

ARTICLE I .....	3
Name and Objectives .....	3
ARTICLE II .....	3
Definitions.....	3
ARTICLE III .....	3
Management .....	3
ARTICLE IV .....	4
Post Executive Committee.....	4
ARTICLE V .....	4
Board Of Trustees.....	4
ARTICLE VI .....	5
Duties of Officers .....	5
ARTICLE VII .....	6
Appointments .....	6
ARTICLE VIII .....	7
Nominations and Elections .....	7
ARTICLE IX .....	8
Delegates/State Convention.....	8
ARTICLE X .....	8
Dues.....	8
ARTICLE XI .....	8
Resignation .....	8
ARTICLE XII .....	9
Transfer .....	9
ARTICLE XIII .....	9
Resolutions .....	9
ARTICLE XIV .....	9
Meetings.....	9
ARTICLE XV .....	9
Notices.....	9
ARTICLE XVI .....	10
Rules Of Order .....	10
ARTICLE XVII .....	10
Limitations And Jurisdictions.....	10
ARTICLE XVIII .....	10
Discipline Of Any Person(s) .....	10
ARTICLE XIX .....	11
Discipline Of Officers.....	11
ARTICLE XX .....	11
Post Paid Life Members.....	11
ARTICLE XXI .....	12
Regulations .....	12

## **ARTICLE I**

### **Name and Objectives**

Section 1. The Post existing under these by-laws is to be known as The American Legion, Post 118, Rio Rancho, NM. Located at 1500 Barbara Loop SE, Rio Rancho, NM 87124. Office Phone number of (505) 892-6944.

Section 2. The objectives of this Post are set forth in the Preamble and the Constitution of this Post, Department and National.

## **ARTICLE II**

### **Definitions**

Section 1. Member/Legionnaire - The service member that served either Active, Guard or Reserves for 1 day and was honorably discharged as prescribed by the National Constitution of The American Legion.

Section 2. Patron – A person who gives financial or other support to a person, organization, cause or activity. Persons belonging to organizational units such as Aux, SAL, or Riders not defined as a Legionnaire.

## **ARTICLE III**

### **Management**

Section 1. The government and management of the Post are entrusted to the Executive Committee of 17 members known as the "Executive Committee."

Section 2. The Executive Committee shall consist of all elected officers of the Post as designated in Article V, Section I of the Post Constitution. In addition, the following appointed officers will serve on the Executive Committee without vote: Adjutant, Chairman of the House Committee, Club Manager, and Judge Advocate.

Section 3. All vacancies existing in the Executive Committee, or any other office of the Post for any cause other than expiration of their term, shall be appointed by the Commander and ratified by the members of the Committee, and such person appointed shall serve for the length of the unexpired term of the member they replace. Article V, Section 7 of the Post Constitution covers the removal of an officer, elected or appointed, for absenteeism.

Section 4. No member of this Post shall serve simultaneously as an elected officer and as a paid employee of this Post. The exceptions are that of bartender and custodian.

## **ARTICLE IV**

### **Post Executive Committee**

Section 1. The Post Executive Committee shall meet for organization and such other business as may come before that Committee at the call of the Commander within ten (10) working days after the installation of the new officers. Thereafter, the Executive Committee shall meet at the call of the Commander, at least once a month or as often as the Commander may deem necessary. The Commander shall call a special meeting of the Executive Committee upon receipt of a written request of five (5) or more members of the Executive Committee. Seven (7) members of the Executive Committee shall constitute a quorum except in the case of vacant posts.

Section 2. The Executive Committee shall be the final authority on all contracts relating to the welfare of this Post, shall oversee all hires and dismissals of contract and non-contract employees, shall ratify all appointments and removals made by the Commander, and may require adequate bonds from all persons having custody of Post funds.

Section 3. The Executive Committee shall authorize and approve all expenditures up to \$3000.00 for maintenance, security, and emergencies arising with the operation and welfare of the Post and its members. All expenditures over \$3000.00 must go to the membership for review and refer back to the executive committee.

Section 4. All requests for contributions shall be in writing to the Executive Committee and approved by said Committee before being presented to the general membership review.

Section 5. The Executive Committee shall receive all reports of Post Committee Chairmen and the Club Manager. Reports shall be in writing.

Section 6. A synopsis of the minutes of all Executive Committee meetings shall be reported at the first general membership meeting following the Committee meeting.

Section 7. All recommendations, suggestions or criticisms pertaining to the governing or administration of the Post and/or the welfare of the Post members shall be referred, written or oral, to the Executive Committee for their consideration.

Section 8. Every member of this Post in good standing shall be eligible to hold office in this Post.

## **ARTICLE V**

### **Board Of Trustees**

Section 1. The Board of Trustees shall consist of five (5) members elected by the membership; the members of the Board of Trustees will serve on the Executive Committee; the members of the Board of Trustees shall serve for two years; the board members shall elect the chairman of the board each year following the general election. Past Commanders may run for the Board of Trustees.

Section 2. The Board of Trustees shall be responsible for the inventory of the real estate property and the liquid assets of the Post. The Board shall see that all Post books are audited at the end of the term year and reported to the general membership at the July meeting. The board is responsible for

proposing a slate of candidates for elected officers to the general membership at the February meeting.

## **ARTICLE VI**

### **Duties of Officers**

Section 1. The Commander shall preside at all general meetings, Executive Committee meetings and such other meetings as may be directed by the Post. The Commander shall be the Chief Executive Officer of the Post, and shall be ex-officio member of all committees, except the Nominating Committee. The Commander shall be authorized to spend up to \$50.00 per month, not compounded, solely for entertaining a Patron at the Post without prior approval of the membership that will be for the betterment of the Post and not to be used for personal gain or the family members of the Commander. The Commander shall make an annual report covering the business of the Post to the membership; this report shall be written and forwarded to the Department Adjutant. The Commander shall perform such other duties as may be directed by the Executive Committee.

Section 2. The First Vice Commander shall be Chairman of the Membership Committee. The First Vice Commander shall preside at meetings and have general supervision of the Post in the absence of the Commander, and they, with the Membership Committee shall develop a membership campaign for the coming year. They shall perform such other duties as may be directed by the Commander.

Section 3. The Second Vice Commander shall be Chairman of the Entertainment Committee and shall be in charge of all patriotic activities of the Post. They shall maintain a patriotic event calendar for the Post. The calendar and any special events must be coordinated through the Club Manager. They shall perform such other duties as may be directed by the Commander.

Section 4. The Adjutant shall be appointed by the Commander and is the Chief Administrative Officer of the Post. They shall have charge of and keep a full and accurate record of all meetings, except for standing committee meetings, and shall keep such other records as required by Department or National. The Adjutant or designated member serving as Membership Chairman, shall receive all moneys for dues and turn over to the Finance Officer all monies collected. The Adjutant or designated member shall issue membership cards and inform the First Vice Commander and the Club Manager of all delinquent members. Under the direction of the Commander, the Adjutant shall handle all correspondence for the Post. They shall perform such other duties as may be directed by the Commander.

Section 5. The Finance Officer or bookkeeper shall have charge of all finances and see that they are safely deposited in a local bank(s). They shall pay all routine Post bills without prior approval of the Executive Committee or membership. They shall sign all Post checks, utilizing a dual signature system, and the Executive Committee shall appoint one other signer for Post checks along with an alternate(s). The Finance Officer shall make a monthly report on Post finances to the Executive Committee and at the general membership meeting.

Section 6. The Post Service Officer will have the necessary VA claim forms and such other VA forms as deemed appropriate and assist veterans and/or their dependents in obtaining all rights and benefits due them. They shall keep the membership informed of all matters pertaining to or affecting their

welfare. The Service Officer shall work closely with the Department Service Officer and be available to all veterans and their families.

Section 7. 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 and as may be determined by the Commander. The historian's report shall be submitted, annually, to the Department Historian before the Department Convention.

Section 8. 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., and will adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

Section 9. The Sergeant-At-Arms shall arrange the meeting hall as directed by the Commander, shall preserve order during the meetings, and shall be custodian of the colors and in charge of the color detail at meetings. The Sergeant-At-Arms shall be Chairman of the Welcoming Committee and perform such other duties as directed by the Commander.

Section 10. The Post Commander shall appoint the Judge Advocate. The Judge Advocate shall advise the officers and the Executive Committee of legal matters as they pertain to Post operations and activities or arrange for such legal advice, shall interpret the Post Constitution and by-laws, and render opinions on parliamentary proceedings or questions when requested by the Commander. An appeal of their decision may be made to the Department by a 2/3 vote of the membership. This appeal shall be forwarded to the Department within thirty (30) days after the vote of the membership. The Judge Advocate shall not issue a legal opinion, unless they are a practicing attorney. Social media such as Post 118 web page and Facebook page can be used in addition to emails and postal mail to notify the members where applicable.

Section 11. The Club Manager shall be either: 1.) hired, under contract, by and accountable to the Executive Committee or 2.) appointed by and accountable to the Executive Committee in an uncompensated position. When hired, the contract shall be for a minimum of one (1) year and for no more than two (2) years and may be renewed by the Executive Committee thereafter. Their duties and responsibilities will be published in Post regulations.

## **ARTICLE VII**

### **Appointments**

Section 1. The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Americanism, Ceremonials, Children and Youth, Economic, Finance, Foreign Relations, Graves Registration and Memorial, Legislative, Membership, Public Relations, Veteran Affairs and Rehabilitation, National Security, Sons of The American Legion and Visiting or VAVA. Such standing committees shall consist of such members and the chairman thereof as shall be designated by the Post Commander.

Section 2. The duties of these standing committees are outlined in Section 4 of the Officer's Guide and detailed in separate special pamphlets pertaining to these committees.

Section 3. The House Committee shall be appointed by the Commander and consist of no more than nine (9) members. The Commander shall appoint the Chairman.

Duties:

- a. House Committee shall be generally responsible for the physical appearance and security of the Post Home to include the lounge, meeting rooms, kitchen and the exterior of the building and grounds.
- b. They shall submit plans with all recommendations to the Executive Committee for any repairs, construction, renovations, alterations, extensions or additions.

Section 4. All members of all committees must possess a current membership card of The American Legion, Auxiliary or Sons of The American Legion.

## **ARTICLE VIII**

### **Nominations and Elections**

Section 1. The Board of Trustees shall be at the February meeting to propose a slate of candidates for office. Any member with a current membership card in Post 118 may make nominations from the floor at the March meeting with the acceptance of the nominee. Nominations will be closed at the March meeting.

Section 2. Elections for office will be held on the day of the April meeting by secret ballot and a majority of all votes cast for any office shall determine the election.

- a. By absentee ballot when a member, due to circumstances beyond their control, is unable to be physically present on the date of the ballot. In this instance an absentee ballot will be made available to those members who may request said absentee ballot prior to the date of the election. Absentee ballots may be acquired at a location designated by the Board Of Trustees, i.e., the Post Lounge. Only members with a current membership card will be allowed to vote in absentia. No absentee ballots will be accepted after the date of the April meeting.
- b. The Adjutant shall be responsible for the issuance and receipt of absentee ballots.
- c. If no contested post, then a motion by acclamation is okay.

Section 3. Each member with a current membership card shall have one vote cast. Only members with a current membership card in Post 118 shall be eligible to vote at a Post election or be eligible for election to office.

Section 4. The term of office shall be as given in Article V, Section 3, of the Constitution.

## **ARTICLE IX**

### **Delegates/State Convention**

Section 1. The Commander or their replacement shall be head of the delegation.

Section 2. The number of delegates to the convention shall be set by quota from the Department of New Mexico.

Section 3. The Post will pay pre-registration for all delegates to the convention.

Section 4. The Commander, Adjutant and the immediate Past Commander or their designees shall be reimbursed for two nights lodging at all Department Conventions. The other delegates shall be reimbursed for one night's lodging. Mileage reimbursement for Convention or District functions will be based on state government mileage allowances. To qualify for reimbursement, the delegates must attend at least two days of the Convention.

Section 5. The Post membership, at least 30 days before the Convention, may increase or decrease this reimbursement based on Post finances.

Section 6. The Executive Committee shall report to the general membership the amount of money to be spent on the Hospitality Room.

Section 7. The Executive Committee shall recommend other reimbursements, i.e., for the Midwinter Conference.

## **ARTICLE X**

### **Dues**

Section 1. National sets the basic dues; the Post membership shall set dues for the Post.

Section 2. Legion membership is annual, the Legion year being from January 1 to December 31. Dues are payable in advance on July 1.

Section 3. A member becomes delinquent if dues are not paid by January 1 of each calendar year. If dues have not been paid by February 1, the member is suspended from all privileges. All privileges are automatically reinstated if dues are paid before June 30. If dues have not been paid by June 30, the member is dropped from the roll by constitutional mandate and the membership forfeited. The member may be reinstated by vote of the Post upon payment of dues for the year in which reinstatement occurs.

## **ARTICLE XI**

### **Resignation**

Section 1. A member may resign from this Post at any time while their dues are paid, and upon resignation the Post is not required to rebate any portion of the member's dues.



## **ARTICLE XII**

### **Transfer**

Section 1. The right to transfer does not carry the right to be accepted by any Post.

Section 2. A member of this Post may not move their membership to another post and retain continuous membership without the formality of a transfer. Being a member of more than one post at a time is a violation of the National Constitution.

Section 3. There shall be no transfer of funds derived from dues upon a transfer.

## **ARTICLE XIII**

### **Resolutions**

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

## **ARTICLE XIV**

### **Meetings**

Section 1. A regular meeting of this Post shall be held monthly for the transaction of Post business by the membership.

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

Section 3. The committee shall call a special meeting of the Post upon the written request of twenty (20) members.

Section 4. Twenty (20) members of this Post, to include officers, or a majority of elected officers, shall constitute a quorum.

## **ARTICLE XV**

### **Notices**

Section 1. Every member shall furnish the Post Adjutant with his or her address for mailing purposes.

Section 2. The Post Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto. The "Post Bugler" and any/all social media accounts the post maintains, I.E. Facebook, Webpage, announcement monitors, etc. may be the means of notification to the members.

## **ARTICLE XVI**

### **Rules Of Order**

Section 1. Except as provided by these by-laws, all proceedings of this Post shall be conducted under and pursuant to Roberts' Rules of Order.

## **ARTICLE XVII**

### **Limitations And Jurisdictions**

Section 1. These by-laws may be amended at any regular Post meeting by a vote of 2/3 of the members of said Post attending (on the day of) such regular meeting provided that the proposed amendment shall have been submitted in writing and read at the preceding regular meeting of this Post, provided, further, that written notice shall have been given to all members at least 30 days in advance of the date when such a proposal to amend the by-laws is to be voted upon. The "Post Bugler" and any/all social media accounts the post maintains, I.E. Facebook, Webpage, announcement monitors, etc. are the accepted form of notification.

Section 2. No individual Legionnaire, unless specifically or previously authorized by proper body, shall have the right to speak in the name of The American Legion or this Post. Their individual action is full and unhampered, being that of an American Citizen, but shall not represent such action to be that of any Legion organization.

Section 3. This Post shall confine its activities of speech and action to matters affecting the community within the jurisdiction of the Post. Activities more extensive in effect shall be in full accord with previously determined policies of the Department, and if extending beyond the Department, shall be in full accord with the previously determined policy of the National Organization.

Section 4. All matters of National and International scope that apply to Legionaries shall be treated, discussed and acted upon through the National Convention or its officials only.

## **ARTICLE XVIII**

### **Discipline Of Any Person(s)**

Section 1. Letters of reprimand shall be sent in the form of email AND certified signature required mail to ensure recipient received said letter of reprimand to any offending person(s) stating the reason(s) for the letter of reprimand and any action(s) to be taken by the Post under Article XVII, Section 2, of these by-laws, or such other action(s) to be taken depending on the severity of the offense(s) by the person(s) or their guest. A second letter of reprimand in a twelve (12) month period shall automatically be cause for a thirty (30) day suspension. The letter of reprimand shall be signed by the Commander.

Section 2. A person(s) may be suspended or expelled from Post 118, or in extreme cases, the American Legion, upon proper showing of cause. Charges may be based on disloyalty, embezzlement, dishonesty, fighting or such other conduct unbecoming a person of the American Legion. All such charges must be under oath and in writing by the accuser. No person(s) shall lose his

or her membership in the American Legion or organizational unit until given a fair hearing in such manner and form as prescribed by Department by-laws or as the Department Executive Committee shall prescribe.

Section 3. Appeals of letter of reprimand may be made to a four (4) member panel appointed by the Executive Committee. The Judge Advocate shall chair the panel but may only vote to break a tie vote of the panel.

Section 4. Disciplinary action recommended for inappropriate behavior in the lounge shall be dealt with in a Post Regulation.

## **ARTICLE XIX**

### **Discipline Of Officers**

Section 1. Any officer against whom charges are filed shall be dealt with in accordance with Article V of the Constitution.

## **ARTICLE XX**

### **Post Paid Life Members**

Section 1. A member must have had a valid Post 118 membership card for at least seven years to be eligible for a Post paid Honorary Life Membership in this Post.

- a. Must have been an active, working member, working for the betterment of the Post and the American Legion.
- b. Being an officer, past or present, shall not be a prerequisite to being considered for such an Honorary Life Membership.
- c. A nominee failing to be approved by the Executive Committee shall not be eligible for re-nomination for a period of one year.
- d. Nominations for Post Paid Honorary Life membership must be submitted in writing to the Executive Committee for action. Nominations from the floor will not be accepted.

**ARTICLE XXI**  
**Regulations**

Section 1. The Post Executive Committee is authorized to make and publish regulations for the organization, management, and conduct of this Post. Such regulations shall be consistent with the Constitution of this Post and these by-laws.

Section 2. The published regulations are posted on the bulletin board located in the bar and are titled “House Rules”.

Voted on and approved by the Post 118 membership on February 17, 2024, and sent to the American Legion Department of New Mexico.

\_\_\_\_\_  
Robert Abeyta  
Post 118 Judge Advocate

Date: \_\_\_\_\_

\_\_\_\_\_  
Doug Williamson  
Post 118 First Vice

Date: \_\_\_\_\_

\_\_\_\_\_  
Scott Swanson  
Post 118 Legion Commander

Date: \_\_\_\_\_