

PREAMBLE TO THE CONSTITUTION OF THE AMERICAN LEGION

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 ASSOCIATION 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 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.

We, The American Legion Posts of the Twenty-Eighth District, Department of California, recognizing that the principles of the American Legion can best be accomplished by cooperative action, do hereby form the Twenty-Eighth District, The American Legion, Department of California, and adopt the following Constitution and By-Laws.

CONSTITUTION

ARTICLE I – NAME

The NAME of this organization shall be the Twenty-Eighth District Council, Department of California.

ARTICLE – PURPOSES

Section 1. The PURPOSES in this Council shall be those set forth in the PREAMBLE of the National Constitution of The American Legion.

ARTICLE III – MEMBERSHIP

Section 1. MEMBERSHIP in this Council shall include all Posts of The American Legion in the Twenty-Eighth District, Department of California; which consists of Santa Cruz, Monterey, and San Benito Counties, State of California.

ARTICLE IV – POWERS

Section 1. The POWERS of the District Council shall be to represent the Posts of the District in all matters which, by reason of their character, affect the interests of the District and the Posts; to collect and disburse funds in such manner as may be best to carry out the purposes of the organization; to coordinate the activities of the Posts; and do any and all things necessary for the welfare of the Twenty-Eighth District; provided, nothing in this Constitution and By-Laws shall be interpreted in such manner as to curtail rights or privileges of individual Posts.

ARTICLE V – REPRESENTATION

Section 1. REPRESENTATION to all District Council meetings shall be by duly elected or appointed delegates or alternates from each of the Posts within the Twenty-Eighth District.

Section 2. Each Post shall be entitled to the same number of delegates as each Post was entitled to at the proceeding Department Convention: provided however, that a Post organized after such Department Convention shall be entitled to such

number of delegates as it would be entitled to by reason of it's membership at the date of the District Council meeting; provided further that at the Annual Meeting of the District Council each Post shall be represented by the delegates accredited to the next following Department Convention; such delegates to be certified by Post Commander and Adjutant to the District Commander.

Section 3. The respective Posts shall fill vacancies in their delegation in the manner provided for the filling of vacancies in their respective executive committees and shall be entitled to fill any vacancy created by the elevation of a delegate to the position of Commander or Vice-Commander.

Section 4. Voting shall be by Posts and the vote of each Post shall be equal to the total number of delegates to which a Post is entitled. To encourage attendance at District Council meetings, any member of any Post or District Council Committee of this District in good standing shall have the privileges of the floor in discussion of any question before the Council. Eligibility to speak shall be determined by the delegation of the Post to which the speaker may belong.

Section 5 Delegates to the National Convention are elected one delegate for each one thousand memberships or major portion thereof.

ARTICLE VI – QUORUM

Section 1 A quorum shall consist of a majority of the Posts of the Twenty-eighth District.

ARTICLE VII – OFFICERS

Section 1 The elective officers of the District shall be Commander, 1st Vice Commander, 2nd Vice Commander, 3rd Vice Commander and Sergeant-at-Arms.

Section 2 The appointed officers of this District shall be Finance Officer, Judge Advocate, Historian, Service Officer, Chaplin and Adjutant. The District Commander shall appoint these officers and there shall be no more than one elective Officer and one appointive Officer from any one Post except that Post from which the District Adjutant is appointed; and that Post the Junior Past Commander is a member of.

Section 2a In the event that no competition exists between the District's Posts for one of the elective officer positions, the restriction found in Section 2 shall be suspended for a period of one year.

Section 3 All elective officers shall be elected at the annual meeting for a term of one year by a majority vote. The office of District Commander is limited to two consecutive one year terms and shall not be elected to a third consecutive year as

District Commander. At such elections, each Post shall vote the same number of votes as each Post may vote at the next Department Convention.

Section 4 The election of the Commander, 1st Vice Commander, 2nd Vice Commander, 3rd Vice Commander and Sgt at-Arms, shall be at the time and manner provided by the Constitution and By-Laws of the American Legion Department of California.

Section 5 All vacancies in the elective offices shall be filled by election. Such election may be held at any meeting of the District Council; provided that notice of such election shall have been given in writing to each Post at least fifteen days in advance of the meeting at which the election is to be held. Any vacancy created in elected District Office by election to another District Office may be filled at the same meeting.

Section 6. The Junior Past Commander shall be an Officer of the District for the year following his term as District Commander.

Section 7 In the event that any Officer or executive committeeman of the 28th District shall be absent for two consecutive meetings of the 28th District Council or of the executive Committee, or combination thereof, except when they occur on the same day, without being excused by the 28th District Commander or the District Vice-Commanders, such office may be declared vacant by a majority vote of those present and voting at a regular District Meeting. The vacancy, so created, shall be filled by election or appointment as the same was originally filled, at the next regularly scheduled 28th District Meeting after a written notice to all Posts of the 28th District that such action shall be taken.

ARTICLE VIII -- EXECUTIVE COMMITTEE

Section 1 The government and management of the District shall be entrusted to an executive Committee composed of all elective and appointive officers of the District and four (4) elected executive committeeman and the Junior Past Commander.

Section 2 The four (4) elected executive committeemen are to be elected at the annual meeting of the District Council after all proscribed District officers have been elected and appointed; so that no Post shall have more than two (2) executive committeemen on the District Council with the exemption of that Post from which the Adjutant is appointed, which Post may have no more than three (3) committeemen including the Adjutant and that Post of which the Junior Past Commander is a member of.

Section 3 All past 28th District commanders are members of the executive Committee with voice and vote.

Section 4 A quorum of the executive Committee shall consist of eight (8) members.

Section 5 The executive Committee shall have power to act for and on the behalf of the District in all matters during such times as the District Council is not in session; subject, however, to ratification to its action at the next District Council meeting.

ARTICLE XI – AMENDMENTS

Section 1 Proposed amendments to this constitution must be submitted in writing and in triplicate at the regular meeting of the District Council; read thereat, and a copy forwarded to the Adjutant of each Post forty-five (45) days before the next District Council meeting. The proposed amendments may be adopted at subsequent meeting for the District Council by a two-thirds (2/3) vote of the delegates present, provided, however, that notice of voting on such proposed amendments is furnished each Post within the 28th District at least forty-five (45) days before such regular meeting of the District Council.

Section 2 Any provisions here shall automatically be changed to conform to any changes which may be adopted in the constitution and by-laws or any regulation that may be adopted in the Department or National Convention of the American legion.

BY-LAWS

ARTICLE I – PROCEDURE

The Procedure at all meetings shall be that set forth in Roberts Rules of Order newly revised except as otherwise herein provided.

ARTICLE II – MEETINGS

Section 1 The annual meeting of the Council shall be held at least seven (7) days before the annual Department Convention; and not later than forty-five (45) days before the annual Department Convention.

Section 2 Special meetings may be called by the Commander; and must be called by the Commander upon written request of the commanders of a majority of the members posts. Section 3 Notice of all meetings must be mailed by the Adjutant to the Commander and Adjutant of each member Post at least fifteen (15) days in advance of such meeting, stating the time and place of meeting, and in the case of a special meeting, the subject to be considered.

Section 4 Meetings shall be held at least four (4) times each year at a place

to be determined by a vote of the Delegates at a previous meeting.

Section 5 The annual Commanders', First Vice- Commanders', and Adjutants' meeting shall be held no later than the end of August at a place designated by the District Commander. This shall be an official District meeting to plan dates and places of District meetings, District activities, and to announce membership targets for the coming year.

ARTICLE III -- DUTIES OF OFFICERS

Section 1 The District Commander shall be the executive head of the Council. He shall preside at all the meetings of the Council, shall appoint all Committees and Commissions required to carry out the Department program, and those Officers to the Committees and Commissions as shall be ordered by the Council.

Section 2 In the absence of the Commander, the Vice-Commanders shall in the order of their position act as representatives of the District Commander on all matters referred to them.

Section 3. The Adjutant shall give notice of all meetings of the Council and shall keep minutes of all such meetings. He shall conduct the correspondence, keep the records of the Council, and shall perform such other duties as are usually incident to the office.

Section 4 The Finance Officer shall be charged with the custody of the funds of the Council, shall keep its account and shall report thereon at all regular meeting of the Council. He shall mail to all Posts the notice of the annual dues, collect the dues and pay all bills when audited and approved in such manner, as the Council shall prescribe.

Section 4a Where a fund expenditure over \$50.00 and not included in the budget, is involved, the matter shall be referred to the Finance Officer in writing, twenty (20) days prior the next scheduled meeting of District 28. He shall call a meeting of the Finance Committee to consider the request and make their recommendation to the Executive Committee. At the next scheduled meeting of the 28th District, the recommendation of the Finance and Executive Committees shall be reported to the delegates.

Section 5 The duties of the Chaplain, Historian and Sergeant-at-Arms shall be as outlined for those officers in the MODEL CONSTITUTION and BY-LAWS for local Posts, Department of California, modified to meet the needs of the District Council.

Section 5a The duties of the District Chaplain shall include sending *get well* cards to sick members of the current District Executive Committee, District Past Commanders and current Post Commanders and sympathy cards to the family of a

deceased member (as listed above), when so notified.

Section 6 The Judge Advocate shall be fully informed of all provisions of the Constitution and By-laws of the American Legion, of the Department of California and of the 28th District Council. He shall have a comprehensive knowledge of procedure as outlined in ROBERT'S RULES OF ORDER NEWLY REVISED, and shall be ready at all times to assist, advise and inform the District Commander and the District Council when formally and properly requested to do so.

ARTICLE IV – STANDING COMMITTEES

The Commander, with the advice from the Executive Committee, will determine which of the Commission activities listed in Article XI of the By Laws of the American Legion, Department of California will be activated within District 28 for the twelve (12) month period following his/her election as Commander.

The Commander will name a chairperson for each such activity to serve for a twelve (12) month period.

ARTICLE V – DUES

Section 1 The annual dues of each Post to this District Council shall be One - Dollar (\$1.00) per capita payable by September 1st of each year based on the membership of each Post in the District as of the closing of the membership of each Post in the District as of the closing of the membership for the previous year. Notice for such dues shall be sent by the Finance Officer.

ARTICLE VI – AMENDMENTS

Section 1 Proposed AMENDMENTS to these By-Laws must be submitted in writing and in triplicate at a regular meeting of the District Council, read thereat, and a copy forwarded to the Adjutant of each Post Forty-Five (45) days before the next District Council meeting. The proposed amendments may be adopted at a subsequent meeting of the District Council by two-thirds (2/3) vote of the delegates present, provided however, that notice of voting on such proposed amendments is furnished each Post within the 28th District at least forty-five (45) days before such regular meeting of the District Council.

Section 2 The provisions herein shall be automatically changed to conform to any change which may be adopted in the Constitution and By-Laws or any regulation that may be adopted in Department or National Convention of The American Legion.

Section 3 The By-Laws of this District shall take effect when approved in writing by two-thirds (2/3) of the Posts of the Twenty-Eighth District Council.

Original Constitution and By-Laws formally read and passed for ratification of Posts this
27th Day of August 1950, by Twenty-Eighth District Council

S/ Chester Stalter
Commander

S/ W.P. Rasmusseu
Adjutant

The original Constitution and By-Laws, Twenty-Eighth District Council were adopted in
August 1950, with amendments formally adopted and ratified through 15 May, 2011
and are current through May 15, 2011.

S/ John W. Tomkinson
District Commander

S/Michael L. Bloom
District Adjutant

Additional amendments formally adopted and ratified through 15 November 2015, and
are current through 15 November 2015.

S/James Scariot, _____
District Commander

S/Michael L. Bloom, _____
District Adjutant