

February 20, 2020

CONSTITUTION  
THE AMERICAN LEGION, ORO VALLEY POST 132  
DEPARTMENT OF ARIZONA  
P.O. BOX 69665, ORO VALLEY, ARIZONA 85737

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PREAMBLE

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

ARTICLE I – NAME

SECTION 1. The name of this organization shall be THE AMERICAN LEGION, ORO VALLEY POST NO. 132, Department of Arizona.

ARTICLE II – OBJECT

SECTION 1. The object and purpose of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions of the American Legion.

## ARTICLE III – NATURE

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

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

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

## ARTICLE IV – MEMBERSHIP

SECTION 1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion.

SECTION 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee. An applicant shall provide to the Post a copy of his or her DD 214, which document shall be submitted with the Application. The DD 214 must include the name, branch of service, rank, record of service dates and character of service. All other information may be redacted. Copies of alternate service verification such as ID cards that are approved by the Executive Committee may serve in place of the DD 214. The Post shall maintain a file containing DD 214s and alternate verifications of all its active members.

SECTION 3. All applications for membership shall be acted upon at the next Post meeting following the making of such application, and shall at such meeting, be accepted, rejected or referred for further investigation and consideration. If the majority of members present cast their vote against the acceptance of said application, then such application shall be recorded and rejected. A rejected application shall not again be considered until after the expiration of six months from the date of such rejection.

SECTION 4. Any member of this Post may be expelled for cause by a majority vote of the Executive Committee after charges are preferred under oath in writing, and a fair trial had upon the same.

SECTION 5. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a majority vote of the membership present in a Post meeting; and payment of current dues for the year in which reinstatement occurs.

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

## ARTICLE V – OFFICERS

SECTION 1. The administrative affairs of this Post of The American Legion shall, except as otherwise provided in the Bylaws, be under the supervision of an Executive Committee which shall consist of up to six (6) members in addition to the officers of the Post. The term of office of members of the Executive Committee shall be for a period as provided in the Bylaws. This Post, in the Bylaws, may provide for such other standing committees as the business of the organization may require.

SECTION 2. The elected officers of this Post shall be a Commander, First Vice Commander, Second Vice Commander, Adjutant, Finance Officer, Historian, Chaplain, Service Officer, Judge Advocate and Sergeant-at-Arms and such other officers as may be deemed necessary by this organization, who shall be nominated from the floor at the meeting preceding the annual election.

SECTION 3. All officers shall be elected annually. Executive Committeemen shall be elected as provided in the Post Bylaws. All officers, including Executive Committeemen, shall hold office until their successors are duly installed or as otherwise approved. Any officer or Executive Committeemen may be removed for inefficiency by the Executive Committee, a two-thirds vote of said committee being necessary to affect such removal.

Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post, with the exception of paid employees of the Post.

## ARTICLE VI – FINANCE

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

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

SECTION 3. The Post shall pay to Department headquarters the National and Department annual membership dues for every member of the Post. The Post shall pay to the District the annual dues for every member of the Post.

## ARTICLE VII - CHARTER MEMBERS

SECTION 1. Members who join this Post prior to the issuance of the charter shall be known as charter members.

## ARTICLE VIII - AMERICAN LEGION AUXILIARY

### /SONS OF THE AMERICAN LEGION/AMERICAN LEGION RIDERS

SECTION 1. This Post recognizes an Auxiliary organization to be known as The American Legion Auxiliary Oro Valley Unit 132.

SECTION 2. This Post recognizes an SAL organization to be known as Sons of The American Legion, Squadron 132, of ORO Valley Post No. 132, The American Legion, which shall abide by The American Legion National, Department of Arizona, and Post 132 Constitution and Bylaws.

SECTION 3. This Post recognizes an ALR organization to be known as American Legion Riders, Chapter 132, of ORO Valley Post No. 132, The American Legion, which shall abide by The American Legion National, Department of Arizona, and Post 132 Constitution and Bylaws.

## ARTICLE IX – AMENDMENTS

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

SECTION 2. This Constitution may be amended at any regular Post meeting by a majority vote of the members of said Post attending such regular meeting, providing that the proposed amendment shall have been submitted in writing, and read at the next preceding regular meeting of said Post, and providing, further, that written notice shall have been given 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 Constitution is to be voted upon. Notices published in the Post newsletter are considered adequate notification.

BYLAWS  
THE AMERICAN LEGION ORO VALLEY POST 132  
DEPARTMENT OF ARIZONA

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ARTICLE I - NAME

SECTION 1. The Post existing under these BYLAWS is to be known as the Oro Valley Post 132.

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

ARTICLE II – MANAGEMENT

SECTION 1. The government and management of the Post is entrusted to an Executive Committee of up to sixteen (16) members to be known as the Executive Committee.

SECTION 2. The Executive Committee shall consist of up to six (6) members in addition to the officers of the Post. One of these members shall be the immediate Past Commander. Up to five (5) of these members shall be elected committeemen. Up to one (1) executive committeeman shall be elected to a three (3) year term, up to two (2) executive committeemen shall be elected to a two (2) year term, and up to two (2) executive committeemen shall be elected to a one (1) year term. The election of two (2) year and one (1) offices shall each be offset by one (1) year so that continuity of knowledge is preserved.

ARTICLE III – ELECTIONS

SECTION 1. Officers and one (1) executive committeeman shall be elected at the first General Membership meeting. No employee on the regular payroll of the Post, without first resigning from that position, may run for or hold an elective position in the Post. All other members of the Post in good standing and who have been properly initiated into The American Legion are eligible to seek an elective office in the Post. Election shall be by ballot and the person receiving the most votes cast shall be elected to the respective office for which that person is a candidate.

SECTION 2. A Nominating Committee of three (3) Post members, in good standing, shall be appointed by the Commander in the month of January. The Post Executive Committee shall vote on these appointments at the January meeting.

SECTION 3. The Nominating Committee shall report its nominations at the April General Membership meeting and shall then be retired. Nominations from the floor shall then be accepted and nominations shall be closed upon adjournment of the April General Membership meeting. Immediately following the April General Membership meeting the full slate of candidates shall be posted by the Post Adjutant.

SECTION 4. At the March General Membership meeting the Post Commander shall appoint a Teller's Committee of three (3) Post members if an elected position has more than one candidate. Members of the Nominating Committee and all candidates running for office shall be excluded from the Teller's Committee. The Teller's Committee shall elect its own Chairman. The Teller's Committee shall be responsible for the printing, issuing and counting of the official ballots. The Chairman shall give the Teller's Committee report at the May General Membership meeting. The Post Judge Advocate shall be the Teller's Committee Advisor.

SECTION 5. Seven (7) days after the April General Membership meeting, absentee ballots may be obtained from the Teller's Committee upon submission of a letter of request, by an initiated member of Post 132, in the event of illness or absence from the Tucson area on the day of balloting. Absentee ballots must be received at Post 132 one (1) day prior to the balloting.

SECTION 6. The polls shall be open for voting on the selected voting day at a time specified by the Tellers Committee.

SECTION 7. The Teller's Committee shall secure all voting materials (ballots, tabulation sheets, et cetera) after reporting the results of the balloting to the May General Membership meeting. These voting materials shall be sealed and kept for a period of thirty (30) days from closing of the polls, unless the election is challenged.

In the event of a challenge to the election, all balloting records shall be maintained by the Teller's Committee until the challenge has been resolved. Only a member of the Teller's Committee may unseal these balloting records and only after the request of a majority of the Executive Committee. The Teller's Committee shall remain in place until all challenges are resolved.

If there are no challenges, the balloting materials shall be destroyed by the Teller's Committee thirty (30) days after the closing of the polls and the Teller's Committee shall be retired one (1) day later.

## ARTICLE IV - EXECUTIVE COMMITTEE

SECTION 1. The Executive Committee shall meet for organizational and such other business that may come before it at the call of the Post Commander within fifteen (15) days after taking office. Assumption of office shall be at the CLOSE of the Department Convention preceding the year in which they serve.

SECTION 2. The Executive Committee shall meet at the call of the Commander at least once a month and/or as often as the Executive Committee shall deem it necessary. The Commander shall call a meeting of the Executive Committee upon the joint written request of three (3) or more members of said Executive Committee. Seven (7) members of the Committee shall constitute a quorum.

SECTION 3. A Vacancy on the Executive Committee shall exist if a board member misses three (3) consecutive meetings without a valid reason, or resigns or is incapacitated for any reason. That post shall be declared open and the vacancy shall be filled by a vote of the Executive Committee and approval of the General Membership. If the existing vacancy is of a Past Commander, it shall be filled by another Past Post 132 Commander.

SECTION 4. All legitimate financial obligations of the Post for services or supplies in the normal course of business shall be paid by consecutive numbered checks upon presentation without being voted on by the Post membership. However, the payment of these obligations must be reported to the Executive Committee at the next scheduled meeting.



## ARTICLE V - DUTIES OF OFFICERS

SECTION 1. POST COMMANDER. In addition to the duties outlined herein (ARTICLE 5) for individual Post Officers, each officer's duties shall be governed by THE AMERICAN LEGION'S OFFICER GUIDE AND MANUAL OF CEREMONIES. 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. He shall approve all orders directing the disbursements of the General Fund and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year which shall be read at the Annual Meeting and a copy thereof immediately forwarded to the Department Adjutant. He shall perform such other duties as required.

SECTION 2. FIRST VICE COMMANDER. Shall assume and discharge the duties of the office of the Commander in the absence of, disability of, or when called upon by the Post Commander. He shall be Post Membership Chairman and report monthly to the General Membership.

SECTION 3. SECOND VICE COMMANDER. Shall assume and discharge the duties of the office of the Commander and First Vice Commander in their absence of, disability of, or when called upon by the Post Commander. He shall be Chairman of the House Committee and shall make a monthly report to the General Membership.

SECTION 4. 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 annually or when called upon at a meeting and under the direction of the Commander handle all correspondence of the Post.

SECTION 5. FINANCE OFFICER. Shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Executive Committee the conditions of the Post; shall sign all checks disbursing the monies of the Post General Fund; shall furnish such surety bonds in such sum as shall be fixed by the Post Executive Committee; shall be Chairman of the Finance Committee, and shall make a monthly report to the General Membership.

SECTION 5a. The Finance Officer shall conduct a complete inventory of all Post assets not less than yearly and shall be conducted prior to the installation of new Post officers for the ensuing year.

SECTION 5B. The Finance Officer shall produce to its members:

- a financial statement of Post assets. This statement shall include financial status and location of all Post funds, real property to include their description and approximate value and all other assets of the Post;
- an annual (October 1 to September 30) fiscal budget;
- a financial plan for the next fiscal year to include short term and long term savings and long term income generating strategies.

The Finance Officer shall report, on a quarterly basis, the Post budget projections versus the Post actual expenses.

SECTION 6. 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. Shall make a monthly report to the General Membership.

SECTION 7. POST CHAPLAIN. Shall be charged with the spiritual welfare of the Post comrades and shall offer divine but non-sectarian service in the event of dedications, funerals, public functions, et cetera; adhere to such ceremonial rituals as may be recommended by the National or Department Headquarters from time to time. The Post Chaplain shall be reimbursed for reasonable expenses and mileage upon submission to the Post Finance Officer, as per Post 132 reimbursement procedures.

SECTION 8. SERGEANT-AT-ARMS. Shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to him by the Executive Committee. He shall act as Co-Chairman to all uniformed groups and have charge and control over all Post colors and weapons.

SECTION 9. SERVICE OFFICER. The Service Officer is concerned with jobs, with veteran contact, with visits to ailing comrades, with on-the-job training and with pensions and shall maintain contact with any members of the Armed Forces from the community served by this Post. The Post Service Officer shall be reimbursed reasonable expenses and mileage upon submission to the Post Finance Officer, as per Post 132 reimbursement procedures, and shall make a monthly report to the General Membership.

SECTION 10. JUDGE ADVOCATE. Shall provide advice in the conduct of the Post business. Shall be the guardian of constitutional form of Post government. Shall have in his possession a copy of all rules and regulations pertaining to all Post functions.

## ARTICLE VI – DELEGATES

SECTION 1. Delegates and alternatives to a Department convention shall consist of the Post officers and Executive Committeemen in order of their election, up to the voting strength of the Post. Additional delegates and alternatives shall be elected by voice at a meeting to be held at Department convention from those present at such convention.

## ARTICLE VII - COMMITTEES/APPOINTMENTS

SECTION 1. The Post Commander shall appoint the following committee chairmen: Americanism and Children and Youth. The Post Commander shall appoint an editor and have the authority to create any ad hoc Committees necessary to carry out the programs and functions of Oro Valley Post 132.

SECTION 2. AMERICANISM COMMITTEE. The Chairman shall appoint sub-committee chairmen for the following programs; Baseball, Boys State, Education, Legislative and Oratorical. This committee shall be in charge of the inspiration of patriotism and good citizenship by arrangement of patriotic and civil phases of instruction in schools; Americanism of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, et cetera, and activities for community and civic betterment. The Americanism chairman shall make a financial report of all the sub-committees to the General Membership meeting.

SECTION 2a. BASEBALL COMMITTEE. The Chairman shall procure finances to sponsor/support an American Legion baseball team and to work in conjunction with the Department Chairman. The Chairman shall make a monthly report to the General Membership.

SECTION 2b. BOYS STATE COMMITTEE. The Chairman shall be responsible for securing funds and/or co-sponsors for all boys allocated to Post 132 and shall coordinate Post Boys State activities with the Department. The Chairman shall contact past years Boys Stater's to request they speak at designated Post meetings. The Chairman shall make a monthly report to the General Membership.

SECTION 2c. EDUCATION COMMITTEE. The Chairman shall contact schools in the area within an adequate time for them to participate in the American Legion School Awards Program and to purchase award medals. The Chairman shall make a monthly report to the General Membership.

SECTION 2d. LEGISLATIVE COMMITTEE. The Chairman shall acquire knowledge of Legislative matters, at State and National levels, affecting veterans. The Chairman shall present these matters to the General Membership to determine what measures we oppose or support and shall be ready to initiate action in support of our position when requested by National or Department. The Chairman shall make a monthly report to the General Membership.

SECTION 2e. ORATORICAL COMMITTEE. The Chairman shall work with schools in the area to secure candidates for this contest and shall coordinate with the District. The Chairman shall make a monthly report to the General Membership.

SECTION 3. CHILDREN AND YOUTH COMMITTEE. The Chairman shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community, laboing for the betterment of conditions and in coordinating services and agencies in the community for the above purposes. The Chairman shall act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legions' Pledge that "No child of a veteran shall be in need of the necessity of life". The Chairman shall be reimbursed reasonable expenses and mileage upon submission to the Post Finance Officer, as per Post 132 reimbursement procedures, and shall make a monthly report to the General Membership.

SECTION 4. RITUAL COMMITTEE. The Chairman shall insure that all new members are properly initiated and that initiations shall be scheduled as required, but no less than two (2) times a year. One initiation must be scheduled within thirty (30) days prior to the general election in May. The Committee must also concern itself with the proper burial detail and the wearing of Legion regalia. The Chairman shall make a monthly report to the General Membership.

SECTION 5. HOUSE COMMITTEE. Shall have charge of all matters pertaining to promotion of Post activities and arrangements for social events. All funds realized by Post activities or social events shall be reported to the Second Vice Commander.

SECTION 6. The Post Commander shall appoint an AUDIT COMMITTEE consisting of the Judge Advocate, the Finance Officer and a person skilled in financial matters. If necessary, the Audit Committee shall be allowed, at Post expense, with prior approval of the Executive Committee, to employ the services of a non-Post person who is trained in the auditing process. The audit must be completed by March 31 each year prior to officer elections.

SECTION 7. All Committees recognized by Post 132 shall submit a budget for the fiscal year to the Finance Officer, through their Chairman.

## ARTICLE VIII - RESOLUTIONS

SECTION 1. All resolutions of a 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. Resolutions passed by the General Membership shall be forwarded to the Department Headquarters for their consideration.

## ARTICLE IX – MEETINGS

SECTION 1. Regular Post membership meetings shall be held monthly with the exception “dark” months, July and August.

SECTION 2. The Post Commander or a majority of the Executive Committee shall have the power to call a special meeting of the General Membership at any time, providing ten (10) days notice is given to all members in good standing.

SECTION 3. Fourteen (14) members present of which seven (7) shall be members of the Executive Committee shall constitute a quorum of a General Membership meeting.

SECTION 4. Every member voting on Post business at a General Membership meeting must be an initiated member of The American Legion and a current

member of Oro Valley Post 132. Seven (7) year members are assumed to be initiated members.

## ARTICLE X – NOTICES

SECTION 1. Every member shall furnish the Post Adjutant with his/her address, telephone number and email address.

SECTION 2. The Post Adjutant shall cause notice of the Annual Election to be given at least two (2) weeks prior thereto.

## ARTICLE XI – AMENDMENTS

SECTION 1. These Bylaws may be amended at any regular Post meeting by a majority vote of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing and read at the preceding regular meeting of said Post, and provided, further, that written notice shall have been given to all members at least ten (10) days in advance of the date when such amendment is to be voted upon, notifying the Post membership that a proposal to amend the Bylaws is to be voted upon at the next meeting. Notices published in the Post newsletter are considered adequate notification.

## ARTICLE XII - FINANCES AND COMMITTEES

SECTION 1. All moneys deposited in the General Fund shall be receipted by the Post Finance Officer and credited to the account for which they were obtained in a general ledger as prescribed by the Post Finance Officer, on a daily basis.

SECTION 1a. The General Fund shall consist of the following accounts:

1. General Account
2. Funds earmarked for specific use

All the above shall be separately accounted for by the Finance Officer.



SECTION 1b. Approval of a Fiscal Year Budget (October 1 through September 30) by the Executive Committee and Membership provides a general authorization for expenditure of funds outlined herein. Other expenditures of less than \$200 made by a member of the Executive Committee, and those previously authorized expenditures made by a Post member, shall be reported to the Executive Committee at the next scheduled meeting of the Committee. Other expenditures of \$200 or more shall be submitted to the Executive Committee for approval prior to the expenditure. Other expenditures of \$500 or more shall be submitted to the Executive Committee for approval prior to the expenditure and if approved shall be submitted for approval by the general membership. The Post Commander shall have the authority to authorize emergency expenditures in an amount not to exceed \$500 and this expenditure must be reported to the Executive Committee within ten (10) days of the expenditures.

SECTION 2. All funds in excess of normal operation expenses shall, with the approval of the Executive Committee, be deposited and/or invested in accordance with the financial plan formulated by the Finance Officer.

Initial Constitution and Bylaws created April 28, 2009

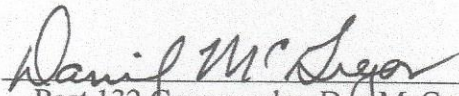
Amended March 20, 2014

Amended January 16, 2020

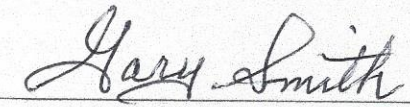
Amended February 20, 2020

### POST CERTIFICATION

We, the following officers of Oro Valley Post 132, The American Legion; hereby certify that the foregoing Constitution and By-Laws, after due notice was given to all members, was adopted at a regular meeting of this Post held on the 20<sup>th</sup> day of February, 2020, A. D.

  
Post 132 Commander, Dan McGregor

ATTEST:

  
Post 132 Adjutant, Gary Smith