

CONSTITUTION AND BY-LAWS  
OF  
AMERICAN LEGION AUXILIARY  
SOUTH MIAMI UNIT #31, INC.,  
DEPARTMENT OF FLORIDA  
7710 SW 59 AVE  
MIAMI, FL 33143

JUNE 7, 2022

RECEIVED JUN 10 ENT'D

NOTE: These Bylaws supersede any previously known or unknown written and amended Bylaws reported or not reported as rules for governing laws and actions of South Miami Unit #31, Inc., American Legion Auxiliary, Department of Florida.

Ratified: JUNE 7, 2022

## 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 association during all 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 participate in and contribute to the accomplishment and the aims and purposes of The American Legion; to consecrate and sanctify our association by our devotion to mutual helpfulness.

## CONSTITUTION

### ARTICLE I - NAME

The Name of this organization shall be *American Legion Auxiliary, South Miami, Unit 31, Inc., Department of Florida.*

### ARTICLE II - NATURE

Section 1: American Legion Auxiliary, South Miami, Unit 31 is a civilian patriotic service organization that supports the mission of The American Legion.

Section 2: American Legion Auxiliary, South Miami, Unit 31, Inc., shall be non-political and shall not be used to disseminate partisan principles nor any promotion of the candidacy of any person seeking political office or preferment.

### ARTICLE III - OBJECT

The object of the American Legion Auxiliary, South Miami Unit #31, Inc. Department of Florida, shall be as stated in The Preamble to the Constitution.

## ARTICLE IV - ELIGIBILITY

Section 1: Eligibility for membership in the American Legion Auxiliary is determined by The American Legion. The eligibility requirements from the American Legion governing documents shall be provided as follows and shall be updated as appropriate.

- (1) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of members of The American Legion; and
- (2) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who served in either of the following periods: April 6, 1917, to November 11, 1918; and any time after December 7, 1941: who, being a citizen of the United States at the time of their entry therein, served on active duty in the Armed Forces of any of the governments associated with the United States during either eligibility periods and died in the line of duty or after an honorable discharge.
- (3) grandmothers, mothers, sisters, spouses, and direct and adopted female descendants of all men and women who were in the Armed Forces of the United States during either of the following periods: April 6, 1917, to November 11, 1918; and any time the United States during either eligibility periods and died in the line of duty or after honorable discharge; and
- (4) to those women who, of their right, are eligible for membership in the American Legion.

Section 2: There shall be two (2) classes of membership, Senior and Junior.

- A. Senior membership shall be composed of members aged eighteen (18) and older; provided, however, a member eligible under section 1 of this article and who is under the age of eighteen (18) years and married shall be classified as a Senior.
- B. Junior membership shall consist of that group under the age of eighteen (18) years, whose activities shall be supervised by the Senior membership. Upon reaching the age of eighteen (18), Junior members shall automatically be admitted into Senior membership with full privileges.
- C. Dues for both classes shall be paid annually or for life.

## ARTICLE V – UNIT OFFICERS

Section 1: The Unit shall elect annually a President, First-Vice President, Second-Vice President, Secretary, Treasurer, Chaplain, Historian, Sergeant-at-Arms, and Assistant Sergeant-at-Arms, who shall serve until their successors are duly installed or as otherwise provided. (or a combination of some of these officers)

## ARTICLE VI – EXECUTIVE COMMITTEE

There shall be an Executive Committee which shall consist of all officers and four (4) additional members at large elected by the Unit. The term of office for members of the Executive Committee shall be for one year.

## ARTICLE VII - FISCAL YEAR

The Fiscal Year shall be the same as that of the Department of Florida.

## ARTICLE VIII - AMENDMENTS

Section 1.: This Constitution may be amended by the members' two-thirds (2/3rds) vote at a regular meeting. The proposed amendments shall have been read at a previous Unit meeting.

Section 2: Amendments not having been read at the previous meeting may be adopted by the unanimous vote of the members present.

Section 3: This Constitution shall be automatically amended to conform to the National and Department Constitution and Bylaws and Standing Rules of the American Legion Auxiliary.

## BY-LAWS

### ARTICLE 1 – EXECUTIVE COMMITTEE

Section 1: Between meetings, the government and management of this Unit shall be entrusted to the Executive Committee. All proceedings of said committee shall be presented to the Unit at the next meeting for approval.

Section 2: A vacancy on the Executive Committee, from any cause other than expiration of a term, shall be filled by a majority vote of the entire committee. A person so elected shall hold office for the member's unexpired term.

Section 3: A majority of the members of the Executive Committee shall constitute a quorum.

Section 4: Special meetings may be called by order of the President or on written or electronic request of at least three (3) members of the Executive Committee. Uniform notice of such special meetings shall be given to all members of the Executive Committee; and, except in an extreme emergency, shall be given at least forty-eight (48) hours in advance. At special meetings, only business specified shall be transacted.

### ARTICLE II – DUTIES AND POWERS OF OFFICERS

Section 1: Duties of the Unit President - It shall be the duty of the President to preside at all meetings of the Unit and the Unit Executive Meetings, to enforce strict observance of the Constitution and By-Laws; to appoint members of the Standing Committees; to create such other committees and appoint members thereof as deems advisable; to perform other such duties as custom and parliamentary usage required and to appoint all officers not otherwise provided for.

Section 2. Duties of the Vice President-The First and Second Vice President, in the order named, shall when called upon, assist the President and, if absent, perform the duties of the office and shall succeed the office in case of death, resignation, or removal.

Section 3. Duties of the Secretary- It shall be the duty of the Secretary to receive and answer official mail under the direction of the President; to keep on file, comprehensively, copies of all correspondence sent and received; and to send and give notice of all meetings. It shall be the duty of the Secretary to record the proceedings and transactions of all meetings of the Unit; and keep all books, papers, and records that are needed to carry on the working of the office and care for the

archives of the Unit. The Secretary is vested with such authority as it is necessary to carry out the duties successfully for the good of the American Legion Auxiliary.

Section 4. Duties of the Unit Treasurer- It shall be the duty of the Treasurer to receive all monies belonging to the Unit and account for them. The Treasurer shall pay the bonding fee as determined by the Department Office. The Treasurer shall maintain two (2) separate funds, namely a General Fund and Poppy Fund. All Poppy donations shall be placed in the Poppy Fund and be used to assist the Veteran and their children. The Treasurer shall keep an accounting of the receipts and expenditures, making an annual report thereon and such other reports as may be deemed necessary by the Unit Executive Committee. The accounts shall be audited annually. All current bills shall be paid before transferring all funds, books, vouchers, and papers belonging to the Unit to the successor.

Section 5: Duties of the Chaplain – It shall be the Chaplain's duty to offer prayer at the opening and closing of each meeting, perform such other duties as directed by the President, and notify the Department of any deceased members every month.

Section 6: Duties of the Historian - It shall be the Historian's duty to compile the historical records of the Unit and make a report to the Department.

Section 7: Duties of the Sergeant-at-Arms - It shall be the duty of the Sergeant-at-Arms to preserve order at the meeting of the Unit and such duties as may be requested by the President.

### ARTICLE III - DUES

Section 1: The annual Senior membership dues shall be as stated in the Standing Rules, which shall include the Department and National per capita. The annual dues of the Junior membership shall be as stated in the Standing Rules to include the Department and National per capita.

Section 2: A member failing to pay annual dues, including the Unit, Department, and National assessments, by January 31 shall be classed as delinquent and suspended from all membership privileges. Payment of back dues, after suspension, shall reinstate such member to active membership. Any member delinquent to December 31<sup>st</sup> of the year of delinquency shall automatically be dropped from the membership rolls and maybe reinstated by only paying back dues or re-establishing eligibility and making an application as a new member.

## ARTICLE IV - UNIT MEETINGS

Section 1: The regularly scheduled meeting of American Legion Auxiliary, South Miami Unit #31, Inc., shall be held as stated in the Standing Rules. An Executive Committee meeting shall be held as stated in the Standing Rules.

Section 2: The number of unit members that shall constitute a quorum at any regularly scheduled meeting shall be as stated in the Standing Rules.

Section 3: Special meetings of the Unit may be called by the President, by a majority of the Executive Committee, with the President notified, or upon written request of three (3) members of the Unit.

## ARTICLE V - ELECTION

Section 1: Elections shall be held annually. To participate in the election of the Unit Officers, a member shall have paid dues for the current fiscal year within which the election is held.

Section 2: Elections shall be by ballot, and a majority of the votes cast shall be necessary with the nominee declared. If only one person is nominated for an office, the ballot may be dispensed with, and that nominee is declared a winner.

Section 3: All Officers and Executive Committee members shall be elected at a meeting duly called for the purpose not more than ninety (90) days before Convention, certification to be made on forms furnished by Department.

Section 4: The Unit shall notify the Department Secretary of the names and addresses of such newly elected officers, not less than ten (10) days before Convention, certification to be made on forms furnished by the Department.

Section 5: Vacancies in office between annual elections shall be filled by the Executive Committee.

Section 6: Delegates and Alternates to District Constitutional Conference or Department Convention shall be elected not less than two (2) weeks before the Conference or Convention. Alternates shall have priority in the order of their election.

## ARTICLE VI – COMMITTEES

The Unit shall have the following Core Committees: Americanism, Children & Youth, Constitution and Bylaws, Membership, National Security, Audit, Veterans Affairs, and Rehabilitation, and other mission and member/organizational support committees as provided in the Standing Rules.

## ARTICLE VII – TRANSFERS

Transfer of membership from one Unit to another in the Department of Florida shall be upon application of the member to, and acceptance by, the other Unit, in conformity with National and Department Constitution and Bylaws.

## ARTICLE VIII - DISCIPLINE

Section 1: For any violation of the Unit, Department, or National Constitution, or for conduct improper and prejudicial to the welfare of the Auxiliary of the American Legion, any member may be expelled from membership, or any officer may be removed from office by a two thirds (2/3) vote at a Unit meeting duly called for that purpose, said expulsion or removal to be binding only in the event said member or officer shall have been given at least fifteen (15) days' notice in writing by the Unit Secretary of the charges and the hearing thereon. Either party may have the right to appeal to the Department Executive Committee, and their action afterward shall be final. The appellant shall bear the expenses of the said appeal.

Section 2: No member, or group of members, shall subject this Unit to liability without authorization of the Unit.

## ARTICLE IX – PARLIAMENTARY AUTHORITY

The Unit organization shall be governed by “Robert’s Rules of Order, Newly Revised” on all points not covered in the National and/or Department Constitution and Bylaws.



ARTICLE X - AMENDMENTS

Section 1: These Bylaws may be amended by two-thirds (2/3) of the members present at a regular meeting, provided the proposed amendments shall have been read at a previous Unit meeting.

Section 2: Amendments not having been previously read may be adopted by the unanimous vote of the members present.

Section 3: These Bylaws shall automatically be amended to conform to the National and Department Constitution and Bylaws and Standing Rules of the American Legion Auxiliary.

THIS CONSTITUTION AND BYLAWS WERE READ, VOTED ON, AND APPROVED AT OUR REGULAR UNIT MEETING ON JUNE 7, 2022.

X Linda Barichak  
LINDA BARICHAK  
Unit President

X Linda Brown  
LINDA BROWN  
Unit Secretary

X Delia Zepeda  
DELIA ZEPEDA  
Unit Constitution and Bylaws Chairman

RECEIVED JUN 10 2022



American Legion Auxiliary Unit 31  
7710 SW 59<sup>th</sup> Avenue  
South Miami, FL 33143

June 8, 2022

RECEIVED JUN 10 ENT'D

Ms. Patty Halliday  
Department Secretary  
1912 A Lee Road  
Orlando, FL 32810

Dear Ms. Halliday,

On June 7, 2022, Unit 31, South Miami, voted and ratified a change to rule number one in our Standing Rules. Our meeting is now held on the first Tuesday of the month.

Please replace your copy on file with this current copy of our Constitution By-Laws and Standing Rules. In addition, I am sending a copy to Kathy McMullen so that her committee has a current copy.

Please advise by return email ([dbzepeda@gmail.com](mailto:dbzepeda@gmail.com)) that you received this current signed copy for your records.

Kind regards,

Delia Zepeda  
Constitution By-Laws and Standing Rules Chair  
Unit 31, South Miami

## STANDING RULES

Rule 1. The regular meetings of this Auxiliary Unit shall be held on the first Tuesday of each month and shall be called to order at 7:00 P.M. at the Unit home at 7710 S.W. 59<sup>th</sup> Avenue, South Miami, Florida.

Rule 2. An Executive Committee meeting shall be held at least two (2) weeks before the first General Meeting of the fiscal year. Special meetings shall be called by order of the President or on request of at least three (3) members of the Executive Committee.

Rule 3. Five (5) members of this Unit shall constitute a quorum at any regularly scheduled Unit meeting.

Rule 4. The annual Senior membership dues of the Unit shall be \$45.00, effective July 1, 2022, to include Department and National per capita. The annual dues of the Junior membership shall be \$15.00, effective July 1, 2022, to include the Department and National per capita.

Rule 5. A majority vote must approve all applicants for membership of the members present.

Rule 6. Unit elected Officers, consisting of the President, Treasurer, and First Vice-President, are authorized to sign checks for the disbursement of funds from the Unit treasury. All checks MUST have two of the three above signatures.

Rule 7. All members responsible for Unit funds shall be bonded through the blanket Fidelity bond, and the Unit will pay the annual premium to Department Headquarters.

Rule 8. A Budget Committee composed of three (3) members, including the Unit Treasurer, shall be elected by the members, or appointed by the President, to present a budget for the ensuing year.

Rule 9. The Unit shall pay the registration fees for delegates who attend conferences and conventions.

Rule 10. Electronic or virtual meetings for governance operations may be held with Auxiliary Unit 31 current Officers, members of the Executive Committee, and members in good standing to conduct necessary business.

THESE STANDING RULES WERE READ, VOTED ON, AND APPROVED AT OUR  
REGULAR UNIT MEETING ON JUNE 7, 2022.

X *Linda Barichak*  
LINDA BARICHAK, Unit President

X *Linda Brown*  
LINDA BROWN, Unit Secretary

X *Delia Zepeda*  
DELIA ZEPEDA, Unit Constitution and Bylaws Chairman

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