



THE AMERICAN LEGION

Tyler Cates Post 281

Mount Juliet, Tennessee

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 goodwill 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

CONSTITUTION

ARTICLE I – NAME

Section 1. The name of this organization shall be The American Legion Tyler Cates Post 281, Incorporated. The date of incorporation was November 3, 2010.

ARTICLE II – OBJECT

Section 1. The object and purpose of this Post shall be to promote the principles of the National and Departmental Constitutions of The American Legion.

ARTICLE III - NATURE

Section 1. This Post is a civilian organization and membership herein 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, or for the promotion of the candidacy of any person seeking public office or endorsement.

Section 3. Rank does not exist in The American Legion. Members shall not be addressed by their military rank or pay grade in any meeting of this Post.

ARTICLE IV – MEMBERSHIP

Section 1. Eligibility for membership in this Post shall be as prescribed by the National Constitution and Bylaws of The American Legion.

Section 2. Applications for membership shall be in writing as prescribed by the Post Executive Committee.

Section 3. All applications for membership shall be acted upon at the next regular general membership meeting, and shall be accepted, rejected, or referred for further investigation and consideration. It shall take a simple majority of nay votes to reject an application.

Section 5. Any member being considered for expulsion or suspension shall be adjudicated under the provisions of the Constitution of The American Legion Department of Tennessee's Constitution. ,

Section 6. A member who has been expelled from this Post for cause may be reinstated to membership by a two-thirds (2/3) majority vote of the membership present and voting at a regularly scheduled meeting, provided they make their dues current for the current year.

Section 7. No member who has been expelled by this Post shall be admitted to membership in another Post without the consent of this Post; members expelled may appeal to the Executive Committee of the Department of Tennessee for reinstatement to the expelling Post. During any appeal process, the member so expelled shall be ineligible for membership.

Section 8. A member in good standing is defined as one who has a valid membership card for the current membership year,

ARTICLE V – OFFICERS

Section 1. The administrative affairs of this Post shall, except as otherwise provided in the Bylaws, be under the supervision of the elected Post Executive Committee.

Section 2. The Post Executive Committee shall be composed of such odd number of members as is provided in the Post Constitution and Bylaws, and in addition thereto, the Post Commander and Post Adjutant shall be ex-officio members of all other committees.

Section 3. All Officers and Executive Committee members will serve for one (1) year, or until a successor is installed or as otherwise herein provided. An Officer or Executive Committee member may be removed from office for cause, provided the affected person is afforded charges under oath, and in writing, one (1) month prior to the contemplated action; such removal requires a two-thirds (2/3) majority vote of the Executive Committee.

ARTICLE VI – FINANCE

Section 1. The revenue of this Post shall be derived from membership annual dues or initiation fees, and from other sources as may be provided by the Executive Committee.

Section 2. The amount of annual membership dues or initiation fees shall be fixed and determined by a majority vote of the members present and voting at a general membership meeting.

Section 3. The Post shall pay to National Headquarters and the Department of Tennessee membership dues in the amount prescribed for every member of the Post who is not a Paid-Up-For-Life member.

ARTICLE VII – THE AMERICAN LEGION AUXILIARY

Section 1. The American Legion Tyler Cates Post 281 recognizes an auxiliary organization known as “The American Legion Auxiliary,” organized in accordance with the regulations of the National Constitution. The members of a Section 501(c)(19) auxiliary that are related to a Post are a separately formed organization and recognized as tax exempt. Therefore, the auxiliary members are not considered part of Post 281.

ARTICLE VIII - AMENDMENTS

Section 1. This Constitution is adopted subject to the provisions of the Charter of The American Legion National Constitution and Bylaws and The American Legion Department of Tennessee’s Constitution and Bylaws. Any amendment to said constitutions which is in conflict with any provision thereof shall be regarded as automatically repealing or modifying the provisions of this Constitution and Bylaws to the extent of such conflict.

Section 2. This Constitution and Bylaws may be amended at any regular Post general membership meeting by a two-thirds (2/3) majority vote of the members present and voting, provided that any such amendment(s) shall have been signed by twenty (20) or more members in good standing and read at the next membership meeting. It is further provided that the membership be given written notice, either by the Post Newsletter, other type of mailing, or email at least thirty (30) days in advance, announcing the time and date when such amendment(s) shall be voted upon. It is further provided that a member voting on any such amendment(s) must be a member in good standing.

BYLAWS

Section 1. The Post existing under these Bylaws is to be known as The American Legion Tyler Cates Post 281, Mount Juliet, Tennessee. The purpose of this Post is as set forth in the Preamble and the Constitution.

ARTICLE I - MANAGEMENT

Section 1. The government and management of this Post is entrusted to the Executive Committee, who are responsible for the sound management of this Post and its affairs. The Post shall operate

on a fiscal year beginning on June 1 through May 31. The fiscal year is the year of the ending date.

Section 2. The Post Executive Committee shall approve and authorize all expenditures; shall require crime insurance/surety bonds; shall require insurance coverage from all contractors and others having custody of Post funds or property; and, shall cause surety bonds sufficient to cover double the average amount of money handled in a single year.

Section 3. The Executive Committee shall approve and/or revoke all contracts and agreements, whether written or verbal, that pertain to contractors, equipment, administrative, accounting, casual labor, entertainment, etc. The incoming Executive Committee reviews all items listed above during their organizational meeting, and will cancel, modify, and/or make changes, as required or necessary.

Section 4. The Executive Committee is responsible for the hiring, firing, suspension, warning, and disciplining of all Post employees. It shall ensure employee position descriptions are kept current and ensure employees adhere to applicable laws, ordinances, rules, regulations, and other directives issued by the Executive Committee.

Section 5. The Executive Committee may consider motions made on the floor from the general membership that normally fall under its purview. And, when applicable to motions to donate or contribute funds, follow the Roles and Procedures for the Finance Officer. Motions considered or not considered by the Executive Committee will be recorded in the official minutes.

ARTICLE II - MEETINGS

Section 1. The address of the registered office of this corporation is The American Legion, Tyler Cates Post 281, P.O. Box 67, Mount Juliet, TN 37121. The Post Commander and the current Executive Committee are the registered agents, under the same address.

Section 2. The Post Executive Committee shall consist of voting and non-voting members. The voting members consist of the Post Commander, Post Adjutant, Post Finance Officer, Post Service Officer, First Vice Commander, Second Vice Commander, and the Sergeant-at-Arms. The non-voting members shall consist of the previous Commanders, Chaplain, Historian, and Judge Advocate. Such other officers as the Post shall deem necessary that are contained in the Officer's Guide and Manual of Ceremonies, under Post Officers. After installation of newly elected officers, the Post Executive Committee shall meet within ten (10) days after installation. This meeting addresses organization and other appropriate issues of the Post. Thereafter, the Committee shall meet at least once each month. Special meetings may be called by the Post Commander or upon a written request from four (4) or more Committee members. Four (4) Post Executive Committee members shall constitute a quorum. The Post Commander will serve as Chairperson.

Section 3. Regular general membership meetings will be held on the second (2nd) Tuesday of each month. Special general membership meetings may be called by the Post Commander, or upon the written request of ten (10) or more members. Twenty (20) members shall constitute a quorum at any meeting.

Section 4. The "State of the Legion" meeting shall coincide with the annual reports required by the Post Commander and the Finance Officer. The reports and meeting are to be scheduled no later than April.

Section 5. All meetings and proceedings shall be conducted under prescribed guidelines, rituals, proper orders of business, and "Robert's Rules of Order," as revised, except as otherwise provided herein.

ARTICLE III – DUTIES OF OFFICERS

Section 1. POST COMMANDER: It shall be the duty of the Post Commander to preside at all meetings of the Post and have general supervision over the business affairs of the Post, and as such be the Chief Executive Officer. The Post Commander shall, as directed or as necessary, direct the disbursement of funds; have authority to co-sign checks; shall serve as an Ex-Officio member of all committees; shall annually, prior to the conclusion of the Post fiscal year (June 1 to May 31), make a report to the general membership via the Executive Committee covering the "State of the Legion" business of the past year; shall make recommendations for the ensuing year, with a copy to be delivered to the Department Adjutant; and shall perform other duties as directed by the Executive Committee.

Section 2. POST ADJUTANT: Shall have charge of and keep complete and accurate records of all meetings and proceedings; maintain other records as the National, Department, and Post directs; be responsible for all correspondence, filing, office equipment and records; be responsible for membership rosters, cards, associated equipment, reports and mail; issue a receipt to any member, prospective member, or transferee, upon payment of any dues received; and, shall retrieve from every member their physical or post office box address, telephone number, and email address for contact relating to official Post business purposes. The Post Adjutant shall perform additional duties as directed by the Post Commander and the Executive Committee.

Section 3. FINANCE OFFICER: Shall have charge of all finances of the Post and to ensure their safe deposit in a local bank; shall report monthly to both the Executive Committee and the general membership the condition of all Post finances; shall annually, prior to conclusion of the fiscal year, make a report to the general membership, via the Executive Committee; provide a balance sheet in reasonable detail showing the financial condition of the Post, along with an itemized report showing profit and losses; shall co-sign checks to carry out the Post business; shall maintain appropriate records, including insurance, medical, surety, workers compensation, employee personnel records, and bonds. The Finance Officer shall perform other duties as directed by the Post Commander or the Executive Committee.

Section 4. POST SERVICE OFFICER: Shall act as a liaison between members of this Post and the Veterans Affairs Department. This officer serves as a focal point and source of technical knowledge and information pertaining to the State, Federal, and VA Hospital policies related to benefits, compensation and other programs as they apply to veterans and their dependents.

Section 5. FIRST VICE COMMANDER: Shall assume and discharge the duties of the Post Commander in the absence of that Officer, or when called upon by the Post Commander and shall be the Membership Chairman responsible for membership and its related administrative

functions. The First Vice Commander shall perform other duties as directed by the Post Commander and the Executive Committee.

Section 6. SECOND VICE COMMANDER: Shall ensure proper maintenance of Post equipment and make recommendations to the Executive Committee for approval in the suspension of any Members as required. When required, the Second Vice Commander shall coordinate, monitor and report status of all social, Legion, Auxiliary, and other types of functions; rent, lease and reserve facilities; and, maintain appropriate administrative and contractual records. The Second Vice Commander shall perform other duties as directed by the Post Commander and the Executive Committee.

Section 7. SERGEANT-AT-ARMS: Shall preserve order and decorum at all meetings and other official functions; shall arrange and participate in patriotic ceremonies, functions, and other designated events when required; shall ensure proper equipment is set-up or provided for meetings, such as tables, chairs, podium, sound system, or related equipment; shall be the custodian of all flags and memorabilia, including proper display, procurement and replacement; shall insure all outside heavy armaments are properly secured, displayed and maintained; and, shall maintain VIP guest logs and introduce guests.

Section 8. CHAPLAIN: Shall be charged with the spiritual welfare of the Post and its members, offering divine but non-sectarian prayers and services when called upon; shall offer the same services at Legion events, funerals, dedications, or other post events; and shall maintain liaison with the Post Sergeant-at-Arms.

Section 9. HISTORIAN: Shall collect, evaluate and compile the written and photographic information concerning Post activities and records of merit; shall determine which records are of merit or of a historical nature and ensure their proper collation, storage and safe keeping; and, preserve other objects, such as trophies and relics that have a historical value to the Post.

Section 10. JUDGE ADVOCATE: Shall supply professional advice in the conduct of post business or to procure proper counsel. This officer upholds and serves as guardian of the constitutional form of post government. The Judge Advocate can also supply valuable assistance to other post committees and officers, and should maintain contact with local government officials.

ARTICLE IV - APPOINTMENTS AND COMMITTEE ELECTED OFFICES

Section 1. Appointments: The Post Commander shall appoint annually the Leader of the Honor Guard, Public Information Officer, and others as required. Duties of the appointed members are as follows:

Section 2. LEADER OF THE HONOR GUARD: Lead and appoint members who shall honor deceased veterans in a traditional military manner, including a 3-volley salute when a gun salute is not otherwise provided; shall fold and present the American flag if not otherwise provided; shall "Post the Colors" as part of opening ceremonies and represent the sacrifice made by veterans of the Armed Forces; and, shall fire rifles as part of Veterans Day, Memorial Day and other ceremonial events, including military unit reunions.

Section 3. PUBLIC INFORMATION OFFICER (PIO): Shall develop and maintain strong relationships with the media and journalists and collaborate with the Executive Committee to establish a vision for Post 281's public image. The PIO shall work with officers and committee members on marketing and advertising Post 281's programs and activities and assist members in preparing written communications directed to external groups or organizations. The PIO shall also monitor the organization's image by scrolling through social media feeds, reading relevant news articles and exploring comments on social media posts to evaluate how the organization is being perceived by the media and members of the public.

Section 4. STANDING COMMITTEES: The Post Commander shall appoint annually chairpersons to the Building Committee and the Finance Committee. The First Vice Commander serves as the Chairperson of the Membership Committee. Those appointed as chairpersons shall perform tasks commensurate with titles and duties listed in The American Legion's National and Department of Tennessee publications (including the annual Officer's Guide and Manual of Ceremonies), as applicable, along with directives from the Post Commander and the Executive Committee. The Commander may delegate authority to chairpersons to select additional members to their respective committees. The Post Commander shall also appoint chairpersons to other non-standing committees, as necessary for the smooth operation of the Post.

Section 5. BUILDING COMMITTEE: Shall explore the opportunities and feasibility of a permanent home for Post 281.

Section 6. FINANCE COMMITTEE: Members to this committee, once appointed by the Post Commander and approved by the general membership, shall act autonomously. Members of this committee shall serve in a staggered two-year term. The purpose of this committee is to prepare and submit annually a fiscal year financial budget to support the mission of the Post for approval of the Executive Committee and the general membership. In doing so, this committee provides adequate and continual oversight of the day-to-day financial operations of the Post to assure financially sound expenditures in accordance with the approved annual financial budget. A standing report will be offered to the general membership twice a year by the finance committee chairperson.

Section 7. MEMBERSHIP COMMITTEE: Under the direction of the Post First Vice Commander, this Committee shall have charge of all matters pertaining to the membership of this Post, including new members, reinstatements, transfers, and retention of current members. Members of this committee shall ascertain all eligibility requirements in coordination with the Post Adjutant.

Section 8. NON-STANDING COMMITTEES: Non-Standing Committees may be appointed as deemed necessary by the Post Commander. These Committees may consist of, but not be limited to, Publicity, Legal, Rehabilitation, Americanism, Athletic, Disaster Relief, Welfare, Defense, Boys State, Community Relations, and Ways and Means. Duties shall be commensurate with titles, Legion publications, and/or direction by the Post Commander or the Executive Committee.

ARTICLE V –DEPARTMENT CONVENTION DELEGATES

Section 1. At the Department Convention, each chartered Post of The American Legion in the State of Tennessee shall be entitled to five delegates and five alternates; provided the Post has in good

standing the fifteen members required for Charter. One additional delegate and alternate is authorized for each additional fifteen members or major fraction thereof. Post membership will be calculated by adding the current paid Post members to those Post 2000 transfers completed during the current renewal year. No delegate shall be seated unless the annual dues have been received by the Department Adjutant prior to Post delegate selection. Delegates shall be chosen at Post meetings not less than one week before the Department Convention.”

Section 2. Selection of Delegates from the General Membership: When applicable, a Declaration Board will be posted online or by other means, and those members desiring to become a delegate may apply their own name. Selection will be on a first-sign-up basis. Excess signers, beyond Delegate strength, will be designated as Alternates.

Section 3. Each registered delegate shall be entitled to one vote. The vote of any registered delegate absent and not represented by an alternate shall be cast by the majority of the registered delegates from their Post, there shall be no unit rule. Alternates for registered delegates shall have all the privileges of registered, except that of voting.

ARTICLE VI - NOMINATIONS - ELECTIONS – VACANCIES

Section 1. NOMINATIONS: The nominations process for Post elected positions begins at the April general membership meeting. Nominations can also be made from the floor at the general membership meeting in May. Nominees must be present and agree to serve in the position for which they are nominated.

Section 2. ELECTION DATE: All Officers and Executive Committee members of this Post shall be elected from a slate of nominees at the May meeting.

Section 3. INSTALLATION: Officers and Executive Committee members shall be installed after the elections as the final act of business at the May general membership meeting. The installing officer shall be an officer from another Post, the Department of Tennessee, National, or a Post 281 Past Commander.

Section 4. VACANCIES: In the event of a vacancy of the Post Commander, the First Vice Commander will automatically ascend to that position. If, after the First Vice Commander ascends to Post Commander and subsequently dies, resigns, or otherwise be removed from office, the Post Executive Committee shall, by a majority vote, elect a successor. For other vacancies occurring on the Post Executive Committee, their successors will be elected by a majority vote of the Executive Committee. If the Finance Officer vacates the position, the Post Commander shall immediately gather and maintain all financial, banking, and investment materials until the Executive Committee appoints a replacement. The Post Commander shall immediately direct an audit. If a vacancy of an appointed member on the Executive Committee should occur, that office will remain vacant until after the officer’s installation. Successors will then be elected by a majority vote of the newly installed Executive Committee.

Section 5. OTHER VACANCIES: To allow a fair and equitable opportunity for other members to vie for vacant positions on the Executive Committee, all current officeholders also vying for the vacant position must first resign from their current office.

Section 6. UNEXCUSED ABSENCES: If determined by a majority vote of the Post Executive Committee, a vacancy shall occur on the Executive Committee when a member has three (3) or more unexcused absences from mandatory meetings, or other functions of The American Legion.

ARTICLE VI - RESOLUTIONS

Section 1. Outside Resolutions: All resolutions received from other Posts, Districts, State or National Headquarters by Post 281, shall merely embody the opinion of the sender. If required, this Post will concur, non-concur, or endorse, and forward same before any publicity is given, other than the mere passage through Post 281.

Section 2. Post 281 Resolutions: Resolutions submitted to a higher authority by members of Post 281 shall be prepared in the proper format, and read to the general membership for appropriate endorsement, prior to being forwarded.

Section 3. Discretionary Spending: There may be situations where the Post Commander must expend Legion funds without the timely approval of the Executive Committee. The annual budget shall contain a specific line item called "Commander's Discretionary Spending" of at least \$400.00 per year. An itemized report will be expected to be made at the next Executive Committee meeting.

Section 4. Emergency Spending: When required, the Post Commander and the First Vice Commander may authorize emergency type expenditures. The Second Vice Commander may expend emergency funds in cases of equipment breakdown, service calls, parts and supplies for their areas of responsibility. All funds expended must be reported in detail to the Finance Officer via the Executive Committee at the next Executive Committee meeting.

ARTICLE VII - AMENDMENTS

Section 1. These By-Laws may be amended at any regular meeting by a two-thirds (2/3) majority vote of the members present and voting, provided that any such proposed amendment(s) shall have been recommended by the Constitution & By-Laws Committee and have been submitted in writing, signed by a minimum of twenty (20) members in good standing, and made available for the general membership at the next regular general membership meeting. The membership must be given written notice, either by the Post Newsletter, other type of mailing, or email at least thirty (30) days in advance, announcing the time and date when such amendment(s) will be voted upon.

Terry S. Ward

Terry S. Ward, Commander
September 10, 2024

Shawn R Taylor

Shawn R. Taylor, Adjutant
September 10, 2024