



The American Legion • Department of France • Margraten Post NL01 • USAG Benelux • Brunssum, NL

Constitution

The Constitution of The American Legion Post NL01 Margraten was adopted, passed voting at the 13 Oct 2017 general membership meeting and signed into effect on 8 December 2017; Reviewed and passed voting at the 3 December 2018 general membership meeting and signed into effect on 3 March 2018; Amended, reviewed and ratified by two-thirds (2/3) vote at the General Membership Meeting 17 July 2020 in Kerkrade, The Netherlands; Amended, reviewed and ratified by two-thirds (2/3) vote at the General Membership Meeting 13 March 2021 via Video Meeting; Amended Article XV, Section 3 and ratified by two-thirds (2/3) vote at the General Membership Meeting 16 April 2021 via Video Meeting. 2021 Annual review with no changes, signed at the General Membership meeting 26 March 2022 in Brunssum, The Netherlands.

Unless otherwise stated, whenever the masculine or feminine gender is used, both are intended.

Preamble

FOR GOD AND COUNTRY WE ASSOCIATE OURSELVES 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 one hundred percent Americanism;

To preserve the memories and incidents of our associations in all wars;

To inculcate a sense of individual obligation to community, state and nation;

To combat the autocracy of both 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 and Location

Section 1. The name of this organization shall be Margraten Post NL01, The American Legion, Department of France.

Section 2. The Margraten Post is located in the Netherlands and is operated as a Private, non-profit Organization within the U.S. Military Community in The Netherlands and The Tri-

Border Area to include Germany and Belgium, within the jurisdiction of the USAG Benelux Commander and his/her approving authority.

Section 3. The Margraten Post NL01, The American Legion, Department of France was chartered by the National Headquarters of the American Legion on 17 August 2017 and countersigned by the Department of France on 20 August 2017.

Article II- Objectives

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

Section 2. In addition, it shall be the purpose of the Post to foster, insofar as it is able, friendly relations within the community, its Veteran's organizations, and the United States of America. To aid members in distress and to cooperate with Posts and the Departments of The American Legion in America and elsewhere, as well as the National Organizations for our own mutual benefit.

Section 3. The American Legion activities of this Post shall be conducted on a non-profit basis and charitable as a Veteran's Organization in support of the following American Legion National programs; Americanism, Children and Youth, Veterans Affairs and Rehabilitation, National Security, Foreign Relations, Membership and Post Activities, Public Relations, Legislative, Finance, Economic, Graves Registration and Memorials, Sons of The American Legion, The American Legion Auxiliary, The National Emergency Fund, The American Legion Child Welfare Fund, American Legion Riders and the Past Commanders Club.

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.

Section 2. This Post shall be absolutely nonpolitical 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 preferment. The members of American Legion Margraten Post NL01 will neither propagate extremist activities nor advocate violence against others or the violent overthrow of the Government.

(This is a requirement for PO by approval by USAG, IAW AR 210-22 and AER 210-22)

Section 3. Rank does not exist in the American Legion; no member shall be addressed by his military or naval title in any meeting of this Post.

Article IV- Membership

Section 1. Any person shall be eligible for membership in The American legion who is or was a member of the United States Armed Forces between 6 April 1917 to 11 November 1918 or has served federal active duty in the United States armed Forces since 7 December 1941 and has been honorably discharged or is still serving.

Section 2. There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life. There are no associated or honorary memberships.

Section 3. No person may be a member at any one time of more than one Post.

Section 4. No person whose membership has been suspended, canceled, or revoked by any Post shall be admitted to membership in another Post, without consent of the Post conducting the proceedings, except that where such consent has been asked for and denied by such Post. They may then appeal to the Executive Committee of the Department of the Post conducting the proceedings for permission to be admitted to membership in another Post. They shall be ineligible for membership until such approval is granted by the Department Executive Committee (DEC).

Section 5. No member shall be allowed to seek election or appointment to any office in the Department or Post until they have provided adequate proof of eligibility to the Department or Post Adjutant, as appropriate.

Section 6. Any member in good standing in a Post who moves from this Department shall be entitled to a certificate from their Post certifying their membership and duration thereof.

Section 7. Eligibility for membership shall not be restricted in any manner with regard to race, color, religion, sex, creed, national or ethnic origin, or mental or physical handicap.

Section 8. To withdraw their membership, the member need only not pay their annual dues and express their wish not to renew membership through verbal or written communication with the Post. No official withdrawal application is required.

Section 9. Guests may attend regular meetings and must sign the 'Guest Register' maintained by the Sergeant at Arms. Guests may not participate in the official meeting or ceremonies.

Article V- Post Officers

Section 1. The Elected Officers of the Post shall be:

- a. Commander
- b. First Vice Commander
- c. Second Vice Commander
- d. Historian
- e. Chaplain
- f. Service Officer
- g. Sergeant at Arms

Section 2. The Appointed Officers of the Post shall be:

- a. Adjutant
- b. Judge Advocate
- c. Finance Officer

The Elected and Appointed Officers, the Immediate Past Commander (IPC) of the Post and the Director of The American Legion Riders, The Commander of the Sons of the American Legion and The President of the American Legion Auxiliary under Post NL01 shall be known collectively and may be referred to as the Post Executive Committee (PEC). Each Elected Post Officer and the IPC present shall have a 'voice' and a 'vote' at all meetings. The Adjutant, Finance Officer, and Judge Advocate, the Director of The American Legion Riders, The Commander of the Sons of the American Legion and The President of the American Legion Auxiliary under Post NL01 shall have a 'voice' but no 'vote' in the PEC Meetings, due to the nature of their office by appointment, however will have a 'voice' and 'vote' at all General Membership meetings. All other Past Commanders are invited to PEC and General Membership meetings and shall have a 'voice' and 'vote'.

Section 3. All elected Officers shall be elected annually, in the month of March, 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.

Section 5. An Appointed Post Officer or Member may vote at any Department Meeting or Convention if they are certified as a Post Delegate.

Section 6. The term of office of the Appointed Officers named in Section 4 of this Article shall become effective at the time of announcement of their appointment and shall continue commensurate with the term of and/or at the pleasure of the Post Commander until their successors have been appointed.

Section 7. All Post Officers shall be regular members of the Post and in good standing.

Section 8. In the event of death, disability, resignation or the removal of an Elected Post Officer, the respective office shall be declared vacant. When the office of Commander shall be vacant, the First Vice Commander shall assume the said office for the unexpired term or a General Membership meeting under the guidelines of By-laws Article IV, Section 6 convenes to elect a new Commander, with all duties and powers appurtenant to the said office. When the office of an Elected Post Officer (except Commander) shall be declared vacant, the Post Commander shall appoint a replacement Officer to serve until the next Post meeting, at which time the replacement Officer is subject to confirmation by the membership, or another replacement may be elected by the Members.

Section 9. The death of an Officer must be noted, in writing, by the Commander to the Adjutant and communicated to the Post membership. The resignation of an Officer may be accepted by the Commander and must then be noted, in writing, to the Adjutant, and the Post membership. A disability (unless accompanied by resignation) shall be declared in writing by the Commander to the Adjutant. Removal of the Officer shall only be accomplished by the action of the PEC.

Section 10. A quorum of a minimum of four (4) voting Officers shall be present to conduct business within a PEC.

Section 11. Any member of the PEC may be suspended, canceled or removed for cause at a PEC meeting by two thirds (2/3) vote of the members present; provided that the Officer shall have been served with a written statement of complaint at least thirty (30) days before such vote shall be taken, and shall have an opportunity to be heard at the PEC meeting. The decision of the PEC shall be final.

Article VI- Finance

Section 1. Post financial matters shall be conducted by the Finance Officer and by the Finance Committee in accordance with the By-laws and Standard Operating Procedures.

Section 2. The Fiscal Year shall be 1 April to 31 March.

Section 3. The revenues of this Post shall be derived from annual membership dues and from other sources as may be approved by the Post or PEC.

Section 4. The amount of annual dues shall be determined by the PEC, subject to the approval of the Post. Present annual dues are \$35.00 per year. The amount of revenues from membership dues is \$10.00 per member, excluding Paid up for Life (PUFL) members, where no annual revenues are collected.

Section 5. The Post shall pay a total of \$25.00 to the Headquarters of National and Department, from the annual membership dues for every member of the Post for the current year.

Section 6. The Post shall annually file the proper returns with the U.S. Internal Revenue Service and forward to the Department Headquarters as provided for in the Department Constitution and By-laws.

Section 7. A single-entry accounting system shall be used to record assets, liabilities, net worth, and financial transactions of this Post. All audits will be conducted in accordance with (IAW) the DoDI 1000.15 and USAREUR Regulation AER 210-22, Private Organizations and Funds Raising Policy, the Department of France Constitution, or IAW procedures established in the By-laws.

Section 8. All Post officials handling American Legion Post monies shall be properly bonded with a good and solvent bonding and surety company, as surety, to cover double the average income handled in a single year. In case of delinquencies in the payment of amounts due Department or National Headquarters, actions shall be taken at once by the proper officials to bring about a speedy and complete settlement.

Section 9. An annual audit shall be performed on the financial statements of Post NL01 by an audit committee of not less than three (3) members of the Post. They shall be appointed by the Commander and approved by the PEC or by a duly qualified civilian auditor every year as required by regulations. The Audit Committee or Auditor's duties shall be to audit the financial statements of Post NL01 for the previous year and prepare a report of recommendations to be presented to the PEC. A copy of the audit, to include total income generated as a result of the previous year's operations, shall be provided to USAG Benelux, APO AE 09708.

Article VII- POST ORGANIZATION

Section 1. This Post shall be organized in accordance with the National and Department Constitutions and By-laws. The Post shall be chartered by The American Legion and by the Department.

Section 2. This Post shall not be named after any living person, nor be given a name that is similar to that of an existing Post or Department.

Section 3. Membership. The minimum membership of this Post shall be fifteen (15) members, except as may be authorized otherwise by two-thirds (2/3) majority of the Delegates and Officers of the Department present at a Convention.

Section 4. Constitution. This Post has adopted herein a Standard Post Constitution applicable to all Posts within the Department of France. Changes to this Standard Post Constitution will be in Amendment form. They will be approved in an annual meeting assembled, attested to by the Post Adjutant, and signed by the Post Commander and forwarded to the Department Adjutant in accordance with Article XVI of the Department Constitution. Provided, however, regulations and additions may be required to comply with local civil or military regulations may be made, subject to the approval of the Post and/or Department Judge Advocate for compliance with Department and National Constitution and By-laws.

Section 5. By-laws. This Post adopts its own By-laws, subject to the approval of the Post and Department Judge Advocate and attested thereto, a copy of which shall be maintained at the Department Headquarters, along with the Post minutes of the meeting at which they were formally adopted. Thereafter, all amendments shall be forwarded to the Department Judge Advocate for approval prior to adoption, and a copy of the approved amendments shall be filed with the basic document.

Section 6. Standard Operating Procedures. This Post may adopt its own Standard Operating Procedures (SOP), subject to the approval of the Department Judge Advocate and attested thereto, a copy of which shall be maintained at the Department Headquarters, along with the Post minutes of the meeting at which they were formally adopted. Thereafter, all amendments shall be forwarded to the Department Judge Advocate for approval prior to adoption, and a copy of the approved amendments shall be filed with the basic document.

Section 7. Registration. This Post shall be registered with such civil or military authorities in the area in which the Post is located and/or with the local civilian authorities, as applicable.

Article VIII- Charter Members

Members who joined this Post prior to 3 June 2002 shall be known as Charter Members.

Article IX- American Legion Auxiliary

Section 1. The American Legion recognizes the auxiliary organization known as The American Legion Auxiliary.

Section 2. Eligibility for membership in the American Legion Auxiliary shall be the same as that prescribed for membership by the National Constitution and By-laws.

Section 3. The Auxiliary shall be governed in the Department of France of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by the DEC.

Article X- Sons of The American Legion

Section 1. The American Legion recognizes the auxiliary organization known as The Sons of The American Legion.

Section 2. Eligibility for membership in the Sons of The American Legion shall be the same as that prescribed for membership by the National Constitution and By-laws.

Section 3. The Sons of The American Legion shall be governed in the Department of France of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by the DEC.

Article XI- American Legion Riders

Section 1. The American Legion recognizes the organization known as The American Legion Riders.

Section 2. The membership requirements for the American Legion Riders are very straightforward. To become a member, you must:

- a. Hold membership in and be in good standing with the American Legion, American Legion Auxiliary, or Sons of the American Legion.
- b. Be legally registered motorcycle owners (at least 500 cc's) or be the spouse of an owner who is an American Legion Rider member within the state of registration.
- c. Be properly licensed and insured per state or country laws.
- d. Obey motor-vehicle laws in the state or country in which they are operating a motorcycle or riding as a passenger.

Section 3. The Legion Riders shall be governed in the Department of France of The American Legion by such rules and regulations as may be prescribed by the National Executive Committee and thereafter approved by the DEC.

Article XII- Ratification

All acts performed and Charters heretofore granted to the Post by the Department of France are hereby ratified and confirmed.

Article XIII- Amendments

This Constitution may be amended at any general membership meeting of the Post by two thirds (2/3) vote of the voting strength of the meeting, provided the proposed amendment shall have been submitted in writing to the Post Adjutant at least thirty (30) days prior to the convening of the meeting. Any such proposed amendment may be changed by an amendment thereof without further notice by two thirds (2/3) vote of the voting strength of the meeting.

Article XIV- Conflicts

Section 1. The Post Constitution, By-laws and Standard Operating Procedures are subject to the applicable revisions of the Department of France Constitution, the National Constitution and the By-laws of the American Legion as they exist from time to time, and the extent of any conflict that may exist, the National Constitution and By-laws shall be the controlling authority.

Section 2. In those cases, not provided for in the Post Constitution, By-laws and Standard Operating Procedures, the most current edition of Robert's Rules of Order shall be utilized to ensure the proper procedure.

Article XV- General Provisions

Section 1. This organization does not discriminate in membership on the basis of race, color, religion, national origin, sex or mental or physical handicap.

Section 2. The members of Post NL01, according to local law, may be personally liable to creditors if the assets of the Post are insufficient to discharge liabilities.

Section 3. Guests are welcome at any Post NL01 function or open meeting but must be sponsored by an American Legion member in good standing. Approval from the Post NL01 PEC shall be required for guests to attend any meeting if not represented by an American Legion member.

Section 4. There is no absentee or proxy voting permitted at any General Meeting, PEC Meeting, or at any other election. The PEC may authorize the use of virtual meeting capabilities, for example a Zoom meeting, to enhance attendance for individuals deployed, outside the country, etc. Voting is allowed during virtual meetings when video enables visual confirmation of a show of hands to be counted and verified. When a secret ballot is required, the private chat function of the virtual meeting platform shall be used to ensure anonymity of voters.

Section 5. The general membership of the Post can request the Department of France to dissolve the Post in accordance with Article XI of the National Constitution of The American Legion.

Section 6. If Post NL01 is dissolved, assets will be disposed of in accordance with Section 4 and 5, Article XI, of the National Constitution of The American Legion.

APPROVED BY MAJORITY ON : - 26 March 2022

Attested by the Adjutant: *Ruby Gosh*

Signature of Commander: *Josh Atwill*



The American Legion • Department of France • Margraten Post NL01 • USAG Benelux • Brunssum NL

BY- LAWS

The By-laws of The American Legion Post NL01 Margraten were adopted, passed voting at the 13 October 2017 general membership meeting and signed into effect on 8 December 2017; Reviewed and passed voting at the 3 December 2018 general membership meeting and signed into effect 3 March 2018; Amended, reviewed and ratified by two-thirds (2/3) vote at the General Membership Meeting 19 July 2020 in Kerkrade, The Netherlands; Amended, reviewed and ratified by two-thirds (2/3) vote at the General Membership Meeting 13 March 2021 via Video Meeting. Amended, reviewed and ratified by two-thirds (2/3) vote at the General Membership Meeting 26 March 2022 in Brunssum, The Netherlands.

Unless otherwise stated, whenever the masculine or feminine gender is used, both are intended.

ARTICLE I-GENERAL

The objectives of this Post are outlined in the Preamble and Article II of the Post Constitution.

ARTICLE II- MANAGEMENT

Section 1. The administrative and operational affairs of this Post shall be under the supervision of the Post Executive Committee (PEC) consisting of the seven (7) elected Officers, the Immediate Past Commander (IPC), the Post Adjutant, Judge Advocate, Finance Officer, and any Committee Chairmen as deemed necessary, or required. The Adjutant, Finance Officer, and Judge Advocate shall not be eligible to vote in the Executive Committee Meetings, due to the nature of their office by appointment, unless otherwise so qualified. In the event of the absence of the Post Commander for any reason, the 1st Vice Commander shall assume the seat and duties of the Post Commander.

Section 2. The election of Post Officers shall occur at the General Membership Meeting during March every (1) year. Elections shall be announced at the monthly meetings and monthly newsletter or social media platforms, as required, to fill a Post Officer's vacancy per Post NL01 Constitution Article V, Section 7.

Section 3. Election of Post Officers shall be by secret ballot and the candidate receiving the highest number of votes of the membership present and voting, (electronically or physically) shall be declared the winner. In the event there is one (1) candidate for a specific office, the assigned Department Vice Commander, or his/her representative, shall declare such candidate the winner.

Section 4. Every member of this Post, in good standing, shall be eligible to hold elected office in this Post, and except that any member having a business interest in this Post which could result in conflict of interest may not be a candidate for elective office. Any candidate running for any officer's position must have been a member in good standing of this Post for at least six (6) consecutive calendar months and attended at least two (2) Post General Membership Meetings during the previous year. Further, no member may exercise more than one (1) vote at any Executive Committee or General Membership meeting, where qualified to vote.

Section 5. The Post Facebook page will be managed by special moderators. The assigned moderators are The Commander, The First Vice Commander and The Adjutant. The moderators are to ensure any requested posts from the General Membership are strictly associated to The American Legion, Post NL01 and its members, U.S. Veterans, U.S. Veteran's benefits, the local Military Communities, The Good of the American Legion, the American Cemetery at Margraten, emergency notifications, and the Health and Welfare of members and their families. All posts submitted are subject to rejection without an explanation. The Commander may appoint another individual if deemed necessary.

ARTICLE III- FINANCE

Section 1. The revenues of this Post shall be derived from annual membership dues and from such other sources as may be approved by the Post or the PEC. The Finance committee shall prepare an annual spending plan in order to set fundraising goals for the year.

Section 2. The amount of annual dues shall be determined by the PEC subject to approval by the Post general membership. The present annual dues are \$35.00. Other sources of income shall be sales, other fund-raising activities, and donations. Only \$10.00 of each member's payment (excluding Paid Up For Life Members PUFLs) remains with the Post, the remainder is forwarded to Department and National levels.

Section 3. A single-entry accounting system shall be used to record assets, liabilities, net worth, and financial transactions of the Post. All audits will be conducted in accordance with (IAW) DoDI 1000.15 and USAREUR Regulation AER 210-22, Private Organizations and Funds Raising Policy, the Department of France Constitution, or IAW procedures established in these By-laws.

Section 4. All National, Department, and Post officials handling American Legion monies, specifically the Post Commander, 1st Vice Commander and the Finance Officer, shall be adequately bonded with a good and solvent bonding and surety company, as surety, to cover double the average income handled in a single year. In

case of delinquencies in the payments of amounts due to the Department or National Headquarters, actions shall be taken at once by proper officials to bring about a speedy and complete settlement. The bonds provided by the Post officials shall be reviewed by the Post Judge Advocate and approved by the Post PEC, or such other official or officials as the Department may designate.

Section 5. Liability insurance shall be acquired and maintained as deemed necessary and voted on by the PEC.

Section 6. An annual audit shall be performed on the financial statements of Post NL01 by an audit committee of not less than three (3) members of the Post. They shall be appointed by the Commander and approved by the PEC, or by a duly qualified civilian auditor, every year as required by regulations. The Audit Committee or Auditor's duties shall be to audit the financial statements of Post NL01 for the previous year and prepare report recommendations, to be presented to the PEC. A copy of the audit, including total income generated as a result of the previous year's operations, shall be provided to the office of the Commander, USAG Benelux APO AE 09708.

Section 7. The Post Commander is authorized to make/authorize discretionary expenditures up to €150 to expedite required purchases between PEC meetings, without being required to call a special session for votes. Receipts shall be provided to the Finance Officer.

ARTICLE IV-POST EXECUTIVE COMMITTEE

Section 1. The voting members of the PEC shall be the Commander, 1st Vice Commander, 2nd Vice Commander, Service Officer, Sergeant at Arms, Chaplain, Historian and the Immediate Past Commander (IPC). These elected members shall have a voice and vote at all PEC and Special Meetings. In addition, the Post Adjutant, Judge Advocate and Finance Officer shall also be members of the PEC, having a voice-only input at all PEC and Special Meetings.

Section 2. Four (4) voting members of the PEC shall constitute a quorum for all regular and special sessions of the PEC. In the absence of a quorum, a motion shall be made to conduct business based on a 2/3s (two-thirds) vote.

Section 3. The term of office of voting members of the PEC shall be one year while they are serving the office to which they are elected, or until their successor has been elected or appointed.

Section 4. Immediately upon installation, the new Post Commander, in consultation with the previous Commander, shall call a meeting of the old and new Executive Committees. Such meeting shall be convened within thirty (30) days following the installation and before the next General Membership Meeting. Said meeting would be to affect the transition of Post records, files, functions, equipment, monies, and attending to such other business as may properly come before the Executive Committee. Thereafter, the PEC shall meet each month in regular session until the

expiration of their office and transition to the next Executive Committee. Scheduling of regular and special sessions of the PEC shall be as the Commander may deem necessary, but no less than one (1) regular session per calendar month. The Commander shall be required to call a special session of the PEC upon the joint written notice of four (4) members of said Committee. The term "members", as used herein, refers to any of the voting and non-voting members of the PEC.

Section 5. The PEC shall authorize and approve all expenditures and requests for expenditures. It shall obtain adequate bonding for all officers involved with Post Funds, such bonding at the minimum to be required for the offices of Commander, Finance Officer, and 1st Vice Commander. In addition, the PEC shall authorize and approve all contracts, receive Committee member reports for action, and generally have charge of and be responsible for the prudent management of all the affairs of this Post.

Section 6. All vacancies existing in the Post Executive Committee from any cause other than expiration of term of office shall, in the case of appointed members, be appointed by the Commander for the remaining term of office; in the case of elected members, shall be appointed by the Post Commander. Should the position of Post Commander become vacant for any reason, the Post 1st Vice Commander shall automatically assume the vacant position of Post Commander until such time the next General Membership meeting can hold Post elections. Should the 1st Vice Commander be unable or unwilling to assume the position of Post Commander, a special Post Election will be held at the next upcoming General Membership Meeting as provided by Article V Section 7 of the Post Constitution. Term of office for appointed officials shall be at the pleasure of the Commander for the term of office of the commander. Term of office for elected officials shall be from the date of their election to the date of the next Post General Election Meeting unless sooner terminated for cause.

ARTICLE V- DUTIES OF OFFICERS

Section 1. Duties of the Post Commander: The Post Commander shall preside at all meetings of the Post and have general supervision over the business and affairs of the Post. They shall be the Chief Executive Officer of the Post. They shall approve all orders directing the disbursement of funds, and shall make an annual report covering the business of the Post for the year. They shall make recommendations for the ensuing year, which shall be read at the annual Post meeting. They shall perform such other duties as are usually incident to the office.

Section 2. Duties of the 1st Vice Commander: The 1st Vice Commander shall assume and discharge the duties of the office of Commander in the absence of, or disability of, or when called upon by the Post Commander. They shall be the chairman of the Membership Committee and shall perform such other duties as the Post Commander may specify.

Section 3. Duties of the 2nd Vice Commander: The 2nd Vice Commander shall primarily be responsible for planning patriotic observances as well as the Post's fund-

raising activities. Post activities, as well as entertainment features that mark each meeting, shall also be their responsibility.

Section 4. Duties of the Post Adjutant: The Post Adjutant shall have charge of the administration of policies and mandates, and keep a full and correct record of all proceedings and all meetings. He/she shall keep such records as the Department and National Organizations may require. Under the direction of the Commander, they shall handle all correspondence of the Post. They shall serve at the pleasure of the Commander.

Section 5. Duties of the Judge Advocate: The Judge Advocate shall advise on the construction and interpretation of the Post Constitution and By-laws. They shall act as the parliamentarian at Post meetings. They shall perform such other duties as are usually incident to their office. They shall serve at the pleasure of the Commander.

Section 6. Duties of the Finance Officer: The Finance Officer shall have charge of all finances. He/she shall see that funds are properly deposited in the bank and accounted for. They shall report once a month to the PEC on the condition of Post finances. They shall make recommendations as he/she deems expedient and necessary for raising funds with which to carry on Post activities. He/she shall disburse Post monies, ensuring prior approval by the PEC. In accordance with Article VI, Section 6 of the Constitution, they shall file an annual IRS Form 990-N NLT 15 August after approval by the PEC. The Finance Officer shall select members and lead the Finance Committee. The Finance Officer shall serve at the pleasure of the Commander.

Section 7. Duties of the Post Historian: The Post Historian shall be charged with all individual records and incidents of the Post and Post members. He/she shall compile a complete history of annual Post activities. They shall perform such duties as may properly pertain to the Post as determined by the PEC. They shall maintain the Post website and ensure all historical information is archived per Post Standard Operating Procedures (SOP).

Section 8. Duties of the Post Chaplain: The Post Chaplain shall be charged with the spiritual welfare of the Post Legionnaires. They shall offer divine, but non-sectarian service in the event of dedications, funerals, or public functions. They shall adhere to all ceremonial ritual recommended by the National and Department Headquarters.

Section 9. Duties of the Service Officer: The Post Service Officer shall offer their greatest assistance to achieve the betterment of his/her fellow veterans, the Post, and the Community. They shall be responsible for doing his/her utmost to promote the general welfare of the individual, and thus the group. The Service Officer shall qualify for or attend Veteran's Service Training, as available.

Section 10. Duties of the Sergeant-at-Arms: The Sergeant at Arms shall preserve order at all meetings and serve as the keeper of the Colors. They shall validate membership and attendance of all American Legion rituals. They shall perform such other duties as

shall be prescribed by the PEC or the Commander. They shall perform POW/MIA duties.

Section 11. All the above positions shall provide a written or oral report at all PEC and General Membership meetings.

ARTICLE VI- DELEGATES

Section 1. The Post Commander, with the approval of the PEC, shall appoint delegates and alternates to Department Conventions or Department Executive Committee meetings. Such Delegates or Alternates shall be appointed for each convention or executive committee meeting as they occur. In the absence of the Post Commander, the 1st Vice Commander shall appoint such delegates.

Section 2. All appointments of Delegates and Alternates shall be made in writing to the Department Adjutant.

ARTICLE VII- RESOLUTIONS

All motions for resolutions which have Department or National implications presented to this Post by a member or reported to this Post by Committee shall embody the opinion of this Post on said subject. A copy of the same shall be forwarded to Department Headquarters for approval before any publicity is given or another action is taken except for discussion/passage by the Post. All motions for resolutions must be germane to the purpose for which the American Legion was organized, and extreme care should be taken in proposing resolutions that place an unnecessary burden in the field of legislation or unrelated matters.

ARTICLE VIII- MEETINGS

Section 1. General Membership Meetings-

- a. The general membership meeting of Post NL01 will be held at the Post Home on the third Friday, monthly, unless otherwise changed due to other commitments. The Adjutant shall give or cause to be given notice to all members of this Post at least two weeks in advance of said meeting. This notice shall be delivered through the use of a Post Email, social media platform, or Newsletter, to all members' last known email and/or home address. A quorum shall be at least ten (10) percent of the membership and a minimum of four (4) voting PEC members present and voting. In the event of no quorum, a motion shall be made to conduct business based on a 2/3 (two-thirds) vote of the members and PEC present, pending ratification at the next General Membership Meeting. Members may attend meetings via social media platform in accordance with SOP Meeting by use of the internet or Video Conferencing.
- b. At the general membership meeting, all PEC Officers and Committee Chairmen shall render their reports. The report shall be either written or

verbal and shall include all accounts and activities of the Post for the previous month.

- c. The order of business at the general monthly meeting shall be as follows:
 1. Roll call to determine if a quorum is present (General Membership and PEC).
 2. Reading of the minutes of the previous meetings (General Membership and PEC).
 3. Introduction of guests and prospective new members.
 4. Committee Reports.
 5. Balloting on applications.
 6. Sick call, relief, and employment.
 7. Post Service Officer's report.
 8. Unfinished business.
 9. Initiation of new Members
 10. New business and correspondence.
 11. Memorial to a departed post member.
 12. The good of The American Legion
 13. Installation of new Post Officers (at the election meeting)

*** The membership shall be permitted to make suggestions of any kind, character or description, save religion or partisan politics.
- d. A copy of the minutes, including the approval of the annual audit statement shall be kept on file and only forwarded as required to the Commander, USAG Benelux, Unit 20162 APO AE 09708, as required.

Section 2. Special Meetings: The Commander or a majority of the elected Officers, four (4), shall have the power to call a special meeting of the Post members at any time. Additionally, upon written request of the membership, a minimum of 10%, the Commander shall call a special meeting of the Post membership. A fourteen (14) day notice shall be given prior to the meeting by the Adjutant sending emails, notification on social media platform, or Post Newsletter.

Section 3. A minimum of four (4) voting PEC members and 10% of members present and voting shall constitute a quorum for regular and special membership meetings.

Section 4. The presence and consumption of any alcoholic beverage in an official meeting hall/room during a meeting of The American Legion Margraten Post is prohibited. Official Meeting hall/room shall be construed to mean any Meeting hall/room where official business of The American Legion is conducted.

Section 5. In cases where there seems to be no opposition in routine business or on questions of little importance, the procedure of unanimous consent may be utilized to save time versus utilizing the full process of actions via motions.

ARTICLE IX- EXPENDITURES

Expenditures shall be limited to those required to support the activities listed in the Constitution, and those expenditures voted on and approved by the general membership or Executive Committee. A petty cash fund will not be used.

ARTICLE X-NOTICES

Section 1. When possible, the Commander will furnish a monthly Newsletter to members.

Section 2. Each member shall furnish the Post Adjutant with his/her current mailing address, phone number, email address, final DD-214 or Retired Military ID or proof of current military service.

ARTICLE XI- RULES OF ORDER

Rules of order are those established by the Department of France and the National Headquarters of The American Legion. In those cases not covered by the Department or National, Robert's Rules of Order, latest revision, shall be utilized to provide proper procedures.

ARTICLE XII- INSTALLATION OF OFFICERS

Section 1. Newly elected officers shall be formally installed in accordance with the rituals of the American Legion at the Annual Membership meeting or sometime during the following month of the election.

Section 2. To ensure continuity in the affairs of the Post, the newly elected Commander may, at any time following his election, have the past Commander, or any other official from the Department, administer the appropriate oath of office to the newly elected Officers.

ARTICLE XIII- RITUAL

Section 1. This Post shall conduct all meetings in accordance with the established rituals of the American Legion. All members shall be initiated as prescribed in the American Legion Manual of Ceremonies.

Section 2. A member's right to vote shall not be questioned on the sole basis of their not having been initiated. The Commander shall in all cases attempt to perform the initiation ceremony at the immediate or next General Membership Meeting.

Section 3. Members of this Post shall be addressed as 'Comrade' or 'Legionnaire'.

ARTICLE XIV- DISCIPLINE

Section 1. Charges against any member involving disloyalty, neglect of duty, dishonest or conduct unbecoming of a Legionnaire, shall be processed as specified in the National and Department Constitution and By-laws, as amended now and hereinafter, under practice and procedure in the expulsion or suspension of a member of The American Legion.

Section 2. An Officer may be removed from office for neglect of duty, malfeasance or misfeasance, in office, or for any other conduct unbecoming of a Post Officer. Removal requires a two thirds (2/3) vote of the PEC with the requirement that written notice is given at least thirty (30) days in advance to the Officer in question, so as to permit for him/her to prepare a defense.

Section 3. A member whose dues for the current year have not been paid by January first of each year shall be classified as delinquent. If his/her dues are paid on or before February first, he/she shall be automatically reinstated. If still delinquent after February first, he/she shall be suspended from all privileges. If still under such suspension on June the thirtieth (30th) of such year, their membership in the American Legion shall be forfeited. A member so suspended may be reinstated to active membership in good standing by a vote of the Post Officers and payment of the current dues for the year in which reinstatement occurs. Provided, however, that Post may waive the provisions hereof, upon payment for the year in which reinstatement occurs, concerning the former members who have been prevented from payment by reason of active military service, assessments against members for infractions in accordance with the By-laws, if not already paid will be considered due along with the membership dues.

Section 4. No person who has been expelled by another Post shall be admitted to membership in this Post without consent of the expelling Post, except where consent has been asked for and denied by such Post, he/she may then appeal to the DEC of the expelling Post for permission to apply for membership in this Post and shall be ineligible for such membership until such permission is granted.

ARTICLE XV- POST REGISTRATION

Section 1. Margraten Post NL01, The Netherlands, The American Legion, Department of France, shall be registered as a Private Organization (PO) with the USAG Benelux military community.

Section 2. Such legal requirements as may be demanded of this Post by the registering authorities, excepting fees and other monetary requirements, shall be deemed administrative in nature and shall not require a vote to appeal or modify the provisions of this Article as required to comply with said legal requirements. Such administrative change to this Article shall be effective upon notification of this Post of new requirements by the cognizant registering authority. Such administrative change of this Article shall be approved by the PEC and shall repeal or modify the provisions of this Article only to the extent wherein such change is necessary for compliance with the requirements of the registering authority.

Section 3. The authority for military registration of this Post shall be the Commander, USAG Benelux, APO AE 09708. Post NL01, The Netherlands, The American Legion, Department of France is and shall remain under the jurisdiction of the Commander, USAG Benelux, APO AE 09708 as a provision of registration with military authority.

- a. All Post Officers shall review the Post Constitution and By-laws on an annual basis. A statement of annual review shall be signed by all Post Officers, with a copy to be forwarded to the office of the Commander, USAG Benelux, APO AE 09708. The initial review shall be done in January, with written updates in February with a membership vote at the March General Membership meeting.
- b. An annual audit will be performed on the financial statements of Post NL01 by an audit committee of not less than three (3) members of the Post, who shall be appointed by the Commander and approved by the PEC, or by a duly qualified civilian auditor every year as required by regulations. The Audit Committee or Auditor's duties shall be to audit the financial statements of Post NL01 for the previous year and prepare a report of recommendations to be presented to the PEC. A copy of the audit, to include total income generated as a result of the previous year's operations, shall be provided to the office of the Commander, USAG Benelux, APO AE 09708.
- c. A summary of Post NL01 activities for the previous year will be provided to the office of the Commander, USAG Benelux, APO AE 09708.
- d. Provide any revisions or amendments to the Post Constitution or By-laws to the office of the Commander, USAG Benelux, APO AE 09708, within fifteen (15) days of such revision or amendment, subject to the review of the Department Judge Advocate.
- e. A copy of the fidelity or bonding instruments referred to in Article VI, Section 8, of the Post Constitution, shall be furnished to the office of the Commander, USAG Benelux, APO AE 09708.

Section 4. The authority for the civil registration of this Post is not required. The Post registration exists with the USAG Benelux Commander. When necessary to register with civilian authorities, the following items will occur.

- a. The Post Commander and the 1st Vice Commander shall have equal voice and authority in all matters pertaining to the civil registration authority, provided, however, that both shall present themselves to all such matters as far as is practical, further, provided that any actions shall be subject to ratification by the PEC.
- b. The civil registering authority shall be provided an inclusive listing of all newly elected Post Officers as soon as practical following annual Post elections. This listing shall include each Officer's full name, current mailing address, and phone number.
- c. The newly elected Post Commander and 1st Vice Commander shall be required to present themselves to the office of the civil registering authority as early as possible following their election to sign the annual

renewal of the Articles of Civil Registration. The Post Finance Officer will reimburse the appropriate renewal fee charged by the registering civil office upon presentation of a valid, stamped receipt from the registering civil authority.

ARTICLE XVI- MEMBERSHIP LIABILITY

Section 1. With reference to Article XV, Section 2 of the Post Constitution, all members will understand fully that they may be personally liable depending upon applicable Dutch Law if assets of this Post are insufficient to discharge the liabilities of this Post.

Section 2. All members of Post NL01, The American Legion, The Department of France shall be required to read these Constitution and By-laws as a condition of membership.

ARTICLE XVII- AMENDMENTS AND REVIEW

Section 1. These By-laws may be amended at any General Membership Meeting by a two thirds (2/3) vote of the members present, provided that the proposed amendment shall have been submitted in writing and read at the preceding General Membership Meeting, and provided further that written notice shall have been given all members at least thirty (30) days in advance of the date when such amendment is to be voted upon to amend these By-laws.

Section 2. The Judge Advocate will conduct an annual review of the Post Constitution and By-laws and submit said review to the PEC in December each year. The general membership will also be requested to read and submit any requested amendments to the Constitution and By-laws before the January General Membership Meeting. The PEC will review all suggested updates, rewrite accepted amendments and provided the final draft to the general membership in the February General Membership Meeting. Any amendments will be voted upon by the general membership during the March General Membership Meeting. Also, there may be a requirement for general membership voting upon receipt of notice from the Department of France that a change(s) to the Department or National Constitution and/or By-laws has been enacted, and may place those documents of this Post in conflict.

APPROVED BY MAJORITY VOTE ON: 26 March 2022

Attested by the Adjutant 

Signature of Commander 