

**BY-LAWS FOR
KAPPERMAN POST NO. 44, INC.**

ARTICLE I

Section 1. The Post existing under these By-Laws is to be known as Kapperman Post No. 44, Inc., The American Legion, Department of Indiana.

Section 2. The objects of this Post are as set forth in the Constitution of the American Legion.

ARTICLE II - - MANAGEMENT

Section 1. The, government and management of the Post is entrusted to an Executive Committee of three at-large members in addition to the Post Commander, Finance Officer, and 1st Vice Commander pursuant to Section 4 of this article, to be known as the “Executive Committee”.

Section 2. The Executive Committee shall consist of three at-large members in addition to the Post Commander Finance Officer, and 1st Vice Commander who shall be elected annually on the first meeting in May, and take office at the next regular meeting. All elections of officers and Executive Committee members shall be by ballot and candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates, except Post Adjutant and Judge Advocate. The current Post Commander will be the chairman of the Executive Committee and will be responsible for conducting all Executive Committee meetings. In the absence of the Post Commander, the 1st Vice Commander will conduct said meeting.

Section 3. The Adjutant and Judge Advocate shall be appointed by the newly elected Post Commander with the approval of the Executive Committee. The Adjutant shall take minutes at all Executive Committee meetings.

Section 4. The three at-large members of the Executive Committee shall be elected one each year for a three year term, subsequently becoming a two year and one year committee member in the following years. Because of conflict of interest no Post employee will be allowed to assume any Executive Committee position

Section 5. 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 members of the Officer Committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer whom he/she succeeds. A vacancy shall exist when a member or officer has unexcused absences for three consecutive meetings.

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 once each month and as often as said Commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee at the joint request of three or more members of said Post Executive Committee; three members of the committee shall constitute a quorum thereof.

Section 2. Unless otherwise delegated under ARTICLE VII, the Post Executive Committee shall 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 Chairpersons; and generally, shall have charge of and be responsible for the management of the affairs of this Post. Past practice has established a precedent that any expenditure authorized by the the Post 44 Executive Committee shall be limited to an amount not to exceed \$1,000.00 per month, during regular Executive Committee meetings. Any requests for an amount exceeding \$1,000.00 must be presented to the post membership in the form of a motion, second, debate, and approval by a majority vote of the members attending a membership meeting.

ARTICLE IV - - PAST POST COMMANDERS' ADVISORY COMMITTEE

Section 1. The Past Post Commanders Advisory Committee shall be composed of all the Past Post Commanders in good standing and the current Commander.

Section 2. The purpose of this committee is to meet with the Finance Officer to consider a proposed budget for the operation of the Post, and recommend same to the Post membership for action. The committee shall also consider matters of vital importance to the Post welfare and make recommendations to the Executive Committee or Post membership.

Section 3. If eligible, the most recent Past Commander, excluding the current Commander, will be invited to be the chairperson of this committee. If the invitation is declined, the chairperson will be elected by the members of this committee.

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 day-to-day supervision, under the control of the Executive Committee, over the business and affairs of the Post; and such officer shall be the chief executive officer of the Post. He/she shall approve all orders directing the disbursement of funds; and shall make an annual report covering the business of the Post for the prior year; and make recommendations for the ensuing year, which shall be read at the annual meeting; and shall forward a copy thereof immediately to the Department Adjutant. He/she shall be responsible for such other duties as directed by the Post and all other necessary duties not assigned to another officer and committee.

Section 2. Duties of 1st Vice Commander.

The 1st Vice Commander shall assume and discharge the duties of Commander in the absence or disability of, or when called upon by, the Post Commander. The 1st Vice Commander shall be a non-voting member of the Executive Committee. Voting privileges shall be extended to the 1st Vice Commander whenever he/she is called upon by the Post Commander to assume the duties and responsibilities of Commander during the commander's absence or disability. Article VII Section 2 further defines duties of this office.

Section 3. Duties of 2nd Vice Commander

The 2nd Vice Commander shall assume and discharge the duties of the office of 1st Vice Commander in the absence or disability of, or when called upon by, the 1st Vice Commander. Article VII Section 4 and Section 7 further defines duties of this office.

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 Departmental 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

Unless otherwise excepted in ARTICLE VII, the Finance Officer of the Post 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 condition of the finances of the Post, with such recommendations as he/she may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He/she shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee. Article VII Section 5 further defines duties of his/her office.

Section 6. Duties of the Post Historian

The Post Historian shall be charged with the individual records and incidents of the Post and Post members, and shall perform such other duties as may properly pertain to the office as may be determined by the Post or the Executive Committee.

Section 7. Duties of the Post Chaplain

The Post chaplain shall be charged with the spiritual welfare of the Post comrades; and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc.; and shall adhere to such ceremonial rituals as are recommended by the national or department headquarters from time to time.

Section 8. Duties of the Sergeant-at-Arms

The 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/her by the Post Executive Committee.

Section 9. Duties of the Post Service Officer

The Post Service Officer shall be a competent, dedicated and organized person, preferably one who is readily available to provide assistance. He/she is responsible for bringing awareness to all veterans and their dependents the rights and benefits granted them by law.

Section 10. Duties of the Judge Advocate

The Judge Advocate shall supply professional advice in the conduct of post business or to procure proper counsel. He/she is the guardian of the constitutional form of post government.

ARTICLE VI - - DELEGATES

Section 1. Delegates and alternates to a Department convention shall be elected by ballot by the Post at the regular meeting of the Post at which the Post officers are elected.

Section 2. The newly elected Post Commander and the most recent Commander, providing he/she is a member in good standing, will be automatically allowed the first two delegate positions.

ARTICLE VII - - APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year shall appoint the following standing committees: Membership, House, Finances, Legal, Publicity, Bar, Bingo and Athletic. Such standing committees shall consist of such members, and the chairperson thereof, as shall be designated by the Post Commander. The following committee functions defined below will be the responsibility of the Executive Committee or the appointed chairperson of such committee: Liaison, Rehabilitation & Service, Visiting, Americanism, Disaster relief, Sons of the American Legion, Child Welfare and Defense.

Section 2. Membership Committee - The membership committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatement and eligibility of members. The 1st Vice Commander will chair this committee.

Section 3. Veterans Liaison Committee – To oversee all activities of the Post in connection with veterans, their families and dependents.

Section 4. House and Entertainment Committee – The house and entertainment committee shall have charge of all matters pertaining to the care of the Post quarters, promotion of club advantages and arrangement for social activities. The 2nd Vice Commander and the Club Manager will co-chair this committee.

Section 5. 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. The Finance Officer will chair this committee.

Section 6. Legal Committee – The legal committee shall be charged with the legal supervision of Post affairs and audit of Post financial accounts. Audits of all accounts containing funds belonging to the Post should be conducted at least twice each year or at the direction of the executive committee. The members of this committee may not be any person or persons having responsibility for any Post funds. This committee shall have the authority to contract for external professional audit services.

Section 7. Publicity Committee – The publicity committee shall be charged with the promotion of public support of the Legion’s program by the establishment of proper contact with the American Legion Magazine, department and national legion news service and by local publicity of Post program and activities. The 2nd Vice Commander will chair this committee.

Section 8. Rehabilitation and Service Committee - The rehabilitation and service committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state governments, employment, relief, etc.

Section 9. Visiting Committee – The visiting committee is charged with the visiting and comforting of members and their families when sick or bereaved and with visiting veterans in nearby hospitals.

Section 10. 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; Americanism 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 11. Athletic Committee – The athletic committee shall be charged with the promotion of physical development and clean sports by the organization of Post athletic teams, recreation, etc., and by cooperation and support in the general recreational and athletic program of the community.

Section 12. Disaster Relief Committee – With the consent and advice of the constituted authorities, a permanent Post committee on home defense and disaster relief should be organized.

Section 13. Sons of the American Legion Committee – Shall have oversight of the operations of the Post’s squadron of the Sons of the American Legion.

Section 14. Child Welfare 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 veteran shall be in need of the necessities of life, and a square meal for every child.

Section 15. Defense Committee – Shall work with and coordinate Legion efforts with the Local Defense Council on matters pertaining to national, civilian, and home defenses. To assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American Home.

Section 16. Club Manager – Shall be charged with the responsibility of the day-to-day operations of the bar, kitchen, and banquet facilities; shall interview, hire and discipline all employees of the bar and kitchen; shall be responsible for the proper control of all monies collected from food, drink, other sales, and donations; shall report to the Post Executive Committee the financial position and any other items of interest or concern to the Post Commander.

- The Club Manager shall be under the guidance of the Finance Officer and shall serve at the pleasure of the Executive Committee.
- Committees shall be formed as necessary to complete projects as determined by the Executive Committee. These committees will dissolve upon completion of said project.

Section 17. Bingo Committee – Shall be responsible for planning, setting-up, and running weekly bingo; shall control income and expenses; and shall report at the Post regular meeting on the financial position of bingo as long as the bingo license is current pursuant to state law.

ARTICLE VIII

Section 1. All resolutions of state or national scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and a copy of same shall be forwarded to the department headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

ARTICLE IX – MEETINGS

Section 1. The regular membership meeting of the Post shall be held at the Post Banquet Hall on the second Wednesday 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. Upon written request of ten members, the committee shall call a special meeting of the Post.

Section 4. Five percent or fifteen, whichever is fewer, of paid up membership shall constitute a quorum.

ARTICLE X – NOTICES

Section 1. Every member shall furnish the Post adjutant with his/her mailing and email address as appropriate for mailing purposes.

Section 2. The Post adjutant shall cause notice of the annual election to be given at least two membership meetings prior to the election.

ARTICLE XI – RULES OF ORDER

Section 1. All proceedings of this Post shall be conducted under and pursuant to Roberts' Rules of Order, except as herein otherwise provided.

ARTICLE XII – LIMITATIONS OF LIABILITIES

Section 1. This Post shall incur, or cause to be incurred, no liability nor obligations whatever which shall subject to liability any other Post, subdivision, group of people, 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 meeting by a vote of a majority of the attending members providing a quorum as defined in Article IX Section 4 is present and additionally the following criteria are met: written notice be given to all members in good standing at least ten days prior to the next regular scheduled meeting that; 1) at the next meeting proposed amendments to the By-Laws will be read for the record; 2) copies of the current and proposed By-Laws will be provided to all members in good standing that attend the next meeting; and, 3) at the second regular scheduled meeting, the proposed amendments are to be voted upon.

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