

Constitution of the Twenty-second District Inc. Department of California

Article I

The name of this organization shall be the Twenty-second District of the Department of California, The American Legion, a non-profit organization.

The Articles of Incorporation for this District are on file with the Secretary of State under the date of June 20, 1966 and #510909.

Article II

Section 1. This organization is a constituent part of, and subject to, the Department of California, The American Legion.

Section 2. The objects and purposes of the District shall be to promote the principles and policies set forth in the Preamble to the Constitution of The American Legion.

Section 3. The District shall appoint such committees and commissions from its delegates, or from members of the Posts represented, as may be necessary to assist in the District's furtherance of the purpose as expressed in the Preamble to the Constitution of The American Legion.

Section 4. Upon receiving a report from such committees, or from any delegate, if no such committee or commission exists, the District may, by vote, express the sentiment of the District by resolution, motion, petition, letter or other communication, insofar as such action is not inconsistent with the Constitution and By-laws of the National organization or the Department of California.

Section 5. Any resolution or action of the District, which is in conflict with the policy of the National organization, or the Department of California shall not be published, but such resolution or action shall be forwarded to Department headquarters.

Article III

Membership in the Twenty-second District shall be all The American Legion Posts in the County of San Diego.

Article IV

Section 1. Representation to all District meetings shall be duly elected Delegates and alternates from each of the Posts within the District.

Section 2. Each Post shall be entitled to the same number of delegates as such Post was entitled to at the preceding Department Convention; providing that a Post organized after such Department Convention shall be entitled to such a number of delegates as it would be entitled to by reason of its membership at the date of the District meeting.

Section 3. Authorized delegates or alternates, in the absence of all other delegates or alternates from their Post shall be entitled to cast the entire delegates vote of their Post

Section 4. No voting by proxy shall be recognized except as provided for in Section 3 of Article IV

Section 5. The respective Posts shall fill vacancies in the delegation to the District meetings the same manner as delegates are selected.

Section 6. The Junior Past District Commander and the Junior Past Vice Commander(s) of the Department of California shall be delegates to the Twenty-Second District, when such Vice Commander(s) come from the District. All Past Department Commanders whose membership is in the Twenty-second District shall be delegates to the District. The above votes will be valid only if they are in attendance and their votes shall be cast with their respective Posts.

Article V

Section 1. A quorum of a District meeting shall consist of a majority of the Posts of the District.

Section 2. A quorum for District Executive Committee meetings shall be a majority of that committee, a sum greater than one-half of that body.

Article VI

Section 1. The officers of the District shall be the Commander, First Vice Commander, Second Vice Commander, Adjutant, Assistant Adjutant, Finance Officer, Chaplain, Historian, Service Officer, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Judge Advocate, Executive Committee and Junior Past Commander.

Section 2. The Commander and Vice Commanders shall be elected by roll call vote by a majority of the delegates of Posts present and voting. The Executive Committee persons shall be elected by roll call vote by a plurality of the delegates of Posts present and voting. In the event that only one candidate is nominated per existing elective vacancy, that vote can be by acclamation.

Section 3. All other officers shall be appointed by the Commander and shall serve at his or her pleasure.

Section 4. The elective officers shall be elected for a term of one year at a meeting of the District held within the Twenty-second District, Department of California, The American Legion, not less than seven (7) nor more than forty-five (45) days prior to the annual Department Convention and shall take office at the close of the annual Department Convention immediately succeeding their election. They shall hold office until the adjournment of the succeeding annual Department Convention, and thereafter until their successors are chosen. First nominations for elective offices shall be held at the April meeting. A call for second nominations of officers shall be made during the Pre-convention meeting in June, and election of officers shall be the first order of business after the Posts caucus.

Section 5. The Executive Committee of the District shall consist the Commander, Adjutant, First Vice Commander, Second Vice Commander, Junior Past Commander, Finance Officer, and six (6) other members elected by of the Twenty-second District. The said six (6) elected Executive Committee persons shall be from the Posts within the Twenty-second District, with no more than one (1) of the Executive Committee persons to be elected from any one (1) Post. Any member in good standing of The American Legion, Twenty-second District shall be eligible to hold any elective or appointive office in the District.

Section 6. Should any elective District Officer be absent for any consecutive combination of three (3) District and District Executive Committee meetings without being excused by the Commander, the absentee's office shall be declared vacant by a majority vote of the delegates voting at a District meeting, after written notice to all Posts of the District and the absent District Officer that such a vote will be taken. Any vacancy so created or created by resignation or death shall be filled at the same District meeting when the position is declared vacant.

Section 7. The Commander, Vice Commanders and Adjutant shall be Chairman, Vice Chairmen and Secretary, respectively, of the Board of Directors of the Corporation.

Section 8. In the event that the District Assistant Adjutant is acting in the capacity as District Adjutant with the District Adjutant absent, said Assistant Adjutant shall have a voice and a vote at the District Executive Committee meeting, and his or her presence shall be counted with the attendance at that committee meeting toward computing the quorum.

Article VII

Section 1. All bills and expenditures shall be referred to the Executive Committee and, when properly checked and approved by said Committee, the Finance Officer shall pay such bills or expenditures. The Executive Committee shall prescribe the necessary form in which the financial records shall be kept.

Section 2. An annual budget shall be prepared by the District Commander, Adjutant and Finance Officer, and shall be presented to the District Executive Committee for its approval. After such favorable action, it shall be submitted for approval at the first District meeting following the close of the Department Convention. Any expenditure over and above the items listed in the approved budget must be approved by the Executive Committee, subject to approval by delegates assembled at the next regular District meeting.

Section 3. Nothing in Article VII shall preclude the District delegates from approving unbudgeted expenditures, not to exceed one hundred dollars (\$100.00) at any one District meeting; said expenditures shall be made from the unappropriated reserve funds.

Section 4. The District shall keep books of account and shall cause said books to be examined within ninety (90) days after the annual installation of officers each year by a licensed accountant or a committee of three (3) competent persons, none of whom shall be officers of the District or members charged by the District Constitution and By-laws with the responsibility of handling funds.

Article VIII

Section 1. Proposed amendments to this Constitution shall be submitted in writing at a regular meeting of the District and read thereat. The Adjutant shall notify delegates that amendments to the Constitution will be considered at the next meeting in the notice sent to all delegates as required by Article II, Section (c) of the District By-laws. At the next regular meeting the proposed amendment or amendments may be adopted by a two-thirds affirmative vote of those Posts present and voting by roll call. Such amendments shall have final approval by the Department Constitution and By-laws Commission.

Section 2. The provisions hereof shall be automatically amended to conform to any amendments that may be adopted by the Constitution and By-laws of National or Department.

Article IX

These articles shall take effect when approved by two-thirds of the Posts within the District, and upon approval of the Department of California, shall be binding upon all Posts within the District.

**By-laws of the Twenty-second District
Department of California**

Article I

The objectives of this District are set forth in the Constitution.

Article II

(a) The Commander shall preside at all meetings

(b) The Vice Commanders shall perform the duties of the Commander in case of his or her inability to act.

(c) The Adjutant shall keep a record of all meetings, prepare same for a permanent record, and, under the direction of the Commander, shall give notice to all Posts and delegates at least ten (10) days prior to all District meetings, except meetings held during the Department Convention.

(d) The Finance Officer shall receive and account for and disburse, under the direction of the Executive Committee, all funds coming into his hands, except as provided in Article VII Section 3 of the District Constitution. The Finance Officer shall be bonded as required by the Department of California.

(e) The Commander, First Vice Commander, Adjutant and Finance Officer shall be the authorized signatories on all checking and savings accounts. A combination of any two (2) signatures of the aforementioned will be required.

Article III

(a) There shall be at least five (5) District meetings during the fiscal year, held on the second Sunday of even months (August, October, December, February and April), time and place to be established by the Commander. The only exception are that if the second Sunday falls on a holiday, such as Easter or if this is a day of a Department meeting, such as the Department Executive Committee meeting, the meeting date will be altered. The June District meeting will be held on the first Sunday of the month with time and place determined by the Commander.

(b) The District Executive Committee meetings will be held on the odd months (July, September, November, January, March and May), at a time and place established by the Commander.

(c) Special meetings may be called by the Commander.

(d) At the written request of not less than Seven (7) Post Commanders within the District, the District Commander shall call a meeting of the District within Twenty (20) days of receipt of such request.

(e) No special meeting shall be held unless notice be mailed to each Post and its delegates at least Ten (10) days prior to the date of the meeting, announcing the time and place of the meeting and the subject matter to be considered.

Article IV

(a) A National or Department Officer, Commission or Committee Chairman, not a delegate to this District, shall have the privilege of the floor, without vote.

(b) It shall require the approval of three-fourths of the delegates present and voting to grant the

privilege of the floor to a non-delegate, except as provided in Article IV, Section (a) of these By-laws.

(c) Nothing in this Constitution and By-laws shall be deemed to exclude from any meeting any member in good standing in The American Legion.

Article V

Robert's Rules of Order (Revised) shall govern the conduct of meetings, except as may otherwise be provided in the District Constitution and By-laws.

Article VI

(a) Annual dues shall be collected from each Post in the Twenty-second District and shall be one dollar (\$1.00) for each delegate to which the Post is entitled, plus twenty five cents (\$.25) per member of each Post based upon the previous year attained membership as reported in the book of records by the Department of California at Convention.

(b) The District shall bill the Posts according to their membership immediately following the Department Convention.

(c) From such dues the District shall pay all bills and expenditures as recommended by the Executive Committee and approved by delegates at a District meeting.

(d) The annual Oratorical fee from each post shall be an amount as approved by the membership.

Article VII

(a) Proposed amendments to these By-laws shall be submitted in writing at a regular meeting of the District and read thereat. The Adjutant shall notify delegates that amendments to the By-laws will be considered at the next meeting in the notice sent to all delegates as required by Article II, Section (c) of these By-laws. At the next regular meeting the proposed amendment or amendments may be adopted by a two-thirds affirmative vote of those Posts present and voting by roll call. Such amendments shall have final approval by the Department Constitution and By-laws Commission.

(b) The provisions herein shall be automatically amended to conform to any amendments that may be adopted by the Constitution and By-laws Commissions of National or Department.

Article VIII

(a) The delegates and alternates to the Pre-convention meeting of the District shall be the delegates and alternates who have been duly elected by their Posts as delegates and alternates to the succeeding Department Convention.

(b) All Posts shall furnish the District Commander with a list of delegates and alternates prior to the annual Pre-convention caucus of the fiscal year.

(c) Delegates and alternates to the National Convention shall be nominated and elected at the Pre-convention meeting of the District. The number of such delegates and alternates shall be that which is established by the Department of California.

Article IX

Veterans Administration Hospital and Volunteers for Patients' Welfare Committee

(a) To promote activities and functions pertaining to patients of the San Diego V. A. Hospital

and any other hospitals and patients as so designated by the Twenty-second District Commander; to supervise the expenditures of such funds as may be made available for work among the veterans of said hospitals and assume responsibilities in the recruitment of volunteers; to keep the District advised as to its activities and any problems that might exist in said hospitals.

(b) This committee shall be composed of four (4) members of the Twenty-second District: a Committee Chairman and three (3) Committee members. The terms of the Committee shall be as follows:

Committee Chairman: Appointed annually by the incoming District Commander

- Committee: one member (1) for one (1) year
- one member (1) for two (2) years
- one member (1) for three (3) years

(c) Each year, after the original appointments are made, the appointments for committee persons shall be by the District Commander with approval of the District Executive Committee and shall be for a term of three (3) years. Vacancies occurring prior to the expiration of an assigned term shall be filled by appointment for the unexpired portion of that term, by the District Commander with the approval of the District Executive Committee.

(d) The Twenty-second District Finance Officer shall receive and account for all monies allocated to this committee and shall disburse funds for payment or refunds of all receipted expenditures presented by the Committee Chairman or his/her representative, to the maximum funds budgeted by the Twenty-second District. All requests for payment of receipted expenditures or requests for monies in advance of receipts must have approval prior to requesting funds. All expenditures for this committee must be accounted for to the Twenty-second District Finance Officer, prior to June 15 of each year.

(e) The Twenty-second District Second Vice Commander (Rehabilitation Committee Chairman) automatically becomes an ex-officio member of the committee, without benefit of vote

(f) Three (3) members of the American Legion Auxiliary may be appointed to serve as members of this committee and are selected by the Twenty-second District Auxiliary President. Members assigned will have all the rights and privileges of the committee, excepting that they will have no voice in the expenditure of American Legion funds. Members so assigned will be for the same terms as outlined in paragraph (b).

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District 22 -- Rewritten By-laws with Changes

First Reading: December 14, 2008, in regular District meeting at Escondido, CA.

Second Reading: February 8, 2009, in regular District meeting at La Mesa, CA.

Ralph E. Huskey
22nd District Commander

Anthony Stewart
22nd District Adjutant

Date February 8, 2009

Date: February 8, 2009

Approved:

Date: 6/12/09

JOSEPH A. GARCIA
Department Constitution and By-laws Commission, 5th Area