

**THE AMERICAN LEGION
STEPHEN H. NIPP POST 143
POST FALLS, IDAHO**

BYLAWS

Article I Name and Purpose

Section 1. The Post's name is Stephen H. Nipp Post 143, The American Legion, Department of Idaho.

Section 2. The purpose of this Post is given in the Post Constitution and its Articles of Incorporation.

Article II Management

Section 1. The government and management of the Post are entrusted to the Post Commander, with the support and assistance of all officers. Collectively, these officers shall comprise the Post Executive Committee, herein abbreviated EC.

Section 2. The EC shall supervise the Post's overall administrative affairs, except as otherwise provided in the bylaws.

Article III Post Executive Committee

Section 1. The EC shall consist of all elected officers of the Post. Other non-voting members of the EC shall be the Auxiliary President of Unit 143, the Sons of the American Legion Commander of Squadron 143, the Director of the Post 143 American Legion Riders, and the Post 143 Lounge Manager(private contractor).

Section 2. The Post Commander shall be the Chairman of the EC and not have a vote. The Post Commander will cast a vote only in the event of a tie vote. Each elected officer on the EC has one vote.

Section 3. All vacancies in any office of the Post from any cause other than the expiration of term shall be filled temporarily by a majority vote of the EC. A vacancy shall exist when a member or officer is deceased, removed, resigns, or is absent from the Post for two consecutive months and is considered detrimental to the interest of the Post by the EC. A person so appointed shall hold the office for the unexpired term of the officer who is succeeded only after confirmation by the Post membership at the next regular member meeting. Notification of all vacancies will be provided to the Post membership. Any members wishing to be considered for the appointed position may be nominated from the floor during the confirmation process.

Section 4. The EC shall meet for an organizational meeting within ten days after elected officers assume their positions. The EC shall meet monthly after that on the second Tuesday of each month. The Post Commander shall call a meeting of the EC upon a written request of three or more members of the EC. Five members of the EC shall constitute a quorum at any EC meeting.

Section 5. The purpose of the EC shall be generally administrative and managerial. Any officer can recommend policy and procedure changes during a monthly EC meeting. The EC shall approve all changes in policy and procedures. The EC shall approve and authorize all budget projections and expenditures. The EC shall send all expenditures not shown on the budget and more than \$500 to the general membership for approval. The EC shall assist the Post Commander in all Post activities.

Section 6. The EC shall review Post financial accounts before the annually newly elected officers assume their position on the EC each May.

Section 7. On special occasions, the Post Commander may contact Executive Committee members electronically to vote on a single item needing immediate attention and resolution.

Article IV Duties of Officers

Section 1. General.

The Post officers shall focus on assisting the Post Commander in executing the Post's mission and supporting plans and programs.

Section 2. Duties of the Post Commander.

The Post Commander shall be elected to serve two years. It shall be the duty of the Post Commander to:

- a) Serve as Chief Executive Officer of the Post.
- b) Preside over all EC and General Membership meetings of the Post,
- c) Coordinate and publish an agenda for all meetings.
- d) Provide general supervision over the post's business affairs.
- e) Approve all orders directing day-to-day disbursement of budgeted and authorized funds.
- f) By March 1, prepare an annual report covering the Post's business for the preceding year and recommendations for the upcoming year.
- g) Assign other duties to Post officers as necessary.

Section 3. Duties of First Vice Commander.

The Post First Vice Commander shall be elected to serve for two years. The First Vice Commander shall provisionally assume responsibilities of the office of Commander in the absence, resignation, removal, death, or disability of, or when called upon by the Post Commander. Temporary assignment as Commander will be as per Article III Section 3 and Article IV Section 5. The First Vice Commander shall know all ceremonial protocols of regular and special meetings.

Section 4. Duties of Second Vice Commander.

The Post Second Vice Commander shall be elected to serve for two years. The Second Vice Commander assists the Post Commander with all duties and is accountable for building and property maintenance. The EC must approve building and property maintenance expenses if the amount exceeds \$250 or is not listed on the budget.

Section 5. Duties of Post Adjutant.

The Post Adjutant is an assigned position selected by the Post Commander and approved by a majority vote of the EC. The Adjutant serves at the

direction of the Commander but can only be dismissed by a majority vote of the EC. Duties are primarily administrative. The Adjutant is the personnel officer and thus maintains close contact with individual Post members.

Responsibilities include but are not limited to:

- a) Maintains membership records.
- b) Prepares and maintains minutes of meetings.
- c) Coordinates with and assists with the work of other officers and committees.
- d) Publishes official orders, announcements, and instructions.
- e) Maintains Post files, documents, and supplies.
- f) Assign committees as deemed necessary by the EC

The Adjutant is authorized, in the event of the Post Commander's death, removal, absence, disability, or resignation, to summon the EC to choose a temporary successor for a period not to exceed three months before a special election is held. The Post membership shall elect a new Post Commander who will have the office for the remainder of the unexpired term.

Section 6. Duties of the Post Finance Officer.

The Post Finance Officer shall be elected to serve for two years.

Responsibilities of the Finance Officer shall include, but are not limited to:

- a) Responsible for overseeing all finances and ensuring funds are appropriately accounted for and safely deposited in a designated local bank.
- b) Report monthly financial status to the EC and the Post membership.
- c) Make recommendations as deemed necessary to raise funds to carry out the activities of the Post.
- d) Obtain and issue credit cards to designated individuals, as the EC specifies. Spending limits shall be determined when the EC authorizes the card issuance.
- e) May sign all checks disbursing the Post's money. All checks issued by the Finance Officer shall be countersigned by the Commander or a third officer designated by the Post Commander and approved by the EC.
- f) Furnish such surety bonds in such sum as shall be fixed by the EC.
- g) Conduct an annual audit of the Post finances.
- h) File all taxes required by law. Upon completing the annual tax return, report its findings to the EC.

- i) Prepare an annual budget.
- j) Assist the Post Commander with the financial portion of the annual report.

Section 7. Duties of the Post Historian.

The Post Historian shall be elected to serve two years. The Historian shall be charged with preserving all records and incidents of the Post and Post members and shall be the custodian of any awards, decorations, and memorabilia received by the Post.

Section 8. Duties of Post Chaplain.

The Post Chaplain shall be elected to serve for two years. The Chaplain shall be charged with the spiritual welfare of the Post's comrades and families when requested. The Chaplain shall offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., adhering to recommended ceremonial rituals. The chaplain will provide opening and closing prayers at all meetings and liaise with the community regarding assistance available to members. They shall attempt to know when members are hospitalized, injured, or deceased and assist as needed. The Chaplain shall ensure that American Legion records are updated upon the death of a member.

Section 9. Duties of Post Sergeant at Arms.

The Post Sergeant at Arms shall be elected to serve for two years. The Sergeant at Arms is the outer guard of our Post during all meetings. They shall preserve order, identify and introduce all visiting guests and new members, and assume charge of the stand of colors to be displayed appropriately at all Post meetings and ceremonial occasions. The Sergeant at Arms is responsible for building security and security systems.

Section 10. Duties of Post Service Officer.

The Post Service Officer shall be elected to serve for two years. They shall conduct all matters about the welfare of comrades through educational efforts and maintain programs concerning rights and benefits for all veterans and their dependents as prescribed by law and in the pursuance of all claims against the United States or State governments. The Service Officer shall liaise with the community and the Chaplain regarding assistance available to members or Veterans.

Section 11. Duties of Post Judge Advocate.

The Post Judge Advocate shall be elected to serve for two years. The Judge Advocate's primary duty is to provide professional advice in conducting Post business and procure proper counsel. They are the guardian of the constitutional form of Post government. The Judge Advocate assists other Post committees and officers by obtaining updates on legal issues and regulatory changes about Veterans and observing strict avoidance among members on all political, religious, and civic matters. The Judge Advocate assists members in filing charges against other members and leads any hearings that arise from these charges.

Section 12. Post Legion Riders Director.

The Post's Legion Riders elect the Post Legion Riders Director per their by-laws. Their primary duty is to ensure that all functions and actions comply with all American Legion Riders' Bylaws. The Post Legion Riders Director ensures that all Legion Riders are members in good standing with an American Legion Post or Auxiliary or Sons of the American Legion and must be a member of Post 143 to hold the position of Legion Rider Director or First Vice. The Post Legion Riders Director is a non-voting member of the EC and shall attend both EC and General Membership meetings. They ensure the writing and approval of Post Legion Riders' Bylaws and will provide any revisions or amendments to the Post Commander. The Post Legion Riders Director ensures all the Riders' financial transactions are processed through the Finance Officer and meet all spending requirements dictated by the Post.

Article V Delegates

Section 1. Delegates and alternates to a Department convention shall be elected at a regular meeting of the Post thirty days before the convention date.

Section 2. All delegates representing the Post shall receive information from the Post Commander and EC as to the general position of the Post on any issue or matter to be voted on and instructions for voting if necessary.

At no time shall a delegate vote contrary to the wishes of the Post membership.

Article VI Committees

Section 1. The Post Commander shall appoint appropriate committees for the Post as needed. These committees will follow the National Officer's Guide and Manual of Ceremonies guidelines.

Article VII Meetings

Section 1. The regular Post meetings shall be held at the Steven H. Nipp Post facility on the third Monday of each month, when Post business may be transacted.

Section 2. A quorum at regular meetings shall consist of 5 officers and as many present members as may be attending.

Section 3. The Post Commander or a majority of the EC shall have the power to call a special meeting of the Post at any time.

Section 4. Upon the written request of fifteen or more members, the Post Commander or the EC shall call a special meeting of the Post. The quorum requirement for such a meeting shall be The Post Commander, the EC, and at least ten members requesting the special meeting.

Section 5. The Post membership may cancel or postpone any future meeting by a simple majority vote. At most, two General Membership meetings may be canceled per year.

Section 6. A simple majority vote of those present is sufficient to conduct Post business except for rescinding the no-smoking policy, which requires a super-majority (2/3) of the registered voters on the most current Post membership roster to vote to allow smoking in the building.

Section 7. All meeting minutes are private and confidential documents and shall not be subject to public disclosure except to Post members who have a legitimate need to access such information to fulfill their duties or responsibilities, and a super-majority vote of the EC has authorized the release.

Section 8. Roberts Rules of Order will be followed for all Post meetings.

Article VIII—Elections

Section 1. Annual elections will be held during the regular member meeting on the third Monday in April. Voting will be according to National American Legion practice and Roberts Rules of Order.

Section 2. The Post Commander shall not appoint the nominating committee or be a member. The First Vice Commander (odd years) or the Second Vice Commander (even years) is responsible for naming a nominating committee consisting of at least three members from the general membership. This nominating committee should be called at least thirty days before the election. The nominating committee shall select two suitable candidates for each open position. Other suitable candidates may be nominated from the floor during the nominating period and during the April regular member meeting.

Section 3. All elected officers will serve a two-year term. On even-numbered years, the following officers will be elected: 1st Vice Commander, Historian, Sergeant-at-Arms, and Judge Advocate. On odd-numbered years, the following officers will be elected: Commander, 2nd Vice Commander, Chaplain, Service Officer, and Finance Officer.

Section 4. Special Elections may be held when conditions noted within these by-laws are met. Nominations and notifications for Special Elections shall be the same as annual elections.

Section 5. The Steven H. Nipp Post shall have four classes of members as defined in the Articles of Incorporation dated August 20th, 1984. These classes of members in good standing shall include:

Basic Members

American Legion Auxiliary Unit 143

Sons of the American Legion Squadron 143

Junior and Senior Members

Section 6. Voting rights within the Steven H. Nipp American Legion Post will be limited to basic members in good standing.

Article IX Notices

Section 1. Notice shall comply with Idaho State statute.

Section 2. Every member shall furnish the Post with a current mailing address and should provide the Post with an email address, if available.

Section 3. The Post Adjutant shall give notice of the annual election at least two weeks before the yearly Post elections. Notice requirements are met if an email is sent to all known members and flyers are posted throughout the building.

Section 4. The Post Adjutant shall notify members of any other item requiring general membership action as prescribed by the EC, Post Commander, or these Bylaws. Notice requirements are met if an email is sent to all known members and flyers are posted throughout the building.

Article X Limitations of Liabilities

Section 1. The Post shall incur, or cause to be incurred, no liability or obligation whatever will subject any other Post, subdivision, members of the American Legion, or other individuals, corporations, or organizations to any liability or responsibility.

Article XI Amendments

Section 1. These Bylaws may be amended at any regular member meeting, provided the proposed amendments have been presented to the members and discussed before the vote. Notice requirements of pending bylaw amendments are met if an email is sent to all known members and flyers are posted throughout the building. To pass, two-thirds of the members present must approve the amendments.

Section 2. Absentee ballots may not be used.

Section 3. Any element of or amendment to these by-laws that conflicts with any higher controlling guidelines shall be considered null and void.

Article XII Omissions

Section 1. Any question of procedure not otherwise provided for in these by-laws shall be governed by Idaho State statute, National or State American Legion Constitution, or Bylaws.

The EC and General Membership reviewed and approved these bylaws by a two-thirds majority vote on April 11, 2024, and April 15, 2024, respectively.

Commander:_____

First Vice Commander:_____

Date:_____

Department of Idaho:_____