

CONSTITUTION of
Fuguay-Varina Post No. 116, Inc.
The American Legion Department of North Carolina

ARTICLE I
Name

Section 1. The name of this organization shall be Fuguay-Varina Post No. 116, The American Legion, Department' of North Carolina.

ARTICLE II
Nature

Section 1. This organization hereby affiliates itself with The American Legion, Department of North Carolina and with The American Legion National, and is subject to the constitution and by-laws of these organizations insofar as they affect and prescribe the functions of this post.

Section 2. The post is a civilian organization and membership therein does not affect or increase liability for military or police service. Rank does not exist in The American Legion or in this post no member shall be addressed by military or naval title in any meeting of this post.

Section. 3. This post of The American Legion, Department of North Carolina, shall be absolutely non-political and shall not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office or preferment.

Section. 4. Each member shall perform his/her full duty as a citizen of the United States of America according to his/her conscience and understanding.

ARTICLE III
Eligibility for Membership

Section 1. Any person shall be eligible for membership in this post of The American Legion who was regularly enlisted, drafted, inducted, or commissioned and who was accepted for and assigned to active duty for more than ninety (90) days in the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States of America at some time during the periods between April 6, 1917 and November 11, 1918; between December 7, 1941 and December 31, 1946; between June 25, 1950 and January 31, 1955; between December 22, 1961 and May 7, 1975; between August 24, 1982 and July 31, 1984; between December 20, 1989 and January 31, 1990; between August 2, 1990 and cessation of hostilities as determined by U. S. Government; all dates inclusive; or who being a citizen of the United States of America" at the' time of entry therein, served in the military or naval services of any of the governments associated with the United States during, the said wars or hostilities; provided, however, that such person shall have an honorable, discharge or separation form such service or continues to serve honorable after any of the aforesaid terminal dates. Provided further, that no person shall be entitled to membership who, being in service during either of the aforesaid periods, refused on conscientious, political, or other grounds, to subject himself/herself to military discipline or unqualified service.

Section 2. There shall be no form or class of membership therein, except as noted in Article IV Section 3, with dues to be paid annually or for life.

Section 3. No person may be a member, at anyone time, of more than one post.

Section 4. No person who has been expelled by a post, shall be admitted to membership in this post, without the consent of the expelled post, except that where such consent was requested and denied by such post, he/she may appeal to the Executive Committee of the Department of this expelling post for permission to be admitted to the membership of this post, and shall be ineligible for membership until such permission is granted.

Section 5. This post of The American Legion shall have authority to select its membership.

ARTICLE IV Meetings and Dues

Section 1. The number of meetings, time, and place of the post meetings is to be determined by the Executive Committee of the Post.

Section 2. Membership dues in this post shall be payable annually in advance by October 20, for the succeeding calendar year, or other date specified by the post. The amount of the annual dues shall be determined by the Executive Committee of the post subject to the approval of the membership at a regular meeting.

Section 3. If dues are not paid in advance by January 1 of each calendar year, the member continues to be a member in good standing until February 1, and thereafter, for two months (February and March) the member is classified as delinquent; and is not eligible to vote on any question or business concerning the organization until his/her dues are paid. If dues are not paid by April 1, members are suspended, but continue to be a member with no privileges, except that of reinstatement which continues for a period of nine (9) months or until December 31, at which time the member is dropped from the roster.

ARTICLE V Election of Officers and Executive Committee

Section 1. The post at a regular meeting shall elect a Commander, two (2) Vice-Commanders (1st, 2nd), Adjutant, Finance Officer, Chaplain and two (2) Sgt-At-Arms. Other officers of the post shall be elected or appointed by the Commander.

Section 2. Post officers shall be elected not less than twenty (20) days nor more than sixty (60) days prior to the Department Convention.

Section 3. Post officers shall be installed on a date fixed by the incoming Post Commander within thirty (30) days after the adjournment of the Department Convention. They shall serve until their successors are elected and installed.

ARTICLE VI
Fiscal Policy

Section 1. The period January 1 through December 31, inclusive each year, shall constitute the fiscal year of the Post.

Section 2. All persons having direct control of post funds and assets shall be adequately bonded.

Section 3. The financial structure organization shall include:

- a. The General Fund maintained by the Finance officer;
- b. The Community Entertainment Account maintained by the Bingo Committee Chairman;
- c. Youth Programs and Americanism Account maintained by the Baseball Committee Chairman;
- d. Recreational Room Account maintained by The House Committee Chairman;
- e. Sons of The American Legion Account maintained by the Sons Treasurer;
- f. Ladies Auxiliary Account maintained by the Ladies Auxiliary Treasurer.

Other organizations sponsored or supported by this post may maintain their own accounts as needed, but such accounts are not a part of Post Financial Structure.

Section 4. All income will be deposited in the appropriate account. There will be no hidden or "slush" funds.

Section 5. Account managers will maintain funds in their account only as needed for their operational and budget requirements. Income above this level will be transferred to the account designated in the budget or, if no account is designated in the budget, to the General Fund post Improvement Account. Account managers are responsible for paying routine bills approved in the budget without additional approval except that single expenditures of over \$500 and un-programmed requirements for expenditure must be approved by the Executive Board. Excluded from the \$500 limit are inventory replacements of food and beverages and food, beverages, and supplies for approved functions.

Section 6. A Monthly Report Form will be completed by each account manager and presented to the Finance Officer at the Executive Board Regular Meeting. These will be read to the Executive Board and will be read at the next Regular Post Membership Meeting.

Section 7. -Account managers will maintain a cash receipt book in duplicate for all funds received, record expenditures by receipt or canceled check, and maintain a General Ledger.

Section 8. The Finance Officer shall prepare or have an accountant prepare an annual financial statement reflecting the financial condition of the post; this report is to be presented to the Executive Board at the January meeting and to the membership at the regular February meeting each year.

Section 9. A Commander's Discretionary Fund of \$500 will be maintained within the General Fund. The Commander can approve expenditures for un-programmed items up to a cost of \$100 from this account.

Section 10. Annual budget requests shall be provided through major account custodians to the Finance Officer by September 1 each year. The Finance Committee will review these requests with due consideration of projected income and recommend an annual budget to the Executive Board at the October Meeting for approval. The approved budget will be presented to the post membership at the Post Regular November Meeting.

Section 11. The Finance Committee may approve moving approved budget funds from one budget line or account to another as reprogramming actions.

Section 12. The Post Audit Committee will have an audit conducted at the end of each fiscal year and present the audit report to the Executive Board at their February meeting and to the post at the regular March meeting.

Section 13. Even though approved in the budget, the purchase of items or service for which no funds are present in the responsible account is prohibited.

ARTICLE VII Amendments

Section 1. This constitution may be amended at any regular post meeting by a vote of two-thirds (2/3) of the members present at such regular meeting voting in favor of the amendment, provided that, the proposed amendment shall have been submitted and read at the regular monthly meeting prior to this meeting. Further, it may be amended at a regular post meeting by unanimous vote without prior notice having been given.

BY-LAWS of
Fuquay-Varina Post No. 116, Inc.,
The American Legion
Department of North Carolina

ARTICLE I
Management

Section 1. The executive government and management of this post shall be vested in an Executive Committee consisting of all individuals holding elected offices but not less than eleven (11) members, which shall include the Commander, 1st Vice Commander, 2nd Vice Commander, Adjutant, Finance Officer, Chief Sgt-at-arms, Sgt-at-arms, and four (4) members at large. The immediate Past Commander shall be one of the four (4) members at large appointed for a term not to exceed one year. Appointed officers (non-elected positions) are not considered members of the Executive Committee.

Section 2. A quorum of the Executive Committee shall consist of six (6) members. The committee must be notified of all meetings (regular and special) and a quorum for all special meetings shall consist of six (6) members.

Section 3. A vacancy of the Executive Committee, or any office of this post, shall be filled by a majority vote of the Executive Committee for the unexpired term of the member or officer, except in case of the Commander, in which case the 1st Vice Commander shall automatically become the Commander and the 2nd Vice Commander shall move up to the 1st Vice Commander's office.

Section 4. The Executive Committee shall make recommendations concerning policies, programs, and finance of the post and property, subject to the approval of the members present at a regular meeting.

Section 5. The post Executive Committee shall meet at the call of the Commander for such business as may come before it, or for special purposes. The Commander shall call an Executive Committee meeting upon the request of three (3) or more members of the Executive Committee. A quorum for all meetings shall be six (6) members.

Section 6. The post Executive Committee shall hire such employees as may be necessary; approve the post budget; authorize and approve all expenditures in excess of \$500.00; require adequate bonds for all persons having direct custody of post funds and assets; and generally shall have charge of and be responsible for the management of the affairs of this post.

ARTICLE II
Duties of Officers and Committee Chairmen

Section 1. 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 shall be the chief executive officer of the post. He shall make an annual report covering the business of the post for the year and make recommendations for the ensuing year.

Section 2. VICE COMMANDERS. The Vice Commanders shall assume and discharge the duties of the office of Commander when called upon by the Commander or in the absence of the Commander. The Vice Commanders shall assume the duties in the order of their number (i.e.: 1st, 2nd).

Section 3. ADJUTANT. The Post 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, assume the duties of membership chairman, render membership reports annually or when called upon at a meeting under direction of the Commander or upon a vote of the post, render additional reports to the Department as directed, file all tax reports and other reports required by local, state, and federal laws and regulations.

Section 4. FINANCE OFFICER. The Finance Officer shall have overall charge of financial matters; maintain the General Fund; supervise the activities of major account custodians and insure that all funds are deposited in some local bank or other type of financial institution as directed by the post. He/she will provide major accounts status monthly and present a financial statement to the Executive Board in January and to the Regular Membership Meeting in February of each year. The Finance Officer will serve as consultant and advisor to the Finance Committee and the Post Audit Committee. He/she shall make recommendations related to finances of the post; sign checks for the General Fund, coordinate disbursements by other account holders; insure that a surety bond is effect.

Section 5. CHAPLAIN. The Post Chaplain shall be charged with the spiritual welfare of the post members and will offer Divine but nonsectarian services when called upon by the Commander or the post. He shall adhere to the ceremonial rituals as recommended by the Department or National Headquarters.

Section 6. SGT-AT-ARMS. The post Sgt-at-Arms shall preserve order at all meetings and functions of the post and shall perform other duties as may be assigned by the Post Commander or the Executive Committee.

Section. OTHER OFFICERS. All other officers either elective or appointed, shall be directed in their duties by the Executive Committee or serve under the direction of the Commander. No appointed officer shall have authority to disburse funds of the post without the specific approval of the Executive Committee.

ARTICLE III Appointments

Section 1. The Post Commander, upon taking office each year shall appoint committees deemed necessary to carry out the programs of the post, or those authorized by the post at a regular meeting of this post. As a minimum, the Commander must appoint the following committees:

Section 2. COMMUNITY ENTERTAINMENT COMMITTEE. The Community Entertainment Committee shall be responsible for the operations of Bingo at the post home. It shall maintain such records as is required by all local laws. The Chairman of the Community Entertainment Committee shall maintain Community Entertainment Account and manage funds, programming and budget actions for bingo, house and grounds activities.

Section 3. YOUTH PROGRAMS AND AMERICANISM COMMITTEE. The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arranging for proper observance of patriotic occasions, encouragement of patriotic and civic instruction in schools, combating anti-American propaganda by education of the general public, and activities for the community and civic betterment. The Chairman of the Americanism Committee will maintain the Americanism Account and coordinate budget actions related to baseball, boys state, oratorical, boy scouts, cub scouts, bus and transportation.

Section 4. HOUSE & ENTERTAINMENT. The House and Entertainment Committee shall have charge of all matters pertaining to the care of post quarters, promotion of club advantages and arrangements for social functions, and other activities of the post as directed by the Executive Committee or Post Commander. The House Committee will operate the Recreation Room. The Chairman of the Recreation Room Committee will maintain the House and Entertainment Account and is responsible for recreation room, food, kitchen equipment maintenance and replacement funds, programming and budget actions.

Section 5. GROUNDS COMMITTEE. The Grounds Committee shall be responsible for the appearance and maintenance of the post grounds to include the lake and outside of buildings. Grounds Committee funds, programming and budget action will be managed through the Community Entertainment Account.

Section 6. FOOD COMMITTEE. The Food Committee is responsible for planning and preparing all meals for the monthly post meeting and other special functions. This committee is responsible for the operation and maintenance of the kitchen facilities. Food Committee funds, programming and budget action will be managed through the House Entertainment Account.

Section 7. FINANCE COMMITTEE. The Chairman and members of the Finance Committee will assist the Finance Officer in developing policy, preparing the annual budget, and solving problems related to finance.

Section 8. POST AUDITING COMMITTEE. The Post Auditing Committee shall perform with consideration of guidelines of the "Post Operations Manual" pub. no. 13108 and coordinate an annual audit following the close of the fiscal year. The Finance officer will serve as an advisor and consultant to this committee.

Section 9. LONG RANGE. PLANNING COMMITTEE. This committee shall develop and maintain a long range facility improvement plan for a period of ten years and longer as appropriate.

Section 10. SCOUT COMMITTEE. The Post Scout Committee is responsible for developing the post scout programs and is to be the primary interface between the legion and sponsored scout elements. The committee is to assist in developing the scout budgets and revenue producing projects to help with budget requirements. This committee works under and submits the scout budget and other scout related actions to the Youth Programs and Americanism Committee. The Scout Committee may include scout parents who are not members of the legion. The scout troop/pack leaders will serve as advisors to the Scout Committee.

ARTICLE IV Resolutions

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

ARTICLE V Meetings

Section 1. The regular meeting of this post shall be held at the Post Building once a month, at which may be transacted such business as may be properly brought up for action; such meetings may be converted into entertainment meetings; may be informal if deemed proper by the Commander or the membership in attendance at said meeting.

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

Section 3. Upon request of seven (7) members of the post, the Commander shall call a special meeting of the post.

ARTICLE VI Miscellaneous

Section 1. Delegates and alternates to a Department Convention shall be elected by secret ballot or voice vote by the post, at a regular meeting, and must have approval of the Executive Committee.

Section 2. Every member of the post shall furnish the post Adjutant with a correct/current name and address. Officers and committee chairmen shall also furnish their telephone numbers.

Section 3. The post Adjutant shall not make the mailing list of the post available to anyone except Department and National Headquarters, officers of the post, or organizations that publish information for the post to be distributed to its membership.

Section 4. The post Adjutant shall cause notice of the annual election of officers to be given at least two (2) weeks in advance of the date of the election.

Section 5. All applications for membership shall be made in writing or as may be required by the Executive Committee. 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 to further investigation and consideration. If fifty-one (51) percent or more members present cast their vote against acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six (6) months from the date of such rejection.

Section 6. This post shall not incur, nor cause to be incurred, any liability nor obligation whatsoever, which shall subject to liability any other post, subdivision, group of men/women, members of the American Legion or other individuals, corporations or organizations.

Section 7. These by-laws may be amended at any regular meeting of the post with two-thirds (2/3) of the members present at such regular meeting voting in favor of the amendment, provide that the proposed amendment shall have been submitted and read at the regular monthly meeting prior to this meeting. Further, it may be amended at a regular post meeting by unanimous vote without prior notice having been given.

Constitution and by-laws as amended and approved by the general membership on the 9th day of September, 2004.


Preston Baker, Commander


Robert Riordan, Adjutant

Standing Rules
Fuguay-Varina Post No. 116, Inc.
The American Legion Department of North Carolina

STANDING RULE FOR MEMBERSHIP VERIFICATION DURING ELECTIONS

The Post Adjutant, Reception Committee, election Tellers, or others designated by the Post Commander will implement in all elections, a procedure for ensuring that each person receiving a ballot is a member of Post 116 in good standing; and this Standing Rule is to be followed in all Post elections until suspended or rescinded. (Approved by majority vote at the Post 116 General Meeting held August 12, 2004.)

STANDING RULE FOR THE EXECUTIVE COMMITTEE MEETING SCHEDULE

The Executive Committee will meet on the LAST (not 4th) Thursday of each month at 7:00 P.M. (Approved by majority vote of the Executive Committee meeting held September 30, 2004.)