



**The American Legion, Boone Post 4  
Department of Kentucky  
8385 U.S. Highway 42, Florence, Kentucky 41042**

**BY-LAWS OF BOONE POST 4**

**ARTICLE I**

- Section 1 The Post existing under these By-Laws is to be known as Boone Post 4, Incorporated, Department of Kentucky.
- Section 2 The objectives of this Post are as set forth in the Constitution.
- Section 3 The Florence American Legion, Boone Post 4 family shall consist of:
- The American Legion, Boone Post 4;
  - The American Legion Auxiliary Unit 4
  - The Sons of the American Legion Squadron 4; and
  - The American Legion Riders Post 4.

**ARTICLE II**

**Elections**

- Section 1 An election of officers shall be held by secret ballot, at a regular scheduled meeting not less than (30) thirty nor more than (90) ninety days prior to the Department convention. Because of Kentucky Charitable Gaming rules, the positions of Commander and Finance Officer cannot be filled by individuals that have been convicted of a felony or 2 misdemeanor crimes in the past ten (10) years.
- Section 2 Nominations for office will open (1) regularly scheduled membership meeting prior to election of officers and shall be closed at the next regularly scheduled membership meeting immediately prior to officer elections. All nominations for office must be members in good standing.
- Section 3 Voting – Only members that have paid their membership dues for the current year may vote in Post elections. Evidence of paid membership dues will be a current membership card or verification by Department membership printout.

Counting of votes:

- If two people are running for a position, the person receiving the majority of votes shall be the winner. If there is a tie, the membership shall re-vote for this position.
- If three or more individuals are running for a position, the individual receiving 51-percent (51%) or more of the vote shall be the winner. Otherwise, the individuals receiving the lowest number of votes will be dropped from the ballot and the membership shall vote again on the remaining highest two.

The Commander shall pick an Elections Committee of 2-3 Legion members gather member votes, tally the votes, and report the results of the election to the assembly. Committee members will not have a conflict of interest or be a candidate for an officer position. Individuals selected for this Committee shall be approved by a majority member vote. Voting ballots and other election documentation shall be held by the Adjutant in a sealed envelope immediately after the election. Member ballots will be destroyed after the following membership meeting.

- Section 4 An Executive committee shall exist that consist of five (5) members, in good standing, to be elected by the Post members. The terms of the five (5) members elected shall be as follows: two (2) “two year” positions to be elected during even years and two (2) “Two Year” positions to be elected during odd years. A “one (1) year” position will be filled by the out-going Post Commander each year. In the event that the previous Post Commander is re-elected or cannot otherwise fill this position, the position will be elected for that year. All other elected Post officers shall serve their normal terms of office.
- Section 5 The elected Post Commander will be the Post 4 Corporation Chief Executive Officer. The elected Post Commander will be the Post 4 Charitable Gaming Chief Executive Officer (CEO). The elected Post Finance Officer will be the Post Charitable Gaming Chief Finance Officer (CFO). All Post bartenders and Lounge Manager (if used) will be Charitable Gaming Chairpersons. Charitable gaming reports shall be provided to the Post membership at regularly-scheduled monthly meetings.
- Section 6 With the exception of the Post Chaplin, no member may be elected by membership vote to more than one Post Officer position. Because of the obvious lack of conflicting interests, the position of Post Chaplin may be filled by a member who is also a different Post Officer.

### ARTICLE III

#### **Major Committees and Appointments**

- Section 1 The Post Commander shall appoint a member in good standing to fill all vacancies existing in the Executive Committee or other offices vacant from any cause other than expiration of term. These appointments are subject to
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ratification by the Executive Committee. Any person so appointed shall hold that office until the next regular election.

A vacancy shall exist when an officer is absent from his/her office for three (3) consecutive regularly scheduled meetings or for a continuous period of time as to be considered detrimental to the interests of the Post, as determined by the Executive Committee. The Commander, upon approval from the Executive Committee, may remove an officer at any time for dereliction of duty. Officers will have the opportunity to address the Executive Committee prior to this action.

Section 2 Immediately after Post elections, The Commander shall appoint a House Committee. The House Committee shall consist of one (1) Chairperson and at least two (2) additional members, all in good standing, appointed yearly after Post elections by the Post Commander. The House Committee shall meet for organization and such other business as may come before it at the call of the Post Commander, or upon request of two (2) House Committee members. The House Committee members are responsible for repair and maintenance of the facility pertaining to business, also cleaning, repair of premises and appearance/décor of premises, and ensuring compliance of rules and regulations necessary for keeping good order within the law.

Section 3 The Post Executive Committee may decide to have a Lounge/Club Room Manager to oversee the operation of the Lounge/Club Room operations if it deems necessary. The Lounge/Club Room Manager may be a salaried employee (membership not required, but desired) at a rate of pay determined by a vote of the membership. The Lounge/Club Room Manager may be appointed yearly by the Commander and ratified by the Executive Committee. The Lounge/Club Room Manager shall be responsible for following general good business practices, such as purchasing and keeping on hand adequate stock and merchandising of same, scheduling other Club employees, and shall be present for all House Committee and Executive Committee meetings to report and advise only.

Section 4 The Post Charitable Gaming Finance Officer (CFO) shall ensure compliance with all Federal, State, and local gaming laws. The Gaming CFO shall report all charitable gaming activities to the Post Accountant and Post membership at least monthly.

No person convicted of a felony, gaming offense, criminal fraud, forgery, theft, falsifying business records, violation of KRS 238.995(7), or any two (2) misdemeanor crimes in Federal court or the courts of any State, the District of Columbia, or any territory, consistent with the provisions of KRS Chapter 335B within ten (10) preceding years, may be an employee, Post Commander, Post Finance Officer, Executive Committee member, Post Charitable Gaming Chairperson, or any other person, as required by law.

No Person listed with the State, as a Gaming Chairperson may be a Gaming Chairperson for any other organization.

No person involved with charitable gaming shall receive any compensation for services related to the charitable gaming activities, including tipping.

Within two (2) days of the charitable activity, all gross receipts and adjusted gross receipts shall be deposited into a checking account devoted exclusively for charitable gaming and designated as the “charitable gaming account”.

## ARTICLE IV

### 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. **The Post Commander shall be the Chief Executive Officer of the Post.** The Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering business made to be read at the March regular scheduled meeting. This report shall include recommendations for the ensuing year. After the report and recommendations are read at the March meeting, a copy thereof shall immediately be forwarded to the Department Adjutant. This report is in addition to the annual Post Consolidated Report that is jointly prepared by the Post Commander and Post Adjutant.

The Commander will become familiar with and oversee all management and operational aspects of the Post, including presiding over Post membership and committee meetings. In the absence of a Lounge/Club Room Manager, the Post Commander and the Post Executive Committee shall jointly oversee these duties, including supervision of all Post employees and subcontractors and the issuance of quarterly performance reviews and counseling statements. He shall perform such other duties as directed by the Post.

Section 2 **Duties of the 1st Vice Commander:** The 1<sup>st</sup> Vice Commander shall assume and discharge the duties of the Commander in the absence or disability of the Commander, or when requested by the Post Commander. Membership shall be the primary concern of the 1<sup>st</sup> Vice Commander

Section 3 **Duties of the 2<sup>nd</sup> Vice Commander:** The second Vice Commander plays a dual role of fun and serious, which so typifies the American Legion. The Second Vice Commander shall provide programs both social and recreational that spice up the meetings and attract attendance. The 2<sup>nd</sup> Vice Commander will pursue fund raising activities to provide for on-going Post improvements, Post routine expenses, and Post charities. In the pursuit of “Justice”, he/she will be concerned with the welfare of all fellow veterans and will be interested in the work of the veterans affairs and rehabilitation.

Section 4 **Duties of the Post Adjutant:** The 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, render reports of membership annually or when called upon at a meeting, and under the direction of the Commander, handle all correspondence of the Post. The Post Adjutant should attend Adjutant School annually.

**Section 5** **Duties of the 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. The Finance Officer shall report the condition of the finances of the Post once a month to the membership and Executive Committee at their regularly-scheduled meetings t. He/She shall make such recommendations as he/she may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He/she shall sign all checks disbursing the monies of the Post. The Finance Officer shall furnish such surety bonds in such sums as shall be fixed by the Executive Committee and ensure that all required licenses and permissions are obtained and displayed In the event that a Lounge/Club Room Manager is not used, the Finance Officer will oversee Bar Account Finances to include bank deposits and ensuring that adequate change is on hand,

**Section 6** **Duties of the Post Service Officer:** The Post Service Officer assists all Veterans in processing disability and finance claims, obtaining Veteran records, and counseling Veterans on available benefits and services. These Veterans do not need to be members of Boone Post 4.

The Service Officer shall keep all conversations and interactions with Veterans confidential at all times. All meetings of a confidential nature shall be conducted in a private atmosphere where others cannot hear discussions. All Service Officer records shall be properly secured to prevent unauthorized access.

The Post Service Officer calls for a competent and dedicated person, preferably one who can serve indefinitely. He/She shall have a deep interest in fellow veterans, their Post, and their community. He/She will be more effective if their job and location make them readily available to those needing assistance. The Post Service Officer shall attend Service Officer School annually for training and Department of Veterans Affairs updates.

**Section 7** **Duties of the Post Historian:** The Post Historian shall be charged with the individual record and incidents of the Post and the Post members. He/She shall perform such other duties as may properly pertain to the office as may be determined by the Post.

**Section 8** **Duties of the Post Judge Advocate:** The Judge Advocate shall be charged with supplying professional advice in the conduct of the Post business or to procure proper counsel and is the guardian of constitutional form of Post government. The Judge Advocate shall be completely familiar with the National, Department, and Post By-Laws. The Judge Advocate shall maintain a copy of and be familiar with Robert's Rules of Order, as amended.

- Section 9 **Duties of the Post Chaplin:** The Post Chaplin shall be charged with the spiritual welfare of the Post comrades. He/She will offer divine but nonsectarian service in the event of dedications, funerals, public functions, etc. The Chaplin shall adhere to such ceremonial rituals as are recommended by the National and/or Department Headquarters from time to time.
- Section 10 **Duties of the Post Sergeant-at-Arms:** The Sergeant-at-Arms shall preserve order at meetings and shall perform such other duties as may be assigned by the Post Commander.
- Section 11 **Duties of the Post Executive Committee:** The Executive Committee shall act as “Mediating Body” in matters of judgment and conduct of the affairs of this Post. They are responsible for the hiring and firing of salaried/hourly employees as necessary. They will assist the Commander in daily oversight of Post employees, including the issuance of annually performance reviews and counseling statements. The Executive Committee will meet prior to regular membership meetings to review pending Post business and operations and will make decisions on non-discretionary issues to facilitate well-organized membership meetings. .

The Executive Committee will investigate all issues of bad conduct, theft, destruction of Post property, malicious acts, assaults, and any other inappropriate actions committed by or against Post 4 members, Post 4 guests, or the Post in general. The Executive Committee will take appropriate action to stop such instances from happening again. The Executive Committee will counsel individuals deemed responsible for the aforementioned issues, including verbal and written warnings, barring from the Post Lounge. In more severe cases, the Executive Committee will initiate suspension and/or removal actions from Post 4.

If a matter of conduct or disciplinary action involving a member of the Legion Auxiliary, Sons of the Legion, or the Legion Riders comes before the Executive Committee, the Committee will consult with the Unit Auxiliary President, SAL Squadron Commander, or Detachment Director, as appropriate, and the individual concerned before taking any action. This coordination between Boone Post 4 organizations are designed to deal with personnel matters at the earliest possible time and at the lowest level possible to keep relationships between the respective organizations productive and harmonious.

The Executive Committee must work within the rules and regulations as approved by the general membership. Delegation of these functions to the Executive Committee and in no way intended to usurp the powers of the membership through regular Post meetings. The Executive Committee shall submit a committee report to the membership at regular Post membership meetings

The Executive Committee has the duty to keep and maintain an Employee or Members Personal Privacy Private and therefore may enter into “Executive Session” to discuss in a confidential matter such personal issues. When the Executive Committee enters into “Executive Session” all non- Executive Committee members will be required to leave the meeting.

## **ARTICLE V**

### **DELEGATES TO DEPARTMENT CONVENTIONS**

- Section 1 Delegates and alternates to a Department Convention shall be appointed by the Commander at a regularly-scheduled meeting at least twenty (30) days prior to the date of such convention.
- Section 2 Reimbursement of Delegate expenses – The membership shall vote each year to authorize or not authorize reimbursement of Delegate expenses to the Department Convention. Reimbursement of expenses will be contingent upon the Delegate attending all Convention meeting sessions and their attendance at a minimum of 50-percent (50%) of the previous year’s membership meetings and available Post finances. This 50% attendance may be waived by the Commander if the member joined Post 4 after the start of the year.

## **ARTICLE VI**

### **GENERAL COMMITTEES**

- Section 1 The Post Commander, immediately upon taking office each year, may appoint the following standing committees: Americanism, Ceremonials, Economic, Finance, Foreign Relations, Graves Registration and Memorial, House and Entertainment, Legislative, Membership, Public Relations, Veterans Affairs and Rehabilitation, National Security, Sons of the American Legion, and Visiting or VAVS or any other committees as determined by the Officer’s Guide. Such standing committees shall consist of such members and chair as shall be designated by the Post Commander.

## **ARTICLE VII**

### **AUTHORITY TO SPEND POST FUNDS**

- Section 1 All expenditures of Post funds from the Post General Account for discretionary items shall be approved by the Executive Committee with a vote for approval by the general membership at regularly-scheduled Post membership meetings. Examples of these non-essential discretionary expenditures are:
- Routine charity donations that are not time sensitive;
  - Expenditures relating to Post member or fund-raising events;
  - Reimbursement of Department Convention Delegate expenses;
  - Purchase of non-essential materials, supplies, or other products for Post 4; and

- Non-essential improvements to Post property or facilities

Section 2 The Post Executive Committee shall approve Expenditures that are deemed non-discretionary. Non-discretionary expenditures are classified as those expenses that are routine monthly costs, emergency in nature, or time sensitive expenditures, such as:

- Monthly mortgage, utilities, and insurance;
- Repairs to heating, electric, and plumbing;
- Payment of State licensing, taxes, and fines;
- Time-sensitive expenditures of a minor nature, such as small donations or last minute event preparation; and
- Expenses that are mandated by Federal or State regulation.

The Post Executive Committee shall report to the Post membership major Non-discretionary expenses during monthly membership meetings.

Section 3 The Post Lounge/Club Room shall have its own Bar Account. This account will pay all expenses associated with the operation of the Lounge. These expenses are deemed as non-discretionary. The Bar Account will not be used for any expenditure not associated with the Lounge operation. The Post Finance Officer and/or Post Commander shall approve all expenditures from this account.

Section 4 Service Officer and Chaplin Donation Authority – The elected Post Service Officer or Post Chaplin will have the authority to expend Post funds under the following conditions:

The Post Service Officer or Chaplin may make disbursements from the Post 4 fund to assist veterans and American Legion members for lodging, food, transportation, or other emergencies in the following amounts:

- Any one-time donation up to \$25 may be made without further authorizations.
- Donations above \$25, but not exceeding \$50, will be approved by the Service Officer/Chaplin and one other Post officer. Donations of \$50 to \$100 will be approved by the Post Executive Committee between meetings, or the membership if time allows.
- All donations will be investigated by the Service Officer or Chaplin by calling surrounding Legion Posts and VFWs to assure that the individual has not already obtain donations elsewhere. The Service Officer or Chaplin will also review past donation forms to ensure that the individual has not asked for repeated donations. The Chaplin will confer with the Post Service Officer (and vice versa) to determine past donations and procedures, if necessary.



- In the absence of the Post Service Officer or Chaplin, donations up to \$25 can be approved by a minimum of two Post officers if the need is urgent.
- The Service Officer and the Chaplin will use approved donation forms as stated in the Post Donation Standard Operating Procedures and report all donations at monthly membership meetings

Section 5 The Executive Committee will review the Post mortgage account annually to ensure that the Post is receiving good interest rates and that there are no opportunities to reduce the mortgage principle through the restatement or refinancing of the mortgage loan.

The Post mortgage shall not be re-negotiated to receive excess funds back to the Post or to lengthen the mortgage term unless it is absolutely necessary for the survival of the Post and all other options of raising funds have been exhausted. The Executive Committee must approve any such action prior to bringing such action before the Post membership. It shall take a two-thirds (2/3) membership vote of members present at a regular membership meeting to refinance or re-state the Post mortgage for any reason.

## **ARTICLE VIII**

### **RESOLUTIONS**

Section 1 All resolutions of State or National scope presented to this Post by a member or reported by 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 merely passage by the Post is taken.

## **ARTICLE IX**

### **MEETINGS**

Section 1 The regular meetings of this Post shall be held at the Legion Hall on the second Sunday of each month at 2:00 PM, at which may be transacted such business as may properly be brought up for action. Such meetings may be converted into entertainment meetings as deemed advisable by the officers of the Post.

The membership may change a scheduled meeting date on case-by-case bases by a majority vote by those in attendances (51% or more) when there are conflicts related to holidays, other Legion meetings or conventions, or other issues deemed significant by the membership. The Department Headquarters will be notified of all changes in meeting dates.

Section 2 The Executive Committee shall meet at 6:30 pm on the Thursday before the regularly scheduled monthly Post meeting for organization and such other business as may come before it at the call of the Post Commander, or upon

request of three (3) Executive Committee members. The Executive Committee may also meet immediately before membership meetings if Post issues warrant such a meeting. A majority, more than fifty (50) percent, of Executive Committee members shall constitute quorum required to be able to conduct any business.

- Section 3 The Post Commander or a majority of the Executive Committee shall have the power to call a special meeting of the Post at any time upon written or telephonic request of the membership. In emergency situations, announcement of this special meeting may be made by calling as many members as possible, posting notices on the Post's Internet website and Face Book pages, and posting readily-noticeable announcements at the Post.
- Section 4 Ten (10) members (including Post officers) shall constitute a quorum at monthly membership meetings.

## **ARTICLE X**

### **POST FACILITY**

- Section 1 The Post Memorial Hall primarily use is for official scheduled meetings of Post 4 family organizations. The Hall shall be reserved for these meetings at no cost without approval from the membership. Otherwise, the Hall may be used for post activities and rentals with approval of the Bar Manager or Post Commander.
- Section 2 The Post shall publish House Rules for the Post Lounge and Hall. The Post Commander and Executive Committee shall enforce the provisions of these rules
- Section 3 All officers of Boone Post 4 have the responsibility to help provide safety and comfort while in the Lounge. In the event the bartender deems it necessary to ask a patron to leave the Lounge, an officer upon request of the bartender, may ask the patron to leave. The Executive Committee will meet and discuss the incident and inform said person of when they will be allowed to return to the Lounge. Except in the event of minor circumstances, said officer can ask patron to leave for the evening.

## **ARTICLE XI**

### **MEMBER NOTIFICATIONS**

- Section 1 Every member shall furnish the Post Adjutant with his/her address and telephone number, and email address if available.
- Section 2 The Post Adjutant shall give notice of the annual elections at least three (3) weeks prior thereto.

**ARTICLE XII**  
**RULES OF ORDER**

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

**ARTICLE XIII**  
**LIMITATIONS OF LIABILITY**

Section 1 This Post shall incur, or cause to be incurred, no liability nor obligation whatsoever which shall subject to liability of any other Post, subdivision, group of persons, members of the American Legion, or other individuals, corporations, or organizations.

Section 2 This Post shall defend and spend whatever amounts are necessary in all law suits and judgments against Boone Post 4 Legion officers, providing such law suits or judgments arise from such officers performing their official duties in conjunction with decisions of the legion Executive Committee and/or Legion membership.

**ARTICLE XIV**  
**AMENDMENTS**

Section 1 The Post By-Laws annually after the election of Post officers to ensure that they reflect the major policies and procedures of Post 4. The Executive Committee shall review any major membership discussions, significant disagreements, and new policies and decide whether these issues should be included in the By-Laws. The Executive Committee shall draft By-Law amendments and present them to the membership. The Commander may appoint a By-Law Committee if the Executive Committee is unable to perform this function.

**ARTICLE XV**  
**New Members**

**Section 1** All applicants desiring to join Boone Post 4 shall complete a new member application or a member data form for transferring members and provide a DD-214 or equivalent and submit them both for approval of the membership. Membership acceptance will be by majority vote for new members and (2/3) two thirds for transferring members.

**ARTICLE XVIII**

Section 1 All words in these By-Laws in the masculine gender shall include the feminine gender.

(Signed)

WENDELL HICKMAN  
Commander  
The American Legion, Boone Post 4

A copy of this Amendment to the Boone Post 4 By Laws has been sent to the Kentucky Department Headquarters:

\_\_\_\_\_  
BY: PRINTED NAME AND SIGNATURE

\_\_\_\_\_  
DATE