

CHARLES A. CONKLIN, POST NO. 28

The American Legion
Department of Michigan

Constitution and By-Laws

Revised March 5, 2024

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 in 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 good will on earth; to safeguard and transmit to Posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by devotion to mutual helpfulness.

ARTICLE I-NAME

Section 1. The name of this organization shall be, Charles A. Conklin Post, No. 28, The American Legion, Department of Michigan (hereinafter referred to as "The Post.")

ARTICLE II-OBJECT

Section 1. The object 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. 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.
- Section 3. This organization shall be absolutely nonpolitical 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.

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. The amount of membership or initiation fees and the amount of annual dues shall be fixed and determined by this Post.
- Section 3. All applications for membership shall be acted upon at the next regular Post meeting following the makings of such application, and shall, at such meeting, be accepted, rejected or referred for further investigation and consideration.

- Section 4. An applicant for membership in this Post who has been suspended from another Post in the American Legion for misconduct or misrepresentation, shall not be admitted in this Post until a thorough investigation has been made by The Post Executive Committee and their recommendations submitted to The Post, who shall accept or reject as provided for in Article IV, Section 3, above. No person who has been expelled by a Post shall be admitted to membership in this Post, without the consent of the expelling Post, except that where such consent has been asked for and denied by such Post, may then appeal to the state Executive Committee of the Department of the expelling Post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.
- Section 5. Any member of this Post may be expelled for any cause by a two-thirds (2/3) vote of the membership present: provided, first the Executive committee shall hear all charges against members and submit their recommendations to The Post membership for final action.
- Section 6. A member who has been expelled for any cause may be reinstated to membership by a two-thirds (2/3) vote of the members present: provided, however, that he/she shall make payment of any arrears in their dues at the time of the expulsion, and other regular dues which would have been payable in the interval between their expulsion and their reinstatement. If reinstated, and member feels payment of delinquent dues is not warranted, he/she can appeal to the Executive Committee.

ARTICLE V-OFFICERS

- Section 1. The administrative affairs of this Post of the American Legion shall, except as may be provided by the By-Laws, be under the supervision of an Executive Committee which shall consist of two (2) immediate Past Post Commanders and three (3) members elected annually from the membership at large in addition to the Post Commander, the First Vice Commander, the Second Vice Commander, Post Adjutant, and Post Finance Officer. The Post by its By-Laws may provide for such other standing committees as the business of the organization may require.
- Section 2. The officers of this Post shall be a Commander, First Vice Commander, Second Vice Commander, Adjutant, Finance Officer, Post Historian, Post Judge Advocate, Post Chaplain and Sergeant-At-Arms, and such other officers as may be deemed necessary by this organization.
- Section 3. All officers shall be elected annually, with the exception of the Post Judge Advocate who shall be appointed by the incoming Post Commander, and they shall hold office until their successors are duly installed or as otherwise provided. Any officer or executive committee person may be removed for inefficiency by a two-thirds (2/3) vote of the members present, provided, first, the Executive Committee shall hear all charges against such officer or

executive committee person and submit their recommendation to the Post membership for final action.

Section 4. Every member of this Post in good standing shall be eligible to hold office in this Post unless otherwise provided herein.

Section 5. The duties of officers and executive committee members shall be those usually pertaining to such officers or committee members and as further provided in the By-Laws.

ARTICLE VI-FINANCE

Section 1. The revenue of this Post shall be derived from membership fees, from annual membership dues and from such other sources as may be approved by The Post upon recommendation of the Post Executive Committee.

Section 2. The Post shall pay to headquarters the National and Departmental membership dues for all paid members of The Post. District dues will be paid to the District.

ARTICLE VII-CHARTER MEMBERS

Section 1. Members who joined this Post prior to the issuance of charter shall be known as charter members.

ARTICLE VIII-AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes an auxiliary organization to be known as The Auxiliary unit of Charles A. Conklin Post, No. 28, The American Legion Department of Michigan.

Section 2. Membership in the auxiliary shall be prescribed by the National constitution of the American Legion Auxiliary.

ARTICLE IX-AMENDMENTS

Section 1. This constitution is adopted subject to the provisions of the national constitution of the American Legion and the constitution of the Department of Michigan, the American Legion. Any amendment to said national constitution or Department constitution which is in conflict with any provision hereof shall be regarded as automatically repealing or modifying the provision of this constitution to the extent of such conflict.

Section 2. This constitution may be amended at any regular Post meeting by vote of two-thirds (2/3) of the members of said Post attending such regular meeting, providing that the amendment shall have been submitted in writing and read at the previous regular meeting of said Post, and providing, further, that written notice shall have been given to all members at least two (2) weeks 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.

ARTICLE X-SONS OF THE AMERICAN LEGION

- Section 1. This Post recognizes the organization known as The Sons of The American Legion (SAL) as described in the National Constitution of the American Legion. Eligibility for membership in The Sons of The American Legion shall also be as outlined by the Constitution of the Sons of The American Legion. The organization and operation of The Sons of The American Legion shall be as outlined in the SAL Squadron Handbook.
- Section 2. The Post adopts The Sons of the American Legion Squadron 28 as a program of The Post with all the rights and privileges of membership as prescribed by the Constitution of the American Legion.

ARTICLE XI- RIDERS

The Post recognizes the American Legion Riders (ALR) as adopted in National Resolution 35.

The Post establishes The Post No. 28 Chapter of the American Legion Riders which will conform to and abide by the tenants of National Resolution 35, and the Constitution and By-Laws of Post No. 28.

BY-LAWS

CHARLES A. CONKLIN POST NO. 28
AMERICAN LEGION
Grand Haven, Michigan

AMENDED May 3, 2022

ARTICLE I-NAME OBJECT

Section 1. The Post existing under these By-Laws is to be known as The Charles A. Conklin Post No. 28, The American Legion, Department of Michigan.

Section 2. The objects of this Post are as set forth in the constitution of this Post.

ARTICLE II-MANAGEMENT

Section 1. The government and management of the Post is entrusted to a committee of ten (10) members, to be known as the "Executive Committee". All proposed non-budgeted charitable giving or expenditures in excess of four hundred dollars \$400 (except those deemed to be "emergency" by the Post Building and Grounds Committee) shall be forwarded to the Finance Committee for review and recommendation, then forwarded to the Executive Committee for their review and recommendation before presentation to the membership for final approval (Amended 1 May 2018): Expenditures deemed to be "Emergency" by the Building and Grounds Committee for repairs of equipment, building repairs, etc. in excess of \$400 shall be approved by the Executive Committee.

Section 2. The Executive Committee shall consist of the Post Commander, the First Vice Commander, the Second Vice Commander, the Adjutant, the Finance Officer, two (2) immediate Past Commanders, and three (3) members elected annually from the membership at large.

Section 3. The officers of this Post shall be elected annually not less than thirty (30) days and not more than one hundred twenty (120) days prior to the department convention, at the regular meeting falling nearest to that date, in the following manner:

Nomination: The Commander shall appoint a nominating committee consisting of three (3) members; a minimum of one shall be a member of the Executive Committee. This nominating committee shall submit a slate of at least one (1) candidate, previously initiated at this Post, for each of the various offices thirty (30) days before the date of election. Nominations from the floor may be made at any regular meeting following the submission of the slate, up to and including the date of election.

Election: Election shall be by secret ballot, unless there is only one nominee for a position, and the candidates receiving the majority of the votes cast shall be considered elected to the respective office or offices for which they are candidates, and shall take office, following the installation which shall be held not later than the first regular meeting in August. It has been a tradition at this post to advance its officers, through the chairs to provide the experience required for a successful Commandership. The chair line includes the Second Vice Commander, First Vice Commander, Commander, and the last 2 years of Past Commanders. Though advancement through the chairs is the preferred method of filling offices, any member in Good Standing is eligible to hold any position in the Post.

Section 4. Any member of the Executive Committee who is absent from the meeting of the Executive Committee for three (3) consecutive meetings without due and just cause, shall cease to be a member of the Executive Committee, provided that written charges shall have been brought, to the Committee member and the committee member is expelled as prescribed by the current Department By-Laws. The Executive Committee member's successor shall be elected by the remaining members of the Executive Committee to complete the expelled member's term.

ARTICLE III-POST EXECUTIVE COMMITTEE

Section 1. The Executive Committee shall meet for the organization and such other business as may come before it at the call of the Commander within ten (10) business days after the installation of officers. Thereafter, the Executive Committee shall meet every thirty (30) days, or as often as the Post Commander may deem necessary. The Post Commander shall call a meeting of the Executive Committee upon the joint written request of three (3) members of said committee. Five (5) members shall constitute a quorum thereof.

Section 2. The Executive Committee shall receive the Post's annual and 5-year budgets from the Finance Committee and will present these budgets for approval to the Post membership at the annual December membership meeting. The Executive Committee shall authorize and approve all expenditures, except as provided in Article II, Sec.1; may require reports of committee chairpersons; and generally, will have charge of and be responsible for the management of the affairs of The Post, including the hiring of all employees.

Section 3. The Executive Committee shall require all Post officers who handle funds and personal property to be insured under a fidelity and crime policy to be furnished by an incorporated insurance company, which has been approved for this purpose by the National Adjutant. All such policies shall be paid for by The Post.

ARTICLE IV-DUTIES OF OFFICERS

Section 1. **Duties of Post Commander:** It shall be the duty of the Post Commander to preside at all membership meetings of The Post and to have general supervision over the business and affairs of The Post, and shall be the chief executive of The Post. The Post Commander shall make recommendations for the ensuing year, which shall be read at the membership meeting and a copy thereof immediately forwarded to the Department Adjutant. The Post Commander shall perform such other duties as directed by The Post.

- Section 2. **Duties of First Vice Commander:** The 1st Vice Commander shall assume and discharge the duties of the office of Commander in the absence of or the disability of the Commander, or when called upon by the Commander. The First Vice Commander shall also be membership chairperson.
- Section 3. **Duties of Second Vice Commander:** The 2nd Vice Commander shall assume and discharge the duties of the office of Commander in the absence of or the disability of both the Commander and 1st Vice Commander or when called upon by the Commander. The Second Vice Commander shall also be the Boys State chairperson.
- Section 4. **Duties of Post Adjutant:** The Adjutant shall have charge of and keep a full and correct record of the proceedings of all membership and Executive Committee meetings, keep such records as the department and national organization may require, render reports of membership annually or when called upon at a meeting, and under the direction of the Commander, handle all correspondence of The Post.
- Section 5. **Duties of the Post Finance Officer:** The Finance Officer of The Post shall have charge of all finances and see that they are safely deposited in a local bank or banks and shall report once a month to the Executive Committee and membership the condition of the finances of The Post, with such recommendation as the Finance Officer may deem expedient or necessary for raising funds with which to carry on the activities of The Post. The Finance Officer shall sign all checks disbursing the money of The Post.
- Section 6. **Duties of the Post Historian:** The Post Historian shall be charged with individual records and incidents of The Post and Post members and shall perform such duties as may properly pertain to the office as may be determined by the Post Executive Committee. The Historian shall report to Post membership at meetings and display up to date historical documents at least twice a year.
- 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 service in the event of dedications, funerals, public functions, etc., adhering to such ceremonial rituals as are recommended by the National or Department Headquarters. In addition, the Post Chaplain shall be Chairperson of the Post Honor Guard which shall include members who will meet when asked by the Chaplain to attend Veterans' Funerals and Memorial services to honor the deceased.
- Section 8. **Duties of the Post Sergeant at Arms:** The Sergeant at Arms shall preserve order at all meetings and shall perform such other duties as may be assigned to the Sergeant at Arms by the Post Executive Committee.
- Section 9. **Duties of the Post Judge Advocate:** The Judge Advocate shall be conversant with the rules of order, and the Constitution and By-laws of The Post and shall when requested, rule on the legality of proceedings and interpret the meaning of the Constitution and By-Laws.

Section 10. **Duties of the Post Service Officer(s):** The Post Service Officer(s) is responsible for bringing to the attention of all Veterans and their dependents the rights and benefits granted them by law. The Post Service Officer(s) shall learn and utilize the expert services available through Legion channels as well as those of other agencies in our local community. The Post Service Officer shall become acquainted with the District Service Officer who serves the Post 28 area and work with the Department Service Officer in serving Post 28 members.

ARTICLE V-DELEGATES

Section 1. Delegates and alternates to Department conventions shall also be considered delegates and alternates to district meetings and shall be chosen from the floor and approved by The Post at its regular election of officers. They shall be delegates and alternates for one year.

ARTICLE VI-APPOINTMENTS

Section 1. The Post Commander, immediately upon taking office each year, shall, with the approval of the Executive Committee, appoint a Judge Advocate and the following standing committees: Finance, Personnel, Public Relations, House, Building and Grounds, Americanism and such others as may be required. All committee appointments shall be finalized and read at a Post meeting within thirty (30) days after installation and subsequently posted on the Post bulletin board.

Section 2. **Membership committee:** The membership committee shall have charge of all matters pertaining to the membership of The Post, including the procuring of new members, reinstatements and eligibility of members. The First Vice Commander shall be the chairperson of this committee.

A. Eligibility to membership in this Post shall be prescribed by the national constitution of the American Legion.

B. Application for membership shall be made in writing under such regulation as may from time to time be prescribed by the Post Executive Committee or by the Department. The amount of membership or initiation fees and amount of annual dues shall be fixed and determined by this Post.

C. All applications for membership shall be 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 five (5) or more members cast their votes against acceptance of said application, then such application shall be recorded as rejected. If any applicant receives five (5) or more rejection ballots, the chairperson shall call for another ballot to avoid error. A rejected application shall not again be considered until after the expiration of six (6) months from the date of such rejection.

- Section 3. **House committee:** The House Committee shall have charge of all matters pertaining to the promotion of club activities and the arrangements of social activities through coordination with the Post Manager. The House Committee shall initially be comprised, in part, of six (6) Legionnaires, two (2) of whom shall be appointed for a term of one (1) year, two (2) for a term of two (2) years and two (2) for a term of three (3) years. Thereafter, appointments to fill the expiring terms shall be for three (3) year terms. Also serving on the Committee shall be one member of the S.A.L. Squadron 28 and one member of the Auxiliary Unit 28 who shall be designated by their respective organizations, by name, to be members of this House Committee with voice and vote. Members filling vacancies occurring during the course of a term shall serve for the remainder of that term. The House Committee shall appoint its own Chairperson. In coordination with the Post Manager, this committee shall appoint such other sub-committees, with the approval of the Post Commander, which shall assist the Commander in such activities as shall come under the Commander's jurisdiction. All funds necessary for the operation of activities under the jurisdiction of the House Committee shall be submitted for approval by the Executive Committee. It shall be the duty of the Chairperson of the House Committee to submit House Committee meeting minutes to the Executive Committee.
- Section 4. **Finance Committee:** The Finance Committee shall be charged with the administration of financial policy, preparation of the budget, and the supervision of receiving, disbursing, and accounting of all Post funds. The Committee shall be comprised of the Post Finance Officer, and four (4) other members of The Post, who shall be appointed by the Post Commander. The Finance Committee will annually prepare The Post's annual and five-year budget, including proposed charitable giving and expenditures, for presentation to the Executive Committee. The budget will run from January through December of each year and will be presented to the Executive Committee for approval at their November meeting.
- Section 5. **Legal and Audit Committee:** The Legal and Audit Committee shall be charged with the legal supervision of Post affairs and audit the Post financial accounts. In addition to any other audit(s), the Audit Committee will perform an audit on the status of the budget in June, prior to the incoming Commander's installation. The results of this audit shall be presented to the membership at the regularly scheduled July membership meeting.
- Section 6. **Public Relations Committee:** The Public Relations Committee shall be charged with the promotion of public support of the Legion's program by establishing proper contact with the American Legion, Department and National News Service, and by encouraging local publicity in cooperation with the House Committee.
- Section 7. **Personnel Committee:** The Personnel Committee is charged with overseeing the Post Manager position including the Manager's salary and benefits, hours, and performance evaluations and termination if necessary. The committee works with the Manager in hiring and termination of bar staff and custodial staff and setting wages and benefits for all employees as approved by the Executive Committee.

- Section 8. **Americanism Committee:** The Americanism Committee shall be charged with the inspiration of patriotism and citizenship by arrangements for proper observance of patriotic occasions, encouragement of patriotic and civic phases of instructions in schools: Americanism of aliens, combating anti-American propaganda by education of the general public through public forums etc., and activities for community betterment.
- Section 9. **Athletic Committee:** The Athletic committee shall be charged with the promotion of physical development and clean sports by the organization of Post athletic teams, recreation, etc., and by cooperation and support in the community.
- Section 10. **Constitution & By-Laws Committee:** Every two (2) years the Commander shall appoint a 3-person committee to review the Constitution & By-Laws, monthly post meeting minutes from date of last update of By-Laws to current date, and update the By-Laws as deemed necessary by the committee.
- Section 11. **Sons Of the American Legion and Boy Scout Committee:** This committee shall have oversight of the operation of the Post's Squadron of the Sons of the American Legion and/or Boy Scouts.
- Section 12. **Building and Grounds Committee:** The Building and Grounds Committee shall be charged with care and maintenance of the Post home. The Committee shall consist of six (6) members as appointed by the Post Commander. The Committee shall elect its own chairperson. Emergency expenditures of up to four hundred dollars (\$400) may be made without prior approval. Emergency expenditures above \$400 shall be approved by the Executive Committee. Expenditures other than emergency exceeding \$400 must be approved by the membership at a regular meeting.
- Section 13. **Charitable Games Committee:** The Charitable Games Committee shall be responsible for the pull tab machines and other games that come under the auspices of the State Lottery Commission. The committee member who is appointed to be in charge of and a signatory to handling the check book shall furnish a surety bond to be paid by The Post as is done by the Post Finance Officer. The committee shall elect two (2) co-chairmen as required by State Law. One committee member shall be appointed by the cochairmen to acquire the pull tab cards and keep the machines properly supplied. The committee shall submit monthly reports to the State Lottery Commission and maintain a separate checking account as required by State Law. The committee shall also submit a monthly financial report to the Financial Officer. If the committee chooses to pay a committee member to service the machines as allowed by the State Lottery Commission, it should obtain approval at a regular Post meeting.
- Section 14. **Committee Assignments:** No person shall be chairperson or co-chairperson of more than one committee that deals with finances.

Section 15. **Scholarship Committee:** The Scholarship committee shall consist of six (6) members and be appointed by the Commander and shall be responsible for the selection of a recipient from descendants of members of Post No. 28 who shall be qualified by grade point average and participation in extra-curricular activities during their senior year of high school. The scholarship amount is one thousand dollars (\$1,000) during each school year and may be raised or lowered in future years as the committee recommends, depending on the exigencies of Post finances during the school year. The amount recommended to be changed shall be approved by the membership at a regular Post meeting.

Section 16. **Rifle Squad and Color Bearers:** The Rifle Squad and Color Bearers shall be appointed by the Commander and serve one (1) year. The Commander shall also appoint the chairperson of the group with the approval of the Executive Committee.

A. The Rifle Squad shall be available to attend funerals and special events where they shall fire volleys as called for at these activities. They shall be skilled and familiar with all safety practices in handling loaded rifles. They should also retrieve all brass trash at each firing.

B. The color Bearers shall present and retrieve the Colors (National and Legion) at all meetings and any other events where they shall be deemed to be required.

ARTICLE VII-RESOLUTIONS

Section 1. All resolutions of state or national scope presented to this Post by a member or reported to this Post by a committee, shall merely be the opinion of this Post on the subject; and copy of same shall be forwarded to the Department Headquarters for its approval before any publicity or action other more passage by The Post is taken.

ARTICLE VIII-MEETINGS

- Section 1. This Post shall conduct, open and close its local meetings as per the national "Officer's Guide and Manual of Ceremonies".
- Section 2. The regular meeting of The Post shall be held at the established club rooms on the FIRST non-holiday Tuesday of each month at which time there may be transacted such business as may properly be brought up for action; such meetings may be converted to entertainment meetings as may be deemed advisable by the officers of The Post.
- Section 3. The Post Commander or a majority of the Executive Committee shall have power to call a special meeting of the post at any time.
- Section 4. Upon written request of seven (7) members, the Executive Committee shall call a special meeting of The Post.
- Section 5. Sixteen (16) members, including at least three (3) officers, one of which must be a Commander, shall constitute a quorum at a regular meeting.

ARTICLE IX-NOTICES

- Section 1. Unless otherwise specified, all notice required to be given by these By-Laws must be by written notice. Electronic mail (Email) to members so equipped shall satisfy this requirement. Each member shall supply the Post Adjutant with a current mailing address and Email address.
- Section 2. The Post Adjutant shall cause notice of annual elections, or any other meeting where a vote on policy or extra-ordinary procedures is to take place, to be given at least two (2) weeks thereto.

ARTICLE X-RULES

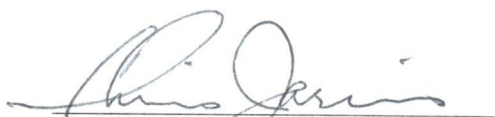
- Section 1. All proceedings of this Post shall be conducted under and pursuant to Roberts Rules of Order, Newly Revised; except as herein otherwise provided.

ARTICLE XI-LIMITATIONS

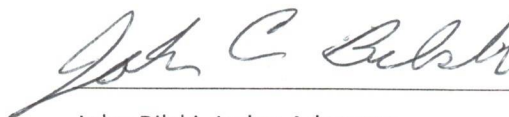
- Section 1. This Post shall incur, or cause to be incurred, no liability nor obligations whatsoever, which shall subject to liability, another post, subdivision, group of men and/or women, members of the American Legion or other individuals, corporations, or organizations.

ARTICLE XII

- Section 1. These By-Laws may be amended at any regular Post meeting by a vote of two-thirds (2/3) 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 providing further that written notice shall have been given to all members at least two (2) weeks 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.



Chris Jarvis, Adjutant



John Bilski, Judge Advocate

*per meeting minutes MARCH 5, 2024
no changes during review of
May 3, 2022 VERSION*