

CONSTITUTION
AND
BY-LAWS

Hesley Jensen American Legion
Post 491
Bayport, MN



THE AMERICAN LEGION, DEPARTMENT OF MINNESOTA

REVIEWED AND APPROVED
JUNE 2022

CONSTITUTION

PREAMBLE

For God and Country, we associate ourselves together for the follow purposes:

- (1) To uphold and defend the Constitution of the United States of America;
- (2) to maintain law and order;
- (3) to foster and perpetuate a one hundred percent Americanism;
- (4) to preserve the Nation;
- (5) to combat the autocracy of both the classes and the masses;
- (6) to make right the master of might;
- (7) to promote peace and good will on earth;
- (8) to safeguard and transmit to posterity the principles of justice, freedom, and democracy;
- (9) and to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I: NAME AND HEADQUARTERS

Section 1: The name of this organization shall be Helsey Jensen American Legion Post 491, The American Legion, Department of Minnesota.

Section 2: The Post Headquarters shall be located at 263 N. Third Street, Bayport, MN, 55003.
All notices and documents addressed to the Post shall be sent to these Headquarters.

ARTICLE II: OBJECTS

Section 1: The objects and purposes of this post shall be to promote the principles and policies as set forth in the foregoing preamble, and the national and departmental Constitutions and By-laws of The American Legion.

ARTICLE III: NATURE

Section 1. This post is a civilian organization and membership therein does not affect or increase liability for military or police service. Rank does not exist in The American Legion; no member shall be addressed by military or naval title in any meeting of this Post.

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

Section 3. Each member shall perform their full duty as a citizen according to their own conscience and understanding.

ARTICLE IV: MEMBERSHIP

Section 1: Eligibility to membership in this post shall be as prescribed by the national Constitution of The American Legion.

Section 2: Application for membership shall be made in writing under such regulations as may, from time to time, be prescribed by the Post Executive Committee and approved by the District Committee wherein this Post is located. Upon approval of eligibility, the application accompanied by the dues shall be presented to the Post at a regular meeting and shall be acted upon at such meeting. A majority vote of the Post shall be necessary for acceptance.

Section 3: There shall be no form or class of membership except an active membership. Dues shall be paid annually or for life.

Section 4: No person who is a member of another Post may be a member of this Post.

Section 5: Members may be suspended or expelled from this Post of the American Legion only upon proper showing of cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty, or other conduct unbecoming a member of the American Legion. All charges shall be made under oath in writing by the accusers, and no member in good standing shall lose their membership until given a fair trial in such manner and form as the Department of Minnesota, Department of Executive Committee, shall prescribe. This action shall govern procedure whenever charges are brought against any person at any time appearing upon the grounds of their ineligibility to membership in the Post.

Section 6: Any member who has been suspended or expelled has the right of appeal to the Department Executive Committee in the manner prescribed by said Committee. The decision of the Department shall be final.

Section 7: No person, who has been expelled by a Post shall be admitted to membership in this Post without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, they may then appeal to the Department Executive Committee for permission to be admitted to membership in this Post and they shall be ineligible for membership until such permission is granted.

Section 8: A member who has been expelled or suspended from this Post for any cause other than non-payment of dues may be reinstated to membership by a two-thirds vote of the Executive Committee and a majority vote of the Post; provided, however, that they shall make payment of any arrears in their dues from the time of the expulsion or suspension, and also regular dues which have been payable in the interval between their expulsion or suspension and his reinstatement.

Section 9: Any member in good standing desiring to transfer from this Post to another Post is entitled to a certificate from this Post stating their membership, the duration thereof, and the date to which their dues are paid.

ARTICLE V: OFFICERS

Section 1: The administration of the Post's affairs, between meetings of the Post, and except as may be otherwise provided in the By-laws of the Post, shall be under the supervision of an Executive Committee, which shall consist of 3-5 members in addition to the elective officers of the Post, and appointed by the Post Commander.

Section 2: The elective officers of this Post shall be a Commander, two Vice-Commanders, Finance Officer, Service Officer, and Sergeant-at-Arms.

Section 3: All elective officers shall be elected annually in April and installed in the month of May, and they shall hold office until their successors are duly installed or as otherwise provided.

Section 4: Every member of this Post, in good standing, shall be eligible to hold office in this Post except as otherwise provided herein.

Section 5: The duties of the officers and the Executive Committee shall be those usually appertaining to such officers and committee members and as further provided in the By-laws.

ARTICLE VI: FINANCE AND DUES

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

Section 2: The minimum annual dues of individual members of the Post shall be FORTY

DOLLARS (\$40.00) and, in addition thereto, any amount charged as dues by any intermediate body between the Post and the Department of Minnesota, per member; the amount of the Annual Post dues shall be as set forth in the Post By-laws.

Section 3: The Post shall expeditiously collect the annual dues for its members and shall pay The American Legion, Department of Minnesota, such amount due to the National, Department, and District Organization.

Section 4: All moneys received in any manner for welfare purposes by any nature by this Post shall be deposited in a duly authorized banking institution and none of such moneys shall be withdrawn except for welfare purposes, and upon draft signed by the Finance Officer of the Post and at least one other member thereof duly elected for that purpose.

Section 5: This Post shall not solicit another Post or County/District Organization for the purpose of financial aid or relief.

ARTICLE VII: AUXILIARY

Section 1: This Post recognizes an Auxiliary Organization known as the Auxiliary Unit of the Bayport American Legion Post No. 491 The American Legion, Department of Minnesota.

Section 2: Membership in the said Auxiliary Organization shall be governed by such rules and regulations as may be prescribed by the National Executive Committee of The American Legion and thereafter approved by the Minnesota Department of the American Legion.

Section 3: This organization shall submit a financial report to the Post annually or upon request.

ARTICLE VIII: SONS OF THE AMERICAN LEGION

Section 1: This Post recognizes a Sons of the American Legion Organization known as the Sons of the American Legion Squadron of the Bayport American Legion Post No. 491 The American Legion, Department of Minnesota.

Section 2: Membership in the said Sons of the American Legion squadron shall be governed by such rules and regulations as may be prescribed by the National Executive Committee of The American Legion and thereafter approved by the Minnesota Department of the American Legion.

Section 3: This organization shall submit a financial report to the Post annually or upon request.

ARTICLE IX: AMENDMENTS

Section 1: This Constitution is adopted subject to the provisions of the National, Department, and Hesley Jensen American Legion Post No. 491, Bayport, Minnesota Constitution and By-laws. Any amendments to the National, Department, or State Constitution and Post 491 By-laws which conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2: The Constitution may be amended at any regular Post meeting by a vote of two-thirds of the members attending such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at a preceding regular meeting of the Post, and provided further that written notice, including a copy of the proposed amendment, shall have been sent to all members at least ten (10) days in advance of the date when such amendment is to be voted upon.

BY-LAWS
HESLEY JENSEN POST 491
THE AMERICAN LEGION

ARTICLE I: NAME AND OBJECTS

Section 1: The Post existing under these By-laws is to be known as the Hesley Jensen American Legion, Post No. 491, The American Legion, Department of Minnesota, Third District.

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

ARTICLE II: ADMINISTRATION

Section 1: The administration of the Post's affairs, between meetings of the Post, and except as may be otherwise provided in these By-laws, shall be under supervision of the Executive Committee.

Section 2: The members of the Executive Committee together with the elective officers of this Post shall be installed in the month of May, annually. All elections of officers shall be by ballot and the candidate receiving the highest number of votes shall be elected to the representative office or offices for which they are candidates, and they shall hold office until their successors are duly installed or as otherwise provided. The Post Adjutant Officer will be appointed directly by the Post Commander. Any elective officer or Executive Committee member may be removed for inefficiency by the Executive Committee after due notice and hearing as provided by the Department Executive Committee, a two-thirds vote of said committee being necessary to effect such removal.

Section 3: All vacancies existing the Executive Committee, or in any office of the Post from any cause other than the expiration of term in office shall be filled by a majority vote of the remaining members of the Executive Committee, and a person so chosen shall hold office for the unexpired term of the member of the committee or officer when they succeed. A vacancy shall exist when a member or officer is absent from their Post for three consecutive meetings if considered by the Executive Committee to be detrimental to the best interests of the Post.

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 (10) days after the installation of new officers. Thereafter, the Post Executive Committee shall meet at the call of the Commander at least once a month 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; three members of the committee shall constitute a quorum.

Section 2: The Post Executive Committee, subject to the approval of the Post, shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall hear the reports of the Post Committee Chairs; and, generally, shall have charge of, and be responsible for, the management of the affairs of the Post between meetings of the Post and subject to the approval of the Post; shall require that all Post Officers and members handling American Legion money be properly bonded with a good and solvent bonding and surety company, as surety to cover double the average amount of money handled in a single year; bonds to be approved by the Executive Committee.

ARTICLE IV: DUTIES OF OFFICERS

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 such officer shall be the Chief Executive Officer of the Post. The Post Commander shall approve all orders directing the disbursements of funds and shall make an annual report covering the business of the Post, and recommendations for the coming year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the State Adjutant. The Commander shall appoint a Gambling Manager. The Commander will assume all responsibilities for Post gambling activities, as CEO, in accordance with Minnesota gambling laws and regulations. The Commander will perform other duties as directed by the Post.

Section 2: Vice-Commanders: The Vice-Commanders shall, in the order of their seniority, assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Post Commander.

Section 3: Post Adjutant: The Adjutant shall have charge of, and keep a full and correct record of, all proceedings of all meetings, keep such records that Department and National organizations may require, render reports of membership annually or when called upon at a meeting, and, under the direction of the Commander, handle all correspondence of the Post.

Section 4: Finance Officer: The Finance Officer of the Post shall have charge of all finances and see that Post funds are safely deposited in a 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 they may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer shall sign all checks disbursing monies of the Post. They shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee.

Section 5: Service Officer: The Service Officer shall assist all veterans and their dependents to obtain the rights and benefits to which they are entitled by law and to the services available through the American Legion and other community agencies and organizations.

Section 6: Sergeant-at-Arms. The Sergeant-at-Arms shall preserve order at all meetings, escort visiting dignitaries to the podium / rostrum, introduce new Post members, ensure all flags and emblems of the Post are properly placed and displayed, and shall perform such duties as may be, from time to time, assigned by the Post Commander or the Post Executive Committee.

ARTICLE V: FINANCES AND DUES

Section 1: The amount of annual Post dues shall be forty dollars (\$40.00)

Section 2: A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If dues are paid on or before February first, reinstatement shall be automatic. If delinquent after February first, the member shall be suspended from all privileges. If still delinquent on June thirtieth of such year, membership in The American Legion shall be forfeited. Any member so suspended or whose membership is so forfeited may be reinstated to active membership in good standing by a vote of the Post and payment of current dues for the year in which reinstatement occurs; provided, however, that the Post, Department, and National organizations may waive the provisions thereof, upon payment of dues for the year in which the reinstatement occurs, with reference to former members who have been prevented from the payment of dues by active military service.

Section 3: All Post monies shall be deposited in a duly authorized banking institution as designed by the Post Executive Committee, and none of such monies shall be withdrawn except upon draft of a check signed by the Post Finance Officer or other persons designated by these By-laws.

Section 4: The general expenses of the Post shall be paid by checks drawn against the general fund signed by the Finance Officer and countersigned by the Post Commander or, in the absence or disability of the Post Commander, the Adjutant, or one of the Post Vice Commanders.

ARTICLE VI: DELEGATES

Section 1: The Post shall elect annually such delegates and alternates to represent the Post at all District Meetings or State Annual conventions as may be required, pursuant to such proportional representation covering such delegates or alternates as may be provided for by the Constitution and By-laws of the Department and Minnesota State and District Organizations.

ARTICLE VII: APPOINTMENTS

Section 1: The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Membership, House, Finance, Legal, and Americanism. Such standing committees shall consist of such members, and the chairman there, as shall be designated by the Post Commander.

Section 2: Membership Committee shall have charge of all matters pertaining to membership of the Post, including procuring of new members, reinstatement, and eligibility of members.

Section 3: House Committee shall have charge of all matters pertaining to the maintenance of the Post quarters, promotion of Club advantages, publicity, and arrangements for social activities.

Section 4: 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 5: Legal Committee shall be charged with the legal supervision of the Post affairs and audit of Post financial accounts.

Section 6: Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arranging proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; combating anti-American propaganda through education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

ARTICLE VIII: RESOLUTIONS

Section 1: All matters of State, National, or International scope that appeal to Legionnaires and the Post may be treated, discussed, and acted upon, provided, however, that such action shall be submitted for approval through the prescribed American Legion channels to the body having jurisdiction thereof.

ARTICLE IX: MEETINGS

Section 1: The regular meetings of the Post shall be held at Post Headquarters or a place to be decided upon by the Post, on the third Tuesday 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 Post Commander.

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 the written request of ten (10) Post members, the Commander or the Executive Committee shall call a special meeting of the Post.

Section 4: Five (5) members shall constitute a quorum.

Section 5: An annual meeting of the Post shall be held at which the annual reports of the officers shall be submitted and such other business transacted as to be found desirable. The date of such meeting shall be determined by the Post or the Executive Committee.

ARTICLE X: NOTICES

Section 1: Each member shall furnish the Post Adjutant with a physical and electronic address for communication purposes and shall notify the Adjutant of any change in said addresses.

Section 2: The Adjutant shall cause to be mailed to each member, at the address furnished by said member, notice of meetings and each special meeting at least three (3) days prior to such meeting, except as otherwise provided by the Constitution and By-laws, and all notices as required by the Constitution and the By-laws.

Section 3: Notices of meetings at which nominations or elections of officers are to be held shall specify that such nominations or elections are to be held at such meeting, and shall be mailed at least two (2) weeks prior to such meeting.

ARTICLE XI: RULES

Section 1: The order of procedure at meetings of this Post shall be governed by *Robert's Rules of Order, Revised*, except as otherwise provided herein.

ARTICLE XII: LIMITATION OF LIABILITY

Section 1: This Post shall not incur, nor cause to be incurred, any liability or obligation whatever which will subject to liability any other Post, Sub-division, group of men or women, members of the American Legion, or other individuals, corporations, or organizations.

ARTICLE XIII: AMENDMENTS

Section 1: These By-laws are adopted subject to the provisions of the National, Department, and Minnesota State Constitution and By-laws. Any amendments to said National, Department or Constitution or By-laws, which are in conflict with the provisions hereof shall be regarded as automatically repealing or modifying the provisions of these By-laws to the extent of such conflict.

Section 2: These By-laws may be amended at any regular meeting of the Post by a two-thirds vote of members attending said meeting, provided that the proposed amendment(s) shall have been submitted in writing, and read at a preceding regular meeting of said Post, and provided further, that written notice shall have been given to all members at least ten (10) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the By-laws is to be voted upon.

AMENDMENTS TO BYLAWS

Amendment 1 (Ratified June, 2022)

The membership dues of the Post shall be annually established by the Post Executive Committee for the next membership year. The amount of the dues shall not be less than forty dollars (\$40.00) and shall not conflict with Department of Minnesota requirements.

Amendment 2 (Ratified June, 2022)

The Post Adjutant shall be an elective office.