

**BY-LAWS OF THE AMERICAN LEGION  
WILLIAM R. WITTY POST 37  
DEPARTMENT OF MINNESOTA**

**ARTICLE I**

**Section 1.** The Post existing under these By-Laws is to be known as William R. Witty Post #37, The American Legion, Department of Minnesota, Saint Peter, Minnesota.

**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 select members, to be known as the "Executive Committee." The Executive Committee shall consist of Post Commander, First Vice Commander, Second Vice Commander, Finance Officer, Post Adjutant, Past Post Commander and House Committee Chair.

**Section 2.** The Executive Committee in addition to the officers of the Post and together with the other officers of this Post shall be nominated annually at the regular April meeting. Elections in May, installation of officers will be held annually at the June meeting. All elections of officers and executive committee members shall be by ballot and the candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates.

**Section 3.** All 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 majority vote of the remaining members of the committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who succeeded. A vacancy shall exist when a member or officer is absent from the Post for a continuous period considered detrimental to the interest of the Post by the Executive Committee.

**Section 4.** The Past Post Commander's term on the Executive Committee shall be for one-year to assist with continuity; the vacancy will remain if appropriate after one-year.

**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 six months and as often as said Commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee upon the joint written request of three or more members of said Post Executive Committee, four members of the committee shall constitute a quorum thereof. Meetings and meeting written requests may be conducted through electronic means.

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**Section 2.** The Post Executive Committee shall prepare position descriptions and hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall hear the reports of Post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of this Post.

**ARTICLE IV  
POST HOUSE COMMITTEE**

**Section 1.** The Post House Committee quarters promotion of Post advantages, arrangement for social activities, management and maintenance of all properties.

**Section 2.** All hired employees report to the House Manager. The House Manager manages daily operations, prepares position descriptions, hires such employees as may be necessary, and reports to the Chair of the House Committee. The Chair of the House Committee reports to the Executive Committee.

**Section 3.** The Post House Committee consists of twelve members. Two members elected from Post membership, two members elected from Auxiliary membership, two members elected from the Sons of the American Legion membership, and two members elected from the Legion Riders membership. Members serve a three-year term, they shall be divided as equally as may be into two classes for continuity. The committee is chaired by a Post member elected by the House Committee membership. Ex-officio members include the Post Commander, Finance Officer, Charitable Gambling Manager and a non-voting House Manager.

**Section 4.** A vacancy shall exist when a member is absent from the Post House Committee for a continuous period considered detrimental to the interest of committee business by the Executive Committee. A member may be elected by the membership to serve a second consecutive term. After the second term, a one-year absence from the committee is required before seeking further nomination to the committee.

**Section 5.** The regular meeting of the Post House Committee shall be held in the confines of the Post building on the first Monday of each month at which may be transacted such business as may properly be brought up for action.

**Section 6.** The Post Commander or a majority of the Post House Committee shall have power to call a special meeting of the Committee at any time.

**Section 7.** One member of the Post, Auxiliary, Sons of the American Legion, and Legion Riders in addition to the Ex-officio members shall constitute a quorum. Meeting attendance including voting by electronic means is allowed. Each member has one vote; the Post Commander votes only to break a tie; the House Manager is non-voting.

**Section 8.** The House Manager will provide copies of the monthly financial activities to include Profit and Loss Report, Monthly Inventory Report, and Monthly Bill Summary at the Post House Committee meetings.

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**Section 9.** Preceding monthly audits of all expenditures and a complete inventory of all expendable items will be conducted by the House Manager and one member of the Post House Committee on a rotating basis not sequentially between the first and seventh of each month.

**Section 10.** Disbursing monies from the House bank account shall require two separate signatures garnered from the House Committee Chair, House Manager, Finance Officer, or Post Commander.

**ARTICLE V  
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 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. The Commander shall perform such other duties as directed 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 or disability of, or when called upon by the Post Commander. Membership is the primary assignment.

**Section 3.** Second Vice-Commander. The Second Vice-Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, the Commander and First Vice Commander, or when called upon by the Post Commander. The Second Vice-Commander is responsible for building an atmosphere in which Legionnaires have fun while accomplishing the mission of the Post. This includes looking for ways to involve members in post activities, operations and programs to assist the First Vice Commander by providing improved member retention.

**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 of the Post.

**Section 5.** 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 one local bank and shall report once a month to the Executive Committee the condition of the finances of the Post, with such recommendations as may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer along with a member of the Executive Committee shall sign all checks disbursing the monies of the Post, and shall furnish such surety bonds in such sum as shall be fixed by the Post Executive Committee.

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**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.

**ARTICLE VI  
DELEGATES**

**Section 1.** Delegates and Alternates to a Department convention shall be elected by ballot by the Post at a regular meeting of the Post to be held at least 20 days prior to the date of such convention.

**Section 2.** The Post will pay for mileage, registration and hotel rooms for Delegates and the Commander; additional attendees will receive registration.

**Section 3.** Membership Rally Delegates will be reimbursed for mileage at the Federal Travel Regulations current fiscal year rate for the appropriate vehicle.

**ARTICLE VII  
APPOINTMENTS**

**Section 1.** The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Americanism, Ceremonials, Charitable Gambling, Children and Youth, Finance, Graves Registration and Memorial, Legislative, Membership, Public Relations, and Visiting. Such standing committees shall consist of such members, and the chair thereof, as shall be designated by the Post Commander.

**Section 2.** Americanism Committee. The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of aliens; combating anti-American propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

**Section 3.** Ceremonials Committee. The principal duty of the Ceremonials Committee is to ensure all new members are properly initiated. The committee also concerns itself with proper

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presentation of other rituals outlined in the Manual of Ceremonies—burial detail and the wearing of Legion regalia.

**Section 4.** Charitable Gambling Committee. This committee is responsible for compliance with all Minnesota Gambling Control Board regulations and policies. The Gambling Manager chairs the committee.

**Section 5.** Children and Youth Committee. Shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community; laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion's pledge that "no child of a war veteran shall be in need of the necessities of life" and "a square deal for every child."

**Section 6.** Finance Committee. The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all Post funds.

**Section 7.** Graves Registration and Memorial Committee. The duties of this committee involve recording of grave sites and complete information on veterans' burial in cemeteries assigned to the Post. Special assistance can be given to the service officer in providing flags, headstones or proper interment in national cemeteries.

**Section 8.** Legislative Committee. The Legislative Committee needs to have a knowledge of what is going on in Congress—what we favor or oppose, and should be ready to initiate action in support of our position when requested by the National or Department Organization.

**Section 9.** 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.

**Section 10.** Public Relations Committee. The Public Relations Committee shall be charged with the promotion of public support of the Legion's programs by the establishment of proper contact with The American Legion Magazine, Department and National Legion news service, social media, and by local publicity of Post programs and activities. Announcing special meeting notices for the Post shall be managed by the members of this committee.

**Section 11.** Visiting Committee. Members of this committee give comfort and assistance to members and their families during illness or bereavement, and visit veterans who are hospitalized or in assisted-living facilities.

**Section 12.** Special Committees. A Special Committee is formed by a motion from the floor during a Post meeting and the motion will state how members are selected or appointed.

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**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 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 IX  
MEETINGS**

**Section 1.** The regular meeting of the Post shall be held in the confines of the Post building on the second Monday of each month, at which may be transacted such business as may properly be brought up for action; such meetings may be converted into entertainment meetings, as may be deemed advisable by the officers of the Post.

**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.** The annual meeting and installation of officers shall be held in the month of June each year.

**Section 4.** Ten members shall constitute a quorum.

**Section 5.** The Charitable Gambling and House Committee must provide written reports at the regular Post meetings.

**ARTICLE X  
NOTICES**

**Section 1.** Every member shall furnish the Post Adjutant with a phone number, postal address for mailing, and an email address if available.

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

**ARTICLE XI  
RULES OF ORDER**

**Section 1.** The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Post in all cases to which they are applicable and in which they are not inconsistent with these By-Laws and any special rules of order the Post may adopt.

**Section 2.** Committees are encouraged to create written Standard Operating Procedures to support these By-Laws. Standard Operating Procedures are approved by the Post Executive Committee.

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**ARTICLE XII  
LIMITATIONS OF LIABILITIES**

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

**ARTICLE XIII  
AMENDMENTS**

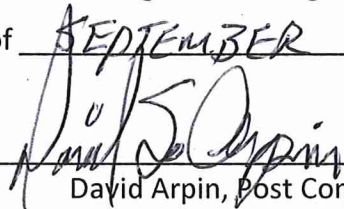
**Section 1.** These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting; Provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post; and, provided, further, that the notice is physically posted in the Post facility and electronically available to all members at least fourteen 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.

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These By-Laws for the William R. Witty Post 37, The American Legion, Department of Minnesota supersedes all previous By-Laws of this Post.

Adopted by two-thirds majority of members in the regular meeting

Dated this 9<sup>TH</sup> day of SEPTEMBER, 2019

  
\_\_\_\_\_  
David Arpin, Post Commander

Subscribed and sworn before me this 9<sup>th</sup> day of September, 2019

  
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Shawn Schloesser, Post Adjutant

Members of the By-Laws update committee are Keith Keogh, Chairman, Ron Davis, Ron Fierst, Robert Jones, Shawn Schloesser, Dick Stenzel, Jim Weber, and Dennis Zochert.