

Constitution
And
By-Laws of
Bergen County American Legion
Department of New Jersey



Revised and Approved

April 17th, 2012

CONSTITUTION OF THE BERGEN COUNTY AMERICAN LEGION
(Ratified and passed unanimously by 18 posts at the April 17, 2012 County Committee meeting)

PREAMBLE

For God and Country, we associate ourselves together for the following purpose: 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 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

The committee of Posts existing under this Constitution shall be known as THE BERGEN COUNTY AMERICAN LEGION, an association incorporated not for pecuniary profit organized under the Laws of the State of New Jersey.

ARTICLE II NATURE

SECTION 1: The nature of the American Legion and restrictions imposed upon its members are fully stated in ARTICLE II of the National Constitution which is hereby fully ratified.

SECTION 2: Each member shall perform his/her full duty as a citizen according to his own conscience and understanding.

SECTION 3: It shall be the object of this organization to coordinate and promote the programs of THE AMERICAN LEGION in BERGEN COUNTY, NEW JERSEY, by providing common council among the Posts of Bergen County, NJ and to perform and exercise such powers delegated to it by THE AMERICAN LEGION, DEPARTMENT OF NEW JERSEY.

ARTICLE III ORGANIZATION

The Bergen County American Legion shall be organized in a single body consisting of duly elected or appointed representatives of the various American Legion Posts in Bergen County.

ARTICLE IV ELIGIBILITY

SECTION 1: The membership of the committee shall be the duly elected or appointed delegates and alternates of the Posts of the American Legion, in good standing, within the County of Bergen, State of New Jersey, with each Post having at least one (1) delegate and alternate.

SECTION 2: The said delegates and alternates shall be elected or appointed by the Posts and the names of said delegates and alternates shall be forwarded to the County Committee prior to the Annual Convention. Any changes or substitutes that occur during the year to the list shall be presented immediately after approval by the posts membership.

SECTION 3: Each delegate and alternate shall be a member in good standing in his or her Post.

SECTION 4: Each Post shall be entitled to delegates and alternates in proportion to the number of members of the Post. The number of delegates and alternates shall be one (1) for each post and one (1) additional for 25 members or major part of up to 500 members and then shall be one (1) for every additional 50 members or major part of.

SECTION 5: All Past County Commanders while in good standing in their Posts shall be delegates-at-large of the County Organization with power to vote. Membership of the Past County Commanders shall not affect the number of delegates to which the Post of said Past County Commander is a member shall be entitled.

ARTICLE V VOTING

SECTION 1: Each delegate shall have one (1) vote at all meetings of the County Committee.

SECTION 2: Alternates shall have the privilege of the floor but shall not be entitled to vote except in the absence of a delegate at the meeting in which the vote arises. Each Post shall designate at the time of the election or appointment, the seniority of alternates and in the absence of delegates, the said alternates shall be permitted to vote in order of said seniority as designated by the Post Adjutant. If seniority of alternate is not designated, then seniority shall be determined according to the numerical order of list as submitted from top to bottom.

SECTION 3: In the event that the total of all the delegates and alternates from any Post present at any meeting shall be less than the number of votes to which such Post is entitled to cast, the delegates and alternates present may cast the entire vote to which such Post is entitled.

ARTICLE VI OFFICERS

SECTION 1: All officers and candidates for office of this Committee, elected or appointed, shall be members in good standing of Posts, in the County and shall be qualified delegates to the committee and provide the county Adjutant a copy of his/her DD214 if not already on file with county.

SECTION 2: The officers shall consist of a County commander, seven (7) Vice Commanders each with equal rank, an adjutant, a Finance Officer, an Organization Officer, a Judge Advocate, a Service Officer, an assistant Service officer, a Sergeant-at-Arms, a Chaplain, a Historian, and three (3) Trustees.

SECTION 3: All of the above officers shall be elected at the Biennial Meeting or Convention, except the Adjutant, Service Officer, Assistant Service Officer, Judge Advocate, Organization Officer, Sergeant-at-Arms and three (3) Trustees.

SECTION 4: The County Commander shall appoint all the officers named in Section 3, subject to the approval of the County Committee, except the three (3) Trustees.

SECTION 5: All of the elective offices herein provided shall be filled biennially or as otherwise herein provided by competition of nomination and elected as the first order of business of the Saturday session of the Convention or Biennial Meeting except the three (3) Trustees who shall be the three (3) immediate Past County Commanders. Any vacancy in the office of Trustee by reason of death, resignation or incapacity to serve shall be declared a vacancy by the County Commander who shall fill the unexpired term of vacancy so created.

SECTION 6: As soon after the County Convention or Biennial Meeting as possible, the County Commander shall call a meeting of his elected staff for the purpose of organization. He shall assign a Vice Commander to each of the Posts in the County. The County Commander will appoint one of the seven (7) Vice Commanders to be designated as Senior Vice Commander, who shall assume the duties of the Commander in his absence or incapacity to carry out any assignments requested by the Commander so that the proper management of the affairs of the organization shall be carried on in the most orderly and efficient manner possible.

SECTION 7: The newly elected and appointed officers of the County Committee shall be installed as the last order of business on Saturday morning of the Convention or Biennial Meeting. They shall assume the duties of their respective office immediately after the installation. Except that the Department Convention will be the last official duty of the out-going County Commander and Officers.

SECTION 8: There shall also be elected a member of the State Executive Committee (DEC) who shall be elected at every 3rd Annual Meeting or convention of the committee, to hold office for Three (3) years. in accordance with the Constitution and By-Laws of the American Legion, Department of New Jersey.

ARTICLE VII MEETING

SECTION 1: The meeting of the County Committee shall be held each month at such time and place as designated by the County Commander and approved by majority vote of the committee.

SECTION 2: Special meetings may be called from time to time as necessary by the County Commander

SECTION 3: The Annual Convention shall be held on the first or second Saturday in the month of May in each year at the Post Home of the Post awarded the Convention by the County Committee. In the event no member Post shall offer to host the Convention, the County Commander shall designate the location of the Convention or Biennial Meeting to be held on the first or second Saturday in the month of May of that year. The County committee may change the time of the Convention or Annual Meeting to a date within a period of two weeks earlier or later than the date herein specified.

SECTION 4: Notice of the Biennial Meeting or Convention shall be mailed or emailed and posted on the county web site from a point within the County to every Post Commander and Post Adjutant at least thirty (30) days prior to the day of such meeting.

ARTICLE VIII DUES

SECTION 1: In addition to State and National Levies, each Post in the County shall pay on September 15th of the pre-calendar year to the County Committee an annual tax at a rate to be determined by the County Committee for each member on their roster on the 31st of December next preceding year. Such tax shall be for the next succeeding calendar year and shall be considered past due after January 1st of each year. Posts failing to pay County per-capita tax on or before February 1st of each year shall stand suspended on said date.

SECTION 2: Each Post in the County shall also pay on or before June 1st in each year to the County Committee and assessment in an amount to be fixed from time to time by the County Committee for each member on their roster on December 31st of the year specified in Section 1, which money shall be immediately deposited with Bergen County American Legion and Auxiliary Central Relief Committee.

SECTION 3: Further assessments may be made from time to time by the County Committee provided a resolution in writing is presented to the Adjutant and a thirty (30) day notice mailed to Post Commander and Post Adjutant of the proposed resolution. The said assessment shall require a two-thirds affirmative vote of the delegates present at the meeting for which the thirty (30) day notice has been given.

SECTION 4: Any Post failing to pay any per-capita tax or assessment as above provided shall be suspended from participating in the activities of the County Committee and shall lose its rights to vote at any meeting hereof until such default shall be cured.

ARTICLE IX AUXILIARY

The Bergen County American Legion recognizes an Auxiliary organization known as "Bergen County Auxiliary, American Legion."

ARTICLE X AMENDMENTS

This Constitution may be amended at any Meeting or Convention of the County Committee by a two thirds affirmative action of the votes represented at such Meeting or Convention, provided a thirty (30) day notice in writing of such proposed amendment has been sent to all Post Commanders and Adjutants.

BY-LAWS OF THE BERGEN COUNTY AMERICAN LEGION

ARTICLE I MEMBERSHIP

SECTION 1: Posts in good standing shall be such Posts within the County that have paid their County Tax and Assessments and are in good standing with the National Organization and the Department of New Jersey of the American Legion.

SECTION 2: Each Post in good standing shall be entitled in each fiscal year to elect as many delegates and alternates to the County Committee they were entitled in Article IV, section 4 of the Bergen County American Legion Constitution

SECTION 3: Each delegate and alternate shall hold office for the fiscal year of the County Organization, or if filling a vacancy for the un-expired portion of the fiscal year or until his successor is appointed or elected.

SECTION 4: The County Adjutant shall notify any Post of a vacancy existing in the delegation of their delegates and alternates and the vacancy shall be filled by election or appointment in the same manner as originally elected or appointed.

SECTION 5: Any Post eligible to representation in this committee may only have its delegates and alternates created in the Bergen County Committee by filing credentials with the County Adjutant.

ARTICLE II OFFICERS

SECTION 1: The Commander shall preside at all meetings of this Committee and the Executive Committee herein after provided for. He shall be responsible for the proper management of the affairs of the Committee between its meetings. He shall countersign all checks authorizing expenditures by the Finance Officer when the Executive Committee as a whole shall have approved such expenditures. He shall be a member ex-officio of all committees. He or his designated representative shall install Post Officers. He shall perform such other duties as the Committee or these By-Laws may require. The outgoing County Commander shall represent Bergen County at the National and Department Conventions until such time as the new Department Commander is elected and installed at the Department Convention. The outgoing County Commander shall host the Bergen County Hospitality Room, if the Bergen County Committee in its budget authorizes one. The outgoing County Commander shall be responsible to have a Color Guard carry the County Colors in the Department Convention parade.

SECTION 2: The Senior vice Commander shall perform the duties of the County Commander in his absence or during his incapacity in accordance with the provision of the Constitution. He shall perform such other duties as the Commander or these By--Laws may require. It is the responsibility of the Senior Vice Commander to have Parade Orders ready for distribution at the Department Convention prior to the start of the Department Convention Parade.

SECTION 2a: The Vice Commanders shall carry out the duties outlined in the charge of the office at their installation and the Commanders instructions given to them at the Organization Meeting. They shall convey the programs and activities of the Bergen County Organization to the Posts assigned to their district and perform installations as required. They shall assist the Sr. vice

Commander as required, also they shall perform such other duties as the Commander or these By-Laws may require.

SECTION 3: The Adjutant shall keep a full and accurate record of the proceedings of the Committee and of the Executive Committee in a book or books for that purpose, which shall be the property of the Committee. He shall file and preserve all reports and communications, attend to all correspondence, cause notice to be given for all meetings, maintain complete roll of all members, and produce his books of records at the meetings. He shall perform such other duties of the Committee as the Commander of these by-laws require.

SECTION 4: The Finance Officer shall, subject to the control of the Executive Committee, be charged with the collection and custody of all funds accruing to the Committee, including the County tax assessments, except as hereinafter provided. He shall keep full and accurate record of all such funds and shall report thereon at the regular meeting of the Committee and of the Executive Committee. He shall render an annual report to the committee at the Annual Meeting or Convention and such other report as may, from time to time, be required his accounts shall be audited annually. He shall pay all bills duly approved by the County Committee or by the Executive Committee and signed by the County Commander. He shall be bonded in the sum of not less than twenty thousand (\$20,000.00) dollars in a bonding company approved by the Executive Committee. He shall turn over all funds and records to his successor promptly upon the expiration of his term or office and receive therefore a proper receipt. He shall perform such other duties as the Committee or these by-laws may require.

SECTION 5: The Organization Officer shall supervise and assist in the organization of new posts of The American Legion within Bergen County and shall render aid and advice to all regularly organized Posts within the County on all questions of the organization. Applications for charters for new Posts within the County shall be referred to the Organization Officer and he shall report thereon promptly to the County Committee. He shall perform such other duties as the County Committee or these By-laws may require.

SECTION 6: The County Historian shall collect from year to year all records and data of value and interest to the County organization of the American Legion and shall compile during his or her term in office a complete history of the year's activity. He shall also assist Post Historians so as to co-ordinate and unify the work of those officials. The Historian shall perform such other duties as the Committee or these by-laws may require

SECTION 7: The County Chaplain shall conduct the devotional service of the Committee and shall perform such duties as may be assigned to him.

SECTION 8: The Sergeant-at-Arms shall see that none but the members of the American Legion shall participate in the business of the County Committee meetings. He shall keep order and perform such other duties as may be required by the County Commander He shall be a member ex-officio of the County Color Guard.

SECTION 9: The Service Officer and Assistant Service Officer shall co-ordinate the activities and assist the Post Service Officers and shall make reports to the County Committee at all regular meetings.

SECTION 10: The Judge Advocate shall advise the Commander and the County Committee in all legal matters, including the construction and interpretation of the Constitution and by-laws and shall perform such other duties as are usually incident to the office.

SECTION 11: The Department Executive Committeeman shall represent the County Committee and the Posts of the American Legion within Bergen County at all meetings of the Department Executive Committee. He shall perform such duties and exercise authority as may be necessary in the proper performance of his office under the Constitution and By-Laws of the American Legion, Department of New Jersey.

ARTICLE III EXECUTIVE COMMITTEE

The Executive Committee shall consist of the Commander, seven (7) Vice Commanders, Adjutant, Finance Officer, Organization Officer, and Sergeant-at-Arms. Chaplain, Historian, the three (3) immediate Past Commander to be known as Trustees, Department Executive Committeeman, Service Officer, Assistant Service Officer, Judge Advocate, and all Past Commanders in good standing, the latter to serve without a vote. They shall be responsible for the financial operation of the County except that any tax or assessments must be approved by the Committee itself. Between meetings of the County Committee, the Executive Committee shall, at the call of the Commander, have all the powers of the full Committee except the power to levy taxes or assessments. A quorum of the Executive Committee shall consist of the Commander or Acting Commander and at least eight (8) voting members of the Executive Committee. (The Executive Committee consists of twenty-one (21) voting members).

ARTICLE IV VACANCIES AND RESIGNATIONS

SECTION 1: In the event of a vacancy of any elective office caused by death, resignation or other disability, the vacancy shall be declared by the County Commander and shall be filled by a special election at the next regular meeting of the County Committee Ten (10) days written notice of such election shall be given in the call of the meeting.

SECTION 2: Any duly elected or appointed officer of this Committee who shall be absent from three (3) consecutive regular meeting of this Committee may be deemed to have resigned and the office may be declared vacant by the County Commander.

SECTION 3: Upon the expiration of the term of any officer or upon the termination of any such term, by resignation, disability or other reason, every such officer shall promptly turn over to his successor any records, or other property in his custody by virtue of his office, and it shall be the duty of the person succeeding to that office to demand and receive such records and property immediately upon his election or appointment. The retiring officer shall demand and receive from such succeeding officer a written acknowledgement, in duplicate, of the records, and/or other property turned over to such succeeding officer. The retiring officer shall retain the original of such acknowledgement or receipt. The duplicate thereof shall be filed with the Adjutant.

ARTICLE V STANDING COMMITTEES

SECTION 1: There shall be appointed such committees as may be prescribed by the National and State Organizations and such standing Committees as the County Commander shall deem necessary. These and all committee chairmen shall be appointed by the County Commander and all members of committees shall be in good standing in their respective Post, and need not be delegate or alternate to the County Committee.

SECTION 2: All Committees shall make rules and regulations as may be deemed necessary which rules shall be subject to approval of the County Committee.

ARTICLE VI- INTERNAL ORGANIZATION COMMITTEE

SECTION 1: The County Commander shall appoint an Internal Organization Committee consisting of the Organizational officer, the judge advocate and five (5) members, two (2) of whom shall be Past County Commanders.

SECTION 2: The Committee will have the authority to monitor all Elected Officers of the Bergen County Organization as to their performance of duty. Such monitoring will be instituted by request of the County Commander.

SECTION 3: In the judgment of the Committee, any officer not performing their duties shall be informed by the Committee of the incorrect performance of their duties and request from the officer an explanation. If the explanation is not satisfactory to a majority of the Committee, a recommendation will be forwarded to the County Commander for approval to request a resignation from the officer. When the resignation is received the County Commander will proceed as outlined in Article IV, Section 1, Vacancies and Resignations. In the event the officer submits no resignation, the Committee will recommend that the officer be removed from office. The County Commander may proceed as outlined in Article IV, SECTION 1, Vacancies and Resignations or disapprove the recommendation of the Committee for removal from office. The decision of the County Commander will be binding and no further action will be necessary

ARTICLE VII CENTRAL RELIEF

SECTION 1: There shall be created a Central Relief Committee consisting of (5) members of Posts of the American Legion in Bergen County. Appointment shall be made by the County Commander and confirmed by the County Committee and the members shall hold office from the date of their appointment for a period of 2 years.

SECTION 2: The Central Relief Committee shall have full power in the care and use of such money as may be allotted to them by the County Committee subject to any regulation adopted by the County Committee.

ARTICLE VIII A CONVENTION COMMITTEE

SECTION 1: The County Commander shall appoint a Convention Time and Place Committee consisting of three (3) members.

SECTION 2: The Convention Time and Place Committee shall accept requests to host the Annual Convention by the December meeting.

SECTION 3: In the event no request to host the County Convention shall be received at the December meeting or such subsequent meeting to which the time therefore may be extended, the County Commander shall designate a Post to host an annual Meeting in accordance with such Rules and Regulations as shall be announced by the Convention/Time and Place Committee and approved by the County Committee.

ARTICLE IX COUNTY COLOR GUARD

SECTION 1: There shall be a Color Guard consisting of four (4) members, who are paid-up members of an American Legion Post in good standing with the County Committee.

SECTION 2: The County Commander shall appoint the members of the Color Guard and each year, said members shall elect a Captain of the Color Guard from among its members.

SECTION 3: The Color Guard shall display the flag of our country together with the standard of The American Legion at all meetings of the Bergen County American Legion, participate in the Department parade, and when directed by the County Commander shall participate in other ceremonies and occasions.

SECTION 4: All expenses to be incurred by the Color Guard shall receive prior approval of the County Committee.

SECTION 5: The Color Guard may provide for their own By-Laws, subject to the approval of the County Committee.

ARTICLE X MEETINGS

SECTION 1: Regular meetings shall be held on the fourth Tuesday at 7:30 PM of each month (or alternate day or time as designated by the County Commander) at such place in the County of Bergen as may be designated by the Commander and approved by a majority vote of the committee.

SECTION 2: Special meetings may be called at the discretion of Commander and can be called upon the request in writing of a delegate or delegates from five (5) or more Posts in good standing.

SECTION 3: Unless otherwise provided in the Constitution or these By-Laws, seven (7) days' notice of all regular or special meetings shall be sent to all delegates by the Adjutant, directed to them at their Post home, email, county web site or such other Post address as shall be requested by such individual Post. In the case of special meetings the notice of meeting shall specify the business to be transacted there at and no other business shall come before such a meeting except that which has been specified.

SECTION 4: Twelve (12) Posts, partly or wholly represented at any meeting shall constitute a quorum for the transaction of business.

SECTION 5: Voting at any meeting shall be by ayes and nays, except that upon the request of a delegate or delegates from three (3) or more Posts the voting shall be by roll call, in which event every Post partly or wholly represented at the meeting shall be entitled to cast the full vote of that Post.

SECTION 6: The order of business at any regular or special meeting of the Committee shall be as follows:

1. Announce that the meeting is about to open
2. Advance the flag of our Country
3. County Chaplain
4. Pledge of Allegiance
5. Preamble of the Constitution of the American Legion
6. Roll call of Posts
7. Introduce the Commander of the host Post
8. Introduce all guests
9. Roll call of Officers
10. Minutes of preceding meeting
11. Reports of officers
12. Reports of Standing Committee
13. Reports of Special Committees
14. Communications
15. Second Roll Call of Posts

16. Unfinished business
17. New business
18. Good of the Legion
19. Closing of Meeting

The order of business may be altered from time to time by a majority vote.

SECTION 7: The Executive Committee, the Central Relief Committee, the Convention Committee and the other standing committees shall meet at such time and places and under such rules as they may themselves adopt subject to approval of this Committee and subject to any provisions appearing in these By-Laws. All committees and allied organizations of the Bergen County American Legion shall submit to the Commander for his approval, schedules or proposed meetings and social functions in order to avoid conflict of dates.

ARTICLE XI PER CAPITA TAX AND ASSESSMENTS

SECTION 1: In addition to the State and National levies, each Post in the county shall pay on September 15th of the pre-calendar year to the County Committee an annual tax at the rate of seventy-five (75) cents for each member on their roster on the 31st of December next preceding year. Such tax shall be for the next succeeding calendar year and shall be considered past due after January 1st in each year.

SECTION 2: Each Post in the County shall also pay on or before June 1st in each year to the County Committee, an assessment of twenty-five (25) cents for each member on their roster on the 31st of December of preceding year. The monies collected from the Post for this assessment shall be turned over by the County Committee at once to the Bergen County American Legion-Auxiliary Relief Committee.

ARTICLE XII CONVENTION CAUCUS

Whenever the Department Executive Committeeman shall deem it necessary at any Department Convention, he shall call a Caucus of the Delegates present on the floor of the Convention. Robert's Rules of Order shall govern the proceedings of the Caucus. The Department Executive Committeeman shall present this vote as the vote of the Delegation when the question is called for a vote on the floor of the Convention. Any Delegate not present at the Caucus shall be bonded by the vote of the majority taken
There at.

ARTICLE XII CHARGES AND EXPULSION

SECTION 1: Expulsion of any Post member, suspended or expelled under the provisions of Article IV of the National By-Laws shall be subject to review upon appeal to the County Commander.

SECTION 2: A hearing shall be conducted by the Executive Committee presided over by the County Judge Advocate on the rules of Practice and Procedures outlined in the Post Commander's Guide dealing with such appeals insofar as such rules of Practice and Procedures shall be deemed applicable by the Executive Committee.

SECTION 3: Any Post member or Legion Post dissatisfied with the decision of the County Executive Committee may appeal its decision to the Department Executive Committee or Department Convention as provided in Article IV, Section 3 of the National By-Laws.

ARTICLE XIII RULES OF ORDER

Where not otherwise provided by the Constitution of these By-Laws, Robert's Rules of Order shall govern all meetings of the Count Committee or the Executive Committee.

ARTICLE XIV COUNTY CONVENTION

SECTION 1: All Legionnaires shall wear the Legion uniform whenever possible in order to be dressed in proper etiquette.

ARTICLE XV AMENDMENTS

These By-Laws may be amended by two-thirds vote of the delegates of the Posts represented at any regular or special meeting of the County Committee, provided that full notice of proposed amendments shall be furnished in writing to all delegates, alternates, delegates-at-large. Post Commanders and Adjutants in the call of the meeting and further that equal notice shall have been sent to each Post in the County. Such notice shall be mailed from any point in Bergen County, at least fifteen (15) days prior to such meeting via first class mail, email or posted on the county web site.

Ratified by unanimous vote of 18 posts present at the April 17th, 2012 County Committee.