

The American Legion Department of Nevada Second District Bylaws

Amended September 12, 2009

Article I - Duties of Officers

Section 1. The District Commander shall preside at the 2nd District Annual Convention until a new Commander is elected. The new Commander shall preside at all District meetings and at all District Executive Committee meetings and the next 2nd District Annual meeting until the gavel is passed to the next new Commander. The 2nd District Commander shall faithfully execute the duties prescribed in Article IV, Section 9 of the Department of Nevada Bylaws.

Section 2. The First Vice Commander shall be primarily responsible for membership. In this capacity he/she shall provide assistance and guidance to the First Vice Commanders and/or Membership Committee Chairs of the Posts within the District. He/She should become familiar with the ceremonial protocol for meetings, be ready to fill in for the Commander upon a moment's notice and shall perform such other duties as may be required by the District Commander.

Section 3. The Second Vice Commander shall be primarily responsible for Patriotic, Social, Recreational and other activities within the District. He/She shall provide assistance and guidance to the second Vice Commanders of the Posts within the District regarding Post activities, and shall perform such other duties as may be assigned by the District Commander.

Section 4. The District Adjutant shall keep written records of all meetings of the 2nd District Convention, 2nd District meetings and 2nd District Executive meetings and provide copies of these records to the District Commander and Historian.

Section 5. The District Finance Officer shall keep adequate financial records for the 2nd District, Prepare a financial report for presentation at each District meeting, be charged with the preparation of an annual budget for the District and assist in the preparation of an audit when so directed by the District Commander.

Section 6. The District Judge Advocate shall advise officers of the 2nd District upon all legal matters of the American Legion, including the construction and interpretations of the National, Department of Nevada and the 2nd District Constitution and Bylaws. If requested, he shall advise any of the Posts in the 2nd District in similar matters. The Judge Advocate shall assist the District Commander in proper parliamentary procedures and shall perform such other duties as are usually incident to this type of office. In case of charges brought to remove a 2nd District officer from office, the Judge Advocate shall sit as presiding officer of the formal hearing on the charges and of the appeal, if any.

Section 7. The District Service Officer shall assist Post Service Officers on all matters pertaining to service to veterans in the prosecution of just claims against any city, county, state or federal government. Assistance shall also be given to all veterans in employment, relief, problems, etc.

Section 8. The District Chaplain shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be requested by the District Commander or recommended by Department Headquarters from time to time.

Section 9. The District Historian shall prepare a history of the District during the administrative year and shall submit such history to the District after the Department Convention. The Historian shall collect such other information as may be required to complete a history of the District from its inception.

Section 10. The District Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may be assigned by the District Commander.

Section 11. All District Officers and Committee Chairpersons shall be ready to assist their counterparts in the various Posts within the 2nd District whenever so requested by either the 2nd District Commander or a requesting Post.

Section 12. The District Executive Committee shall fill vacancies in any of the elective offices of the District. In the event of a vacancy in the office of District Commander, the District Adjutant shall immediately call a meeting of the Executive Committee to be held within seven days thereafter to fill the vacancy. The 1st Vice Commander shall serve as District Commander until the vacancy is filled.

Section 13. All newly elected and appointed 2nd District Officers shall provide evidence of their eligibility to be members of The American Legion to the District Adjutant. This evidence shall be verified by the District Adjutant, and at least one additional District Officer. After recording the verification, including the names and positions of the verifying officers, in 2nd District records, the Adjutant shall return all verifying documents to the newly elected or appointed officer. In the event of a newly appointed Adjutant, the District Commander and/or outgoing Adjutant shall verify the evidence of eligibility.

Article II - Meetings

Section 1. The 2nd District meetings shall be held throughout the year, at various Posts within the District, at the call of the Commander. No fewer than four meetings shall be held during the year and more may be held as necessary to conduct District business. A quorum shall exist when one-third of the District Posts are represented.

Section 2. District Executive Committee and Board meetings shall be held at the call of the District Commander, at such places within the District as the Commander shall designate, and as frequently as is necessary for the conduct of business. All members of the District Executive Board must be given at least three days advance notice, except in case of an emergency. A quorum shall be a majority of the members of the Executive Board. Executive Board meetings should be held one hour prior to regular quarterly meetings

Section 3. Regarding the quorum requirements of sections 1 and 2 above, and the provision calling for Post Commanders to be counted as members of the 2nd District Executive Board: an absent Post Commander may be represented by a duly authorized member of that Post to act for the Commander. This member must have a written authorization on that Post's letterhead and signed by the Post's Commander. The substitute representative will provide a copy of the letter for the District Adjutant for inclusion in the minutes of the meeting.

Section 4. Unless authorized by the Executive Committee, expenses for travel to any District meeting or annual convention, is not provided for any officer or committee member by the District.

Article III - Finances

Section 1. The 2nd District Finance Officer will maintain the financial records for the District and make the proper deposits and make payments for expenses authorized by the District Executive Committee from the District's bank account.

Section 2. The amount of funding for business operations and approved special projects shall be determined at the 2nd District annual Convention. Each Post within the District will be assessed an amount, based on their Post's membership at the close of the Departments membership, as reported by the Department Adjutant at the Department of Nevada Convention. If the funds requested are not paid by ten days prior to the 2nd District annual Convention, the Post shall be denied its voting privileges at the 2nd District annual Convention. The 2nd District Finance Officer shall ensure that all posts receive an invoice for these dues at least 30 days prior to the 2nd District Convention.

Section 3. The 2nd District Commander shall be entitled to reimbursement, up to \$500.00, for reasonable expenses incurred for travel necessary to conduct District business. Expenses in excess of \$500.00 must be approved by the Executive Committee and Executive Board.

Article IV - Committees

Section 1. The following 2nd District Committees are suggested but not limited to: Americanism; Awards for ROTC and Schools; Baseball; Boy Scouts; Boys State; Children and Youth; Community Service; Legislation and Veterans Affairs; Membership; Oratorical Contests and Service Officer Affairs. {Includes employment, rehabilitation and VAVS }

Article V - Discipline Individuals / Posts

Individuals

Section 1. Any District Officer or member of a District Committee may be removed from office for reasons of inefficiency, misconduct, malfeasance, or disloyalty to the American Legion.

Section 2. Sworn charges must be presented in writing by at least three members of the District.

Section 3. The District Executive Committee at the call of the Commander shall sit in special session to hear the complaint and to permit the accused to answer the complaint.

Section 4. If found guilty of the complaint, a two third vote of the Executive Committee, a quorum being present, shall be necessary to remove the accused from office.

Section 5. An officer so removed may, within fifteen days after notification of the removal decision, petition the 2nd District for reconsideration. If the Executive Committee in Executive session affirms the removal, the removed officer will have a final appeal to the Department Executive Committee at its next regularly scheduled meeting.

Section 6. During the appeal process, the officer shall be suspended from office and may not perform any official duties of the office. The District Commander, with the approval of the District Executive Committee, may appoint an acting officer for the office until a final appeal determination is made.

Posts

Section 1. Any Post in the 2nd District that fails to meet the obligations imposed by the National, Department and District Constitution and Bylaws and is inactive or does not have regularly scheduled meetings or proper guidance from their elected officers, shall be recommended for cancellation of their Post's Charter.

Section 2. Any Post, which has failed to pay its per capita fee, shall lose all voting rights and may be subject to temporary suspension of its Charter.

Section 3. If a Post does not have a Constitution or Bylaws, it will have ninety days to present one to the District Judge Advocate for approval so as to be in compliance with the Department and National guidelines.

Article VI - Rules of Order

All proceedings of District meetings and Conventions shall be conducted under and pursuant to Roberts Rules of Order, Newly Revised, except as provided herein.

Article VII - Adoption and Amendments

Section 1. These Bylaws may be amended by a two-thirds vote of the members present and voting at a regular meeting of the 2nd District, after being submitted to the District Adjutant at least twenty days prior to the scheduled meeting of the District. This is to permit notice of the proposed amendment(s) to be mailed by the District Adjutant to all Posts in the 2nd District. The Bylaws may also be amended by unanimous vote at any 2nd District meeting, without prior notice.

Section 2. The Constitution and Bylaws of the 2nd District, as they existed prior to the 2nd District meeting of September 12, 2009, which approved this Constitution and these Bylaws, are hereby repealed. This Constitution and these Bylaws are in effect upon approval by the Department of Nevada

Section 3. These bylaws are hereby amended as shown above, effective on the 12th day of September, 2009.

Signature

Commander: Ed Seeley

Adjutant: Ron Davis

Judge Advocate: Ken Roberts

Bylaws Chair: Art Ball

