



FOR GOD AND COUNTRY

BY-LAWS

of

Ron Asby North Cobb American Legion Post 304, Inc.
4220 South Main Street
Acworth, Georgia 30101

Adopted: September 19, 2019

BY-LAWS

Of

RON ASBY NORTH COBB AMERICAN LEGION POST 304, INC.

BY-LAWS

By Board and Committee

**These Constitution and By-Laws were approved at the
General Membership meeting of October 17, 2019. attested to by:**

John Dowdy, Commander

Jack Kimmich, Adjutant

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BY-LAWS

of **Ron Asby** North Cobb American Legion Post 304, Inc.

The Post existing under these By-Laws is to be known as **Ron Asby** North Cobb American Legion Post 304, Inc., with a Corporate Seal being in such form as determined by the Corporation Incorporated 15 April 1992. The purpose of this Corporation is as set forth in the Preamble and the Constitution.

ARTICLE I, Management

1.1 The government and management of this Post is entrusted to the Executive Committee, consisting of the Post Commander, Senior Vice Commander, the four Junior Vice Commanders, **the American Legion Riders (ALR) Director, the Sons of the American Legion (SAL) Commander**, and the most recent Past Commander not holding an Elective Office, **who shall retain voting privileges for one (1) year after being replaced**, and who are responsible for the sound management of this Post and its affairs. A quorum of any Executive Committee meeting shall be five (5) Executive Committee members. The Adjutant, Finance Officer, Chaplain, Service Officer, Judge Advocate, Sergeant-at-Arms, Historian, appointed by the Post Commander, may sit in session with the Executive Committee with voice, but no vote.

1.2 The Post Executive Committee shall approve and authorize all expenditures; shall require adequate Bonds; shall require insurance coverage from all contractors and others having custody of Post funds or property; shall cause surety Bonds in such sums as may be necessary or as required.

1.3 The Post Executive Committee shall approve and/or revoke all contracts and agreements, whether they be written or verbal, that pertains to contractors, janitorial service, repairs, equipment, maintenance, administrative, accounting, casual labor, or entertainment, etc. The incoming Executive Committee will review all items listed above during their organizational meeting and review, approve, cancel, modify, and/or make changes, as required or necessary.

1.4 The Executive Committee will be responsible for the hiring, firing, suspension, warning, and disciplining of any and all Post Employees; shall cause employee position descriptions to be kept current; ensure employees adhere to applicable Laws, ordinances, rules, regulations, and other directives issued by the Executive Committee.

1.5 The Executive Committee may consider motions made on the floor from the general membership that normally fall under its purview. Motions considered or not considered by the Executive Committee will be recorded in the official minutes.

ARTICLE II, Meetings

2.1 Post Executive Committee: Shall meet for the organizational and such other business as may come before it, within ten (10) days after installation. Thereafter, the Committee shall meet at least once each month. Special meetings may be called by the Post Commander, **or upon a written request from five (5) or more Executive Committee members. Five (5) Executive Committee members shall constitute a quorum. The Post Commander will serve as Chairperson.**

2.2 Regular General membership meetings will be held each month on a day of the week to be determined by the membership on the first meeting after the annual Installation of Officers. Such meetings, upon approval of either the general membership, or the Executive Committee, may be converted to a joint Auxiliary, SAL, Civic, or entertainment meeting. Special general membership meetings may be called by the Post Commander, or upon the written request of ten (10) or more Legionnaires. Fifteen (15) Legionnaires shall constitute a quorum at any meeting. The Commander or his designee shall have the option to close the Social Quarters to the membership, during any regular or called meeting of the general membership.

2.3 The “State of the Legion” meeting shall coincide with the annual reports required by the Post Commander and the Finance Officer; this meeting and required reports shall be scheduled after the Department of Georgia Convention, and before the Installation of Officers.

2.4 All meetings and proceedings shall be conducted under prescribed guidelines, rituals, proper orders of business, and “*Roberts Rules of Order*”, revised, except as otherwise provided.

ARTICLE III, Duties of Officers

3.1 POST COMMANDER: It shall be the duty of the Post Commander to preside at all meetings of the Post and have general supervision over the business affairs of the Post, and as such be the Chief Executive Officer; shall as directed or as necessary, direct the disbursement of funds; shall annually, prior to the conclusion of the American Legion year, make a report to the general membership via the Executive Committee, covering the “State of the Legion” business of the past year. He shall make recommendations for the ensuing year, with a copy to be delivered to the Department Adjutant, and shall perform other duties as directed by the Executive Committee; he is authorized to co-sign checks, and may designate other Officers to do the same; he is an Ex-Officio member of all Committees.

3.2 SENIOR VICE COMMANDER: Shall assume and discharge the duties of the Post Commander in the absence of that Officer, or when called upon by the Post Commander; shall be the Membership Chairman responsible for membership, including new memberships, renewal of existing memberships and retention of existing members, and its related administrative functions; shall carry out additional duties as directed by the Post Commander and the Executive Committee.

3.3 JUNIOR VICE COMMANDER – Social Quarters: Shall be responsible for security and the smooth operation of the Social Quarters, Kitchen and Game Room, and ensure proper maintenance of related equipment and building structures; oversee, train as required, and supervise janitorial contractors, bookkeepers, bartenders, cooks, and entertainers, and make recommendations to the Executive Committee for approval in the hiring, firing, or suspension of any and all employees; as required or when directed, assist, coordinate and arrange Social Quarters and/or Legion functions; be responsible for procurement, inventory, and distribution of all foods, alcoholic beverages and related supplies; shall maintain accurate reports and files.

3.4 JUNIOR VICE COMMANDER – Assembly Quarters: Shall be responsible for security and the smooth operation of the Main Meeting Hall, Conference Room and associated Catering Kitchen, Stage, storage area, and associated equipment; responsible for proper maintenance of structures; shall coordinate all Social, Legion, Auxiliary, and other types of functions; rent, lease and reserve facilities, while maintaining appropriate administrative and financial records. When required and in consultation with the Jr. Vice Commander – Social Quarters, he shall have the authority to select a bartender from the approved list, as requested and/or suggested

by the Renter or user of the Main Ballroom and Bar. He shall obtain musical entertainment as required; shall cause all alcoholic beverages, foods, mixers, and related supplies to be secured from the Jr. Vice Commander – Social Quarters, who will be in direct control of same.

3.5 JUNIOR VICE COMMANDER – Exterior Property: Shall be responsible for exterior of Post Home building and surrounding property, including but not limited to, landscaping, beautification, outbuildings, grounds, upkeep of grounds, parking spaces, fund-raising events and special events as approved by the Executive Committee, etc.; shall be responsible for outside security and lighting; ensure compliance of yard and lawn contractors, cause the policing of Legion grounds and parking areas.

3.6 JUNIOR VICE COMMANDER – Post Programs: Shall be responsible for all American Legion Programs initiated by the Executive Committee and serve as an ex-officio member of all Committees related to Legion Programs or authorized by the Executive Committee. He will be responsible for aiding and encouraging Committee Chairmen in providing advice to and, if appropriate, active participation in all Committee functions. He will assure that all Committees provide an appropriate report of their activities at each monthly membership meeting.

3.7 POST ADJUTANT: Shall have charge of - and keep full and accurate records of - all meetings and proceedings; maintain other records as the National, Department, and Post directs; be responsible for all correspondence, filing, office equipment and records; be responsible for membership rosters, cards, associated equipment, reports and mail; be coordinator for Post Newsletters and Bulletin Boards.

3.8 FINANCE OFFICER: Shall have charge of all finances of the Post and to ensure their safe deposit in a local bank; will report monthly to both the Executive Committee and the General Membership the condition of all Post finances; shall annually, prior to conclusion of the Legion year, make a report to the General Membership, via the Executive Committee; provide a balance sheet in reasonable detail showing the financial condition of the Post, along with an itemized report showing profit and losses; shall cosign checks to carry out the Post business; He shall maintain appropriate records, including insurance, medical, surety, workers compensation, employee personnel records, bonds, etc., and shall perform other duties as directed by the Post Commander or the Executive Committee.

3.9 SERGEANT-AT-ARMS: Shall preserve order and decorum at all meetings and other official functions; when required arrange and participate in patriotic ceremonies, functions, and other designated events; ensure proper equipment is set-up or provided, i.e. tables, chairs, podium, sound system, etc., be custodian of all flags and memorabilia, including proper display, procurement and replacement; shall insure any outside heavy armaments are properly secured, displayed and maintained; keep all small arms, if any, properly stored and safely locked; maintain VIP guest logs and introduce guests.

ARTICLE IV, Appointments

4.1 Upon assuming office, the Post Commander shall appoint Chairpersons to the Standing Committees. Those appointed shall perform tasks commensurate with titles and duties listed, and Legion publications as applicable, including directives from the Post Commander and the Executive Committee. The Commander may delegate authority to chairpersons to select additional Legionnaires to their respective committees; the Post Commander shall also appoint chairpersons to other non-standing committees, as necessary for the smooth operation of the

Post. All Committee Chairpersons and Committee members shall serve at the pleasure of the Post Commander, except as otherwise provided.

4.2 CHAPLAIN: Shall be charged with the spiritual welfare of the Post and its members, and offer divine, but non-sectarian prayers and services when called upon; shall offer same at Legion events, funerals, dedications, and shall maintain liaison with the Post Sergeant-at-Arms.

4.3 JUDGE ADVOCATE: Shall advise the Post Commander and the Executive Committee on legal questions, inquiries, administrative policies, procedures, and act as parliamentarian, when applicable.

4.4 SERVICE OFFICER: Acts as a liaison between Legionnaires of this Post and the Veterans Affairs Department. Serves as a focal point and source of technical knowledge and information pertaining to the State, Federal, and VA Hospital policies; ie: benefits, compensation and other programs as they apply to Veterans and their dependents.

4.5 MEMBERSHIP COMMITTEE: Under the direction of the Post Senior Vice Commander, this Committee shall have charge of all matters pertaining to the membership of this Post, ie: new members, reinstatements, transfers, and retention of current members; ascertain all eligibility requirements.

4.6 HOUSE COMMITTEE: Will assist and be under the direction of the Junior Vice Commander – Social Quarters. Duties shall include, but not limited to, enforcing posted House Rules as they apply to the Clubrooms, Game Rooms, and Kitchen; shall assist in scheduling, promoting, and advertising of Social and Legion events; any disciplinary or discrepancy reports shall be submitted in writing to the Executive Committee, via the Vice Commander - Social Quarters for endorsements. No management or supervisory duties are involved.

4.7 HISTORIAN: Shall collect, evaluate and compile the written and photographic information concerning Post activities and records of merit; determine which records are of merit or have a historical nature, and ensure their proper collation, storage and safe keeping; preserve other objects, ie: trophies and relics that have a historical value to the Post.

4.8 FOOD BANK CHAIRMAN: Procure from donor sources, adequate food and supplies and ensure that all eligible recipients in need are sufficiently served; procure from commercial sources and Major Food Banks other food stuffs to supplement donations; maintain appropriate records and files; coordinate efforts with County, State, and other Local offices.

4.9 AUDIT COMMITTEE: This Committee, once appointed by the Post Commander and approved by the General Membership, shall act autonomously, governed only by the General Membership. Findings, if any, shall be reported on a monthly basis; the Committee shall have authority to examine all financial and administrative records; shall have access to other operations of the Post while in the process of conducting business. The Committee shall remain active until terminated by the General Membership, or at the completion of the current Legion year, whichever comes first.

4.10 SONS OF THE AMERICAN LEGION: The Commander of the Sons of the American Legion (SAL) shall be elected to the position by members of the SAL, and shall act in a supervisory capacity for SAL Squadron 304, a Committee of Post 304, and in this capacity shall assist Squadron 304 in connection with the

organization's activities, recreational and educational programs; shall insure compliance with all prescribed National, Department, District, and Post directives, and its Constitution and By-Laws.

4.11 AMERICAN LEGION RIDERS: The Director of the American Legion Riders (ALR) shall be elected to the position by members of the ALR, and shall act in a supervisory capacity for American Legion Riders 304, a Committee of Post 304, and in this capacity shall assist ALR 304 in connection with the organization's activities, recreational and educational programs; shall insure compliance with all prescribed National, Department, District, and Post directives, and its Constitution and By-Laws.

4.12 NON-STANDING COMMITTEES: Non-Standing Committees may be appointed, as deemed necessary by the Post Commander; These Committees may consist of, but not be limited to; Honor Guard, Publicity, Legal, Rehabilitation, Americanism, Athletic, Disaster Relief, Welfare, Defense, Boys State, Community Relations, Ways and Means, or Bingo. Duties shall be commensurate with titles, Legion publications, and/or direction by the Post Commander and/or the Executive Board.

ARTICLE V, Delegates

5.1 Delegate Strength: Authorized delegate strength for any meeting or convention shall consist of the current Executive Committee, Executive Committee-Elect, if applicable, and all Chairpersons of Standing Post Committees, in that order. Authorized delegate strength remaining shall come from the General membership.

5.2 Selection of Delegates from the General Membership: When applicable, a Declaration Board will be posted in the Social Quarters, and those members desiring to become a delegate may affix their own name; Selection will be on a first sign-up basis. Excess signers, beyond Delegate strength, will be designated as Alternates.

5.3 Delegate Voting: All voting, whether by secret ballot or show of hands, shall be determined by the majority of Delegates present.

ARTICLE VI, Resolutions

6.1 Outside Resolutions: All resolutions received from other Posts, District(s), State or National Headquarters reported to this Post, shall merely embody the opinion of the sender, and if required, this Post will concur, non-concur, or endorse, and forward same before any publicity is given, other than the mere passage through Post 304.

6.2 Post 304 Resolutions: Resolutions submitted to higher authority by members of Post 304 shall be prepared in the proper format, and read to the General Membership for appropriate endorsement, prior to being forwarded.

ARTICLE VII, Organization, Clubs and Groups

7.1 The **Ron Asby** North Cobb American Legion Post 304 may recognize the **Past Commanders Club**; whose primary functions shall be social, and when called upon by the current Post Commander, may act in an advisory capacity.

7.2 Additional Organizations: Other Groups, Clubs, etc. may be recognized by The Ron Asby North Cobb American Legion Post 304. Requests for appropriate recognition must be in writing to the Executive Committee outlining parameters, time and dates desired; non-profit organizations shall have priority. Fees may be assessed if Post facilities are used.

ARTICLE VIII, Miscellaneous

8.1 Legionnaire of the Year: This award shall be the sole prerogative of the Post Commander. Advice may be solicited in the selection process, but not consent.

8.2 Honorary Life Member: Meritorious Lifetime Legionnaire Awards may be awarded to deserving members, if approved by a majority vote of the Executive Committee, provided however, that funding for such awards shall be paid for in its entirety from the current Legion year's budget.

8.3 Lifetime Membership Awards: Other lifetime awards may be granted to Post 304 Legionnaires who have completed forty (40) years of continuous service, of which at least ten (10) years must have been as a member of **Ron Asby** North Cobb American Legion Post 304.

8.4 Discretionary Spending: There may be situations where the Post Commander must expend Legion funds without the timely approval of the Executive Committee. If and when such situation(s) occur, the Post Commander may spend up to **one thousand dollars (\$1000.00)** for authorized American Legion functions and events; however, an itemized detailed report will be made at the next Executive Committee meeting, where their pleasure or displeasure may be expressed.

8.5 Emergency Spending: When required, the Post Commander and the Senior Vice Commander may authorize emergency type expenditures; the Junior Vice Commanders – Social Quarters and Assembly Quarters may expend emergency funds in cases of equipment breakdown, service calls, parts, supplies, etc; for their areas of responsibility. All funds expended must be reported in detail to the Finance Officer via the Executive Committee at the next Executive Committee meeting.

ARTICLE IX, SPECIAL COMMITTEES

9.1A Property Committee: The Post Commander shall initially appoint a Chairperson and a minimum of two (2) other members to this Committee on a staggered basis, as follows: The Chairperson shall be appointed to a three (3) year term; One member shall be appointed to a two (2) year term; and One member shall be appointed to a one (1) year term. At the commencement of each Legion year thereafter, the Commander shall either appoint new, or reappoint an existing member whose term is expiring, to a three (3) year term, so as to provide continuity on this Committee. The name of the Chairperson and other members will be presented to the general membership at a regular meeting. Once the Property Committee is approved it shall act autonomously and remain active until completion of the then current Legion year.

9.1B It is the responsibility of the Post to notify the Department of Georgia, prior to the sale, acquisition or transfer of any real property.

9.1C The Committee shall negotiate contract terms with potential purchasers, and any proposed sale, acquisition or transfer of property, with the findings and recommendations of both the majority and minority views of the

Committee if any, plus all contracts, bids, and attorney recommendations, shall be submitted to the Executive Committee for their information and recommendations if any, prior to presentation to the General membership at a regular meeting for approval. Any recommendations for sale, acquisition or transfer of property shall be in accordance with the prescribed provisions indicated under Article IX, Section 9.2 below.

9.2 The sale, acquisition or transfer of Real property shall be accomplished only by a vote of two-thirds (2/3) of the members present and voting at a regularly scheduled meeting, provided that the proposed sale, acquisition or transfer of said real property, shall have been submitted to the membership by written notice at least thirty (30) days prior to the regularly scheduled meeting at which said vote will be taken, and that the terms of said proposal of sale, acquisition or transfer of real property shall be posted on the Bulletin Board, and be read to the general membership, at a meeting immediately preceding the meeting at which said vote will be taken and recorded, and provided further that a Legionnaire voting on any such amendment(s) must be a member in good standing.

Special Committees

9.3 Building Committee: If determined by the Executive Committee, the Post Commander shall appoint a Chairperson and a minimum of two (2) other members to this Committee. Once formed it shall act autonomously and remain active until completion of the then Legion year. They will inform the Executive Committee of any major reconstruction projects and/or renovations that may be required, due to unforeseen circumstances.

9.4 Maintenance Committee: If determined by the Executive Committee, the Post Commander shall appoint a Chairperson and a minimum of two (2) other members to this Committee. They shall be responsible to review and maintain the existing building, the grounds and parking lots and shall report their findings to the Commander and the Executive Committee, on a monthly basis.

9.5 Building Finance Committee: The management of funds in the Building Account shall be the responsibility of the Building Finance Committee, consisting of the Commander, the Finance Officer, and one other member appointed by the Commander, subject to the approval of the Executive Committee. The Building Finance Committee shall make monthly reports to the Executive Committee and the general membership on the status of all expenditures, and the current status of funds deposited in the Building Account. In addition, the Building Finance Committee shall direct the distribution of funds into or out of various investment tools, subject to the approval of the Executive Committee.

ARTICLE X, Amendments

10.1 These By-Laws may be amended at any regular meeting by a two-thirds (2/3) majority vote of the members present and voting, provided that any such proposed amendment (s) shall have been recommended by the Constitution & By-Laws Committee, or have been submitted in writing, signed by a minimum of fifteen (15) members in good standing, and read at the next regular General membership meeting, and further provided that the membership be given written notice either by the Post Newsletter or other type of mailing, at least thirty (30) days in advance, announcing the time and date when such amendment(s) will be voted upon, and provided further that a Legionnaire voting on any such amendment(s) shall be a member in good standing.

END OF BY-LAWS