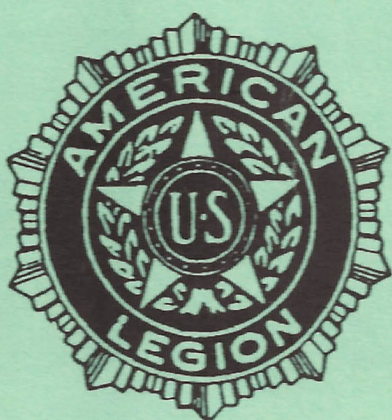


GEORGE P. VANDERVEER
POST NO. 129

The American Legion



CONSTITUTION **AND** **BY-LAWS**

INDEX

Article I Name.....	4
Article II Nature.....	4
Article III Eligibility	4
Article IV Nominating Committee	6
Article V Elections.....	6
Article VI Elective Officers of the Executive Board	7
Article VI-a Election of Trustees	7
Article VII Duties of the Elective Officers	8
Article VIII Appointed Officers	12
Article IX Duties of Appointed Officers	12
Article X Vacancies.....	13
Article XI Absenteeism.....	13
Article XII Meetings	13
Article XIII Order of Business.....	14
Article XIV Executive Committee.....	14
Article XV Committees	16
Article XVI Subordinate Organizations.....	17
Article XVII Canteen Committee	18
Article XVIII Legalized Games of Chance Committee	19
Article XIX Budget Authority	20
Article XX Honorary Life Membership	20
Article XXI Discipline/Grievances.....	21
Article XXII Amendments	23
Article XXIII Parliamentary Authority.....	23

CERTIFICATE OF INCORPORATION
OF GEORGE P. VANDERVEER POST, NO. 129
AMERICAN LEGION
OF
TOMS RIVER, NEW JERSEY

THIS IS TO CERTIFY, that we, the undersigned, do hereby associate ourselves as a body politic and corporate, under and by virtue of the provisions of an Act of the Legislature of the State of New Jersey, entitled "An Act to Incorporate Associations not for Pecuniary Profit" approved April 21st, 1898 and the various acts amendatory thereof and supplemental thereto and by this certificate do hereby set forth and state:

FIRST: The name and title by which this corporation is to be known in law is "GEORGE P. VANDERVEER POST NO. 129, AMERICAN LEGION OF TOMS RIVER, NEW JERSEY".

SECOND: The purposes for which this corporation is formed are: - To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred per cent. Americanism; to preserve the memories and incidents of the association of its members in the Great War; to inculcate a sense of individual obligation to the community, state and nation; 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 the comradeship of its member by their devotion to mutual helpfulness and the development and encouragement of civic pride among its members.

THIRD: The place where this corporation is to be located and its business conducted is Toms River, Ocean County New Jersey. The location of the principal office of said corporation is at the Veeder Building, Toms River, New Jersey, and the name of the agent therein, and in charge thereof, upon whom process against this corporation may be served, is Samuel A Loveman.

FOURTH: The number of Trustees of this corporation shall be twelve, and the names of the Trustees selected for the first year of its existence are as follows:

George W. Harbough, Charles F. Arthur, Heulings A. Sever, Nelson A. Cowdrick, LeRoy Grant, Frank Brouwer, Samuel A. Loveman, Frederick M. Xydias, James W. Lillie, Henry F. Mullins, Albert M. Herbert, Alex J. Taylor

FIFTH: Any person who was regularly enlisted or commissioned in the Army, Navy or Marine Corps of the United States, or any soldier, sailor or marine who served honorably as a member of the military or naval forces of the United States in the World War between April 6, 1917 and November 11, 1918, or any citizen of the United States who served honorably as a soldier, sailor or marine in the military or naval forces of any of the Allied Nations at any time during the World War, shall be eligible to membership in the association.

SIXTH: The existence of this corporation shall begin on the day of the filing of this certificate in the office of the Secretary of State of New Jersey, and shall continue perpetually.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this sixth day of April, A.D. Nineteen hundred and twenty.

Signed, sealed and delivered in the presence of:

Elis Louis Knutson

Geo W Harbough (L.S.)

Chas F. Arthur (L.S.)

Heulung A. Sever (L.S.)

Nelson A. Fendrich (L.S.)

Le Roy Grant (L.S.)

Frank Brown (L.S.)

Samuel A. Loveman (L.S.)

Fredrick M. J. J. J.

James W. Litch (L.S.)

Henry F. Mullins (L.S.)

Albert M. Herbert (L.S.)

Alex J. Taylor (L.S.)

STATE OF NEW JERSEY:

SS-

COUNTY OF OCEAN :

BE IT REMEMBERED that on this sixth day of April A.D. Nineteen hundred and twenty, before me, the subscriber, a Commissioner of Deeds of the State of New Jersey, personally appeared George W. Harbough, Charles F. Arthur, Heulings A. Sever, Nelson A. Cowdrick, LeRoy Grant, Frank Brouwer, Samuel A. Loveman, Frederick M. Xydias, James W. Lillie, Henry F. Mullins, Albert M. Herbert and Alex J. Taylor, who, I am satisfied, are the persons names in and who executed the foregoing Certificate of Incorporation, and having first made known to them the contents thereof, they acknowledged that they signed, sealed and delivered the same as and for their voluntary act and deed. All of which is hereby certified.



COMMISSIONER OF DEEDS OF NEW JERSEY

ENDORSED:

"Received in the Clerk's Office of the County of Ocean, on theday of191 ato'clockM. and Recorded in Book 3 of Corporations page 307 & c."

John A. Ernst, Clerk.

"FILED AND RECORDED: April 10, 1920,
Thomas F. Martin,
Secretary of State."

AMERICAN LEGION POST 129

CONSTITUTION BY-LAWS

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

The name of the organization shall be;
"GEORGE P. VANDERVEER POST 129, THE
AMERICAN LEGION OF TOMS RIVER,
NEW JERSEY."

ARTICLE II NATURE

Section 1.

The American Legion is a civilian organization; Membership therein does not affect nor increase liability for military or police service. Rank does not exist in the American Legion. No Member shall be addressed by his or hers military or naval title at any convention or meeting of the American Legion.

Section 2.

The American Legion shall be absolutely non-political and non-sectarian. It shall not be used for the dissemination of partisan principles or for the promotion of a candidacy of any person seeking remunerative public office or preferment. Further, no candidate for or incumbent of a remunerative public office shall hold any office in Post 129. The appointment to an elective remunerative public office by any person who holds an office in Post 129 must automatically vacate that position.

ARTICLE III ELIGIBILITY

Section 1.

If you have served active duty in the United States Armed Forces since December 7, 1941, and have honorably discharged or are still serving, you are eligible for membership in The American Legion.

*Because eligible dates remain open, all active-duty

members of the U.S. Armed Forces are eligible to join the American Legion at this time, until the date of the end of hostilities as determined by the government of the United States. **U.S. Merchant Marines are eligible only from December 7, 1941 to December 31, 1946 (WWII).

Section 2.

There shall be three forms of membership: Active Members in good standing, Honorary Life Members and Life Members that are paid up for life. There shall be no other form or class of Membership.

Section 3.

When applying for membership, the applicant shall present their discharge DD-214 Form or other proof of eligibility to the Membership Chairperson. The Membership Chairperson shall vet the applicant's credentials. Upon the approval, the Chairperson shall collect the annual dues from the applicant and forward the applicant's information to State and National American Legion. New Members shall present themselves for initiation at a General Meeting if practical.

Section 4.

A Member, whose dues for the current year have not been paid by January 1st of the next year, shall be classified as delinquent. Dues received before February 1st shall automatically reinstate the Member. A Member still delinquent after the Legion Birthday on March 15th, shall be suspended from all privileges of membership in the American Legion. A membership so forfeited may only be reinstated through application provided dues for the year of reinstatement have been paid.

Section 5.

The Membership Chairperson shall maintain a complete and accurate roster of each Post Member's name, address, phone and email address. The Chairperson shall prepare and forward all membership cards to the Members and to Department Headquarters.

All funds collected shall be deposited into the General Account of Post 129 by either the Membership Chairperson, the Finance Officer or Finance Officer Designee. Receipts of the deposits shall be recorded by the Post Bookkeeper. The Post shall then forward the proper per capita amount to Department Headquarters. The Membership Chairperson shall also record all Members who have paid on-line. The Finance Officer shall notify the Membership Chairperson of all monies received from National for Member's dues paid on-line.

The Membership Chairperson shall notify members, whose dues are in arrears, during the month of January by mail or email.

ARTICLE IV NOMINATING COMMITTEE

Section 1.

In December, the Commander shall appoint a Nominating Committee consisting of five (5) Members. The Committee shall accept and vet the nominations for all the elected offices. Once vetted, the Nominating Committee shall present the resultant list to the Membership at the General and Executive Committee Meetings in January, February and March. The list shall be posted in the lobby entrance, the Canteen and the Post Website. The list shall be updated by the Nominating Committee as changes occur.

Section 2.

Nominations shall be opened up by the Chairperson of the Nominating Committee at the General and Executive Committee Meetings in January, February and March. After that, nominations will be closed.

A nominated Member must be present to accept the nomination, before his or her name can be listed on the ballot. A nominated Member, who has accepted the nomination at an Executive Committee or General Meeting in January, February or March and who has been vetted by the Nominating Committee, DOES NOT need to be present on Election Night to be elected to the position for which the Member is running.

Section 3.

Qualifications for the officer of Commander shall be 2 years in office at Post 129 as a Vice Commander, Adjutant, Finance Officer or combination thereof and successful completion of the American Legion College Basic and Advanced Courses or Successful completion of the American Legion Extension Institute Basic 'on-line training course and Advanced course at Legion College.' These courses must be completed prior to taking office.

Qualifications for Vice Commander shall be 1 year in prior service in an elective office at Post 129 and having chaired a standing or special committee. Vice Commanders must have completed the American Legion Basic Course before taking office. All other elective or appointed offices may be filled by a Member with 2 years in good standing at Post 129.

ARTICLE V ELECTIONS

Section 1.

Post officers and the Board of Trustees shall be

elected by ballot with a plurality of the votes cast by Members present at the General Meeting held in April of each year. The polls shall be open between the hours of 7:30PM and 8:30PM.

Section 2.

Selections of Delegates and Alternate Delegates to the State Convention shall be selected at the General Meeting in April. The list of the Delegates and the Alternates shall be sent to the County American Legion as soon as it is available.

Section 3.

The Commander, prior to the election, shall appoint one Judge to supervise the election. He or she shall also select tellers to expedite tabulation of the ballots. The Judge shall report the results to the membership and the Adjutant at the April Meeting. The Adjutant shall record the election in the minutes and the official record.

Section 4.

When only one candidate is running for a position, the Adjutant shall cast one vote for the candidate upon a motion from the floor and approval of the Membership. If more than one candidate is running unopposed, the Adjutant shall cast 1 vote for all the unopposed candidates after a motion from the floor and approval from the Membership.

Balloting is only necessary when the number of candidates is greater than the number of positions available for that office. Names on the ballot shall be listed randomly, not alphabetically. Voting shall be by paper ballot prepared by the Election Judge. Proxy voting SHALL NOT be allowed.

ARTICLE VI ELECTIVE OFFICERS OF THE EXECUTIVE BOARD

The elective officers of Post 129 shall consist of the Commander, four Vice Commanders, the Finance Officer, the Chaplin, the Sergeant-at-Arms, and the Historian.

After being elected by the General membership, the newly elected Commander and all newly elected officers shall officially start their term at the first General Meeting in July.

ARTICLE VI-a ELECTION OF TRUSTEES

There will also be Five (5) Trustees and Two alternates as the Board of Trustees. Trustees are trusted members of the Post charged with reviewing, monitoring and reporting on financial budget issues. The Trustees will have Five votes in any E Board meetings.

ARTICLE VII The DUTIES OF THE ELECTED OFFICERS

Section 1. COMMANDER

THE COMMANDER shall be the Chief Executive Officer of the Post and shall have the duty to preside over all General, Executive Board and Special Meetings. By virtue of his elected office, the Commander has been granted by the General Membership, the responsibility and authority to operate and manage Post 129 under the Post's rules, regulations, policies, guidelines and these constitutional by-laws.

The Commander's responsibility is commensurate with his authority. The Commander may delegate his authority to subordinate officers and appointed chairpersons to assist him in performing his duties. The Commander shall designate Vice Commanders as #1, #2, #3 and #4. Although the Commander can delegate authority, he or she can NEVER delegate Commander responsibility, since responsibility lies solely with the Commander.

The Commander has the right and authority to appoint Chairpersons and Members to the Standing Committees with approval of the Membership. The Commander in conjunction with the Committee Chairpersons shall select Members to serve on their respective committees.

Chairpersons shall update the Commander with all things of importance concerning their Committees. The Commander may request and receive updates at his discretion.

Chairpersons shall orally present monthly reports at the General Membership and the Executive Committee Meetings. All reports at the General Meeting shall be submitted in writing. Financial reports at both the Executive Committee and General Meetings shall be presented in writing to the Adjutant.

At the July General Meeting, at the end of his term of office, the Commander shall submit a report outlining what has been done during his term and his hopes for the future. If the Commander has been reelected to office, this need not be done until he or she leaves office.

Section 2. VICE COMMANDERS

VICE COMMANDERS shall serve directly under supervision of the Commander. He or she shall be vested with the powers to assume the duties, responsibilities and authority when called on to do so by the Commander.

Section 3. The FINANCE OFFICER

The FINANCE OFFICER shall manage and administer all the finances of the Post. He or she

shall keep accurate written or electronic records which can be reviewed by any Officer or Member of the Post with advance notice. Records are not to be copied or removed from The Post without the consent of the Commander. The Finance Officer shall submit the Post Bank Statement, Post Balance Sheet and Post Income Statement to the Commander and the Adjutant for archiving in the minutes. The Finance Officer shall submit Budget Statement to the Trustee Chairman at each General Membership Meeting.

It shall be the duty of the Finance Officer to check all deposits, expenses and bank transfers made into all accounts of Post 129.

The Finance Officer shall oversee the Post Bookkeeper. The Post Bookkeeper shall, on a weekly basis, enter all deposits, bank transfers and expenses into "Quick Books" or the current Post accounting system on the Post computer. The Post Bookkeeper shall reconcile all bank accounts and credit cards by the end of the month. The Bookkeeper shall submit the reconciliation to the Finance Officer for review and approval.

With the approval of the Commander, the Finance Officer may form a Finance Committee consisting of Legionnaires of their choosing to assist the Finance Officer in performing his or her duties. The Finance Officer shall be the Chairperson of the Finance Committee.

The Finance Officer shall oversee the Budget Committee in preparing and completing a balanced budget for the Post's fiscal year from July 1 through June 30. He or she shall, also, oversee the Budget Committee in completing the six (6) month budget review in January, making sure the Post is meeting its financial goals.

The Finance Officer and the Commander shall be the signers on all bank accounts. They shall select two (2) other executive committee members to also be signers on specific accounts. The Bookkeeper shall NOT be a signer on any Post 129 bank account. All newly authorized signers shall update their signatures by the June Executive Committee Meeting or sooner if required.

The Finance Officer shall make sure all financial records are sent to the Post Accountant so that the Post's tax returns can be filed in a timely fashion. The Finance Officer or his designee shall be present at all negotiations and meetings that involve all contracts, agreements and financial business regarding revenue, expenses, potential revenue and/or potential expense of Post 129.

The Finance Officer shall be responsible for the security of the Post finances and accounts. It is the duty of the Financer Officer to ensure that passwords and other security measures are changed quarterly and that no person or persons, besides the Commander, Finance Officer and the Finance Officer designee have access to passwords and other sensitive information.

Officers with Post Credit Cards will be at the behest of the Commander. A maximum of three (3) credit cards shall be in the field at any one time. Officers receiving the cards shall be required to sign an affidavit of receiving the credit cards and shall be required to submit all credit card receipts for the month for proper reconciliation by the Finance Officer.

Section 4. The HISTORIAN

THE HISTORIAN shall obtain and prepare an accurate pictorial of all of the Post and Membership activities during his or her term of office. The history shall become a permanent part of the Post's record, with the approval of the Membership. The Historian shall be responsible for all Post video, audio, website and internet equipment pertaining to the history of the Post.

Section 5. THE CHAPLAIN

THE CHAPLAIN shall be responsible for the spiritual leadership of the Post. He or she shall offer invocations and/or benedictions at meetings as well as the memorial prayer at Post Everlasting services. The CHAPLAIN shall take part in the initiation of New Members, the dedication of Halls, monuments, colors and the funeral services of a comrade as required in the American Legion ritual.

By being present at Legion Events, the CHAPLAIN sends a message that each activity or event is significant, whether or not he or she has a particular role to play.

The CHAPLAIN shall promote and participate in Four Chaplains Sunday, Memorial Day and Veterans' Day services. He or she shall also Promote and participate in Independence Day events, installations, initiations, rituals, along with funerals and memorials when requested.

The CHAPLAIN shall provide spiritual leadership through the Legion's "Service to God and Country" program. He or she shall communicate with Post Officers, Members and community organizations.

The CHAPLAIN shall visit the Ill, bereaved, shut-ins, disabled and prospective Members. He or she shall send cards and make telephone calls as needed.

The CHAPLAIN shall record in writing his or her participation in all Chaplain activities on a monthly basis. He or she shall give an annual written report outlining the year's achievements at the end of the year.

The CHAPLAIN shall organize and promote a Religious Emphasis Week sometime during the year.

Section 6. THE SERGEANT-AT-ARMS

The SERGEANT-AT-ARMS shall take charge of the door and verify the credentials or eligibility of those arriving. He or she shall deny entry to all unauthorized persons. The SERGEANT-AT ARMS shall take charge of the Post Colors and the physical arrangements in the Hall prior to meetings and ceremonies. He or she shall learn the identities of all visitors and guests and shall introduce them to the Commander. The SERGEANT-AT-ARMS shall preserve order as directed by the Commander.

Section 7. TRUSTEES

The Board of Trustees shall elect a Chairperson and an assistant Chairperson from the newly elected Board of Trustees. This election shall occur at the First Trustee Meeting after the new Trustees have been installed.

The Assistant Chairperson shall perform all the duties of the Chairperson, if the Chairperson is not available.

The Board of Trustees shall meet monthly to review Post and Committee expenditures and records, and report to the Executive Committee any relevant information as soon possible. A quorum of at least 3 Trustees is required to conduct an official Trustee Meeting. Attendance and minutes shall be taken at all Trustee Meetings and submitted to the Adjutant. A Meeting Agenda shall be provided by the Trustee Chairperson or the Vice Chairperson in the week before the Trustee Board meeting

Upon receiving the proposed budget from the Budget Committee, the Board of Trustees shall review it and suggest changes they deem necessary. The Board shall then submit it to the Executive Committee for their review and approval.

The Trustee Chairperson shall receive the monthly budget report from the Finance Officer at the General Membership Meeting. The Finance Officer shall make available any additional information as requested by the Trustee Board.

The Board of Trustees shall inventory all Post property and equipment on a yearly basis. The Inventory Report shall be retained by the Trustee Chairperson and a copy shall be submitted to the

Adjutant for the Post Record and review by the Membership.

The Board of Trustees shall monitor all budgeted expenditures based on the current year's budget. The Trustee Chairperson shall notify the Executive Committee and the appropriate Standing Committee Chairperson if he or she will require an emergency addition to their capital or operating budgets. The Board shall review and monitor all bids, maintenance agreements and appropriations, as appropriate. The Board shall report any financial inconsistencies to the Commander and the Executive Committee.

ARTICLE VIII APPOINTED OFFICERS

The appointed Officers of the Post shall consist of the Adjutant, Service Officer and Judge Advocate. They shall be appointed annually by the Commander with the approval of the Executive Committee.

ARTICLE IX DUTIES of APPOINTED OFFICERS

Section 1. ADJUTANT

The ADJUTANT is the recording officer of the Post. The Adjutant is the custodian of the Post's books and record. He or she shall keep an accurate record (minutes) of all meetings and proceedings. Minutes of meetings shall be read at the next meeting. After potential changes, the minutes shall be subject to approval by the Executive Committee and/or Membership. The ADJUTANT shall make all minutes available upon request by a Member. He or she shall take charge of the Post's Official Seal and affix documents as required.

In absence of the Judge Advocate, the ADJUTANT shall act as the parliamentarian and advise the Commander in matters of parliamentary procedure. He or she shall take charge of all incoming and out-going Post correspondence.

Section 2. SERVICE OFFICER

The SERVICE OFFICER shall act as a liaison between veterans, their dependents and the Veterans' Affairs Department. He or she shall assist veterans and/or their dependents in presenting their cases to the Department of New Jersey Officer if necessary. The SERVICE OFFICER shall present an annual report to the Membership which shall include a record of all cases and their dispositions.

Section 3. JUDGE ADVOCATE

THE JUDGE ADVOCATE is the advisor to the Commander and the Executive Board in matters concerning the regulations and laws related to the internal affairs of the Post and the American Legion.

Upon request, He or She shall render opinions of a legal nature concerning matters affecting the Post, its officers and the Membership. The JUDGE ADVOCATE shall act as liaison between the Post and legal counsel. He or She shall act as the parliamentarian and shall advise the Commander and Members concerning matters of parliamentary procedure. The Judge Advocate's decision may be overturned by a simple majority vote.

ARTICLE X VACANCIES

Section 1.

If one or more of the "elective" offices of the Post become vacant, the Membership shall nominate and elect a successor or successors who shall fill the vacancy for the expired term. If one or more "appointed" offices become vacant, the Commander shall appoint a successor or successors to these positions with the approval of the Executive Committee.

ARTICLE XI ABSENTEEISM

Section 1.

Any elected or appointed officer or appointed Chairperson absent for three consecutive meetings without the approval of the Commander shall be relieved of his or her position and duties. A successor shall be elected or appointed under Article X—Vacancies. Past Commanders can remain on the Executive Board as Executive Board Members only as long as they are Members in good standing.

ARTICLE XII MEETINGS

Section 1. GENERAL MEMBERSHIP MEETINGS

The General Membership of the Post shall be held on the first Monday of the month. The Meeting shall be called to order at 7PM. Twenty-One (21) Members shall constitute a quorum. If a quorum is not obtained by 7:15PM, the Commander shall cancel the meeting. The Commander may extend the quorum time if the Members present agree to extend it. Meetings that fall on national holidays shall be scheduled for the following day.

The Commander may cancel and reschedule a meeting due to bad weather, an emergency or a conflict of the Post's interest. There shall be no General Membership or Executive Board Meetings during Convention week.

Section 2. EXECUTIVE COMMITTEE MEETINGS

The Executive Committee meeting shall be held on the third (3rd) Monday of the month. The Meeting shall be called to order at 7PM. Nine (9) Members of the Executive Committee shall constitute a quorum.

If a quorum is not obtained by 7:15PM, the meeting shall be canceled by the Commander. The Commander may extend the quorum time if the Members present agree to extend it. Meetings that fall on a national holiday shall be scheduled for the following day.

Section 3. BOARD OF TRUSTEE MEETINGS
Board of Trustee Meetings shall be held at 6PM, 1 hour prior to the Executive Committee Meeting held on the 3rd Monday of the Month. Five (3) Trustees shall constitute a quorum. If a quorum is not obtained, the Trustee Chairman shall cancel the meeting. No Trustee Meetings shall be held on a National Holiday or during Convention Week.

Section 4. SPECIAL MEETINGS
A Special Meeting of the Post may be called by the Commander or by a majority of the elected and appointed Members of the Executive Committee. Existence of a proper quorum shall be established by the Commander at the start of the meeting, which shall be reflected in the minutes. A quorum shall consist of Nine (9) Executive Committee Members.

Section 5. MEETING PROCEDURES
All Official General, Executive, Trustee and Special Meetings of the Post shall be conducted using Parliamentary Procedure and "Robert's Rules of Order Newly Revised" as their guide.

ARTICLE XIII ORDER OF BUSINESS

Section 1.

The order of business at General Membership and Executive Committee Meetings shall be as follows:

- A. Opening Ceremonies
- B. Introduction of guests and prospective Members.
- C. Roll Call
- D. Reading of the minutes and correspondence
- E. Reports of Officers and committees
- F. Unfinished business
- G. New business
- H. Sick call and relief
- I. Good of the American Legion
- J. Closing ceremonies
- K. Adjournment

ARTICLE XIV EXECUTIVE COMMITTEE

Section 1. MEMBERS

The Executive Committee shall consist of the Commander, all vice Commanders, the Finance Officer, the Historian, the Chaplain, the Adjutant, the Service Officer, the Judge Advocate and all Past Commanders in good standing and the Trustees.

Section 2. DUTIES

The Executive Committee shall oversee all non-budgeted revenues and expenditures. They shall be responsible for managing the affairs of the Post, with the exception of the daily duties and affairs being managed by the Commander and/or Committee Chairpersons. The Executive Committee shall be responsible for retaining legal counsel regarding legal matters of the Post.

The Commander shall present all Executive Committee decisions, findings and recommendations from the Executive Committee meeting to the General Membership and the next General Meeting.

The Executive Committee may approve emergency purchases, repairs or maintenance to the Post without the approval of the General Membership. Such purchase, repair or maintenance shall be reported by the Commander at the next General Membership Meeting stating the reason for the purchase, repair or maintenance.

The Executive Committee may authorize the sale or lease of any Post property or equipment worth over \$1,000.00. The Executive Committee shall advise General Membership of the action taken at the next General Meeting.

The Executive Committee may dispose of any asset of the Post that is valued under \$1,000.00 with a majority vote of the Executive Committee. The Commander shall notify the General Membership at the next General Meeting.

All motions made at the General Meeting involving non-budgeted items that cost more than \$500.00 shall be automatically tabled and referred to the Trustees and the Executive Committee for consideration. The Executive Committee and the Board of Trustees shall consult the Post Budget before approving or denying any requests.

Section 3. MEETINGS

Executive Committee meetings are open to the General Membership: however, those Members shall not have the privilege of a vote. Any Member may speak and bring before the Executive Committee any grievance, complaint, nomination or suggestion.

Section 4. EXECUTIVE SESSION

Any Executive Committee Member may request that the Committee go into Executive Session via a motion, a second and a discussion on the motion. An Executive Session is called to deal with a matter that is "sensitive" in nature.

While the Committee is in Executive Session, all non-elected and non-appointed Members of the Executive Committee must excuse themselves from the Executive Committee Meeting and leave the Meeting. Once the Executive Session is over all General Members shall be allowed back in the Meeting. Minutes shall be taken of the Session. These minutes shall NOT be read at the next Executive Committee Meeting. Topics discussed during the Executive Session are of a private Post matter and shall not be discussed outside of the session.

ARTICLE XV COMMITTEES

Section 1. STANDING COMMITTEES

Upon taking office, the Commander shall appoint Chairpersons to the following Standing Committees:

1. Americanism/Oratorical/Scouts
2. Bingo
3. Blood Drive
4. Boys' State
5. Budget
6. Canteen
7. Children & Youth
8. Color Guard & Rifle Squad
9. Coloring Contest
10. Constitution & Bylaws
11. Construction
12. Convention
13. Election (Nominating)
14. Emblem & Flags
15. Event Committee (Planning)
16. Finance
17. House/Maintenance
18. Kitchen
19. Legalized Games of Chance
20. Membership
21. Memorial Day Parade
22. Public Relations
23. Ritual
24. SAL
25. Service Officer
26. SOUNDOFF
27. Standing Rules Committee
28. Strategic Plan

Section 2. SPECIAL COMMITTEES

The Commander shall have the authority to appoint any special committees he or she may deem necessary to assist the Post in achieving its goals and advance its policies.

Section 3. COMMITTEE CHAIRPERSON EXPENDITURES

Upon receiving approval from the Commander, a Committee Chairperson may voucher out of pocket

expenses not to exceed \$500.00. When Possible, the chairperson should use the Post Credit Card, which eliminates the exchange of cash. Receipts are required for all "out-of-pocket and credit card expenditures. Receipts shall be submitted to the Commander or the Finance Officer. They in turn shall present the receipts to the Post bookkeeper, who shall record them in the accounting system under the appropriate budgeted line item. The Finance Officer shall be notified of all out-of-pocket expenses.

ARTICLE XVI SUBORDINATE ORGANIZATIONS

Section 1. LEGION AUXILIARY

A Legion Auxiliary shall be recognized by the Post and shall be known as "The Legion Auxiliary, Post 129. It shall be the purpose of the Legion Auxiliary to aid and assist American Legion Post 129 in furthering the causes and principles of the American Legion in accordance with the Preamble of the Legion Auxiliary.

Section 2.

SONS OF THE AMERICAN LEGION (SAL)

A Sons of the American Legion Squadron shall be recognized by the Post and shall be known "Sons of the American Legion, Squadron 129 (SAL). It shall be the purpose of the SAL to aid and assist American Legion Post 129 in furthering the causes and principles of the American Legion in accordance with the Preamble of the SAL.

Section 3. LEGION RIDERS

An American Legion Riders Chapter shall be recognized by the Post and shall be known as "American Legion Riders Chapter 129. It shall be the purpose of American Legion Riders to aid and assist American Legion Post 129 in accordance with the Preamble of the Chapter.

To be a Rider Member, the person must be a Legionnaire, Auxiliary or SAL Member in good standing.

Section 4. PAST COMMANDERS' ASSOCIATION

The Past Commanders' Association shall be recognized by the Post and shall be known as the Past Commanders' Association. The Association shall assist in furthering the causes and principles of Post 129. Upon request, the Association shall aid the Post in the administration of Post business.

ARTICLE XVII CANTEN COMMITTEE

Section 1.

The Commander shall appoint a Canteen Chairperson for a one (1) year term which shall coincide with the Commander's term of office. The Commander and the Canteen Chairperson shall appoint a committee of up to, but not to exceed 6 Members.

Section 2.

The Canteen Committee shall be responsible for the daily operation and fiscal management of all Canteen activities. The Bar Committee shall also be responsible for establishing, regulating and enforcing all Canteen policies, duties, rules and regulations. The Canteen Committee shall administer all discipline of an immediate and emergent nature regarding Canteen staff, Members and guests. All disciplinary action taken by the Canteen Chairperson shall be reported to the Commander and the Executive Committee for final action and possible further disciplinary action.

Section 3.

The Canteen Committee shall be responsible for interviewing and hiring experienced bartenders, who shall be certified by a qualified certification organization. Bartender applicants who are Legionnaires, Auxiliary Members or Sons of the American Legion shall be given preference in the hiring process. Bartenders shall be considered as part time employees of the Post and shall be compensated as such, according to the payroll schedules established by State and Federal guidelines. Bartenders shall be responsible for filling out their weekly time sheets, which the Canteen Committee shall submit to the bookkeeper or Finance Officer. Bartenders shall be paid through the Post's payroll company. It is the bartender's responsibility to report all gratuities when filing their income tax returns.

The Canteen Committee shall present and review with all the bartenders, the Rules and Regulations of the Canteen. The bartenders shall acknowledge that they understand and will abide by the Rules and Regulations. Bartenders shall sign one (1) copy and retain one (1) copy for their records. The Canteen Committee shall file the signed copy in the bartender's personnel file in the Canteen office. The Canteen Chairperson may call bartender meetings at his or her discretion to update, relay and discuss important issues and rule changes.

Section 4.

The Canteen Chairperson, Canteen Committee Members and Post Bartenders shall abide by the regulations set forth by the State and Municipal Alcoholic Beverage Control (ABC) Commissions regarding the operation of all bars under Post 129's Club License. The Canteen Chairperson shall insure that the Post's Club License is renewed through the Post Adjutant. The Canteen Committee shall keep on file and post all the proper licensing and documentation required by the ABC. The Canteen Committee shall also keep on file and post an up-to-date copy of the New Jersey Control E-141-A Employee Form.

Section 5.

The Canteen Chairperson/Committee shall setup and maintain its own checking account and take charge of its own financial transactions. All checks issued by the Canteen Committee shall have two (2) authorized signatures. The Canteen Chairperson, Commander, a Canteen Committee person and the Finance Officer shall be the signers on the account. Beer, Liquor and Soda Expenses shall be paid on or before the 15th of the month and on or before the last day of the month.

Section 6.

The Canteen Chairperson or his designee shall submit a financial report of the past month's activities at the General Membership Meeting. A list of upcoming events and any changes in Canteen operations shall also be reported to the Membership. At the conclusion of the report, the Canteen Chairperson shall present a check or bank transfer to Post. The check or bank transfer shall be in the amount of the budgeted monthly amount established by the Budget and Canteen Committee for the fiscal year. The check or bank transfer amount may exceed the budgeted amount. If the check or bank transfer will be less than the budgeted amount, the Canteen Chairperson shall notify the Commander and the Finance Officer one (1) week prior to the General Meeting.

ARTICLE XVIII LEGALIZED GAMES OF CHANCE COMMITTEE

The Commander shall appoint a chairperson to operate and oversee all Legalized Games of Chance. These shall include, but are NOT limited to, Pull Tabs, Bingo, Event Games and Raffles.

The Legalized Games of Chance (LCG) Chairperson shall be responsible for keeping the records involving all legalized games of chance.

The Chairperson shall make certain that the Post is abiding by the rules and regulations set forth by the New Jersey State Legalized Games of Chance Control Commission.

Post 129 shall establish and maintain a separate "gaming" bank account as required by law. The LGC Chairperson shall deposit and record all legalized games of chance revenue into the Post 129 LGC bank account.

The LGC Chairperson shall be responsible for sending all gaming reports to the State Legalized Games of Chance Control Commission, on a monthly basis, as required by law.

The LGC Chairperson may pay Post expenses that meet the guidelines under the Legalized Games of Chance Control Commission ("Bingo Law") via the Post Bookkeeper. Such expenses must have been authorized by the Commander or the Finance Officer. In all cases the Finance Officer needs to be notified of such expenses.

At the monthly General Membership Meeting, the LGC Chairperson or his designee shall give an oral and written report of all gaming activity for the month, with the possible exception of Bingo. The LGC Chairperson may authorize the Bingo Chairperson to give the Bingo gaming activity report for the month during the Bingo report presentation at the General Membership Meeting.

ARTICLE XIX BUDGET COMMITTEE

THE BUDGET COMMITTEE CHAIRPERSON: The Commander, with the help of the Finance Officer shall appoint a Budget Chairperson to head the Budget Committee.

The Commander, Finance Officer and Budget Chairperson shall select up to 5 (five) Members to serve on the Committee. It is preferable, but not necessary, that the selected Budget Committee Members are familiar with balance sheets and profit & loss statements, along with the revenues and expenses of the Post.

The Budget Committee shall prepare a balanced based Budget for the upcoming fiscal year from July 1 to June 30. The budget shall be a "guide" for the Post to aid the Post in making sound and realistic financial decisions. The Post Budget shall NOT be a hard budget, where all monies must be spent. Unused monies may be carried into the next fiscal year for capital improvements or large expenses with the approval of the Executive Committee.

Once written, the Budget shall be presented to the Trustees, then to the Executive Committee and then to the General Membership for approval. The Commander, at the request of the Budget Chairperson, may call for a Special Executive Committee Meeting to review the Budget before it is presented to the General Membership.

The Budget Committee shall conduct a six (6) month review of the Budget in January and report their findings to the Trustees and then to the Executive Committee. The purpose of the budget review is to make sure financial expenditures and revenues are in line with budget expectations. If major changes need to be made, the Budget Committee shall present the changes and recommendations to the Trustees, then, at Executive Committee and General Membership Meetings.

ARTICLE XX HONORARY LIFE MEMBERSHIP (HLM)

Section 1. AWARD GROUP

All Honorary Life Member Awardees of Post 129 shall make up the Group charged with the duty of selecting one HLM per year. The most recently selected HLM shall chair the Honorary Life Member meetings.

Section 2. ELIGIBILITY

To be eligible for nomination for Honorary Life Membership, the Nominee must have been a Member for at least ten (10) consecutive years in Post 129. The Nominee must have been active for at least eight (8) of those years. The Award Group should take into consideration Offices and Committees in which the Nominee has participated. The qualifications of all candidates shall be vetted by the Award Group and a selection shall be made. The decision of the Award Group is final.

Section 3. HONORARY LIFE MEMBER INDUCTION

There shall be one (1) Honorary Life Member selected annually. The Induction shall take place either on the American Legion Birthday or at the Installation of Officers' ceremony.

ARTICLE XXI DISCIPLINE & GRIEVANCES

Section 1. DISCIPLINE

Post 129 shall be the judge of all disciplinary matters involving its Members. Disciplinary procedures shall be strictly adhered to as outlined in "Article IV" of the By-Laws of the Department on New Jersey.

Section 2. GRIEVANCES

Any Member with a grievance concerning a Member, Members or the Post, shall present their grievance to the Commander and the Executive Committee for action.

Section 3. NON-LEGIONAIRE DISCIPLINE

In the event that a non-legionnaire of Post 129 or any other Post violates any of Post 129's behavioral guidelines, Post 129 can have the individual escorted from the Post Property. This expulsion can be for a specific period of time or permanent which shall be determined by the Executive Committee.

Issues that involve a Member of a Post 129 subordinate group or a group from another Post shall be directed to the leadership of that Group for determination. Post 129 shall be notified of the outcome of the subordinate group's proceedings. Post 129 reserves the right to modify the subordinate's groups actions if it deems necessary.

Bad Behavioral Actions shall include, but not limited to Dishonesty, Disloyalty, Neglect of Duty and Behavior unbecoming the Post. It shall be the duty of the Adjutant to notify the Leader of involved Group of all disciplinary matters.

Section 4. PROGRESSIVE DISCIPLINE

ORDINARY BAD BEHAVIOR: Ordinary Bad Behavior shall include, but not be limited to Dishonesty, Disloyalty, Disrespecting Staff, Neglect of Duty and Behavior unbecoming the Post.

A Member's first (1st) offense of ordinary bad behavior shall be a thirty (30) day suspension of Post privileges.

A Member's second (2nd) offense of ordinary bad behavior shall be a sixty (60) day suspension of Post privileges.

A Member's third (3rd) offense of ordinary bad behavior shall be a ninety (90) day suspension or expulsion from the Post.

SEVERE BAD BEHAVIOR: Severe Bad Behavior shall include, but not be limited to Acts of Violence, Destruction of Property, Theft, Threats against Staff, Threats against other Members or Guests of the Post and Crimes against the Post.

The Executive Committee shall determine the amount of discipline appropriate based on the severity of the incident. This shall range from a sixty (60) day or greater suspension or expulsion from the Post.

ARTICLE XXII AMENDMENTS

All proposed amendments must first be presented in writing to the Executive Committee. If the Commander deems it necessary, he or she may activate the By-Laws Committee to review the amendment to make sure it is written and worded properly. The Executive Committee shall discuss the amendments and make its recommendation for approval and disapproval to the General Membership.

The Executive Committee shall notify the General Membership via the SOUND OFF of the amendment change. The change or changes shall be posted in the Canteen for a period of one (1) month for the Membership to review. After the one (1) month review period has been completed with no additional amendments, the amendment or amendments shall be voted on at the next General Meeting.

A two thirds (2/3) majority of the Members present at the General Meeting is required to pass the change or changes. All amendments shall be voted on individually.

ARTICLE XXIII PARLIMENTARY AUTHORITY

The rules contained in the current edition of "Roberts Rules of Order Newly Revised" shall govern Post 129 in all meetings and cases to which they are applicable as long as they are not inconsistent with these by-laws and any special rules of order that Post 129 may have adopted.

Constitution and By-Laws, Committee Report

In August of 2021, Commander Pete Chafatelli commissioned a committee to refresh, and update the Post 129 Constitution and By-Laws. The Committee consisted of 6 members, with experience that cross sectioned Legion and Life's knowledge. Over the next approx. 7 months, meeting twice a month, the Committee went over the previous By-Laws from front to back cover. We invited SME's (subject matter experts), and incorporated the existing CB&L from both the Ocean County, as well as the Dept. of New Jersey American Legion By- Laws. As the Dept. follows much of what the National Organization has in place, so does our direction, in many cases.

We have come up with a product that we feel serves our Post membership well, and brings Post 129 more in line with the 21st Century. As we move forward with our inspection of these "proposed" changes we want all to know that it was our endeavor to update, as well as "clarify" our By-Laws, so that all can understand and comprehend what is being read or said.

Our average meeting lasted no less than 2+ hours each meeting, so if we talk about time invested, I'm comfortable with stating that we've invested 14 hours in actual meeting time. This does not include the research communications required to get the most out of those hours. Adding another 6 hours in preparation, and putting it all together, we've spent over 20 hours on this project.

For the purpose of reporting, we'll report 6 Legion members, times 20 hours, over a 7week period, to produce 120 hours invested in this presentation. I want to thank the following dedicated members:

Robert Scheiderman - PC
Darlene Scheiderman - PC
Eric Inauen - Stenographer
Arnie Boyle - V Commander
John Byrne - Trustee
Pete Chafatelli - Commander
(for participation)

Respectfully Submitted- David E. Corbin Committee
Chairman, Judge Advocate/ PC



***Updated Constitution and By-Laws voted on
and approved in our October 3rd, 2022 General
Membership meeting. Updated By-Laws will
take effect on July 1st, 2023.***