



THE AMERICAN LEGION

For God and Country

Philip G. Mowry, Esq
Department Judge Advocate

April 14, 2021

Commander Rick Johnson
c/o The American Legion
Department of Florida
P.O. Box 547859
Orlando, FL 32854

RE: American Legion Post 129
Proposed Amendments to the Constitution and By-Laws

Dear Commander Johnson,

I am in receipt of and have reviewed the proposed Amendments to the Constitution and By-Laws of the above referenced Post. I hereby approve same as submitted.

For your convenience I have prepared and signed the necessary Approval Form. Your signature is needed on this form.

Should you have any questions, please do not hesitate to contact me at (704) 247-0407 or email me at JudgeAdvocate@legionmail.org.

Sincerely,

Philip G. Mowry, Esq
Department Judge Advocate

Enclosure

Cc: Post 129

ORIGINAL (54)

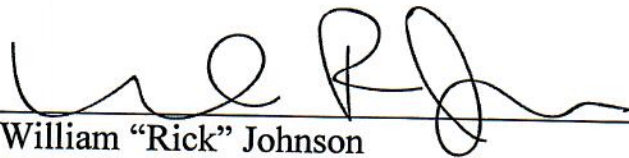
APPROVED

Pursuant to the applicable provisions of the Department Constitution, the foregoing Amendments to the Constitution and By-Laws of American Legion Post 129 have been reviewed and approved this 14th day of April, 2021.



Philip G. Mowry, Esq
Department Judge Advocate

Approval Confirmed:



William "Rick" Johnson
Department Commander

THE AMERICAN LEGION ^{Post 129} FAMILY



American Legion Post 129
1151 4th South Street
Jacksonville, Florida 32250
904-249-2260


April 1, 2021

From: American Legion Post 129, Department of Florida

To: American Legion, Department of Florida Attn: Department Adjutant

Subject: REVISED POST 129 CONSTITUTION AND BY-LAWS; REVIEW FOR APPROVAL

1. In accordance with American Legion Post 129, Department of Florida Constitution and By-Laws, proposed changes/updates were submitted to the Executive Board, changes posted on the Post's website for 30 days and were approved by the General Membership on April 1, 2021.
2. Please review and approve.

For God and Country,

JOE MAICHLE
Commander

CONSTITUTION OF OCEAN BEACHES POST 129
THE AMERICAN LEGION
DEPARTMENT OF FLORIDA
UPDATED: 3-4-2021

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 100% 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 masses; to make right the master of might; to promote peace and goodwill 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

Section 1. The name of this organization shall be Ocean Beaches Post 129, The American Legion, Department of Florida.

Section 2. Ocean Beaches Post 129, The American Legion, Department of Florida is in Jacksonville Beach, Florida, and surrounding communities.

ARTICLE II. OBJECT

Section 1. The object and purpose of this Post shall be to promote the principles and policies as set forth in the foregoing preamble and the National and Department of Florida Constitutions of the American Legion.

Section 2. The Board shall conduct all corporate acts in accordance with the Florida Not for profit Corporation Act ("Act"), as amended, and with all state and federal laws and regulations which may be necessary to obtain tax-exempt status under applicable State and Federal Law. The By-Laws shall be maintained at the Corporation's principal office in [Florida] as required by the Act.

In the event of the dissolution of the Corporation, distribution of assets shall be made in accordance with the provisions of the Act. In no event shall assets be directly or indirectly distributed to, or inure to the benefit of any member, former member, director, former director, officer, or former officer of the Corporation.

ARTICLE III. NATURE

Section 1. Ocean Beaches Post 129 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.

ARTICLE IV. MEMBERSHIP

Section 1. The National Constitution of The American Legion shall prescribe eligibility for membership in Ocean Beaches Post 129.

Section 2. Application for membership shall be made in writing and proof of military service verified by an officer of the Post, and under such regulations as, prescribed from time to time by the Executive Committee.

Section 3. All applications for membership shall be acted upon at the next regular Post meeting and shall at such meeting be accepted, rejected or referred for further investigation and consideration. Election or rejection shall be by majority vote of the members present and voting.

Section 4. Any member of the Post may be reprimanded, suspended, removed from office, or expelled from the Post and/or American Legion only by proper showing or cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of the American Legion. Any, and all discipline of an officer or member must be in accordance with the Rules of Trial as defined by the American Legion Department of Florida. Any elected and/or appointed officer of the Post who is unable to attend three consecutive Executive Committee/General Membership meetings in an "unexcused" status, may be suspended or removed from office at the discretion of the Executive Committee and approved by General Membership.

Section 5. A member who has been expelled or suspended from the Post for cause may be reinstated to membership by a two-thirds majority vote of the membership at a regular meeting of the Post provided dues are current for the year in which the reinstatement occurs.

Section 6. No person who has been expelled by another Post shall be admitted to membership in Ocean Beaches Post 129 without consent of the expelling Post.

ARTICLE V. ANNUAL DUES

Section 1. Dues for Ocean Beaches Post 129 will be approved by the general membership, and the Post year shall be from January 1st to December 31st. Members will

be known as "Early Birds" if they pay dues for the next calendar year before November 11th.

Section 2. Members 70 years of age shall pay 70% per Capita due to Department (rounded to the nearest dollar). Members, 80 years of age, and in good standing with American Legion Post 129 for the past 5 years, total annual dues will be paid by the Post.

Section 3. If dues are not paid by January 1st of each calendar year, the member becomes delinquent. If dues have not been paid by February 1st, the member is suspended, but nevertheless, a member with no privilege except that of reinstatement by vote of the Post and payment of dues. Dues not being paid, such membership continues for a period of five (5) months, to June 30 at which time the member is dropped from the roll by constitutional mandate and the membership forfeited. Inactive members from prior years whose names appear on the roster distributed at the Department Convention may be reinstated by paying all current and delinquent dues. Any inactive member who has been dropped from the roster must apply for membership as a new member.

ARTICLE VI. OFFICERS & EXECUTIVE COMMITTEE

Section 1. The officers of the Post shall be a Commander, 1st Vice Commander, 2nd Vice Commander, 3rd Vice Commander, 4th Vice Commander, Finance Officer, Sergeant at Arms, Chaplain and Historian who shall be nominated from the floor at the meeting preceding the annual election. The aforementioned officers are nominated and elected by the General Membership.

Section 2. The Adjutant, Judge Advocate, Service Officer(s), and such other officers as may be deemed necessary by the Commander shall be appointed by the Commander and confirmed by the Executive Committee for membership.

Section 3. The administrative affairs of the Post shall be under the supervision of the Executive Committee that shall consist of the elected and appointed officers (Adjutant and Judge Advocate) of the post plus five (5) elected members of Post 129. The term of the officers of the Post shall be one (1) year. The Commander of the Post shall chair the Executive Committee meetings. The three (3) immediate past commanders shall be members of the Executive Committee and all other past commanders shall be non-voting Ex Officio members provided they are in good standing and current members of Ocean Beaches Post 129.

Section 4. The duties of the officers and the Executive Committee will be those as further provided in the by-laws and accept the fiduciary responsibility over financial obligations and Post operations. The decision of the Executive Committee cannot preclude the will of the membership. The membership is the final authority in the post.

ARTICLE VII. FINANCE

Section 1. The revenue of this Post shall be derived from annual membership dues, and from such other sources as may be approved by the Executive Committee. The amount of such annual dues shall be fixed and determined by the post membership.

Section 2. The Post shall pay to the American Legion Department of Florida, dues for each member of the Post in the amount set forth by the Department.

Section 3. Each year the Executive Committee shall set the discretionary spending authority of the Commander. The Commander may designate an officer to exercise this authority in his/her absence.

Section 4. No funds of this post shall be withdrawn or expended more than the discretionary spending limit except as authorized in the annual budget or approved by the membership.

Section 5. Surety bonding shall be required of all those who have fiduciary responsibilities within the post. This includes the Commander and Finance Officer of American Legion Post 129, the Commander and Finance Officer of SAL Squadron 129, the Director and Finance Officer of ALR Chapter 129, the Canteen Manager, and anyone listed as a corporate officer in any filing with the Florida Department of State, Division of Corporations. In addition, anyone who has "access" to the building may be required to be bonded on a case-by-base. The ability to be bonded shall be a precondition to holding these positions. In addition, all canteen employees and any legion family member or volunteer who handles post funds in amounts exceeding the Post Commander's discretionary spending authority shall be subject to bonding.

In the event a current and/or prospective employee's background check has "negative" results (i.e., convicted felon, child abuse, theft, etc.), the results will be reviewed by the House Committee and recommendation(s) will be forwarded to the Executive Committee for final resolution.

ARTICLE VIII. CHARTER MEMBERS

Section 1. Members who joined Ocean Beaches Post 129 between April 1943 and May 27, 1943 inclusively shall be known as "Charter Members."

ARTICLE IX. POST AUXILIARY, S.A.L., A.L.R.

Section 1. This Post recognizes an organization to be known as American Legion Auxiliary Unit 129.

Section 2. The National Constitution of the American Legion Auxiliary shall prescribe membership in the auxiliary unit.

Section 3. This Post recognizes an organization to be known as the Sons of the American Legion Squadron 129.

Section 4. The National Constitution of the Sons of the American Legion shall prescribe membership in the squadron.

Section 5. This Post recognizes a Program to be known as American Legion Riders Chapter 129.

ARTICLE X. ELECTIONS AND VACANCIES

Section 1. All Executive Committee members and officers of the Post shall be elected annually on a date set by the present Commander, not less than 10 days and no more than 90 days prior to the Department Convention. The elected officers will be installed on a date set by the incoming Commander and the District Commander, not to exceed 60 days following the Department Convention, and will serve for a period of one year. Elections shall be by secret ballot and the candidate or candidates receiving the majority of votes shall be elected to the respective office or offices for which they are candidates.

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

Section 3. Any vacancy existing on the Executive Committee or any elected Office of the Post, from any cause other than expiration of term, shall be filled by a majority vote of the general membership at the next schedule monthly meeting. A member so voted shall hold the office for the un-expired term of the officer or committee member he succeeds.

ARTICLE XI. AMENDMENTS

Section 1. This Constitution is adopted in accordance with the provisions of and subject to the National Constitution and By-Laws and the Department of Florida Constitution and By-Laws. Any amendment to the aforementioned documents that is in conflict with any provision herein shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at a regular Post meeting by a vote of two thirds of the members present at such regular meeting, provided that the proposed amendment(s) shall have been submitted in writing and read at the preceding regular Post

meeting; and further providing that written notice shall have been given to all members at least thirty (30) days prior to the date when such amendment or amendments are to be voted upon notifying all members that at said meeting a proposal to amend the Constitution is to be voted upon.

**BY-LAWS OF OCEAN BEACHES POST 129
THE AMERICAN LEGION
DEPARTMENT OF FLORIDA**

ARTICLE I. DUTIES OF OFFICERS

Section 1. **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. He/she shall be the chief executive officer of the Post. He/she shall approve all disbursements of funds and shall make an annual report covering the business year and shall make recommendations for the coming year that shall be read at a regular meeting and forward a copy to the Department Adjutant. The Commander, in accordance with Post By-Laws, shall appoint such committees and officers as the business of the Post may require.

Section 2. **1st VICE COMMANDER.** The 1st Vice Commander shall assume and discharge the duties of the office of the Commander in the absence or disability of the Commander, or when called upon by the Post Commander, and will chair one or more committees designated by the Commander and shall be the membership chairman.

Section 3. **2nd VICE COMMANDER.** The 2nd Vice Commander shall be the entertainment chairman of the Post, and shall also chair such other committees as appointed by the Commander.

Section 4. **3rd VICE COMMANDER.** The 3rd Vice Commander shall perform such duties and chair such committees as may be assigned to him/her by the Post Commander and shall work with the 1st Vice Commander in securing membership.

Section 5. **4th VICE COMMANDER.** The 4th Vice Commander shall perform such duties and chair such committees as may be assigned to him/her by the Post Commander and assist the 2nd Vice Commander in the performance of duties as Entertainment Chairman.

Section 6. **ADJUTANT.** The Adjutant shall have charge of and keep complete and accurate records of proceedings at all meetings and shall keep all attendance records of all officers and keep such records as National and Department organizations may require, render reports of membership annually or when called upon at a meeting. The adjutant will handle all correspondence and process all membership applications and renewals. The Post Commander shall appoint the Adjutant.

Section 7. FINANCE OFFICER. The Finance Officer shall have charge of all finances, including deposits in the Post accounts and shall report to the Executive Committee once a month on the condition of the Post's finances. He/she may also make recommendations for raising funds with which to carry on the activities of the Post. He/she shall co-sign all checks with the Post Commander for disbursement to payees. The amount of such checks shall be limited to \$500.00 except for the payment of dues per capita and emergency expenditures for the repair or replacement of necessary equipment. He/she shall furnish such surety bonds in such sum as shall be fixed by the Executive Committee, and make a complete report to the general membership at least once per month. He/she shall meet with the finance committee and pay all bills once per week.

Section 8. POST HISTORIAN. The Post Historian shall be charged with the records of events of the Post and activities of Post members. He/she shall compile an annual yearbook and perform other duties as may properly pertain to the office.

Section 9. POST CHAPLAIN. The Post Chaplain shall be charged with the spiritual welfare of the Post members and will offer divine, but not sectarian, services at dedications, funerals, public functions, meetings, etc. He/she will adhere to such ceremonials and rituals as recommended by National and Department headquarters.

Section 10. SERGEANT-AT-ARMS. The Sergeant-at-Arms shall preserve order at all meetings and shall see that the hall is set up and broken down after meetings and shall perform such other duties as may be assigned to him/her by the Post Commander.

Section 11. JUDGE ADVOCATE. The Post Judge Advocate shall advise the Post officers and Executive Committee on the interpretation of the National, Department and Post Constitution and By-Laws and shall perform such other duties as are incident to the office. The Commander shall appoint the Judge Advocate.

Section 12. SERVICE OFFICER(s). The Service Officer(s) shall assist the officers and members of the Post with administrative matters dealing with the Veterans Administration, Department of Defense or any other government entity concerned with veterans rights and benefits and shall perform such other duties as are incident to the office. The Commander shall appoint the Service Officer(s).

Section 13. It shall be the duty of all elected and appointed officers to notify the Adjutant of the reason for their absence prior to the regular Post meeting they will not be attending.

ARTICLE II. DUTIES OF THE EXECUTIVE COMMITTEE

Section 1. It shall be the duty of the Executive Committee to 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. The committee shall meet at least once per month, at the call of the Post Commander, and as often as the Commander shall deem necessary. The Commander may also call a special Executive Committee meeting with twenty-four (24) hours' notice to Committee Members by personal contact and must also call a special meeting upon joint written notice of three (3) or more members of the committee. Seven (7) members shall constitute a quorum at a meeting of Committee Members.

Section 2. The Executive Committee shall authorize the hiring of such employees as may be necessary for the business operation of the Post; shall authorize, where deemed necessary, the funds requested by Post committees; shall require adequate bonds covering all persons having custody of Post funds and building access; and shall generally have charge of and be responsible for the management and affairs of the Post.

Section 3. The Executive Committee shall prescribe rules of conduct for the Post home and any other building used by the Post and may modify or revoke the same. The House Committee shall determine penalties for any violations of the rules, and have the power to enforce and also to revoke such penalties.

ARTICLE III. DELEGATES

Section 1. Delegates and alternates to Department Convention and District Constitutional Conference shall be elected by ballot at a regular meeting to be held at least twenty (20) days prior to the date of the Conference and Convention.

ARTICLE IV. APPOINTMENTS

Section 1. Immediately upon taking office each year, the Post Commander shall appoint the following standing committees: Americanism, Ceremonials, Children and Youth, Scholarship, Economics, Finance, Donations, Foreign Relations, Auditing, Graves Registration and Memorial, House, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, National Security, Sons of the American Legion and Visiting or VAVS, Athletics.

ARTICLE V. DESCRIPTION OF COMMITTEES

Section 1. AMERICANISM COMMITTEE. The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by his arrangements for proper observances 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 2. CEREMONIALS COMMITTEE. The duty of the Ceremonials Committee is to ensure that all new members are properly initiated. The committee must also concern itself with the proper presentation of other rituals outlined in the Post Officers Guide and Manual of Ceremonies, burial detail and wearing of American Legion regalia.

Section 3. CHILDREN AND YOUTH COMMITTEE. The Children and Youth Committee shall be charged with aid and service to the children of veterans, cooperating with other established agencies in the community for the above purposes. To act as intermediary for the needy child of the veteran in obtaining the fulfillment of the American Legion's pledge that "no child of a war veteran who may need the necessities of life", and "a square deal for every child".

Section 4. SCHOLARSHIP COMMITTEE. The Scholarship committee will concern itself with raising funds to award scholarships. This committee is empowered to select awardees and disburse funds at its own discretion. The committee will report its actions to the Executive Committee.

Section 5. ECONOMICS COMMITTEE. The Economics Committee is primarily concerned local employment problems, veteran's preference, government employment and re-employment rights.

Section 6. FINANCE COMMITTEE. The Finance Committee shall be charged with the administration of financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all current normal operating expenses with Executive Committee and general membership approval.

Section 7. DONATIONS COMMITTEE. Purpose: review and screen all requests for donations from Post 129. **All Donation** requests will be made in writing or presented verbally to the committee at a regularly scheduled meeting. The Donations Committee will report to the Executive Committee at regular meetings. The committee will meet one to two weeks before regular scheduled Executive Committee meeting thus giving time to review requests. Meetings shall be held at the discretion of the members and date and time will be made available to the Monthly Newsletter Coordinator for publishing in next month's newsletter. Committee membership and duties: One E-Board Member and he/she will be responsible for making the committee report to the E-Board. Adjutant – provide correspondence, review ROTC and Education requests, and act as Secretary for minutes to give to E-Board member for his/her report to the next scheduled meeting. Finance Officer – provide current financial status of Post 129's accounts. Bar Manager – provide insight into the use of canteen monies and history of costs of previous repairs, etc. Chaplain – review religious and hardship donation requests.

Section 8. FOREIGN RELATIONS COMMITTEE. This committee has become active, as America has recognized its responsibility as a World Leader. Maintaining security,

world peace and friendship abroad, through community endeavors, has become essential as an aspect of treaty law.

Section 9. AUDITING COMMITTEE. The Commander shall appoint three (3) or more members of the Post in good standing to this committee. No member of the Finance Committee shall be eligible to serve on this committee. It will be the duty of this committee to audit the financial affairs of the Post, not less than once per year or at intervals as may be deemed necessary, and report any irregularities they deem to be detrimental to the general membership.

Section 10. GRAVES REGISTRATION AND MEMORIAL COMMITTEE. The duties of the committee involve recording of gravesites and complete information on veterans' burial in cemeteries assigned to the Post. Special assistance can be given to the Service Officer in providing flags, headstones or proper interment in National Cemeteries.

Section 11. HOUSE COMMITTEE. This committee shall have charge of all matters pertaining to the care of the Post quarters and arrangement of social activities and duties described in the House Regulations.

Section 12. LEGISLATIVE COMMITTEE. This committee should have knowledge of what is going on in Congress – what we favor or oppose – and should be ready to initiate action in support of our position when requested by National or Department Headquarters.

Section 13. MEMBERSHIP COMMITTEE. This committee shall have charge of all matters pertaining to the membership of the Post, including procuring new members, reinstatements and the eligibility of prospective members.

Section 14. PUBLIC RELATIONS COMMITTEE. This committee shall have charge of the promotion of public support of American Legion programs and values, by the establishment of proper contact with the American Legion magazine, the Department Link, National and Department news and by local publicity of Post programs and activities.

Section 15. VETERANS AFFAIRS AND REHABILITATION COMMITTEE. This committee shall supervise all matters pertaining to service to comrades in the filing of all just claims against the federal and state governments, unemployment, relief, etc.

Section 16. SECURITY COMMITTEE. This committee shall work and coordinate Legion efforts with Civil Defense Council on matters pertaining to National civilian and homeland defense. It shall assist the Armed Forces in recruiting efforts and in every way by assistance in community activities for the defense of the nation and the security of the American homeland.

Section 17. SONS OF THE AMERICAN LEGION COMMITTEE. This committee shall have supervision over the operations of the Post Squadron of the Sons of the American Legion.

Section 18. VISITING OR VAVS COMMITTEE. This committee is charged with visiting and comforting of members and their families when sick or bereaved, and with visiting ex-service personnel in nearby hospitals.

Section 19. ATHLETIC COMMITTEE. This committee shall have supervision over all Post athletic activities.

ARTICLE VI. RESOLUTIONS

Section 1. All resolutions presented to this Post by a member or committee shall embody the opinion of the Post on the subject, and a copy shall be forwarded to the District Commander for approval before any publicity is given or action taken other than passage by the Post.

ARTICLE VII. MEETINGS

Section 1. The regular meetings of the Post shall be held at the Post home on the first Thursday of every month at 7:30 P.M. at which time such business will be conducted as may be properly brought up for action, and such meetings may be converted into entertainment meetings as deemed advisable by the Commander and officers of the Post.

Section 2. Fifteen (15) members shall constitute a quorum at any Post meeting.

ARTICLE VIII. RULES OF ORDER

Section 1. All proceedings of Ocean Beaches Post 129, The American Legion shall be conducted under and pursuant to The American Legion Post Officers Guide and Manual of Ceremonies, except as herein otherwise provided. For matters of parliamentary procedures, the Post will rely on Robert's Rules of Order.

ARTICLE IX. LIMITATIONS OF LIABILITY

Section 1. This Post shall not take any action whatsoever which shall subject to liability any other Post, subdivisions, group of individuals, members of the American Legion, or other individuals, corporations or organizations.

ARTICLE X. BUILDING

Section I. The Building will be a structure with the following main areas: Lounge areas, Kitchen, and meeting areas. Any structural modifications, changes or removal of these rooms, must be voted upon and endorsed by the House Committee, with the approval of the Executive Committee and the General Assembly.

Section II. All other stowage rooms, office and closets can be changed, removed, or designated as needed by the House Committee, with the approval of the Executive Committee and the General Assembly.

Section II. One of the two restrooms will be designated by an appropriate sign as a Men's Restroom and is to be used solely by the male gender. The second restroom will be designated by an appropriate sign as a Women's Restroom, and is to be used solely by the female gender.


ARTICLE XI. AMEMDMENTS

Section 1. These By-Laws are adopted in accordance with the provisions and subject to the National Constitution and By-Laws and the Department of Florida Constitution and By-Laws. Any amendment to said Constitutions and By-Laws which conflicts with any provision herein, should 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 by a vote of two thirds of the members present at such regular meeting; provided that the proposed amendment(s) shall have been submitted in writing and read at the preceding regular Post meeting, and further provided, that written notice shall have been given to all members at least thirty (30) days prior to the date when such when such amendment(s) are to be voted upon, stating that at said meeting a proposal to amend the By-Laws is to be voted upon.

Section 3. Severability: Should any article or section of these By-Laws become permanently or temporarily invalidated by federal or state law or executive order, only those articles shall be affected; unaffected articles and sections shall remain in force.

BY DIRECTION:


Sonny Kirkwood
Adjutant

APPROVED:


Joe Maichle
Commander