

**Section 1:** The definition of member as used in these By-Laws shall mean an American Legion member in good standing of Bicentennial Post No.1976, Inc.

**ARTICLE XVII – AMENDMENTS**

**Section 1:** These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post present and voting, 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 announced to all members at least ten (10) 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.

**ARTICLE XVIII EFFECTIVE DATE**

These By-Laws, having been duly agreed to in open meeting dated January 11, 2022 by two-thirds of the members present, shall become effective February 2, in the year 2022 of our Lord.

  
Post Commander

  
Post Adjutant

Corporate Seal

**Section 7:** All money belonging to the Post or derived from any activity of the Post shall be deposited into one or more FDIC or NCUA insured bank accounts or invested in FDIC or NCUA insured Certificates of Deposit.

**Section 8:** Any funds required by Virginia State and Fairfax County laws, rules, and regulations to be separately accounted for in a separate bank account shall be deposited and accounted for in a separate FDIC or NCUA insured bank account.

**Section 9:** The Post's Fiscal Year shall run from 1 July of the current year to 30 June of the following year. Federal and State income tax returns shall be filed annually by the required filing date following the ending of the Fiscal Year.

**Section 10:** No equipment/property of the Post shall be disposed of or given away without approval of the Executive Committee.

## **ARTICLE XII – NOTICES**

**Section 1:** Every member shall furnish the Club Manager with their address for mailing purposes.

**Section 2:** The Club Manager shall cause notice of the annual election to be given at least two weeks prior thereto.

## **ARTICLE XIII – RULES OF ORDER**

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

## **ARTICLE XIV – LIMITATIONS OF LIABILITIES**

**Section 1:** This Post shall not incur, or cause to be incurred, any liability or obligation, which shall subject any other Post, subdivision, members of The American Legion, other individuals, corporations or organizations, to liability.

## **ARTICLE XV – PROOF OF MEMBERSHIP**

**Section 1:** As a condition of installation or appointment, officers and committee members of Bicentennial Post #1976 shall ensure, through the First Vice Commander, that there is currently on file in the Post records or online, proof of eligibility for membership in The American Legion.

## **ARTICLE XVI – DEFINITIONS**

**Section 4:** A quorum of any General Membership meeting shall be those members present and voting.

**Section 5:** The Executive Committee will meet on the first Tuesday of each month or at the call of the Post Commander. Only members of the Executive Committee and special guests invited by the Executive Committee as needed/requested shall attend these meetings. Guests may be dismissed from the meeting at any time deemed appropriate by the Commander or presiding officer. Members wishing to present matters to the Executive Committee for the good of The American Legion shall petition a member of the Executive Committee for invitation to attend the meeting. In this event, the member shall be the first item on the agenda and after stating their case shall be excused from the meeting.

## **ARTICLE XI – FINANCE**

**Section 1:** The Post Executive Committee shall hire a bookkeeper or an accountant to keep accounts as necessary for the proper financing and accounting of Post and Club monies.

**Section 2:** The revenue of this Post shall be derived from the membership dues and from such other sources as may be approved by the Executive Committee.

**Section 3:** All employees and volunteers handling all Post monies and negotiable instruments shall be covered by fidelity/crime insurance in an adequate amount as determined by the Post Executive Committee; said insurance policy shall be reviewed annually and approved by the Post Executive Committee.

**Section 4:** The amount of annual membership dues shall be set by the Executive Committee. Dues shall pay for the Post, Department, and National dues as well as annual subscription to The American Legion Magazine.

**Section 5:** No bill of account rendered against the Post shall be paid without prior approval of the Executive Committee. The Executive Committee may authorize the payment of operating expenses deemed by the committee to be self-sustaining; e.g., payment of dues, mortgage, taxes, utilities, club inventory and supplies, etc., to the Club Manager. All Operating account checks shall be signed by the Club Manager and shall be countersigned by the Commander or Finance Officer.

**Section 6:** Any long-term financial liability such as a building loan, mortgage loan, line of credit or similar obligation shall be approved by a majority vote of the Executive Committee. The resultant enabling documents shall be signed by the Commander, Finance Officer, and one of the Vice Commanders, (three total signatures). One of the Vice Commanders may sign in lieu of the Commander or Finance Officer should either of these positions be vacant or unavailable.

Membership meeting when nominated from the floor, the member submitting the nomination shall provide written consent of the candidate.

**Section 3:** No person shall be nominated or elected to more than one elective office or hold more than one elective office at the same time.

**Section 4:** Election of Post Officers shall be held during the day of the May General Membership meeting. The election of officers shall be by secret ballot and the candidate receiving the most votes for the position shall be elected. In the event of a tie, the decision to select a candidate to serve in the Office shall be determined by the incoming Executive Committee. The ballot shall allow for write-in candidates. The Nominating Committee shall make arrangements to ensure that only members in good standing are allowed to vote in the election.

**Section 5:** The Nominating Committee shall tally the results of the election and announce the results to the membership prior to the conclusion of the May General Membership Meeting..

**Section 6:** The Nominating Committee shall assure that all ballots and voting records are preserved for thirty days in the event that the election is contested.

## **ARTICLE X – MEETINGS**

**Section 1:** The General Membership Meeting of Bicentennial Post 1976 shall be held on the second Tuesday of each month unless that is a national legal holiday. In such case, the regular meeting for that month shall be on the third Tuesday of the month. Only American Legion members of Bicentennial Post No. 1976 in good standing shall actively participate in the regular meetings. Except for those General Membership Meetings designated as closed, non-Legion members of the Post Auxiliary Unit, Sons of The American Legion Squadron, the American Legion Riders Chapter and the club staff, may attend as observers but may not participate without invitation of the presiding officer. Other guests shall be identified by the Sergeant-At-Arms and may remain if invited by the presiding officer.

**Section 2:** A special meeting of the Post may be called by the Post Commander, or by a majority vote of the members present at any General Membership meeting of the Post, or by the written request of fifteen (15) members in good standing.

**Section 3:** Notice of any special meeting shall be mailed to the last known address of every member of the Post not less than ten (10) days in advance of such meeting. No business shall be transacted at any special meeting of the Post other than that stated in the notice of such meeting.

**Section 2:** Application for membership shall be made in writing upon the form prescribed by the The American Legion and submitted to the First Vice Commander with proof of eligibility and payment of initial dues. The applicant shall be provided a receipt acknowledging payment of dues. The First Vice Commander shall ascertain whether the applicant has met all requirements for membership.

**Section 3:** Successful applicants shall be provided an American Legion membership card and welcomed to the Post.

**Section 4:** Dues shall cover membership from 1 January through 31 December. A member who has not renewed their dues by 1 January shall be considered delinquent. Members in a delinquent status may be suspended from all club privileges until it is renewed and then may be reinstated during the current year. If one year elapses the member must apply as a new member.

## **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 a 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– NOMINATIONS & ELECTIONS**

**Section 1:** The Nominating Committee for elective Post Officers shall be comprised of Past Post Commanders or other Post members as nominated by the Commander and approved by the Executive Committee. At the regular February Executive Committee meeting the Commander shall nominate a temporary chairman and other members (no less than three and no more than five) of the Nominating Committee for Executive Committee approval. Upon approval, the temporary chairman shall set the time and place for the initial meeting and notify the committee members of the meeting. At the initial meeting, the members in attendance shall elect a chairman to preside over all such meetings of the committee. It shall be the committee's duty to solicit nominees for each elective office of the Post to be submitted at the regular April meeting of the Post.

**Section 2:** Nominations from the floor may be made at the April General Membership meeting, pursuant to the eligibility requirements delineated in Article VII, by any voting Legion member up to the time nominations are closed. Nominations for each elected position shall be closed at the meeting by the presiding officer after reasonably sufficient time has elapsed to allow nominations from the floor for the position. Consent of a candidate is necessary whether nominated by the nominating committee or from the floor at the April meeting. If the candidate is not present at the April General

flowers and/or cards are sent in the event of sickness or death, and perform such other duties as outlined in The Manual of Ceremonies. They shall be responsible for maintaining and updating the Post Everlasting Board.

**Section 9: Duties of the Service Officer —** The Service Officer is responsible for bringing to the attention of all veterans and their families the rights and benefits granted them by law. They must know how to utilize the expert services available through American Legion channels and those of other agencies in their community. Theirs is the job of getting information to the full-time professionals to make certain that every veteran and their family are adequately represented.

**Section 10: Duties of the Sergeant At Arms —** The Sergeant At Arms is the sentinel of the Post. It is their responsibility to see that no one enters Post meetings without proper identification. They shall be responsible for the safekeeping, and for bringing to the Post meetings, the colors, rifles, bell, trumpet, and other ritualistic materials as needed. They shall post colors at all ceremonies at which the Post is represented including installation. They shall distribute and collect ballots at all special elections. They shall be available to assist the Commander in maintaining order at all meetings.

#### **ARTICLE V – DELEGATES**

**Section 1:** Delegates and alternates to a Department Convention shall be nominated by the Commander and approved by the Executive Committee.

#### **ARTICLE VI – APPOINTMENTS**

**Section 1:** The Post Commander, immediately upon taking office, shall appoint Standing Committee Chairpersons as required to implement the goals and programs of the Post. Committees to be considered are: Americanism, Ceremonials, Children and Youth, Finance, Graves Registration and Memorial, Legislative, Membership, Veterans Affairs and Rehabilitation, National Security, Sons of The American Legion, American Legion Riders Chapter, Boys State, Visiting/VAVS and any other such standing committee deemed necessary by the Post Commander. Such standing committees shall consist of a Chairperson assigned by the Commander and such members thereof as shall be designated by the Chairperson. Committees shall follow the procedures and policies of the National Department Publications.

**Section 2:** At the first meeting of the Executive Committee, the Post Commander shall submit for approval their selection for the position of Post Adjutant.

#### **ARTICLE VII – MEMBERSHIP**

**Section 1:** Eligibility for membership shall be restricted to persons eligible under the National and Department Constitutions of The American Legion. There shall be no associate or honorary memberships.

Commander shall also make an annual report covering the business of the Post for the current year, and present recommendations for the forthcoming year. This report shall be presented during the May General Membership meeting.

**Section 2: Duties of the First Vice Commander** — The First Vice Commander, who corresponds to the first vice president of an organization, shall act as a representative of the Commander on all matters referred to them and shall specifically be in charge of membership. They shall perform such other duties as are usually incidental to the office.

**Section 3: Duties of the Second Vice Commander** — The Second Vice Commander, who corresponds to the second vice president of an organization, shall likewise act as representative of the Commander and shall specifically be in charge of Post activities. They shall coordinate the activities of all Post standing committees except the House and Membership Committees.

**Section 4: Duties of the Third Vice Commander** — The Third Vice Commander, who corresponds to the third vice president of an organization, shall likewise act as representative of the Commander and shall specifically serve as Chairman of the House Committee.

**Section 5: Duties of the Post Adjutant**— The Post Adjutant/ assists the Commander in carrying out their duty. They shall record the minutes of both the Post and Executive Committee meetings. They shall collect from the Vice Commanders, all committee reports under their jurisdiction and compile the annual Post Activities Report and forward it to the District and Department Awards Committees. The Post Adjutant shall be a current member of the Post 1976 Legion, Sons of The American Legion, or Auxiliary.

**Section 6: Duties of the Finance Officer** — The Finance Officer of the Post shall have charge of all finances and see that they are safely deposited in a bank or banks and shall report once a month to the Executive Committee the condition of the finances of the Post. The Finance Officer shall furnish such surety bonds in such sums as shall be fixed by the Executive Committee.

**Section 7: 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 or as may be determined by the Executive Committee.

**Section 8: Duties of the Post Chaplain** — The Chaplain addresses the spiritual welfare of the Post members and will offer divine but non-sectarian services in the event of dedications, funerals, public functions, etc. It shall be their responsibility to deliver the opening and closing prayers at the General Membership meetings, ascertain the names of the comrades who are ill, assist in services for deceased comrades, assure that

responsible for ensuring decorum and order in, and on, Post premises on a daily basis according to the rules and regulations promulgated by the House Committee and approved by the Post Executive Committee.

**Section 13:** The Club Manager shall ensure that all Club operations are not in violation of any Virginia or Fairfax County law, regulation, policy or Executive Order. The Club Manager shall ensure their, the staff, and all Club operations follow the requirements to sustain our insurance, fidelity bond, including our dram and cash coverage.

**Section 14:** The Club Manager is the administrative officer of the Post. The Club Manager shall prepare all correspondence originating from the Post except that delegated to others by the Commander; maintain files of correspondence sent and received and; keep other files as deemed necessary by the Executive Committee. The Club Manager will ensure that Post members are aware of the time and place of all General Membership regular or special called meetings. The Club manager will keep custody of all official documents except those more appropriate to be in the custody of the Historian; turn over any relevant documents of value to the Historian, and; destroy all documents which are no longer of value to the Post..

### **ARTICLE III – POST EXECUTIVE COMMITTEE**

**Section 1:** The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten days after the installation of the new officers. Thereafter, the Post Executive Committee shall meet at the call of the Commander at least every thirty days or as often as said Commander may deem necessary. The Commander shall call a special meeting of the Executive Committee upon joint written request of three or more members of said Post Executive Committee. Five members of the Committee shall constitute a quorum.

**Section 2:** Any votes taken by the Committee shall be by secret ballot if any one (1) member of the Executive Committee requests it be done. Otherwise votes can be taken verbally.

**Section 3:** The Post Executive Committee shall approve hiring such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds for all persons having the custody of post funds; shall hear the reports of Post committees; and generally, shall have charge of and be responsible for management of the affairs of this Post, to include the Post Club.

### **ARTICLE IV – DUTIES OF OFFICERS**

**Section 1:** Duties of the Post Commander — It shall be the duty of the Post Commander to serve as the Chief Executive Officer, to preside at all meetings of the Post, and to have general supervision over the business affairs of the Post. The Commander shall approve all orders directing the disbursement of funds. The



Post American Legion Riders Chapter, and two members to be nominated by the Post Commander and approved by the Executive Committee. Elected Officers other than the Third Vice Commander shall not be appointed to the House Committee. All House Committee members shall be members of the Post 1976 Legion family.

**Section 6:** The House Committee has the responsibility for preserving order and decorum in, and on, the Post premises. The House Committee shall establish and publish House Rules necessary in carrying out this responsibility. The House Committee is authorized and directed to employ whatever means are required in this connection, including disciplinary measures for violation of House Rules. Any member disciplined by the House Committee may appeal the decision to the Executive Committee, who will meet at its earliest convenience to hear the appeal. The decision of the Executive Committee is final.

**Section 7:** The House Committee shall prescribe the hours of operation for club facilities and set prices/regulate the use of the club facilities for social affairs. The House Committee shall have direct supervision over the Club Manager through the Third Vice Commander.

**Section 8:** The House Committee shall be responsible to the Executive Committee. A written/oral report of the House Committee's actions and recommendations shall be submitted at each Executive Committee meeting.

**Section 9:** All House Committee reports shall become part of the Executive Committee report to the general membership.

**Section 10:** The Executive Committee delegates to the House Committee the authority to spend up to \$10000.00 (ten-thousand dollars) for the purchase or repair of equipment and maintenance of buildings and grounds in emergency situations that must be resolved before the next meeting of the Executive Committee. This authority may be delegated to the Club Manager if expedient. Emergency expenditures of this nature shall be reflected in the monthly report required in Section 7 of this Article. Expenditures exceeding \$2000.00 shall be approved by the Executive Committee.

**Section 11:** Subject to the approval of the Executive Committee, the House Committee shall negotiate a contract with the Club Manager by 31 January of each year.

**Section 12:** The Club Manager shall be responsible for employing, supervising, and discharging club employees. Prior to the discharge of any employee the Club Manager shall notify the Third Vice Commander of the circumstances surrounding the dismissal. The Club Manager shall be responsible for the supervision, management, use, maintenance, service and operations of the Post Home and premises. The Club Manager shall be responsible and accountable for the receipts and expenditures in connection with all activities under their supervision. The Club Manager shall be

**BY-LAWS  
Of  
Bicentennial Post No. 1976, Inc.  
The American Legion  
Department of Virginia**

**ARTICLE I – NAME**

**Section 1:** The Post existing under these By-Laws shall be known as Bicentennial Post No. 1976, Inc., The American Legion, Department of Virginia.

**Section 2:** The objectives of this Post are as set forth in the Constitution.

**ARTICLE II – MANAGEMENT**

**Section 1:** The governance and management of the Post are entrusted to an executive committee to be known as the Executive Committee.

**Section 2:** The Executive Committee shall consist of the elected officers of the Post, the Post Adjutant and the Club Manager/Administrator. The Post Adjutant and the Club Manager/Administrator are non-voting members of the Executive Committee.

**Section 3:** The vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of the term, shall be filled by a member nominated by the Commander or any other member of the Executive Committee; and confirmed by a majority vote of the remaining members of the Committee. The person so appointed shall hold office for the unexpired term of the member of the Committee or officer who they succeed. In the event that a vacancy occurs for any reason in the office of the Commander or Vice Commanders, the office shall be filled, to the extent possible, by the progression of the Post Vice Commanders.

**Section 4:** A vacancy shall exist when a member or officer is absent from their post for a continuous period considered detrimental to the interest of the Post by the Executive Committee. Unexcused absences from three consecutive Executive Committee and/or Post Membership meetings shall be valid cause for removal from the Executive Committee.

**Section 5:** A House Committee shall be established by the newly elected officers of Bicentennial Post No. 1976 as soon as practical following their respective installations. The House Committee shall be composed of six members. The committee shall be chaired by the Third Vice Commander. The remaining five committee members shall include one member selected by the Auxiliary Unit of the Post, one member selected by the Sons of The American Legion Squadron Post 1976 one member selected by the