

DRAFT

**CONSTITUTION  
AND  
BY-LAWS**

OF

**ROBERT E. COULTER, JR.  
POST No. 1941**

900 South La Grange Road  
La Grange, Illinois 60525

**THE AMERICAN LEGION  
DEPARTMENT OF ILLINOIS**



**REVISED *November 24, 2012***  
**Including Amendments Approved**  
**At The Regular Meeting**  
**On November 21, 2012**

**LA GRANGE, ILLINOIS**  
Fifth District  
Cook County Council  
Department of Illinois

## ROBERT E. COULTER, JR. POST No. 1941

Under the guidance of La Grange Post No. 41, The American Legion, Department of Illinois, preliminary meetings were held in January and February 1944 with a view to forming a new post of The American Legion whose membership would consist of veterans of World War II. At the beginning, there were about a dozen veterans around, but under the able leadership of Comrade James M. Lange, our first Commander, enough qualified veterans were contacted and interested in forming the nucleus of the new Post. The goal of the requisite minimum number of members (15) having been attained, a temporary charter was applied for in March 1944.

The name of the post was selected as a tribute to an important resident, a member of the U.S. Army Air Force, Major Robert E. Coulter, Jr., son of Mr. And Mrs. Robert E. Coulter of 539 North Waiola Avenue, who died in action over North Africa early in 1943. Major Coulter had completed many successful missions early in the Allied offensive over Europe from his base in England. At the time of his death, Major Coulter was pilot of a Flying Fortress; he was one of the very first residents of LaGrange to lose his life in defense of his country. In recognition of his outstanding service to his country, and in his honor, this Post was dedicated.

At the time the name for the Post was chosen, the Department was requested to grant the number 1941, considered appropriate as it commemorated the year in which the United States entered the war.

At the February 28, 1944 meeting James Lange was elected temporary chairman, Gerhard Russell temporary adjutant, and William LaRue temporary finance officer and membership chairman. Formal installation of the Post officers for the first actual year of operation took place in May 1944, with Comrade Lange as the first Commander. The Post colors were presented to the Post by Mr. And Mrs. Coulter at this meeting.

# CONSTITUTION

## **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 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.

## ARTICLE I

### **NAME**

Section 1. The name of this organization shall be Robert E. Coulter, Jr., Post No. 1941, (Hereto foreknown as "Post") The American Legion, Department of Illinois

## Article II

### **OBJECTS**

Section 1. The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions of The American Legion.

## ARTICLE III

### **NATURE**

Section 1. This Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2. This organization shall be absolutely non-political and non-sectarian and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

No candidate for nomination or election to, or no incumbent of any remunerative elective public office shall hold any elective office or any appointive remunerative office in this Post of The American Legion and the declaration of candidacy for such public office by any person holding any elective or appointive remunerative office in this Post of The American Legion shall operate automatically to vacate this person's office in this Post and the same shall be filled as hereinafter provided.

Section 3. Rank does not exist in The American Legion; no member shall be addressed by his military or naval title in any meeting of this Post.

## ARTICLE IV MEMBERSHIP

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

Section 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

Section 3. All applications for membership shall be reviewed by the Post Adjutant. If the applicant meets all criteria for membership, the Adjutant shall inform the Commander who will initiate the applicant at the next business meeting. ~~acted upon at the next Post meeting following the making of such application, and shall, at such meeting, be accepted, rejected or referred for further investigation and consideration. If a majority of members present cast their votes against the acceptance of said application, then such application shall be recorded as rejected. A rejected application shall not again be considered until after the expiration of six months from the date of such rejection.~~

Section 4. Any member of the Post may be expelled for cause by a two-thirds vote of the membership present at a Post meeting. The member at risk of expulsion has the right to testify on his/her own behalf at said an EC meeting. ~~provided, however, that the member shall make payment of any arrears dues which have been payable in the interval between the member's expulsion or suspension and the member's reinstatement.~~

Section 5. No person who has been expelled by a Post shall be admitted to membership in another Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, that person may then appeal to the State Executive Committee of the Department of the expelling Post for permission to apply for membership in another Post and shall be ineligible for membership until such permission is granted.

## ARTICLE V OFFICERS

Section 1. The administrative affairs of this Post of The American Legion shall, except as may be otherwise provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of the elected officers of the Post and an additional four executive committee members. **The Executive Committee is responsible for providing fiduciary oversight in fiscal management of the Post.** The term of office of members of the Executive Committee shall be for one year, except as otherwise provided by the By-Laws. This Post, by its By-Laws, may provide for such other standing committees as the business of the organization may require.

Section 2. The elected officers of this Post shall be a Commander, Senior Vice-Commander, Junior Vice-Commander, Adjutant, Finance Officer/~~Treasurer~~, Sergeant-at-Arms, Service Officer and a Building Trustee, all of whom shall be nominated and elected in accordance with the provisions of the By-Laws.

Section 3. The Executive Committeemen of the Post shall be two members nominated and elected in accordance with the provisions of the By-Laws and ~~the two immediate~~ Past Commanders.

Section 4. All elective officers and Executive Committeemen shall be elected annually and they shall hold office until their successors succeed them as provided in the By-Laws. Any officer or Executive Committeeman may be removed for inactivity or other good cause by a two-thirds vote of the Executive Committee.

Section 5. Any member of this Post in good standing is eligible for election or appointment to any office, except that no person shall be eligible to re-election to the office of Post Commander for more than two successive terms.

Section 6. The duties of the officers and Executive Committeemen shall be those usually appertaining to such officers or committeemen and as further provided in the By-Laws.

## ARTICLE VI FINANCE

Section 1. The revenue of the Post shall be derived from membership or initiation fees, from annual membership dues and from such other sources as may be approved by the Post Executive Committee. All funds accruing to this Post, from whatever source, shall be deposited in the Post General or Savings Accounts.

Section 2. The amount of such membership or initiation fees and the amount of such annual Post dues shall be fixed and determined by this Post.

Section 3. The Post shall pay to Department Headquarters the National and Department annual membership dues for every member of the Post.

## **ARTICLE VII CHARTER MEMBERS**

Section 1. Members who join this Post prior to July 1, 1947, shall be known as Charter Members.

## **ARTICLE VIII AMENDMENTS**

Section 1. This constitution is adapted subject to the provisions of the National Constitution of The American Legion and the Department Constitution of the Department of Illinois, The American legion. Any amendment to said National Constitution or Department Constitution which is in conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This Constitution may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting, provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of said Post and further providing that written notice shall have been **communicated** to all members at least five (5) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted upon.

# THE AMERICAN LEGION DEPARTMENT OF ILLINOIS

ROBERT E. COULTER, JR.  
POST No. 1941

## BY-LAWS

### ARTICLE I NAME AND OBJECTIVE

Section 1. The name of the organization existing under these By-laws shall be the Robert E. Coulter, Jr., Post No. 1941, (Hereto foreknown as "Post") The American Legion, Department of Illinois.

Section 2. The object of this Post shall be to promote the principles and policies set forth in the Constitution.

### ARTICLE II MEETINGS

Section 1. Regular meetings of this Post shall be held on the third Wednesday of each month at the Post Memorial Home, 900 South La Grange Road, La Grange, Illinois. There shall be two social and one business meeting per three month period commencing in January of each year.

Section 2. The regular meeting in June of each year shall be the annual meeting.

Section 3. Special meetings may be called by the Commander or two other officers of the Post, or shall be called at the written request of twenty-five percent (25%) of the members of the Post. The Adjutant, when so notified, shall give notice of such meeting by informing the membership by mail or electronic means mailing a notice thereof to all members of the Post at least three (3) days prior to the date of such meeting. The notification shall state the purpose of the special meeting and no business other than that for which it is called shall be transacted at such meeting.

Section 4. Five percent (5%) of the members of the Post in good standing shall constitute a quorum for the transaction of all business at any annual, regular or special meeting, but a less number may adjourn any meeting from day to day.

Section 5. Procedure in all business meetings shall be governed by Robert's Rules of Order when not covered by these By-Laws.

Section 6. The order of business at all regular meetings shall be:

Call to Order  
Presentation of Colors  
Recital of Preamble to National Constitution  
Reading of minutes  
Applications for Membership and Initiation if appropriate at the time  
Reports of Officers  
Reading of Correspondence  
Reports of Committees  
Unfinished Business  
Elections and Appointments (Annual Meeting)  
New Business  
Programs (Speakers)  
Adjournment

## ARTICLE III MEMBERSHIP

Section 1. Any person eligible to membership as provided in the National Constitution and By-Laws of The American Legion may be elected to membership in this Post, providing he served honorably in the Armed Forces of the United States during any part of the following periods:

**World War II**

**December 7, 1941, to December 31, 1946**

**Korean Conflict**

**June 25, 1950 to January 31, 1955**

**Viet Nam**

**February 28, 1961 to May 7, 1975**

**Grenada/Lebanon**

**August 24, 1982 to July 31, 1984**

**Panama**

**December 20, 1989 to January 31, 1990**

**Persian Gulf**

**August 2, 1990 to a date to be determined**

~~Section 2. An applicant for membership in this Post must be sponsored and presented to the Post Commander or the Commander's representative by a member in good standing of this Post. The sponsoring member will be required to sign the application of the applicant.~~

Section 3. The eligibility of each applicant for membership shall be determined by the Post **Adjutant**. The name and qualifications of each applicant approved by the Post **Adjutant** shall be read to the Post at the first regular meeting thereafter and if there are no objections to the applicants' eligibility or desirability, the applicant shall be declared a member duly elected and shall be initiated as the Membership Committee may direct.

Section 4. In the event that objections to an applicant's eligibility is raised, such application shall be referred to the Judiciary Committee for investigation. The results of such investigation, with the recommendations of the Judiciary Committee, shall be submitted to the Post at the first regular meeting following completion of the investigation. A majority vote of the Post members present shall be sufficient to determine the applicant's election to membership provided however, that any rejected applicant shall have the right to appeal to the Executive Committee for a hearing on the question of the applicant's eligibility and the decision of such Executive Committee shall be final and conclusive.

Section 5. Any member of this Post desiring to transfer to another Post shall secure approval from the Post to which transfer is desired. No transfer shall be made unless the member requesting transfer is a member in good standing. Upon receipt of a copy of the Transfer Certificate (which shall be completed by the Post to which transfer is desired), the transfer shall be official. Any person desiring to transfer to this Post from another American Legion Post shall contact the Senior Vice Commander of this Post. That person may then be admitted to membership in the same manner as prescribed for new members in Section 3 above (excluding initiation) and the Adjutant shall complete and process a Transfer Certificate.

Section 6. There shall be no non-Legion honorary members to this Post.

## ARTICLE IV OFFICERS

Section 1. At each annual meeting, the members of the Post shall elect a Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Finance Officer/~~Treasurer~~, Sergeant-at-Arms, Service Officer, Building Trustee and two (2) Executive Committeemen, who shall be referred to as "Elected Officers," all for terms of one (1) year. A majority of all members present and voting shall be necessary to elect. Additionally, ~~the~~ two ~~immediate~~ past Commanders will also serve as Executive Committeemen.

Section 2. The officers elected as herein provided shall enter upon their duties automatically and immediately following the close of the Department Convention. The officer elected as herein provides shall be formally installed in their respective offices at a special meeting called by the Executive Committee.

Section 3. The incoming Post Commander shall, as soon after his/her election as is convenient but prior to the formal installation, appoint the following officers: Historian, Chaplain and such other officers as may be required. The installation of these appointees shall be done at the regular formal installation meeting of the Post. These officers shall continue in office for one (1) year and/or until their successors are appointed.

Section 4. Vacancies occurring in the Executive Committee or any elective office of the Post from any cause other than expiration of the term shall be filled by a majority vote of the remaining members of the Executive Committee and a person so appointed shall hold office for the unexpired term of the member, or officer, whom **he** succeeds.

## ARTICLE V DUTIES OF OFFICERS

Section 1. The Commander shall preside at all meetings of the Post and Executive Committee. The Commander shall be a member and chairman of the executive Committee and jointly with this committee, shall have general control of all business of the Post between meetings. The Commander shall approve all orders directing the disbursement of funds authorized by the Post or Executive Committee, sign all checks with the Finance Officer/Treasurer and perform such other duties as directed by these bodies. The Commander shall make an annual report covering the business of the Post for the year and shall make recommendations for the ensuing year. The Commander's report shall be read to the Post at the annual meeting and a copy thereof immediately forwarded to the Department Adjutant of the State of Illinois.

Section 2. A Commander who shall have served as such until the expiration of his/her term of office shall be designated a Past Commander.

Section 3. The Senior Vice Commander shall perform the duties of the Commander in the Commander's absence or inability to act. The Senior Vice Commander shall be responsible for membership solicitation and for direct supervision of the Membership Committee.

Section 4. The Junior Vice Commander shall perform the duties of the Commander in the absence or inability to act of both the Commander and Senior Vice Commander. The Junior Vice Commander shall be responsible for arrangement of entertainment and programs at regular meetings.

Section 5. The Adjutant shall keep a full and correct report of all proceedings of all Post and Executive Committee meetings, keep such records as the Department and National organizations may require and render reports of membership annually or when called upon at a meeting. The Adjutant shall also, under the direction of the Commander, handle all correspondence of the Post.

Section 6. The Post Finance Officer/~~Treasurer~~ shall have charge of all moneys of the Post. The Post Finance Office may appoint an assistant. The assistant must be approved by the Executive Committee. The Post Finance Officer/~~Treasurer~~ shall deposit all funds in his/her charge in a bank or banks approved by the Executive Committee as a depository or depositories for Post funds, keeping an accurate account thereof. All disbursements from the General Fund shall be by check signed by The Post Finance Officer/~~Treasurer~~ and countersigned by the Post authorized signers ~~Commander~~. The Post Finance Officer/~~Treasurer~~ shall have charge of all finances and assure that correct procedures are followed in connection with all Post finances. The Post Finance Officer/~~Treasurer~~ may and shall, from time to time, make such financial recommendations to the Executive Committee as may seem proper. The Post Finance Officer/~~Treasurer~~ shall submit an annual financial report in writing at the annual meeting each year and other reports as required by the Post Commander or Executive Committee. The Post Finance Officer/~~Treasurer~~ shall, upon entering the duties of his/her office, be covered by a fidelity bond with a surety company acceptable to the Executive Committee and in the amount to be determined by that Committee, the premium for which shall be paid from Post funds.

Anything in the provisions of this section to the contrary notwithstanding, all so-called Service Funds shall be accounted for separately and be known as the Service Fund of this Post. Appropriate disbursements of this fund may be made by checks signed by the Treasurer and countersigned by the Post Commander. Written requisition signed by the Service Officer may be required in any instance where deemed desirable.

Section 7. The Sergeant-at-Arms shall preserve order at all Post meetings and shall perform such other duties as may be assigned to him/her from time to time by the Commander.

Section 8. The Service Officer shall keep a record of the location of the Service Officers of other Posts in the vicinity. The Service Officer shall cooperate with other Post Service officers and with the Department Employment Officer in assisting the Federal Board of Vocational Training and other such agencies as may be established for their respective purposes. The Service Officer shall make recommendations from time to time for use and disposition of funds in the Service Fund of this Post.

Section 9. The Building Trustee shall be a Post member and shall be entrusted with the management, operation, upkeep and cleanliness of the Post building and grounds. The Building Trustee shall make such recommendations to the Executive Committee as he/she deems necessary for the sound, businesslike operation of all Post property. The Building Trustee shall, from time to time, make recommendations regarding adequate insurance, upkeep, repairs, alterations, light, heat and other matters pertaining to the operation of Post property

Section 10. The Historian shall keep a record of the history of the Post and shall make a report at the annual meeting.

Section 11. The Chaplain shall perform such duties as the Post Commander may from time to time direct.

Section 12. The four Executive Committeemen shall assist the elected officers in all deliberations and shall be the direct representatives of all membership on the Executive Committee.

Section 13. An elected officer may hold multiple positions on the executive committee.

## ARTICLE VI EXECUTIVE COMMITTEE

Section 1. The government and management of the Post, except as herein otherwise provided, shall be entrusted to an executive committee of twelve (12) members, to be known as the "Executive Committee." It shall consist of the eight (8) elective officers of the Post, two (2) Executive Committeemen, to be elected for terms of one (1) year as provided in Article IV, Section 1, of these By-Laws and the two (2) most recently designated Past Commanders who are active members of the Post. It shall be presided over by the Post Commander, who shall automatically be the Chairman.

Section 2. The Executive Committee shall meet during the first week of the month and on the third Wednesday of the month, except during July and August. The first meeting of the month shall be at a day and time designated by the Chairman and the second meeting shall immediately precede the regular membership meeting.

Section 3. Meetings of the Executive Committee may be called by the Chairman or any three (3) members of the Executive Committee. At any meeting of the Executive Committee, seven (7) members present shall constitute a quorum.

Section 4. The Executive Committee shall have power to hear and determine appeals as to eligibility, shall authorize the employment of such help as it may consider necessary, shall require adequate surety bonds covering all persons having the custody of Post funds other than petty cash and shall conduct any other business necessary for the orderly operation of the Post

## ARTICLE VII BUILDING MANAGER

Section 1. A Building Manager may be appointed by the Commander with the approval of the Executive Committee. A Building Manager may work with and be supervised by the Building Trustee. A Building Manager may receive compensation as may, from time to time, be determined by the Executive Committee.

~~Section 2. The Building Manager is charged with the day to day operation of the Post Memorial Home. The Building Manager shall make recommendations regarding the operation of the bar and kitchen facilities. The Building Manager shall act as agent for the Post with regard to rental of the hall. The Building Manager shall make recommendations with regard to prices charged and fees paid for the emergency repair, upkeep and maintenance of the Post property.~~

~~Section 3. The Building Manager shall make recommendations as to Post family members (preferred) or others hired for rental function support and compensation paid for such labor. The Building Manager shall have the right to order such supplies as he/she deems necessary for an efficient operation. The Building Manager shall require a signed contract and sufficient deposit prior to the rental of any Post facilities.~~

~~Section 4. The financial operation of any Post property shall be done through the Building Managers Account funded by amounts transferred from the General Account in installments as directed by the Executive Committee. All disbursements from the Building Managers Account shall be made by check signed by the Building Manager or the Bar Manager. All funds received by the Building Manager, from whatever source, shall be deposited in the General Account. The Building Manager shall be permitted to carry a Building Manager's fund not to exceed one thousand dollars (\$1,000.00).~~

~~Section 5. The Building Manager shall generate an accurate and up to date record of all funds received and disbursed by him/her including the Post credit cards and the petty cash fund. These records shall be coded and given to the Finance Officer/Treasurer on a weekly basis for posting in the Post financial software program.~~

~~A statement of account shall be submitted to the Executive Committee at the second regular meeting of each month. The Building Manager shall maintain an accurate and up to date inventory of all Post property and supplies. Financial and inventory records shall be subject to inspection at the convenience of the Building Trustee and Executive Committee.~~

~~Section 6. The Building manager is responsible for housekeeping and set ups for events.~~

Section 2. ~~Any and all actions of the Building Manager, in the performance of his/her duties, may be subject to the prior approval of the Building Trustee.~~ The specific duties of the Building Manager are defined in The Post Policies and Procedures Document.

## ARTICLE VIII Bar Manager

Section 1. The Bar Manager shall be a Coulter Post family member (preferred) and be appointed by the Commander with the approval of the Executive Committee. The Bar manager must be accredited by TIPS (Training for Intervention Procedures) and approved by the Village of La Grange. The Bar Manager shall receive compensation as may, from time to time, be determined by the Executive Committee.

Section 2. The specific duties of the Bar Manager are defined in The Post Policies and Procedures Document”.

## ARTICLE IX COMMITTEES

Section 1. The Post Commander shall have the power, and it shall be his/her duty, to appoint the following standing committees:

- Membership
- Publicity
- Service
- Americanism
- Athletics
- Boy Scouts
- Constitution and By-Laws
- Fall Fest
- Special Events
- Judiciary

The Post Commander shall also have power to appoint such additional committees as to him/her may seem proper.

## ARTICLE X FINANCE

Section 1. Each member shall pay as annual dues to this Post, the amount so designated by the Executive Committee and payable on or before December 31 for the succeeding calendar year. Any member who fails to pay his/her dues **on or before the end of the Legion year.** ~~December 31 of the year preceding the Legion year automatically ceases to be a member of this Post. Membership may be restored under the following conditions:~~

- ~~(a) If a member pays the annual dues between January 1 and July 1 in the same Legion year.~~
- ~~(b) On July 1 in the same Legion year or thereafter, such person must make application for membership as provided in Article III, Section 2 and must pay the annual dues as provided herein.~~

Section 2. Dues shall not be accepted from any member who is indebted to the Post in any manner whatsoever unless and until such member shall have made arrangements with the Executive Committee to liquidate such indebtedness and the action of the Executive Committee shall be conclusive and final and binding upon such member.

## ARTICLE XI DISCIPLINE

Section 1. Charges against members shall be presented in writing to the Executive Committee which shall set a time for a hearing thereon.

Section 2. Any member against whom a judgment of expulsion has been rendered by the Executive Committee may appeal to the Department Executive Committee, transmitting with said appeal a copy of the charges and findings.

## ARTICLE XII DELEGATES

Delegates and Alternates to the Annual Department Convention shall be elected by the **Executive Committee at a regular or special meeting of the that committee** ~~Post at a regular or special meeting of the Post to be held~~ at least twenty (20) days prior to the Department Convention, **and communicated to membership appropriately.**

## ARTICLE XIII

## NOMINATIONS

Section 1. The Commander shall, thirty (30) days or more prior to the annual meeting, appoint a Nominating Committee which shall report in writing, at the regular meeting immediately preceding the annual meeting, the names of the elective officers suggested for the ensuing year. The Nominating Committee shall consist of at least fifteen (15) but not more than twenty-five (25) members, five (5) of whom shall be Past Commanders or members who have held elective office in this Post. The Chairman shall be a Past Commander active in Post affairs. The Nominating Committee shall continue and remain in office until the adjournment of the annual meeting next succeeding its appointment, when it shall be automatically relieved and discharged from any further duty.

Section 2. Petitions of nomination for suggested officers for the ensuing year, signed by ten (10) or more Post members in good standing, shall be filed with the Commander, with a certified copy thereof with the Adjutant, not less than ten (10) days preceding the annual meeting.

Section 3. No nominations, except as provided in Section 1 and 2 hereof, shall be permitted.

Section 4. The Adjutant shall, not less than seven (7) days immediately preceding the annual meeting, send notice of all such nominations to all members of the Post, forwarding such notice by U. S. Mail within the monthly newsletter, paper or electronic versions.

## ARTICLE XIV INVESTMENT ACCOUNTS

Section 1. The Coulter Post Investment Committee shall be dedicated to preserving the financial health of the Post through investments that will appreciate in growth over long term commitments. There shall be established at a bank or other financial institution, an Investment Account. Said account shall be administered by an Investment Committee elected from the Post membership.

Section 2. The purpose and use of the investment funds shall be as follows:

(a) Distributions from the Investment Account shall be used as a reserve for improvements and betterment of the Post building, property and assets.

(b) Use of funds outside the designated purpose may be recommended by the Investment Committee and approved by the Executive Committee.

Section 3. The Investment Committee shall consist of seven (7) members. Committee members shall be elected as follows: two (2) members for three-

year terms; two (2) members for two-year terms; and two (2) members for one-year terms. At each election thereafter, two (2) members shall be elected to serve for a three-year term. The immediate Past Commander shall become a member of the Investment Committee for one year, effective with the close of the annual Post meeting. At the very next meeting of the Investment Committee following the annual Post meeting, the Investment Committee shall elect its own chairman for the new Legion year. **The Investment Committee Chairman is elected each new Legion year but may be reelected for an additional term or terms as long as he/she remains on the Investment Committee.**

Candidates for the Investment Committee shall be nominated by the Nominating Committee. The Nominating Committee should make its report at the Post meeting in May. Election of Investment Committee members shall take place at the annual Post meeting. Any member in good standing is eligible to serve on the Investment Committee.

Section 4. ~~The duties of the Investment Committee shall be as follows:~~ **The Investment Committee will exercise fiduciary responsibility for the prudent management of the investment portfolio as follows:**

- (a) To represent the Post as liaison with the bank or other financial institution where the Investment Account is maintained.
- (b) To ~~approve~~ **oversee and manage** all investments in the Investment Account.
- (c) To ~~approve~~ **propose** to the Executive Committee ~~the a~~ withdrawal ~~from~~ **invested funds of interest and/or dividend income derived** from the Investment Account **if a need is determined.**
- (d) To ~~approve~~ **recommend** the withdrawal of ~~principal from~~ **invested funds** **if a need for the funds is determined** provided that such withdrawal does not reduce the total market value of all investments **to 70% or \$155,000.00, whichever is less greater.**

Section 5. No **recommendations for** withdrawals from the ~~principal amount of the~~ Investment Account shall be made without the following:

- (a) Approval of ~~two-thirds~~ **any four (4)** of the Investment Committee **members attending an Investment Committee meeting.**
- (b) **Approval** ~~two-thirds majority of the Post membership~~ **Executive Committee** shall be necessary for the withdrawal of any amount except as provided in Section 4 above.
- (c) ~~Voting on withdrawal of any principal amount from the Investment Account shall be conducted by ballot mailed to the entire membership.~~

~~(d)~~ (c) Any amounts withdrawn from the Investment Account shall be properly deposited in the Post General Account and used exclusively for approved purpose. Any withdrawn amount not used within 30 days shall be returned to the investment account.

~~(e) For the purpose of this section, the principal amount shall mean the total market value of all investments or \$155,000.00, whichever is less.~~

Section 6. Any ~~four (4)~~ two (2) authorized investment committee members' signatures are required to conduct business with regard to the Investment Account.

Section 7. The Investment Committee shall meet quarterly and all minutes of such meetings shall be submitted promptly to the Post Executive Committee.

Section 8. The Investment Committee is obligated to report directly to the Post Commander with regard to its activities.

## ARTICLE XV ALBERT DAHM MEMORIAL SCHOLARSHIP FUND

Section 1. The moneys donated to the Post by the Estate of Albert Dahm shall be held in trust by the Post in a separate Fund to be known as the Albert Dahm Memorial Scholarship Fund. The Fund shall consist of the donations from the Estate of Albert Dahm, any contributions from other sources and the earnings thereon. The fund shall be managed by the Post Investment Committee and ~~The Fund shall~~ be administered by a committee elected from the Post membership which shall be known as the Albert Dahm Memorial Scholarship Trust Committee.

(a) Section 2. The full net income from the fund shall be used and expended in the higher education at accredited Colleges and Universities in the United States of only eligible high school graduates who are direct descendants of Robert E. Coulter, Jr. Post No. 1941 members in good standing. The Post Investment Committee will recommend the maximum withdrawal of invested funds annually for scholarships provided that such withdrawal does not reduce the total market value of all investments to less than \$45,000.00.

The number and amounts of gifts or scholarships, the students to whom they shall be awarded, and the investments of the Fund shall be as determined by the Committee. In no event shall any portion of the principal of the Fund be expended for any other purpose.

Section 3. The committee shall consist of five (5) members, one of whom shall serve as Chairman. Committee members shall be elected as follows: At the first election, two (2) members for three terms, two (2) members for two year terms, and one (1) member for a one year term. At each election after the first, successors shall be elected for two year terms.

Candidates for the Committee shall be nominated by the Nominating Committee. Any member of the Post in good standing is eligible to serve on the Committee. Election of committee members shall take place at the annual Post meeting. Members of the Committee will select their own Chairman. Three (3) members of the Committee shall constitute a quorum. The Committee chairman shall report to the Post Commander in regards to its activities.

## **ARTICLE XVI AMENDMENTS**

Section 1. These By-Laws may be amended by the affirmative vote of two-thirds of all members present at any regular meeting, provided that subject matter of the amendment has been presented in writing, read at a prior regular meeting and notice thereof has been mailed sent to all members of the Post of at least five (5) days prior to the meeting at which the amendment is to be voted upon via the monthly newsletter, paper or electronic versions.

Section 2. All By-Laws and resolutions in conflict with these By-Laws heretofore adopted are hereby repealed.

Section 3. Any ruling of the Department of National organization which shall effect or conflict with any provision herein shall be deemed an amendment to these By-Laws.

## Notes