



**Constitution and By-Laws  
Of  
Ely-Fagan-Stevens-Connor Post 1151  
THE AMERICAN LEGION  
Department of New York  
*Effective Date: TBD***

***Approval Dates:***

***Executive Committee: July 5th 2023***

***General Membership: TBD***

***Monroe County American Legion: TBD***

***NYS American Legion: TBD***

***Digitally Signed: Timothy Slack - Adjutant***

**Constitution  
Of  
Ely-Fagan-Stevens-Connor Post 1151  
THE AMERICAN LEGION  
Department of New York  
*Approved: TBD***

**Preamble**

For God and Country, we associate ourselves together 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 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.

**ARTICLE I – NAME**

**Section 1.** The name of this organization shall be Ely-Fagan-Stevens-Connor Post No. 1151. The American Legion, Monroe County, Department of New York.

**Section 2.** The Post Headquarters shall be located at 260 Middle Road Henrietta, New York 14467; all notices and documents addressed to the Post shall be sent to these headquarters.

**ARTICLE II – OBJECT**

**Section 1.** The objects and purposes of this Post shall be to promote the principles and policies set forth in the foregoing preamble, and the National, Department and Monroe County American Legion Constitutions and By-laws.

**ARTICLE III- NATURE**

**Section 1.** This Post is a civilian organization. Membership therein does not affect or increase liability for military service. Rank does not exist. No member shall be addressed by their military title at any meeting or convention of this Organization.

**Section 2.** This organization shall be non-political and non-sectarian and shall not be used for dissemination of partisan principles nor for the promotion of the candidacy of any person seeking political office or preferment.

**Section 3.** Each member shall perform his full duty as a citizen according to his own conscience and understanding.

## **Article IV - ELIGIBILITY**

**Section 1.** An individual is eligible for membership in The American Legion only if the individual – (1) has served in the Armed Forces of (A) the United States at any time during – (i) the period of April 6, 1917, through November 11, 1918; or (ii) any time after December 7, 1941; or (B) a government associated with the United States Government during a period of time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and (2) was honorably discharged or separated from that service or continues to serve honorably during or after that period or time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided, further, that no person shall be entitled to membership who, being in such service during any of said periods, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

**Section 2.** Application for membership shall be made in writing. Upon receipt of the application for membership, the membership chairman shall validate the applicant's eligibility as a member of The American Legion.

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

**Section 4.** No person who has been expelled from a Post shall be admitted to membership in this Post, without the consent of the expelling Post, except that where such consent has been asked for and has been denied by such Post, then they may appeal to the Department Executive Committee for permission to be admitted to membership in this Post, they shall be ineligible for membership until such permission is granted.

## **Article V – DISCIPLINE**

**Section 1.** Members may be suspended or expelled from membership in The American Legion upon proper showing of cause. A vote of 7 or more Executive Committee members is required to affect such removal.

**Section 2.** Charges shall be based upon disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of The American Legion. All charges must be made under oath, in writing, by the accusers, and no member in good standing shall be suspended or expelled from membership until given a fair trial by the Post.

**Section 3.** Any member who has been suspended or expelled pursuant to this section and the procedure provided by, shall have the right to appeal such suspension or expulsion to the Department Executive Committee. The decision of the Department Executive Committee shall be final.

**Section 4.** A member who has been suspended or expelled from this Post for any cause other than non-payment of dues may be reinstated to membership by a two-thirds vote of the executive committee; provided however that they shall make payment of any arrears in his dues at the time of the expulsion or suspension and also other regular dues which have been payable in the interval between their expulsion or suspension and his reinstatement.

## **Article VI – Officers**

**Section 1.** The elective officers of this Post shall be a Commander, three Vice-Commanders, Adjutant, Treasurer, Post Chaplain, and a Sergeant-at-Arms and any other such officers or representatives as outlined in the Post By-Laws.

**Section 2.** All elective officers of this Post shall be elected annually, and they shall hold office until their successors are duly installed.

**Section 3.** Every member of this Post in good standing shall be eligible to hold office in this Post except as otherwise provided herein.

**Section 4.** The duties of the officers shall be those usually appearing to such officers and further provided by the By-Laws.

## **Article VII - Finances and Dues**

**Section 1.** The revenue of this Post shall be derived from membership, fundraising or from such other sources as may be approved by the Post.

**Section 2.** The annual dues of individual members of the Post shall be decided each year when filing the Annual Post Data Report.

**Section 3.** All monies received in any manner by the Post shall be deposited in an authorized banking institution, and none of such monies shall be withdrawn except for use for post operations, or purposes authorized by the Executive Committee or General Membership. All monies may be paid out by check or debit, accompanying a matching receipt.

**Section 4.** This Post shall not solicit another Post or County Organization, for the purposes of financial aid or relief. This Post shall not loan money to another post or organization or any member.

## **Article VIII - Auxiliary**

**Section 1.** The Post recognizes an auxiliary organization known as The Auxiliary Unit of Ely Fagan Post 1151. The American Legion.

## **Article IX - Sons of The American Legion**

**Section 1.** The Post recognizes a Sons of The American Legion Organization, known as the Sons of The American Legion Squadron of Ely-Fagan-Stevens-Connor Post No. 1151 The American Legion Department of New York.

## **Article X - Amendments**

**Section 1.** This constitution is adopted subject to the provisions, principles and policies set forth in the foregoing preamble, and the National, Department and Monroe County American Legion Constitutions and By-laws. Any amendments to the National, Department and County Constitution and By-Laws which conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflicts.

**Section 2.** This constitution may be amended at any general post meeting by a vote of two-thirds of the members attending such meeting, provided that the proposed amendments were published physically and/or digitally for review by the membership and that the membership was informed of the vote no more than 30 days, nor less than 10 days prior to the meeting via mail and/or email.

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**BY-LAWS**  
**Of**  
**Ely-Fagan-Stevens-Connor Post 1151**  
**THE AMERICAN LEGION**  
**Department of New York**  
*Approved: TBD*

**ARTICLE I — NAME AND OBJECTS**

**Section 1.** The Post existing under these By-laws is to be known as Ely-Fagan-Stevens-Connor Post 1151, The American Legion, Department of New York, Monroe County as set forth in the Constitution.

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

**ARTICLE II — ADMINISTRATION**

**Section 1.** The administration of the Post's affairs, between meetings of the Post and except as may be otherwise provided in the by-laws of the Post, shall be under the supervision of the Executive committee.

**Section 2.** No Post property shall be removed from the Post Home without the written permission of the Executive Committee or their appointed representative. It is also directed that no post property shall be used for personal gain without the consent of the membership.

**ARTICLE III— POST EXECUTIVE COMMITTEE**

**Section 1.** The Post Executive Committee shall consist of the eleven members. Eight members shall be the Post officers as follows: Post Commander, three Vice Commanders, Treasurer, Adjutant, Chaplain, and Sergeant at Arms. One member will be the immediate Past Commander (excluding the current commander if serving multiple terms) and two will be Legion Family Liaisons.

**Section 2.** The Legion Family Liaisons shall consist of one appointed SAL member and one appointed Auxiliary member. Each of the Legion Family Liaisons will be appointed by their respective organizations. The Legion Family Liaisons will be on the Executive Committee to represent their organization in matters concerning the Legion Family. They can vote on all Legion Family matters but will not be able to vote on Legion only matters such as elections, disciplinary hearings and any matters that pertain to the Legion only as determined by the Executive Committee.

**Section 3.** 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 days after the installation of the new officers. Thereafter the Post Executive committee shall meet at the call of the Commander at least once a month and as often as said Commander may deem necessary. The Commander shall call a meeting of the Post Executive Committee upon the joint written request of four or more members of the Executive Committee.

**Section 4.** The Executive Committee may at any time require that any post officers or members handling American Legion money be properly bonded with a good and solvent bonding and surety company, as surety to cover double the average amount of money handled in a single year. Bonds are to be approved by the Executive Committee.

**Section 5.** The Executive Committee shall hear the reports of the Post Committee Chairpersons. It shall have charge of and be responsible for the management of the affairs of this Post between meetings.

**Section 6.** The Executive Committee may authorize routine expenditures regarding the post daily operations and any emergency expenditure that is required to maintain the post and its equipment or where such emergency poses an immediate safety or security concern. Any expenditures that are not routine or an emergency may not exceed \$1,000.00 per event without consent of the membership at a general meeting.

**Section 7.** All vacancies existing in the Executive Committee from any cause other than the expiration of term of office shall be filled by a majority vote of the remaining members of the committee, and a person so chosen shall hold office for the unexpired term of the member of the committee or officer when they succeed.

**Section 8.** Any member of the Executive Committee that has an unexcused non-legitimate absence from three consecutive meetings shall automatically cease to be a member of the Executive Committee and surrender their office for the balance of the year, except for good cause as determined by the Executive Committee.

**Section 9.** Any Executive Committee member may be removed from their position from the Executive Committee if deemed detrimental to the best interests of the Post, for inefficiency as defined by the Executive Committee, or for other matters so deemed by the Executive Committee. Members so judged must be notified by the First Vice Commander (or in his/her absence another Vice Commander) ten days prior to the Executive Committee hearing/reviewing the action with the subject for removal. A vote of 7 or more Executive Committee members is required to affect such removal.

#### **Article IV – Elections of Officers**

**Section 1.** Nominations of Officers shall be initiated at the March General Meeting. Nominations will be accepted from the floor up to the election. The presiding officer will make a last call for nominations just before conducting the election at the meeting outlined in Section 3.

**Section 2.** Every member of this Post in good standing shall be eligible to hold office. Members may nominate another member, or they may also nominate themselves.

**Section 3.** Election will be held at the April General Meeting or at the next General Meeting immediately following in case of postponement. The candidate or candidates receiving the highest number of votes shall be elected to the respective office or offices for which they are candidates. Officers shall hold office until their successors are duly installed or as otherwise provided. All votes for elections of officers will be conducted in person only. All Post members in good standing present during the election shall have the right to vote.

**Section 4.** Officers will be installed at the next General Meeting immediately following the election.

**Section 5.** Election to any office shall not carry the right of succession to higher office.

## **ARTICLE V — 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. 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, where the post currently stands, and recommendations for the coming year, which shall be read at the Past Commanders Dinner. They shall perform such other duties as directed by the Post.

**Section 2. Duties of Vice Commanders:** The Vice Commanders shall, in the order of their seniority, assume and discharge the duties of the office of Commander in the absence or disability of the Post Commander. The Commander will assign general responsibilities to each Vice Commander according to their interests and capabilities.

**Section 3: Duties of the Post Adjutant:** The Adjutant shall have charge of and keep a file and correct record of all proceedings of all meetings, keep such records as the department and national organizations may require, render reports of membership annually or when called upon at a meeting, and at the direction of the commander process all correspondence of the Post. All correspondence pertaining to Post business shall be on approved Post letterhead form and duly signed and dated by originator. The Adjutant is to assure such correspondence has a copy filed with Post records and that all Post matters of record are on file as directed by the Post Constitution and By-Laws. All records may be maintained in physical or digital format in a secure location accessible to Post officers. The Adjutant may also chair committees relevant to their position as directed by the Executive Committee or Post Commander.

**Section 4: Duties of the Treasurer:** The Treasurer shall have charge of processing all finances including receiving of Post income and distribution of funds as outlined in annexes of the Constitution and By-Laws and see that they are duly recorded on forms approved by the Post Executive Committee and safely deposited in the Post account at a local bank or banks authorized by the Executive Committee. They will sign all checks disbursing the monies of the Post treasury. In the absence of the treasurer the First Vice Commander or another member appointed by the Post Commander shall sign such checks. The treasurer will have ready, on call of the Post Commander, monthly and annual state of the treasury summaries for recording by the Adjutant in the minutes of the respective monthly and annual Post meetings. Their accounts shall be audited annually, and as necessary, by a committee appointed by the Commander.

**Section 5. 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. The Post Chaplain is the chairperson of the sick and visiting committee.



**Section 6. Duties of Sergeant-at-Arms:** The Sergeant-at-Arms shall preserve order at all meetings. Shall perform such other duties as may be, from time to time, assigned to them by the Post Executive Committee. The Sergeant-at-Arms is responsible for monitoring attendance of members and guests who have voting rights and escorting guests of honor.

## **ARTICLE VI -- FINANCES AND DUES**

**Section 1.** The amount of the annual Post dues shall be fixed by the general membership as outlined in the Constitution.

**Section 2.** A member whose dues for the current year have not been paid by January first will be considered delinquent. If their dues are paid on or before February first, they shall be automatically reinstated. If they are still delinquent after February first, they shall be suspended from all privileges. If a member is still under such suspension on June thirtieth of such year, their 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; provided, however, that the Post, Department, and National organizations may waive the provisions thereof, upon payment of dues for the year in which the reinstatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

**Section 3.** All Post monies shall be deposited in a duly authorized banking institution as designated by the Post Executive Committee

**Section 4.** The general expenses of the Post shall be paid by checks or debit drawn against the general fund signed by the Post Treasurer.

**Section 5.** Any expense not covered in Article III Section 6 must be voted on at a General Meeting.

**Section 6.** No member or Committee may open any trade account, financial loans, or credit card accounts for any reason without the prior written authorization of the executive committee.

**Section 7.** Only the Executive Committee can authorize debit cards being issued.

## **ARTICLE VII — DELEGATES**

**Section 1.** The Post delegates and alternates to the Monroe County Committee and Convention shall be the elected officers of the Post. Any additional delegates or alternates shall be volunteers.

**Section 2.** All Delegates and Alternates to the County Convention shall be uninstructed except as recommended by the Post.

**Section 3.** Delegates and Alternates shall vote as individuals and not as a unit.

## ARTICLE VIII – APPOINTMENTS

**Section 1.** Once each year, after new officers are installed, the Commander will nominate who they would like to chair/manage the standing committees of the post. All nominations must be approved by the Executive Committee.

**Section 2.** Standing committees of the Post are; but not limited to: Bar operations, Kitchen operations, home management (AKA House), Memorial Walkway, Games of Chance, Scholarship and Sick & Visiting. The Executive Committee may at its discretion add Standing Committees as it sees fit for the benefit of the Post.

**Section 3.** The Commander may also nominate chairpersons of ad hoc committees established for the good order of the Post. All such nominations must be approved by the Executive Committee.

## ARTICLE IX — RESOLUTIONS

**Section 1.** All matters of state, national, or international scope that appeal to Legionnaires and the Post may be treated, discussed, and acted upon provided, however, that such action shall be submitted for approval through the prescribed American Legion channels to the body having jurisdiction thereof.

## ARTICLE X — MEETINGS

**Section 1.** The executive meetings of the Post shall be held at the Post Headquarters or at a place to be decided upon by the Post on the first Wednesday of each month at 7:00 pm, at which such business may be transacted as properly brought up for action. 5 Members shall constitute a quorum for the Executive Meeting

**Section 2.** The regular meetings of the Post shall be held at the Post Headquarters or at a place to be decided upon by the Post on the second Wednesday of each month at 7:00 pm, at which such business may be transacted as properly brought up for action. 7 Members shall constitute a quorum for the General Meeting.

**Section 3.** Legion members in good standing may attend any Executive Committee meeting, but only members of the Executive Committee are allowed to vote or make motions. General Meetings will be open to all Legion Family and Post tenant organizations that wish to attend. All other organizations would be guests.

**Section 4.** The Post Commander or members of the Executive Committee as outlined in Article III Section 3 shall have power to call a special meeting of the Post at any time.

**Section 5.** Upon the written request of ten Post members, the Commander or the executive committee shall call a special meeting of the Post.

**Section 6.** Committees may meet independently and report back to the Executive Committee.

## ARTICLE XI — NOTICES

**Section 1.** Each member shall furnish the Post Adjutant with an address for mailing purposes and inform the Adjutant of any change in such address.

**Section 2.** Members, if they so choose, may furnish the Post Adjutant an email address for communications that conduct Post business. By furnishing an email address the member agrees to receive Post communications in lieu of hard-copy mailings.

**Section 3.** The Adjutant shall cause to be mailed to each member, at their physical address or by the email address provided by such member notice of meetings and each special meeting of the Post at least three days prior to such meeting, except as otherwise provided in the Constitution and By-laws.

**Section 4.** Notices of meetings at which nominations or elections of officers are to be held shall specify that such nominations or elections are to be held at such meeting and shall be announced at least two weeks prior to each such meeting.

## ARTICLE XII — RULES

**Section 1.** The order of procedure at meetings of this Post shall be governed by Robert's Rules of Order, Revised, except as otherwise provided herein.

**Section 2.** Any rules that the Membership would like to adopt for the benefit of the post will be covered in a Post Code of Conduct Appendix. The membership may adopt a Post Code of Conduct if they see a need for one. If adopted, any rules in the Post Code of Conduct would have to be approved by the membership before being added.

## ARTICLE XIII - LIMITATION OF LIABILITY

**Section 1.** This Post shall not incur, nor cause to be incurred, any liability or obligation to any individuals, corporations, or organizations without the prior approval of the general membership.

## ARTICLE XIV - AMENDMENTS

**Section 1.** These By-laws are adopted subject to the provisions of the National, Department, and Monroe County Constitution and By-laws. Any amendments to said National, Department or County Constitution and By-laws, which are in conflict with the provisions hereof shall be regarded as automatically repealing or modifying the provisions of these By-laws to the extent of such conflict.

**Section 2.** These By-laws may be amended at any regular Post meeting by a vote of two-thirds of the members attending such regular meeting, provided that the proposed amendment shall have been submitted in writing, and read at a preceding regular meeting of said Post, and provided further, that written notice shall have been given to all members at least ten 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 By-laws is to be voted upon.

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