

# **AMERICAN LEGION**

## **CAPT. OSCAR BRADY POST 298**



### **CONSTITUTION AND BY LAWS**

Post 298 Membership Approved - 14 Sept 2016  
Department Approved – 4 Oct 2016

# **Table of Contents**

CONSTITUTION AND BY – LAWS

PREAMBLE

SECTION 1

CONSTITUTION

ARTICLE I – NAME

ARTICLE II-OBJECTIVES

ARTICLE III-NATURE

ARTICLE IV – MEMBERSHIP

ARTICLE V – OFFICERS

ARTICLE VI - FINANCE

ARTICLE VII - ALLIED ORGANIZATIONS

ARTICLE VIII – AMENDMENTS

SECTION II

BY-LAWS

ARTICLE 1-NAME

ARTICLE II-MANAGEMENT

ARTICLE III-EXECUTIVE BOARD

ARTICLE IV-DUTIES OF OFFICERS

ARTICLE V- DELEGATES

ARTICLE VI- COMMITTEES

ARTICLE VII – RESOLUTIONS

ARTICLE VIII-MEETINGS

ARTICLE IX – NOTICES

ARTICLE X - RULE OF ORDER

ARTICLE XI-LIMITATIONS OF LIABILITIES

ARTICLE XII-AMENDMENTS

CONSTITUTION/ BY-LAWS COMMITTEE MEMBERS

# **CAPTAIN OSCAR BRADY POST 298**

## **THE AMERICAN LEGION**

### **DEPARTMENT OF MICHIGAN**

These constitution and by-laws will take effect immediately. All others become null and void.

# **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-HUNDERED PERCENT AMERICANISM; TO PRESERVE THE MEMORIES AND INCIDENTS OF OUR ASSOCIATIONS IN THE GREAT WARS; TO INCLUCLATE 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 PROSPERITY THE PRINCIPLES OF JUSTICE, FREEDOM AND DEMOCRACY; TO CONSECRATE AND SANCTIFY OUR COMRADESHIP BY OUR DEVOTION TO MUTUAL HELPFULNESS.

# **SECTION 1**

# **CONSTITUTION**

## **ARTICLE I-NAME**

SECTION 1: The NAME of this organization shall be CAPTAIN OSCAR BRADY POST NO 298, THE AMERICAN LEGION DEPARTMENT OF MICHIGAN.

## **ARTICLE II- OBJECTIVES**

SECTION 1: The OBJECTIVE AND PURPOSE of this post shall be to promote the principles and policies as set forth in the foregoing preamble, and in the National and Department Constitutions of The American Legion.

## **ARTICLE III- NATURE**

SECTION 1: The POST is a civilian organization and membership does not affect or increase liability for military or police service.

SECTION 2: This organization shall be non-political and nonsectarian, and shall not be used for the dissemination of partisan principles, or for the promotion of candidacy of any person seeking public office, promotion or appointment.

SECTION 3: Rank does not exist in the American Legion. No member shall be addressed by his or her military rank in any meeting of the post.

## **ARTICLE IV-MEMBERSHIP**

SECTION 1: Eligibility for 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 and the Proof of Eligibility shall be examined by the 1<sup>st</sup> Vice Commander or designee of the POST.

SECTION 3: Consideration of all applications for membership shall be acted upon at a regular business meeting of the Post and shall be accepted, rejected or referred to the membership committee for investigation and consideration.

SECTION 4: Member suspension. No Post shall suspend or expel a member except upon charges duly brought in writing and approved by two-thirds majority of the members voting. All procedures will be outlined in Article 4, Section 4. and paragraph I of the Department of Michigan By-Laws, which reads as follows: Each Post shall be the judge of its own Membership, subject to the restrictions of the National, and Department Constitution and By-Laws, but no Post shall suspend or expel a member, except upon charges duly brought in writing and after a full and fair trial, only upon the charge of conduct unbecoming a member of the American Legion", Members of each Post shall be the sole judge; provided that an appeal from such Post decision may be taken to the Department Executive Committee by filing a written reason with the Department Adjutant within 30 days following the final action by the Post. The decision of the Department Executive Committee shall be Conclusive. The Department Executive Committee may formulate rules to govern the trial of any Post member.

SECTION 5: Appeal of Suspension. A member who has been expelled or suspended from Post 298 for any cause may be reinstated to membership after expiration of six months from date of said action by a two-thirds vote of the members present.

SECTION 6: Another Post Suspension. No person who has been expelled by any Post shall be admitted to membership in Post 298. When consent for membership has been asked for and denied by Post 298, the expelled member may appeal the

case to the State Executive Committee for the Department of the expelling Post for permission to apply for membership in Post 298; expelled member shall be ineligible for membership until a final decision to allow/deny membership has been determined.

SECTION 7: Post 298 Dues: Membership dues will be the amount decided upon from recommendation of the Post Executive Board, and voted on for approval by Post 298 membership at a regular meeting. After 50 years of continuous membership in Post 298, the Post will pay the yearly membership dues for that member.

## **ARTICLE V-OFFICERS**

SECTION 1: The officers of the Post shall be Commander, 1st Vice-Commander, 2nd Vice-Commander, Adjutant, Finance Officer, Historian, Chaplain, Service Officer, Sergeant-At-Arms, and Judge Advocate. The Post Officers will be elected at the last Post meeting at least 30 days prior to the Annual Department Convention.

SECTION 2: The Post Executive Committee shall include all the Elected Officers of the Post.

SECTION 3: The duties of the Post Officers shall be those usually pertaining to such officers or committee members and as further provided in the By-Laws. Any officer of this Post wishing to resign from the committee should give a thirty (30) day written notice to the Commander so as to accommodate the transition of a new officer into the vacated position.

SECTION 4: Elections of Officers. All officers shall be elected to a two year term, and they shall hold office until their successors are duly installed or as otherwise provided.

SECTION 5: A Nominating Committee shall be elected from the floor at a regular meeting at least two meetings prior to the annual election of officers. They shall present their list of candidates to the Post at the next regular meeting and add any and all candidates in good standing nominated from the floor. The Nominating Committee shall prepare a ballot from the list of names they presented to the Post together with those nominated from the floor and regulate their use at the annual election. At the close of the poll, the ballots together with unused ballots shall be turned over to the Nominating Committee for tabulation and presentation of election results to the Post membership. The newly elected officers will be installed within 30 days following the election.

SECTION 6: Election of officers shall be by secret ballot conducted at a regular membership meeting, and the candidate receiving the highest number of votes will be elected to the respective office for which they were candidate. In case of a tie vote, the candidates with the greatest number of votes will have a runoff vote for that office. After the results are recorded and the nominees have been elected, the ballots and any paperwork generated from the election shall be

destroyed.

SECTION 7: Any elected or appointed officer who shall absent themselves from three or more consecutive meetings of the Post Executive Committee without cause shall be removed from office. Any vacancy existing from any elected or appointed office for any cause(s) other than expiration of term shall be filled by a majority vote of the remaining members of the Post Executive Committee and the person appointed shall hold office for the un-expired term of the officer he/she succeeds. Officers and/or Board members finding they cannot continue to hold the office they were elected to shall provide a letter of resignation to the Post Executive Committee.

Section 8: Officers of the Sons of the American Legion Squadron and American Legion Riders shall be elected according to their By-Laws, subject to the approval by the Post Executive Committee, before newly elected officers take office.

## **ARTICLE VI -FINANCE**

SECTION 1: The revenue of this Post shall be derived from annual membership dues and from such other sources as may be recommended by the Post Executive Board, the 2<sup>nd</sup> Vice-Commander, and approved by the Post membership.

SECTION2: Department and National Dues. The Post shall forward, from each member's annual membership dues the following fees: District, Michigan Department, and National .

Section 3. Program Finances. The assets of the Sons of American Legion and Legion Riders are assets of the Post. The Post may govern how they distribute their income, savings or other assets. The Post finance officer or other designated Post officer will be signatory on all Post and Post Program accounts, to include SAL and Riders accounts.

## **ARTICLE VII- ALLIED ORGANIZATIONS**

Section 1: Ladies Auxiliary. This Post recognizes an auxiliary organization to be known as the "Ladies Auxiliary Unit 298", of the Captain Oscar Brady Post No 298, The American Legion. Membership in the Auxiliary shall be prescribed by the National Constitution of The American Legion Auxiliary.

SECTION 2: Junior Ladies Auxiliary. The Post recognizes a "Junior Auxiliary" of the Captain Oscar Brady Post No 298, The American Legion.

SECTION 3: Sons of the American Legion. The Post recognizes the "Sons of The American Legion Squadron" of Captain Oscar Brady Post No. 298. Membership in the Sons of The American Legion shall be as prescribed in the National Constitution of the Sons of The American Legion

SECTION 4: Legion Riders. This Post recognizes the "Legion Riders Chapter" attached to Captain Oscar Brady Post No. 298, The American Legion.

## **ARTICLE VIII- AMENDMENTS**

SECTION 1: This Constitution is adopted subject to the provisions of the National Constitution of the American Legion and the Department of Michigan American Legion. Any amendment to the National or Department of Michigan Constitution or By-Laws, which are in conflict with any provisions of Post 298's Constitution and By-Laws, shall be regarded as automatically repealing or modifying the provisions of the Constitution and By-Laws of Post 298 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, providing that the proposed amendment shall have been submitted in writing and read at the preceding regular meeting of said Post, and providing further, that written notice (this notice may be in the form of the newsletter, electronic or hard copy) shall have been given to all members at least five 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. Amendments will then be forwarded to Department for approval.

# **SECTION II**

## **BY-LAWS**

### **ARTICLE I -NAME**

SECTION 1: The Post existing under these by-laws is to be known as Captain Oscar Brady Post No. 298, The American Legion, Department of Michigan.



SECTION2: The Objectives of the Post are set forth in the Constitution.

SECTION 3: Use of Name. No member or business, without prior written consent of the Post Executive Board and The Department of Michigan may use the name Captain Oscar Brady Post 298, The American Legion, Department of Michigan, or any variation thereof.

## **ARTICLE II- MANAGEMENT**

SECTION 1: The Government and Management of Post 298 are entrusted to the Post Executive Board.

SECTION 2: Installation of Officers. The elected Post Executive Board shall take office at the installation of Post Officers.

## **ARTICLE III –POST EXECUTIVE BOARD**

SECTION 1: The members of the Post Executive Board shall consist of the Post Executive Committee, the immediate Past Commander, if he/she is not holding another officer position, and three At-Large Members of the Post all in good standing, or four At-Large Members of the Post, if the Past Commander is holding an officer position.

SECTION 2: The at-Large Members of the Post serving on the Post Executive Board as defined in Section 1 of this Article, shall be elected in the same manner and time as the Post Officers, as defined in Article V of this Constitution.

SECTION 3: DUTIES OF THE POST EXECUTIVE BOARD - The Post Executive Board reviews the present Post membership dues rate and make recommendations to the Post Executive Board on any changes. The Executive Board also acts as the membership's liaison between the membership and the Post Executive Committee. These Members of Post Executive Board review cases to be addressed to the Post Executive Committee and to make recommendations for special hearings. The Post Executive Board will prepare and oversee all contracts presented from the various committees, and make recommendations at the next regular Post meeting.

SECTION 4: The Post Executive Board shall meet for the organization and such other business as may come before it, at the call of the Post Commander Elect within thirty days following the election.

Section 5: The Commander shall call a meeting of the Post Executive Board upon request of three or more members of the Post Executive Board. A majority of the members of the Post Executive Board shall constitute a Quorum.

SECTION 6: MEETING ATTENDANCE: Any elected or appointed officer who shall absent themselves from three or more consecutive meetings of the Post Executive Board without cause shall be removed from office. Any vacancy existing from any elected or appointed office for any cause(s) other than expiration of term shall be filled

by a majority vote of the remaining members of the Post Executive Board and the person appointed shall hold office for the un-expired term of the officer he/she succeeds. Officers and/or Board members finding they cannot continue to hold the office they were elected to shall provide a letter of resignation to the Post Executive Board.

SECTION 7: No elected or approved officer of the Post will be employed by the Post. The Post Executive Board will not accept the election of a Post 298 employee as an officer of the Post. Officers providing contracted services shall have such services reviewed by the Post Executive Board for determination of "Conflict of Interest" and if so determined, the Officer is given the choice between remaining in the Office and terminating the contracted services, or to resign their position and retain the contracted services agreement as written.

SECTION 8: The Post Executive Board shall be authorized to hire and terminate such employees as may be necessary, except as authorized in Article VI – Lounge & Kitchen Committee of these By-Laws; shall authorize and approve all expenditures; shall require adequate bonds from all persons having the custody of Post funds; shall hear the reports of Post committee chairs; and generally, shall have charge of and be responsible for the management of the affairs of this Post.

## **ARTICLE IV-DUTIES OF OFFICERS**

### **SECTION 1: DUTIES OF THE COMMANDER:**

It shall be the duty of the Post Commander to preside at all meetings of the Post, and to have general supervision over the business and affairs of the Post. The Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year and recommendations for the upcoming year, which shall be read at the annual meeting and a copy immediately forwarded to the Department Adjutant. The Commander shall perform other duties as directed by the Post.

### **SECTION 2: DUTIES OF THE 1st VICE-COMMANDER:**

The 1st Vice-Commander shall assume and discharge the duties of the office of Commander in the absence or disability of the Commander, or when called upon by the Post Commander. The 1st Vice-Commander shall also be Membership Chairperson, and shall be in charge of the membership files, records, addresses and the mailing equipment inventory, with power to appoint a Special Mailing Committee to assist with the addressing and maintaining of the system; such appointment is subject to the approval of the Post Executive Board. The membership mailing list will be used for Post business only and will not be loaned, leased, sold, copied, or used for any other purpose whatsoever except with the approval of both the Post Executive Board and the Post membership.

### **SECTION 3: DUTIES OF THE 2nd VICE-COMMANDER:**

The 2nd Vice-Commander will assist the Commander. The 2nd Vice-Commander should work with the Lounge and Kitchen Committee to co-ordinate activities. The 2nd Vice-Commander will present to the Post recommendations on securing new ways of generating income through special activities and recommendations on paying for special projects voted on by the post. All four units, the Post, Auxiliary, Sons of The American Legion and The Riders should share in the organization and running of special activities for Post 298.

#### SECTION 4: DUTIES OF THE POST ADJUTANT:

The Post Adjutant shall have charge of and keep a full and correct record of all proceedings of all meetings, keep records as the Department and National Organizations may require.

Generate reports of membership annually or when called upon at a meeting and under direction of the commander. Handle all post correspondences. The Adjutant shall take a count of Post Membership to determine whether a Quorum is present at all regular or special meetings.

#### SECTION 5: DUTIES OF THE FINANCE OFFICER:

The Finance Officer of the Post shall have charge of all finances and see that they are safely deposited in some local bank(s) and shall report once a month to the Post at the first regular meeting of each month the condition of the finances of the Post. The Finance Officer is also charged with the obligation of a yearly budget and the duty of payment of all obligations when proper authorization has been given for such payment. The Finance Officer shall review all contracts entered into as approved by the Post Executive Board and include these under a separate category on the budget. The Finance Officer, together with one or more of the following; Post Commander, 1st Vice-Commander or Adjutant, will have the authority to sign all checks disbursing Post monies. The Post finance officer or other designated Post officer will be signatory on all Post and Post Program accounts, to include SAL and Riders accounts.

#### SECTION 6: DUTIES OF THE POST HISTORIAN:

The Post Historian shall be charged with the individual records and incidents of the Post and Post Members and will perform other duties that may properly pertain to the office as determined by the Post Executive Board.

#### SECTION 7: DUTIES OF THE POST CHAPLAIN:

The Post Chaplain shall be charged with the spiritual welfare of the Post Comrades and will offer Divine but non-sectarian services in the event of dedications, funerals, public functions, etc. and adhere to such ceremonial rituals as are recommended by the National or Department Headquarters from time to time.

## **SECTION 8: DUTIES OF THE SERGEANT-AT-ARMS:**

The Sergeant-At-Arms shall be custodian of the colors and shall preserve order at meetings and perform such other duties as assigned by the Post Executive Board.

## **SECTION 9: DUTIES OF THE JUDGE ADVOCATE:**

The primary duties of the Judge Advocate are to supply professional advice in conduct of the Post meetings or to procure proper counsel. The Judge Advocate is the guardian of Constitutional form of Post government. The Judge Advocate will chair the Constitution and By-Laws Committee and perform an annual review of the present By-Laws shortly after taking office and make a recommendation for acceptance or changes. Any recommended changes would follow the procedures as outlined in Article VIII Sections 1 and 2. All By-Law changes should be finalized and enacted prior to the next term, and copies of the revised Constitution and By-Laws made available to the Post membership. A copy of the active Constitution and By-Laws shall be posted in the Commander's handbook.

## **SECTION 10: DUTIES OF THE SERVICE OFFICER:**

The Service Officer is responsible for bringing to the attention of all veterans and dependents the rights and benefits granted them by law. The Service Officer must utilize the expert services available through the American Legion channels and other agencies in the community. The Service Officer's job is to pass on the information received to all veterans and their families' and also to advise all older veterans how to integrate possible benefits with their overall retirement plans.

**SECTION 11: LEGION CHAIN OF COMMAND** - The chain of command for Post 298 is as follows: Commander, 1st Vice-Commander, 2nd Vice-Commander, Adjutant, Finance Officer, Chaplain, Historian, Service Officer, Sergeant-At-Arms, Judge Advocate, and the Post Executive Board.

## **ARTICLE V-DELEGATES**

**SECTION 1:** Delegates and alternates to the Department Convention will be chosen by ballot at a regular meeting at least thirty days prior to the Annual Department Convention. The number of delegates and per-diem will be by recommendation of the Post Executive Board, and voted on by the Post membership.

**SECTION 2:** Automatic Delegates. The Post Commander, the Past Commander, and the Adjutant elect are automatic delegates to the Department Convention. The past or second term Commander will be the Chairperson of the delegation. In the absence of the Chairperson the Post Commander will be the Chairperson.

## **ARTICLE VI- COMMITTEES**

SECTION 1: Appointment of Committee Chairs. The Post Commander, immediately upon taking office, shall appoint, with the approval of the Post Executive Board, a Post Member to act as Chairperson of the following committees: Auditing, Building and Property, Lounge and Kitchen, Charitable Games, Constitution and By-laws, and any other committees the Post Commander may deem necessary. Chair positions assigned in the By-Laws shall take place automatically.

Section 2: Committee Responsibilities: The Commander, with the approval of the Post Executive Board, shall appoint all committee members and chairpersons for a term of one year. The various committees shall evaluate and study all items presented to them and prepare a formal report for the Post Executive Board consideration and voting. No committee has the authority to make changes without the approval from the Post Executive Board, unless otherwise stated in the committee description listed in these By-Laws.

### **CHARITABLE GAMES COMMITTEE:**

The Charitable Games Committee is responsible for administration of Charitable Games in accordance with Michigan State Charitable Gaming Regulations.

### **AUDITING COMMITTEE:**

The Auditing Committee shall be charged with the audit of all financial accounts. This will be conducted three times a year. The Audit conducted in December with the report given in January. The exiting Audit Committee shall turn over a preliminary final Annual audit report in May to the newly elected Finance Officer and a copy given to the newly elected Adjutant for preparation of the June final yearly audit. The Final Annual Audit finished in June must be sent to the Department of Michigan by July 1st, to receive new Membership Cards and shall be reported in July to the Post membership. The Audit conducted in September shall be reported in October. Reports are to be given at the regular scheduled membership meeting of the months indicated. A written report will be filed with the Adjutant and the Post Finance Officer.

### **BUILDING AND PROPERTY COMMITTEE:**

The Building and Property Committee shall consist of three members of the Post, along with one member from the Auxiliary, one from the Sons of The American Legion, and one member from the Legion Riders, which will have the following duties; the committee will have charge of all matters pertaining to the procurement (rent, lease or purchase) of suitable quarters for the Post home. Care for such quarters, purchase and provide such necessary items as required for the operation and maintenance of said quarters. A monthly report will be submitted to the adjutant, detailing any and all expenditures (except contracts). All construction, remodeling and any contracted services within the Post must have three bids in writing and submitted to the Post Executive Board for recommendation to the membership. No officer or member outside this committee shall make or cause to be made any purchase(s) common to the day-to - day running of this post without proper authorization of this committee. This committee shall have oversight of all

contracted services. Contracts negotiated and approved by the Post Executive Board may be extended up to three years without re-submitting to the bid process, if the existing contractor has performed the contract specifications satisfactorily and no changes are made in the specifications or pricing by either party. The contracted custodial services fall under this committee's jurisdiction. All contracts should have a termination clause not to exceed 30 days. The Chairperson shall have the right to conduct repairs and maintenance issues up to a limit of five hundred (\$500.00) per month without prior board approval.

### **LOUNGE AND KITCHEN COMMITTEE:**

The duties of the Lounge and Kitchen Committee include direct supervision of the Lounge and Kitchen Manager by the committee chairperson. The Chairperson must be a Post member in good standing. An additional two Post members, 2 members from the ladies Auxiliary, 2 members from the Sons of the American Legion, and 1 member from the Legion Riders make up the remaining committee members. Duties include a monthly report to be filed with the Post Adjutant and the Post Finance Officer, stating all monies spent and received, as well as income from the Pool Table, Juke Box, and other vending machines, and any and all other items for sale. The Lounge and Kitchen Manager will keep a calendar of all scheduled events to take place at the Post. This committee will coordinate, along with The Lounge and Kitchen Manager, to update and review the menu for their board of fare, and pricing.

The Lounge & Kitchen shall maintain an operation in such a manner as to ensure profitable operations and this committee is charged with completing an annual evaluation of the operations of Lounge & Kitchen. It is the responsibility of the Lounge Manager to ensure the operations remain profitable and may affect the continued employment status of the Lounge Manager as determined by the recommendations of the Lounge & Kitchen Chair, the Finance Officer and/or the Commander. This committee shall ensure a Lounge & Kitchen Operational Manual for all paid positions of Post 298, including the requirements of the position, along with all benefits, probationary or continued employment requirements, and the management and supervision of these positions. An Employee handbook shall also be in place and updated to meet the legal requirements of employer and employee relations. All matters pertaining to the present or future paid employees of this post will fall under the jurisdiction of the Lounge Manager of this Post, with final oversight from the Lounge & Kitchen committee chairperson who is the direct supervisor of the Manager. The Lounge and Kitchen Manager shall ensure a set of House Rules are created and posted in conspicuous locations throughout the Lounge. The Lounge and Kitchen Committee shall have full control, disposition, and utilization authority of the State Liquor License, and shall decide upon use of all Special Liquor Licenses. It shall be the duty of the Chairperson of the Lounge and Kitchen Committee to submit Lounge & Kitchen Committee meeting minutes to the Post membership.

### **CONSTITUTION AND BY-LAWS COMMITTEE**

The Constitution and By-Laws Committee will be chaired by the Judge Advocate. The committee will review the Constitution and By-Laws on an annual basis to ensure

compliance with Department and National Constitution and By-Laws. The committee shall review the Constitution and By-Laws for Post revisions and make recommendations to the POST membership as outlined in Constitution Article VIII Amendments. This committee shall enact all revisions prior to the next election of officers so all changes shall be in place for the new Administration.

## **ARTICLE VII- RESOLUTIONS**

SECTION 1: All resolutions of State or National scope presented to the Post by a member, or reported to this Post by a committee, shall merely embody the opinion of this Post on the subject. A copy must be sent to Department for its approval before any publicity is given, or action other than mere passage by the Post is taken.

## **ARTICLE VIII- REGULAR OR SPECIAL MEETINGS**

SECTION 1: The Post Executive Board shall meet at least quarterly, at which may be transacted such business as may properly be brought up for action. Post 298 must conduct, open and close its local meetings as per the National "Officer's Guide and Manual of Ceremonies" or its' succeeding publication.

SECTION 2: Regular Meetings of this Post shall be held on the second Wednesday of each month at 6:00 PM. Changes to these meeting dates and times may be made by a majority vote of the Post Executive Board from time to time, to meet the needs of the Post on a one-by-one basis. Notification of meeting date and time changes shall be provided to Post Membership at least 15 days prior to the date of the originally scheduled meeting, by Newsletter or Email.

SECTION 3: Six (6) members, in addition to a qualified presiding officer, at a meeting shall constitute a Quorum.

SECTION 4: Election and Special Meetings Notification. The Commander or designee shall notify every Post member in good standing by Mail, Newsletter, or Email the time and place of the annual election of the Post Officers, or Special Meetings, not less than five days or more than thirty days prior to the election or Special Meeting.

## **ARTICLE IX- NOTICES**

SECTION 1: Addresses. Every Post member shall furnish the Post with his/her correct street address and/or email address for mailing purposes.

## **ARTICLE X- RULE OF ORDER**

SECTION 1: All Proceedings of this Post shall be conducted under and pursuant to "Robert's Rules of Order", most recent revised edition, except as otherwise provided.

## **ARTICLE XI – LIMITATIONS OF LIABILITIES**

SECTION 1: The Post shall incur, or cause to be incurred, no liability nor obligation whatever which shall subject to liability any other Post, subdivision, members of The American Legion, or other individuals, corporations or organizations.

## **ARTICLE XII- AMENDMENTS**

SECTION 1: These By-Laws may be amended at any regular Post meeting by a vote of two-thirds of the members of said Post attending such regular meeting, providing that the proposed amendment shall have been submitted in writing and read at the preceding regular meeting of said Post, and providing further, that written notice (this notice may be in the form of mail, email or the monthly newsletter (electronic or hard copy), shall have been given to all members at least five 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 By-Laws is to be voted upon. Amendments will then be forwarded to Department for approval.

### CONSTITUTION AND BY-LAWS COMMITTEE MEMBERS

COMMANDER- Brian A. Mohlman

COMMITTEE CHAIRPERSON – Augie Perez

**Approved by Department Judge Advocate Tim Hernandez on October 4, 2016**



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Department Judge Advocate Tim Hernandez



October 3, 2016

Ronald Runyan, Adjutant  
The American Legion, Department of Michigan  
212 N Verlinden Ave Ste A  
Lansing, Michigan 48915-1200

Re: Corrected Constitution and By-Laws, Captain Oscar Brady Post 298, Battle Creek, Michigan

Dear Ron:

I have reviewed the corrected amended Constitution and By-Laws, dated September 14, 2016, of the above referenced Post. If the Post will change one word in the Constitution, Article V – Officers, Section 2; change the word “consist” to the word “include” then I would find them in good order and approve same.

The reason for the word change request is that it conflicts with the Post ByLaws. Per the Post 298 ByLaws, Article III, Section 1, it states that the Post Executive Committee is defined as not only being made up of the elected officers of the Post, but also includes other specified members therein.

If the Post would make that word substitution and send the corrected copy to department for file then there need no further action be taken and the amended Post Constitution and Bylaws, as further corrected, would stand approved.

I would like to commend Post 298 on the excellent work done on these Constitution and By-Laws.

Thank you for allowing me to serve as your Department Judge Advocate.

Yours for The American Legion,

A handwritten signature in black ink that reads "Tim Hernandez". The signature is written in a cursive style with a long, sweeping underline.

Tim Hernandez  
Department Judge Advocate