

**CONSTITUTION OF  
BALCH SPRINGS POST #507  
THE AMERICAN LEGION  
DEPARTMENT OF TEXAS**

**PURPOSE**

The Purpose of this organization is to foster and to perpetuate a one hundred per cent Americanism, to preserve the memories and incidents of our associations in the great wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will 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; to maintain law and order, a representative form of government, and to uphold and defend the Constitution of the United States and of the State of Texas.

**ARTICLE I - NAME**

Section 1. The name of this organization shall be Balch Springs Post No. 507, The American Legion

**ARTICLE II - OBJECTS.**

Section 1. The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing purpose, and the National and Departmental Constitutions of The American Legion.

**ARTICLE III - NATURE**

Section 1. This Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

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

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

**ARTICLE IV - MEMBERSHIP**

Section 1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of The American Legion, and the Constitution and By-Laws of The American Legion, Department of Texas, and as further stated in this Constitution.

Section 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

Section 3. All applications for membership in this Post shall be acted at the next Post membership meeting following the making of such application, and shall at such meeting be accepted, rejected, or referred for further investigation and consideration. If a majority or more of the Post membership cast their vote against the acceptance of such application, then such application shall be recorded as rejected.

Section 4. Any member of this Post may be expelled for cause by a two-thirds (2/3) vote of the Post Executive Committee after charges are preferred under oath in writing, and a fair trial is had upon the same, under the rules and regulations of the Department of Texas and Article IV, National By-Laws of the American Legion.

Section 5. If the accused is convicted, his/her membership is suspended until his/her final appeal is heard and a decision is rendered, and if he/she is expelled by the decision, he/she shall not be eligible for membership in this Post for one year from the date of expulsion, and then only in the event his/her application for reinstatement is approved in the manner in which memberships are approved in this Post.

Section 6. No person who has been expelled by a Post shall be admitted to membership in this Post, without consent of the expelling Post, until after a year has elapsed since his/her expulsion, and then only in the event his/her application for reinstatement is approved in the manner in which memberships are approved in this Post.

## ARTICLE V – OFFICERS

Section 1. The administrative affairs of this Post of The American Legion, except as may be otherwise provided by the By-Laws, be under the supervision of a Post Executive Committee which shall consist of at least two (2) members in addition to the Officers of the Post. The term of office of members of the Post Executive Committee shall be for one (1) year. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The officers of this Post shall be a Commander, a 1<sup>st</sup> Vice Commander, a 2<sup>nd</sup> Vice Commander, an Adjutant, a Finance Officer, a Judge Advocate, a Historian, a Chaplin, a Service Officer, a Sergeant at Arms, and such other officers as may be deemed necessary by this organization.

Section 3. The duties of Officers and Executive Committeemen shall be those usually appertaining to such Officers or Committeemen and as further provided in the By-Laws. All officers shall serve without pay.

Section 4. All Officers and Executive Committeemen shall be elected in May, by majority vote on written ballots and be installed not later than the first regular Post meeting in October following their election. Only those members holding current calendar year membership cards shall have the privilege of vote in the election. They shall hold office until their successors are duly installed or as otherwise provided. Any Post Officer or Executive Committeeman may be removed for cause by the Post Executive Committee, a two-thirds 2/3 vote of said Committee being necessary to effect such removal.

The membership shall be entitled to be present at the Post Executive Committee meeting without voice or vote. The decision of the Post Executive Committee shall be subject to the approval or reversal by the Post membership at the next regular Post meeting where a quorum is present.

Section 5. A nominating committee shall be appointed by the Post Executive Committee, who shall report their nominations to the regular monthly meeting preceding the annual election of Officers. Nominations may also be made from the floor at such meeting, and again at the meeting for the annual election.

Section 6. Officers and Executive Committeemen are expected to attend the regular meetings of the Post and Post Executive Committee. Failure of any Officer or Executive Committeeman to attend three (3) successive meetings, without reasonable cause having been furnished to the Post Adjutant or Post Commander, shall be cause for forfeiture of said office. The Post Executive Committee shall decide when an Officer's failure to attend three (3) successive regular business meetings has forfeited his/her right to continue in office, when or whether to declare such office vacant, and when to order an election to fill the vacancy.

Section 7. In case of vacancy in any office for any cause, the said vacancy shall be filled at any regular meeting provided at least five (5) days notice of such election has been given to the members.

#### **ARTICLE VI – FINANCE**

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

Section 2. The amount of membership or initiation fees and the amount of annual dues shall be fixed and determined by this Post.

Section 3. The Post shall pay to Department Headquarters the Department and National annual membership dues within thirty (30) days of receipt thereof for each paid member of the Post.

#### **ARTICLE VII – CHARTER MEMBERS**

Section 1. Members who joined this Post prior to the issuance of charter shall be known as charter members.

#### **ARTICLE VIII – AMERICAN LEGION AUXILIARY**

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of Balch Springs Post No. 507, The American Legion.

Section 2. Membership in the Auxiliary shall be as prescribed by the National and Department of Texas Constitution and By-Laws of the American Legion.

## ARTICLE IX – REAL PROPERTY

Section 1. Real property owned by the Post may be sold (after first complying with Article VI, Section 6, Department Constitution), leased or otherwise disposed of, where control of said property is involved, at any regular meeting by a vote of two-thirds (2/3) of the members attending a regular meeting provided that the proposal shall have been submitted in writing, after approval by a majority of the Executive Committee, and further after approval by a majority of the Board of Trustees, and read at the preceding regular meeting of the Post, and provided further that notice shall have been given all members by mail at least fifteen (15) days in advance of the date when such proposal is to be voted upon and that notice is given in the local press and radio and that it is posted on the Post bulletin board in the same time limits prior to the actual voting on the proposal.

## ARTICLE X – SONS OF THE AMERICAN LEGION

Section 1. This Post sponsors a Sons of The American Legion Squadron. Such Squadron shall be subject to the rules, regulations and supervision of Post No. 507 as may be promulgated by the Post Executive Committee and ratified by the Post membership, and which shall not be in conflict with the rules and regulations set up for the Sons of The American Legion by the National Executive Committee, The American Legion.

Section 2. Said SAL Squadron No. 507 may adopt its own Constitution and By-Laws, subject to approval of same by the Post Executive Committee. Until SAL Squadron #507 adopts its own Constitution and By-Laws, it shall be governed by Post No. 507 rules and regulations, and by the recommended Constitution and By-Laws of an SAL Squadron as has been approved by the Department Executive Committee, The American Legion, Department of Texas

Section 3. Once created, this Post may cease its sponsorship of SAL Squadron No. 507 for good cause, such as failure to maintain a minimum membership of at least ten (10) members, failure to function, participating in activities illegal, immoral or opposed to our form of Government and the American way of life, and in the discretion of the Post Executive Committee, subject to ratification by the Post membership

## ARTICLE XI – AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the National Constitution of The American Legion and of the Constitution of The American Legion, Department of Texas. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Post Executive Committee in session and approved by it; or if rejected, in whole or in part, it may be taken to a regular Post meeting on a minority report; and provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post;

and provided further, that written notice shall have been given to all members at least five (5) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

Section 3. Anything not covered by this Constitution shall be governed by the Constitution of the Department of Texas.

**BY-LAWS OF  
BALCH SPRINGS POST NO. 507  
THE AMERICAN LEGION  
DEPARTMENT OF TEXAS**

**ARTICLE I – NAME**

Section 1. The Post existing under these By-Laws is to be known as Balch Springs Post No. 507, The American Legion.

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

**ARTICLE II – MANAGEMENT**

Section 1. The government and management of the Post is entrusted to a Post Executive Committee *which shall consist of two (2) members in addition to the officers of this Post. They shall be elected in May as provided in Article V, Section 4 of the Post Constitution, and all shall take office immediately upon installation.*

Section 2. The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander within ten (10) days after the installation of the new officers. Thereafter the Post Executive Committee shall meet at the call of the Post Commander at least once a month and as often as said Post Commander may deem necessary. The Post Commander shall call a meeting of the Post Executive Committee upon the joint written request of three (3) or more members of said Executive Committee. Five (5) members of the Executive Committee shall constitute a quorum thereof.

Section 3. The Post Executive Committee shall hire such employees as may be necessary; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall cause all funds to be placed in the hands of the Post Finance Officer for deposit and accounting purposes; shall hear the reports of Post Committee Chairmen, and generally, shall have charge of and be responsible for the management of the affairs of this Post.

Except for hiring and firing of employees, all actions of the Post Executive Committee shall be submitted for approval to the membership at the next regular membership meeting.

### ARTICLE III – DUTIES OF OFFICERS

Section 1. Duties of Post Commander – It shall be the duty of the Post Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such officer shall be the Chief Executive Officer of the Post. The Post Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, recommendations for the ensuing year, which shall be read at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant. The Post Commander shall see that this Constitution and By-Laws is observed. The Post Commander shall be allowed a discretionary fund of two hundred (200) dollars which may be increased by the Post. The Post Commander shall also be allowed an emergency fund of four hundred (400) dollars which may be increased by the Post. Receipts for expenditures from either the discretionary or emergency fund shall be presented to the Post for its approval. The Post Commander shall perform such other duties as are directed by the Post.

Section 2. Duties of Post Vice Commanders – The Post Vice Commanders shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon, by the Post Commander.

Section 3. Duties of Post Adjutant – The Post Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep such records as the Department and National Organizations may require, issue membership cards, handle certificates of transfer, render reports of membership annually or when called upon at a meeting, and under direction of the Post Commander, handle all correspondence of the Post. The Post Adjutant shall comply with Article V, Section 5, Department Constitution.

Section 4. Duties of the Post Finance Officer – The Post Finance Officer shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the Post Executive Committee and the Post, in writing, the condition of the finances of the Post, with such recommendations as the Post Finance Officer may deem expedient or necessary for raising funds with which to carry on the activities of the Post. The Post Finance Officer shall sign all checks disbursing the moneys of the Post, such checks to be countersigned by the Post Commander, as authorized by the Post Executive Committee. The Post shall furnish such surety bond in such sum as shall be fixed by the Post Executive Committee.

Section 5. Duties of Post Judge Advocate – The Post Judge Advocate shall supply professional advice in the conduct of the Post business; or to procure proper counsel. The Post Judge Advocate shall be responsible for the orderly conduct of disciplinary procedures.

Section 6. Duties of Post Historian – The Post Historian shall be charged with the individual records and incidents of the Post and Post members, shall perform such other duties as may properly pertain to the office and as may be determined by the Post or Post Executive Committee.

Section 7. Duties of Post Chaplain – The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, public functions, etc., adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

Section 8. Duties of Post Sergeant at Arms – The Post Sergeant at Arms shall preserve order at all times at meetings, and shall perform such other duties as may be from time to time assigned by the Post Commander or the Executive Committee. The Post Sergeant at Arms shall have charge of the Post Colors, and shall not display or permit them to be displayed without the specific authority of the Post Commander.

Section 9. Duties of Post Service Officer – The Post Service Officer shall comply with the Service Officer's Manual and Post Officers Guide of The American Legion, and recommendations of National and Department Headquarters, and needs of this Post.

#### **ARTICLE IV – DELEGATES**

Section 1. Delegates and alternates to a Department, Division, or District Convention shall be elected by written ballot by the Post at a regular meeting of the Post to be held not less than fifteen (15) days prior to the date of such convention. However, the Post, by two thirds (2/3) vote of members present may authorize the Post Commander to appoint said delegates. The Post Commander shall, immediately upon their election or appointment, designate the chairman.

Section 2. Each duly registered delegate shall be entitled to one vote. The Post may select one of the following methods of providing for those votes of delegates that do not attend the convention. The Post may select either the Pro-Rata Rule or the Modified Unit Rule. Alternates for delegates shall have all the privileges of registered delegates except that of voting. A registered delegate is one who has received his/her credentials after his/her registration fee has been paid.

Section 3. The chairman of the delegation shall cast the entire delegate vote on any convention matter, After first polling the delegates present, so as to reflect the vote of each delegate present.

#### **ARTICLE V – DUES – FISCAL YEAR**

Section 1. Annual dues shall be as prescribed by the Post and shall be payable on or before October 20<sup>th</sup> of each year for the succeeding calendar year. A member whose dues for the current year have not been paid by January first shall be classed as delinquent. If his/her dues are paid on or before February first, he/she shall be automatically reinstated. If he/she is still delinquent after February first, he/she shall be suspended from all privileges. If he/she is still under suspension on June thirtieth of such year, his/her membership in The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be reinstated to active membership in good standing by vote of the Post and payment of current dues for the year in which the reinstatement occurs.

Section 2. The newly elected Post Officers shall be installed at a regular or special meeting, as soon as practicable after the annual election, not later than the first regular Post meeting in October following their election, and according to Article V, Section 4 of this Constitution.

Section 3. The Chairman of the membership committee may recommend to the Post Executive Committee the names of members whose dues shall be paid for by the Post with reasons for such recommendation. The Post Executive Committee shall have the power to approve or reject such recommendations except new members and transfers.

## **ARTICLE VI – POST COMMITTEE APPOINTMENTS**

Section 1. The Post Commander, immediately upon taking office each year shall appoint such standing committees as the Post Commander deems necessary for the efficient operation of the Post, such as those listed in the Post Officers Guide. The Post Commander shall also appoint such other committees as the Post Commander finds to be necessary from time to time. All of such committees shall consist of such members and the chairman thereof as shall be designated by the Post Commander and confirmed by the Post Executive Committee.

Section 2. The duties and functions of the respective Post committees shall be in accordance with the current Post Officers Guide of The American Legion and with the recommendations of National and Department Headquarters.

## **ARTICLE VII – RESOLUTIONS**

Section 1. All resolutions of State or National scope presented to this Post by a member or reported to this Post by a committee shall merely embody the opinion of this Post on the subject and copy of same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

## **ARTICLE VIII – MEETINGS**

Section 1. The regular and special meetings of the Post shall be held at Balch Springs Post No. 507, at which place may be transacted such business as may properly be brought up for action, approve the minutes of the previous meeting and minutes of all Post Executive Committee meetings since the last regular meeting. Procedure at regular meetings shall comply with the current Manual of Ceremonies.

Section 2. The regular business meetings of the Post shall be held on the second Tuesday of each month at 7:00 P.M. Other business or social meetings may be held as directed by the Post Commander and the Post Executive Committee.

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

Section 4. Upon the written request by signed petition of not less than five (5) of the members in good standing of this Post delivered to the Post Commander, requesting a special meeting of the Post, the Post Commander shall call the said special meeting within not less than seven (7) days, nor more than fourteen (14) days after receipt of petition. In the said petition shall be stated the purpose for which the meeting is requested, and matters not pertaining to said purpose for the meeting shall not be considered at such meeting. In notices given to the membership of said meeting, the subject matter to be discussed shall be stated. The Post Commander or a majority of the Post Executive Committee shall have the power to call a special meeting of the Post, and a notice of the call for this meeting sent to the membership shall contain the subject matter to be discussed at the said meeting, and the said meeting shall not discuss other matters not relating to said notice.

Section 5. At least seven (7) members in good standing shall constitute a quorum at any regular or special meeting of the Post.

#### **ARTICLE IX – NOTICES**

Section 1. Every member shall furnish the Post Adjutant with his/her address for mailing purposes. Notices sent to the last known address shall constitute sufficient legal notice.

Section 2. The Post Adjutant shall cause written notice of the annual election to be given at least five (5) days prior thereto, such notice to be based on the mailing date.

#### **ARTICLE X – RULES OF ORDER**

Section 1. All proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order, Newly Revised, except as herein otherwise provided.

#### **ARTICLE XI – LIMITATIONS OF LIABILITIES**

Section 1. This Post shall incur, or cause to be incurred, no liability nor obligation whatsoever which shall subject to liability any other Post, subdivision, group of men or women, members of The American Legion, or other individuals, corporation, or organization.

#### **ARTICLE XII – BOARD OF TRUSTEES**

Section 1. A Board of Trustees is hereby created to consist of three (3) members of the Post, and the current Commander, with right to vote. One member of said Board of Trustees shall be elected each year by the Post Executive Committee on nomination by the Post Commander to serve for a term of three (3) years. No member of the Board, other than the Post Commander, shall hold any other elected office in the Post nor shall be eligible to succeed himself/herself.

Section 2. At the first regular meeting of the Board of Trustees in each year, the Board shall elect a chairman and a vice-chairman who shall serve for a term of one (1) year and shall not be eligible to succeed themselves. The Post Finance Officer, Post Judge Advocate, and Post Adjutant shall serve in their respective capacities, but shall not be granted the privilege of vote on any question coming before the Board of Trustees. The members of the Board shall meet at least once each month and hold special meetings at such time and place as deemed necessary by the chairman.

Section 3. A majority shall have power to act and to exercise all authority of the Board. The members of the Board shall serve without pay.

Section 4. Vacancies in the Board of Trustees shall be filled by election by the Post Executive Committee of the Post, upon nomination by the Post Commander.

Section 5. The duties of the Board of Trustees shall be to take care of all trust funds and all properties, real, personal, or mixed, the legal title to which is now vested, or may hereafter vest, in the Post, or which may be offered to and accepted by the Post. Real property owned by the Post may be sold (after first complying with Article VI, Section 6, Department Constitution), leased, or otherwise disposed of, where control of said property is involved, at any regular meeting of the Post by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposal shall have been submitted in writing and read at a meeting of the Post Executive Committee and approved by a majority of the Post Executive Committee present and voting, and further provided that the proposal shall have been submitted in writing and read at a meeting of the Board of Trustees and approved by a majority of those present and voting, and provided further that the proposal shall have been submitted in writing and read at the first regular meeting of said Post following action by the Board of Trustees; provided further that notice shall have been given to all members by mail at least fifteen (15) days in advance of the date when such proposal is to be voted upon, provided further that notices of the proposal have been given publication in area press, radio, and the bulletin board in The American Legion Post Home, notifying the said members that at such meeting a proposal to sell, lease, or otherwise dispose of said property is to be voted upon.

Section 6. No changes, alterations, or additions to the real property of the Post shall be made without the prior approval of the Board of Trustees. Final approval after recommendation by the Board of Trustees shall be vested in the Post Executive Committee and the Post.

Section 7. The disposal of control of real property of the Post can only be amended by the same procedure as set forth in the above Section 5 for the disposal of control of real property.

Section 8. The Board of Trustees shall conduct a financial audit of the Post at least quarterly and shall

conduct an audit of all Post property at least annually. The results of each audit shall be reported to the Post at their next regular meeting by the Chairman of the Board of Trustees.

Section 9. The Board of Trustees shall act as a building and grounds committee for the purpose of rental of said property on a temporary basis and/or otherwise handle use of said property; subject to final approval of the Post Executive Committee. The Post Executive Committee may assign such other duties to the Board of Trustees as it deems advisable.

**ARTICLE XIII – AMENDMENTS**

Section 1. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) of the members of said Post attending such regular meeting; provided that the proposed amendment shall have been submitted in writing to the Post Executive Committee in session and approved by it; or if rejected in whole or in part, it may be taken to a regular Post meeting on a minority report; and provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post, and provided further, that written notice shall have been given to all members at least five (5) days in advance of the date when such amendment is to be voted upon, notifying all said members that at such meeting a proposal to amend the By-Laws is to be voted upon.

**POST CERTIFICATION**

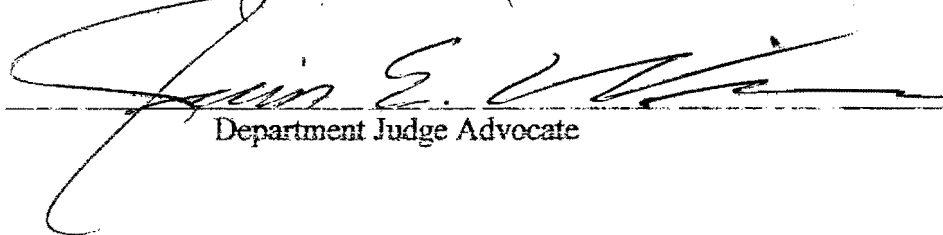
We, the following officers of Balch Springs Post No. 507, The American Legion, hereby certify that the foregoing Constitution and By-Laws, after due notice was given to all members, was adopted at a regular meeting of this Post held on the 24th day of February, 2004, A.D.

  
\_\_\_\_\_  
Post Commander

  
\_\_\_\_\_  
Post Adjutant

**DEPARTMENT CERTIFICATION**

Passed on by the Department Judge Advocate on the 11 day of July, 2004, A.D. and approved by the Department Executive Committee on the 11 day of July, 2004, A.D.

  
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Department Judge Advocate