



**AMERICAN LEGION POST NO
133 Millbrook
PO BOX 264
MILLBROOK, AL 36054-0005
Phone (334) 285-3730**

**Approved December 1994
Amended February 1996
Amended August 2002
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Amended April 2010
Amended Dec 2014
Amended March 2020
Amended March 2023
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Amended April 2026**

BY LAWS Post 133

**ARTICLE 1
NAME**

SECTION 1. The Post existing under these bylaws is to be known as Millbrook Post 133, Incorporated, the American Legion, Department of Alabama, located in Millbrook Al.

SECTION 2. The object of this Post is set forth in the National Constitution.

**ARTICLE II
MANAGEMENT**

SECTION 1. The government and management of the Post is entrusted to an Executive Committee consisting of the Post Commander (chairman), First Vice Commander, Second Vice Commander, Finance Officer and four (4) committeemen voted from the general membership. The immediate past Post Commander will sit on the Executive Board and will have a voice but no vote.

SECTION 2 The general membership will elect four (4) committeemen to serve on the Executive Committee. Their initial terms will be staggered as follows: One (1) committeeman will serve a three (3) year term; One (1) committeeman will serve a two (2) year term; Two (2) committeemen will each serve a one (1) year term. After these initial terms, the following election cycle will apply: Each year, two (2) committeemen will be elected: One (1) for a three (3) year term; One (1) for a one (1) year term.

SECTION 3.

A. Nominating Committee. At the regularly scheduled general membership meeting held in March, the Commander shall appoint a nominating committee composed of at least three (3) members. Any person running for an elected position shall not be part of the Nomination Committee. It shall be the committee's responsibility to hold meetings and make a list of members to be nominated for each of the following offices:

Commander
First Vice-Commander
Second Vice-Commander
Sergeant-At-Arms
Chaplain
Historian
Post Service Officer
One, 3 Year Executive Committeeman
One, 1 Year Executive Committeeman At Large

B. Election Committee. The Commander shall appoint an Election Committee consisting of a Chairman and four (4) other current Post members at the regularly scheduled membership meeting in April. This committee should be appointed prior to the Nomination Committee's report. This committee will supervise the election. Committee members will work in shifts or in pairs, operating the polls. Any person running for an elected position shall not be part of the Election Committee.

C. Nominations for office. At the regularly scheduled general membership meeting held in April, the Nominating Committee shall place in nomination the names of those nominated for each office. At this time nominations will be called for and accepted from the floor. Any person running for an elected position shall not be part of the Nominating Committee.

D. Election of Officers. The annual election of officers will be held from 12:00 noon until 6:30 pm on the day of the regularly scheduled meeting of the general membership in May. The election shall be by written ballot. To be elected, a candidate must receive a simple majority of the votes cast. Each office shall be voted on separately, beginning with the election of the Commander. If an office does not have a candidate (i.e. 2nd Vice Commander) then the newly elected Commander will appoint a member for that position. All candidates must be listed on the same ballot. Write in candidates will not be accepted. The Post Adjutant will verify the candidate's membership and eligibility prior to the election. Prior to voting, a member must present his/her current membership card to be identified as being eligible to vote. The election committee will verify the member's ID number on his/her card to the one on the voting roster. The member will then be required to sign the voting roster provided, and he/she will be given one preprinted numbered ballot. Upon completion of the ballot, the voting member will deposit his/her ballot in the ballot box. Absentee ballots will be

allowed only for those individual members who are military or Government employees who are/will be deployed. Deployment orders must be presented for verification by the Election Chairman before an absentee ballot can be issued. The Election Committee Chairman will maintain a list of verified absentee ballots issued. The absentee ballot must be signed by the member and returned prior to 6:30 pm on Election Day to be counted. The ballot box will be locked and the keys retained by the Chairman of the Election Committee. The ballot box will be opened only after the polls are closed and under the supervision of the majority (3) of the Election Committee. The polls will close at 6:30 pm and the ballot box and absentee ballots will be opened by the Chairman of the Election Committee in a private room and counted by the committee during the regularly scheduled general membership meeting in May. Upon completion of the ballot count, a report of the Election Committee will be prepared, signed by all members of the election committee, and given to the Commander. The Chairman of the Election Committee will announce who is elected.

In the case of a tie, a runoff election will be held seven (7) days from the first election, between 12:00 noon and 6:30 pm and will only be held between those people who had the tie. A simple majority is required for election in the runoff election.

The Election Committee will place the voted ballots in a small packet, together with its report, and deliver the packet, sealed, to the Post Adjutant. This sealed packet shall not be opened except by the order of the general membership or the Election Committee for the purpose of verifying the vote or destroying the packet. This packet should not be destroyed for two (2) years.

SECTION 4. All vacancies existing on the Executive Committee or in any elected office of this Post from any cause other than expiration of term shall be appointed by the Commander and a person so elected shall hold office for the un-expired term of the member of the committee or officer whom he/she succeeds. A vacancy shall exist when a member of the committee is absent from this Post for two (2) consecutive meetings without proper approval, either verbal or written, of a majority of the remaining members of the Post Executive Committee.

SECTION 5. The Post Executive Committee will appoint three (3) Trustees for the incorporation of Millbrook Post 133, Incorporated, the American Legion, Department of Alabama, located in Millbrook, Alabama, and shall be non-voting advisors to the Executive Committee. Trustees must be replaced if they become voting advisors to the Executive Board or upon their request and or death.

ARTICLE III POST EXECUTIVE COMMITTEE

SECTION 1. The Post Executive Committee shall meet for organization and such other business as may come before it at the call of the Post Commander and within ten (10) days after the installation of new officers. Thereafter, the Post Executive Committee shall meet at the time and call of the Commander, at least every month and/or as often as said Commander shall deem necessary. The Commander shall call a meeting of the Post Executive Committee upon the written request of three (3) or more Post Executive Committee members. Five (5) members of the committee shall constitute a quorum thereof. The Commander shall only vote in the case of a tie.

SECTION 2. The Executive Committee shall present to the general membership for approval of an amount determined by the general membership at the first meeting of the year; shall require adequate bonds for all members having the custody of post funds; shall hear the reports of the Post Executive Committee Chairman; and generally, shall have charge of and be responsible for the

management of the affairs of the Post.

SECTION 3. The Executive Committee, through majority vote, is authorized to commit funds necessary to replace or repair equipment or facilities suffering catastrophic failure or damage. The Executive Committee may also, through unanimous vote, expend funds in excess of the restrictions in Article III Section 2 which would allow the Post to take advantage of an extraordinary cost benefit or savings provided the purchase satisfies a previously identified need.

SECTION 4. The Commander shall call for Executive Session anytime an individual's name is used to protect the rights of the accused. Once the Executive Committee enters into Executive Session, the discussions and/or decisions of the Executive Committee are confidential and shall not be shared with any persons outside of the Executive Committee. Any breach of confidentiality shall result in immediate removal from the Executive Committee and further corrective action may be taken as determined by the remaining members of the Executive Committee.

ARTICLE IV DUTIES OF OFFICERS

SECTION 1. Duties of the Post Commander: To preside at all meetings and quorums of the Post and to have general supervision over the business and affairs of the Post and such Officer shall be Chief Executive Officer of the Post. He/she shall ensure that the Post has a Certified Public Accountant retained with access to all Post bank accounts to ensure compliance with IRS laws. He/she shall approve all orders directing the disbursement of funds and shall submit the annual Consolidated Post Report to Department Headquarters by 1 June of each year.

SECTION 2. Duties of the First Vice Commander: The First Vice Commander shall assume and discharge the duties of the office of the Post Commander in the absence or disability of the Commander, or when called upon by the Post Commander. The First Vice Commander is also responsible for developing programs aimed at maintaining and increasing the Posts membership and promoting public support of the Legion's programs through publicity on Post's programs. He/She shall perform such other and/or different duties as may be assigned to him/her by the Post Commander.

SECTION 3. Duties of the Second Vice Commander: The Second Vice Commander, in the absence of the First Vice Commander, shall assume and discharge the duties of the office of the Post Commander in the absence or disability of the Commander, or when called upon by the Post Commander. The Second Vice Commander, at the Commanders discretion, is responsible for the management, scheduling, budgeting, and operation of the Post Kitchen. He/She shall perform such other and/or different duties as may be assigned to him/her by the Post Commander.

SECTION 4. Duties of 3 Year Executive Committeeman: To perform duties as set forth in these by-laws. He/She shall be assistant to the Kitchen Manager and will learn and be able to perform Kitchen Manager duties if called upon by the Commander or Kitchen Manager.

SECTION 5. Duties of 2 Year Executive Committeeman: To perform duties as set forth in these by-laws. He/She shall be assistant to the Post Adjutant and will learn and be able to perform Adjutant duties when called upon by the Commander of Adjutant.

SECTION 6. Duties of 1 Year Executive Committeeman: To perform duties as set forth in these by-laws. He/She shall be responsible for outside upkeep, cleanliness, and organization to include the grounds and patio.

SECTION 7. Duties of the Executive Committeeman At Large: To receive complaints or suggestions from the general membership and bring them to the attention of the Executive Committee for disposition. He/She shall assistant to the Finance Officer and will learn and be able to perform Finance Officer duties when called upon by the Commander or Finance Officer.

SECTION 8. Duties of the Post Adjutant: The Adjutant shall have the 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. Monies (known as the general fund) derived through membership will be the responsibility of the Post Adjutant.

SECTION 9. Duties of the Finance Officer: The Finance officer shall oversee all kitchen and canteen monies. The monies will be safely deposited in a local bank or banks and the Finance Officer shall report once a month to the Executive Committee the condition of the finances. He/She shall make such recommendations as he/she may deem expedient or necessary for raising funds with which to carry on activities of the Post. He/She may sign checks disbursing monies of the Post under his/her jurisdiction, in conjunction with proper co-signature (if applicable). He/She shall furnish such security bonds in such sum as shall be fixed by the Post Executive Committee.

The Finance Officer shall act as Chairman of the Post Finance Committee. The Finance Committee shall be made up of the Post Commander, First Vice-Commander and three other Post members selected by the Post Commander. The Finance Committee will meet at least monthly for the first three months of their term and quarterly thereafter or at the discretion of the Finance Officer or Post Commander.

The Finance Committee will be responsible for overseeing the proper expenditure of all Post funds. They will develop annual budgets for the operation of the canteen, kitchen, and other recurring Post expenses. Both the canteen and kitchen will be provided budgets sufficiently large enough to remain independently solvent. Should solvency become unattainable the Finance Committee will make recommendations to address the issue. The budget will be submitted for approval to the Executive Committee and presented to the General Membership not later than the first scheduled meeting after the appointment of the Finance Committee.

SECTION 10. Duties of Post Historian: He/She shall be charged with the individual records and incidents of the Post and Post members and shall perform such other duties as may properly pertain to the office or be determined by Post Commander.

SECTION 11. Duties of the Post Chaplain: The Chaplain shall be charged with spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the events of dedications, funerals, public function, etc.: adhere to such ceremonial rituals as are recommended by the National Department Headquarters.

SECTION 12. Duties of the Sergeant-At-Arms: He/She shall preserve order at all meetings and

shall perform such other duties as may be assigned to him/her by the Post Commander.

SECTION 13. Duties of the Judge Advocate: The Judge Advocate is to supply professional advice in the conduct of Post business.

SECTION 14. Duties of the Post Service Officer: Serves as a knowledgeable source for Veterans and family members seeking to obtain benefits from the V.A. The service officer should familiarize their self with basic rules of claims, pensions and obtaining V.A. health care and other duties as may be directed by the Post Commander.

SECTION 15..

ARTICLE V APPOINTMENTS

SECTION 1. The Post Commander, within ten (10) days of taking office each year, shall appoint officers and committees that are deemed necessary for the operation of the Post. Such committees shall consist of members and the chairman thereof, as designated by the Post Commander. All Appointees/Committee Chairmen shall report directly to the Commander, or as directed by the Commander, with oversight of the Post Executive Committee.

ARTICLE VI MEETINGS

SECTION 1. The regular meetings of the Post shall be held at the post on such date each month as may be fixed by the Executive Committee.

SECTION 2. Upon written request of seven members, the Post Commander shall call a special meeting of the Post.

SECTION 3. Ten members shall constitute a quorum for general membership meetings. 3 members shall constitute a quorum for executive board meetings.

ARTICLE VII NOTICES

SECTION 1. Every member shall furnish the Post Adjutant with his/her current email and mailing address for mailing purposes.

SECTION 2. The Post Adjutant shall cause notice of the annual election to be given at least two weeks prior thereto.

ARTICLE VIII RULES OF ORDER

SECTION 1. All proceedings of this Post shall be conducted pursuant to American Legion Officers Guide and Roberts Rules of order, except herein otherwise provided.

ARTICLE IX LIABILITY AND APPROPRIATION

SECTION 1. All expenditure or contributions shall be determined yearly at the first meeting of the new Executive Board and in the hands of the Executive Committee.

ARTICLE X MEMBERSHIP

SECTION 1. Membership dues are delinquent on the first day of January of each year. Members in delinquent status are not considered in good standing and shall forfeit all rights bestowed upon members in good standing. New applications received after 1 August will be processed to include the following year.

SECTION 2. Members age 75 and older who have been a member in good standing of Post 133 for at least three (3) consecutive years are considered lifetime members and will have their dues paid by the Post. It is the member's responsibility to notify the Post Commander or Adjutant each year of eligibility. The Post Adjutant will verify qualifications, pay the member's dues and issue cards.

ARTICLE XI WHO MAY UTILIZE POST FACILITIES

SECTION 1. American Legion members who have a valid membership card, spouse and dependents.

- (a) A dependent is anyone residing within the member's household under the age of 21 or 23 if a full-time student

SECTION 2. Who may sign in guests?

- (a) Legionnaires – Members of the American Legion, Alabama Post 133, in good standing, with a valid paid-up membership card. This is a reciprocal benefit, meaning Legionnaires that belong to any American Legion Post, who meet the above criteria may sponsor their guests at Post 133.
- (b) American legion Auxiliary Members – Members of the Ladies Auxiliary of Alabama Post 133, in good standing, with a valid paid-up membership card. This is a reciprocal benefit, meaning Auxiliary members that belong to any other American Legion Post, who meet the above criteria may sponsor their guests at Post 133.
- (c) Sons of the American Legion (SAL) – Members of the Sons of the American Legion, Squadron 133, in good standing, with a valid paid-up membership card. This is a reciprocal benefit, meaning SAL members that belong to any other Squadron, who meet the above criteria may sponsor their guests at Post 133.

Definition of “*Guest*” – A “*Guest*” is a bonafide friend, or relative of their sponsor, excluding their spouse or dependent as described in Section 1a above. The *guest* will arrive at the Post with his or her sponsor and will depart the Post with them as well. The sponsor is responsible for their guest’s behavior and demeanor at all times while in the Post. Guests are also required to comply with all Post rules and regulations, especially those rules pertaining to proper dress and language.

Note 1: Non-members are not permitted to enter the Post solely for the purpose of soliciting a sponsor. Members are encouraged not to perpetuate or participate in this type of activity, as it does not satisfy the intent or definition of what a *Guest of the Post* is meant to be.

ARTICLE XII BENEVOLENCE

SECTION 1. The Post shall furnish a floral/fruit offering upon hospital confinement of any Post member, in amount to be determined yearly plus tax and the amount necessary to send the offering to its destination. Hospital confinement must be of three (3) or more days.

SECTION 2. The Post shall furnish a floral offering upon the death of a member or a member of his/her immediate family, in an amount to be determined yearly plus tax and the amount necessary to send the offering to its destination. The Post will honor a monetary request by the family in lieu of a floral offering.

SECTION 3. The Commander, with Executive Committee approval, shall have the authority to authorize additional floral arrangements appropriate to foster continued good will to the local community.

SECTION 4. The immediate family of a member is hereby defined as a spouse, child, brother, sister, and parents of a member.

ARTICLE XIII POST CANTEEN OPERATIONS

SECTION 1. Because the Post Canteen is a business, it is a separate entity from the Post. The Canteen is governed by the Executive Board and managed by the Canteen Manager appointed by the Commander. The Canteen Manager must be a member of Post 133 in good standing.

SECTION 2.: Bartenders’ performance will be reviewed by an Advisory Board which will include: The Canteen Manager and the Post Executive Board Members, once a year in January for compliance with Post Bartender’s Rules/Responsibilities and Post Policies. During the Evaluation meeting, the Advisory Board will determine if merit pay changes are appropriate at that time. The Advisory Board will be responsible for developing Post Policies on Canteen Management.

SECTION 3: Nepotism among Post Officers, Canteen Manager and employees are strictly prohibited.

See Canteen Standard Operating Procedures.

ARTICLE XIV COMPLAINTS/DISCIPLINARY ACTIONS

SECTION 1. The Post Executive Board is charged with responding to complaints and determining disciplinary action. Prior to determining any disciplinary actions, the defendant will be afforded the opportunity to present to their account of the event(s). The complainant and defendant will be notified of disciplinary action decisions within ten (10) days of the Executive Board's decision. If disciplinary action involves suspension of post privileges or expulsion from the post, the defendant will be notified via certified mail.

SECTION 2. American Legion Post 133 members regardless of family or membership status shall not make any comments (verbal or written) of a derogatory nature concerning the American Legion, Auxiliary, Sons of the American Legion, American Legion Riders or any member of the same on any public or private media. The Commander First Vice-Commander and Public Relations Officer shall maintain administrative control of all official Post social media.

ARTICLE XV AMENDMENTS

SECTION 1. Minor changes to these bylaws (four (4) or less changes) may be amended at any regular post meeting by a simple majority vote provided that the proposed amendment was read at the last preceding regular meeting of the Post; and provided further that notice shall have been posted on the Post Facebook page or the Post official Web Site at least ten (10) days in advance of the date when such amendment is to be voted upon.

SECTION 2. Major re-writes of these bylaws (five (5) or more changes) shall be amended at a special meeting, set forth by the bylaws committee, by a simple majority vote provided that notice shall have been posted on the Post Facebook page or the Post official Web Site at least ten (10) days in advance of the date when such amendment is to be voted upon. The amended bylaws shall be emailed to members at their request and a copy shall be kept at the Post for members' review. No other business can be entertained at this meeting.

SECTION 3. The committee shall include the Staff Judge Advocate (committee chair), the Commander, the First Vice-Commander and the immediate Past Commander.

ARTICLE XVII TAX LANGUAGE

See attached Appendix entitled "Written Consent of the Directors of American Legion in Millbrook, Inc."

William Border
Commander, American Legion Post 133