



## **POST CONSTITUTION AND BYLAWS**

### **AMVETS Post # 2006 Milford, Michigan**

## **CONSTITUTION**

### **PREAMBLE**

We, the Americans veterans who have served or are serving in the Armed Forces of the United States during and since World War II, fully realizing our responsibility to our community, to our State, and to our Nation, associate ourselves for the following purposes: To uphold and defend the Constitution of the United States; to safeguard the principles of freedom, liberty, and justice for all; to promote the cause of peace and goodwill among nations; to maintain inviolate the freedom of our country; to preserve the fundamentals of democracy; to perpetuate the friendship and associations of these veterans, and to dedicate ourselves to the cause of mutual assistance, this by the Grace of God.

### **ARTICLE I NAME**

The name of this organization shall be **Huron Valley AMVETS Post 2006**, AKA AMVETS Post No. 2006, Milford, Michigan, and it shall be hereinafter referred to as the Post.

### **ARTICLE II MISSION STATEMENT**

1. To serve our country in peace as in war; to build and maintain the welfare of the United States of America toward lasting prosperity and peace for all its inhabitants.
2. To inspire in our membership a sense of responsibility and to develop leadership for the preservation of our American way of life.
3. To train our youth to become purposeful citizens with full knowledge of the responsibilities as well as the privileges of citizenship.
4. To cooperate with all duly recognized existing veterans organizations in the furtherance of the mission of the American veterans who have served or are serving in the Armed Forces of the United States during and since World War II.
5. To ensure the orderly return of the veterans to civilian life by protecting their rights as individuals while still in uniform.
6. To expedite and assist in the rehabilitation of the veteran by maintenance of employment services, sponsoring educational opportunities, providing counsel of insurance, housing, recreation, personal problems, hospitalization, and veterans benefits.
7. To act as a liaison agent between the veteran and the Government.
8. To provide an organization to encourage fellowship among all American veterans who have served or are serving in the Armed Forces of the United States during and since World War II.
9. To keep the public forever reminded that American veterans who have served or are serving in the Armed Forces of the United States during and since World War II fought and served to preserve peace, and liberty of their Nation.

### ARTICLE III MEMBERSHIP

- Section 1 Any person who served or is currently serving in the Armed Forces of the United States of America at any time after September 15, 1940 is eligible for regular membership in AMVETS provided such service, when terminated by discharge, or release from active duty, is by honorable discharge, honorable separation or general discharge under honorable conditions.
- Section 2 Any American citizen, as an American citizen, who served in the Armed Forces of an allied nation of the United States at any time after September 15, 1940 and before May 8, 1975, is eligible for regular membership in AMVETS provided such service, when terminated by discharge or release from active duty, is by honorable discharge or honorable separation.
- Section 3 Any American citizen who served in the Merchant Marine during a period war or conflict who is eligible for veteran's benefits and has secured a DD-214 from either Navy or the Coast Guard is eligible for regular membership in AMVETS provided such service when terminated by discharge or release from active duty is by honorable discharge or honorable separation.
- Section 4 No person who is a member of, or who advocates the principles of any organization believing in, or working for the overthrow of the United States Government by force, and no American citizen or permanent resident alien in the United States, one of its territories, possessions or the District of Columbia who refuses to uphold and defend the Constitution of the United States, shall be privileged to become, or continue to be, a member of this organization.
- Section 5 All United States reservists and national guardsmen who are now serving, or have been honorably discharged since September 15, 1940, are eligible for regular membership in AMVETS provided such service—when terminated by discharge or release—is by honorable discharge or separation.
- Section 6 Honorary membership shall not be granted.
- Section 7 No person shall be a member of more than one AMVETS post at any one time.
- Section 8 No person expelled from one AMVETS post shall be eligible for membership in any other AMVETS post without the consent of the expelling post, or consent of the State Executive Committee (SEC) after hearing an appeal.
- Section 9 This Post shall be the judge of its own membership, subject to the provisions of the Constitution and Bylaws of the national and department organizations.
- Section 10 Membership shall be on a calendar year basis and shall run from September 1 through August 31.
- Section 11 Eligibility for membership and the rights and privileges of members shall be as provided in the Constitution and Bylaws, and the terms of membership and requirements for holding office within AMVETS shall not be discriminatory on the basis of race, color, religion, sex or national origin.



## **ARTICLE IV OFFICERS**

- Section 1      Officers of this Post shall consist of a commander, not more than three vice-commanders, adjutant, finance officer, provost marshal, judge advocate; three trustees and such other officers as may be prescribed by the Bylaws.
- Section 2      Nominations for office shall be held annually between April 1st and May 30<sup>th</sup>, Nominations can be made from the floor at a general meeting. The election of officers will be conducted at the annual meeting held in May.
- Section 3      Post shall carry liability insurance to cover members serving as Officers, or serving on other Post Boards or Committees while performing duties the Post's behalf.

## **ARTICLE V EXECUTIVE COMMITTEE**

The elected and appointed officers of the Post and the immediate past post commander shall constitute the Executive Committee which will be charged with the administrative affairs and property of the Post. The Executive Committee shall formulate the policy of the organization for approval by the members.

## **ARTICLE VI POST ORGANIZATION**

This Post shall be governed by the officers chosen in accordance with this Constitution and Bylaws and will annually revalidate its charter prior to June 1st. Such revalidation shall be evidenced by the issuance of a Revalidation Certificate issued by the National Department upon satisfactory completion of all requirements. Aside from any other requirements imposed by the Department or National Constitution and Bylaws, this Post shall:

- Section 1      (a)      Furnish national and its Department Headquarters with a certified list of current Post officers not later than June 15<sup>th</sup>
- (b)      Provide a written statement to the national organization that the post has/has not filed an IRS Form 990 with the Internal Revenue Service for the fiscal year.
- (c)      Furnish National Headquarters with a copy of the Post's current Constitution and Bylaws or certify on the Change of Officers Form that the copy on file has not been altered, changed or amended.
- (d)      Be fully paid up in all accounts with National Headquarters.
- (e)      Comply with applicable liability insurance and bonding mandates; and
- (f)      Have a minimum of ten (10) members in good standing at all times.
- Section 2      Within 30 days of notice to surrender its charter resulting from disciplinary or voluntary action, the Post will close all bank accounts and deliver to the State Department or National organization all Post records, property and assets.

## **ARTICLE VII SUBORDINATE ORGANIZATIONS**

- Section 1 (a) A subordinate organization of this post may be established only by a provision of the post's Constitution, and in keeping with the National Constitution & Bylaws.  
(b) All subordinate organizations' membership qualifications must be consistent with the aims and purposes of AMVETS.
- Section 2 All AMVETS subordinate organizations shall follow the same membership year and pay membership dues in concert with the parent organization.
- Section 3 All subordinate organizations shall be under the jurisdiction of the AMVETS Post whose name it bears and shall carry the corresponding number of the Post.
- Section 4 (a) A two-thirds (2/3) vote of the AMVET members present at a stated meeting is required to approve and form a subordinate organization.  
(b) AMVETS Post members must be given written notice of such meeting a minimum of 15 days prior to the proposed formation.  
(c) Where no Post exists, a subordinate organization shall not be formed, nor continue to operate as an independent entity. The subordinate's charter must be surrendered along with any property it may possess to the duly recognized subordinate officer in accordance with the Constitution of the national subordinate organization.  
(d) Wherever a post clubroom is maintained and operated for the convenience and pleasure of its members, and the name of AMVETS or its insignia are displayed or used, a board of trustees shall be elected by and from among the members of the post to supervise its activities, operations and finances.
- Section 5 No fund raising activities can be sponsored by any subordinate organization without the recommendation of the AMVETS Post Executive Committee and the prior approval of the AMVETS Department and National organizations in compliance with National Bylaws Article VII, Section 3 (a).

## **ARTICLE VIII AMENDMENTS**

This Constitution may be amended by resolution at the annual meeting. Proposed amendments shall be submitted in writing to the Executive Committee for its review and presentation at the next annual meeting. Copies of any proposed amendments shall be distributed to all Post members by means of a) U.S. Mail, b) Electronic Mail, or c) by personal delivery at least ten (14) days prior to the date of the vote; A two-thirds (2/3) vote of the members present shall be required to amend this Constitution. Copies of all adopted amendments shall be forwarded to the Department for review by the department Judge Advocate within thirty (30) days after their adoption. The department judge advocate will forward the approved copies to the National Headquarters for placement in the permanent Post file.

## **BYLAWS**

### **ARTICLE I QUORUM**

- Section 1 At all the regular and special meetings, at least **20** members present shall constitute a Quorum, providing at least one elected officer is present to preside.
- Section 2 The Quorum at Executive Committee meetings shall consist of **7** members of the committee.
- Section 3 The Quorum for the Board of Trustees shall consist of **4** members of the Board.

### **ARTICLE II COMMITTEES**

- Section 1 The following standing Committees shall be appointed by the commander, with approval of the Executive Committee: Membership, Finance, Hospital and Welfare, Programs, Legislation, Americanism and VAVS. The post commander shall appoint a chairman and other assistants as necessary to each committee to accomplish its objective.
- Section 2 Temporary committees may be appointed by the commander to expedite projects for the good and welfare of the Post.

### **ARTICLE III MEETINGS**

- Section 1 This Post shall meet on the 4<sup>th</sup> Tuesday of every month at a place designated at the previous meeting, unless a special meeting needs to be called.
- Section 2 There shall be three types of meetings; the general monthly meeting, special meetings and the annual meeting. Post members will be notified in advance of all meetings.
- Section 3 The Annual meeting shall be held in the month of May.
- Section 4 The order of business shall be prescribed by the Executive Committee, but may be changed when necessary.
- Section 5 Nominations for officers shall be entertained and an announcement of the business to be considered at the annual meeting will be made at the general meeting one month preceding the annual meeting. Further nominations may be made from the floor of the annual meeting on a majority vote.
- Section 6 All business meetings of the Post shall be conducted in accordance with National AMVETS guidelines and "Robert's Rules of Order, Newly Revised."



## ARTICLE IV ELECTION AND APPOINTMENT OF OFFICERS

- Section 1 A commander, not more than three vice-commanders designated as first, second and third vice-commanders, adjutant, finance officer, provost marshal and judge advocate shall be elected annually by members of the Post. A chaplain, historian, service officer, and public relations officer shall be appointed annually by the newly elected commander with the approval of the Executive Committee.
- Section 2 The election of officers shall be held at the annual meeting of the Post. The vote shall be taken in the manner prescribed by the post membership. If by written ballot, sufficient paper ballots will be prepared in advance by the adjutant. The provost marshal shall distribute, collect and count the ballots and shall thereafter make the announcement of the results. Only members in good standing in person at the meeting shall be entitled to vote. National and Department Headquarters shall be notified of the election of new officers by the Post adjutant within thirty (30) days after the said elections have been completed.
- Section 3 The newly-elected and appointed officers shall be sworn in and shall take office at the next regular meeting of the Post, but in no event sooner than two weeks after such election, nor later than July 15 thereafter.
- Section 4 In the event that the office of the commander is vacated, the vice commanders in the order of their numerical designation shall succeed to the office of commander for the unexpired term.
- Section 5 Should any other office be vacated, the commander is empowered to appoint a successor for the completion of the term subject to the approval of the Executive Committee.
- Section 6 Any elected officer who misses three (3) consecutive regular meetings without prior consent shall be removed from office, **after following appendix B of national constitution & bylaws**. The vacated position shall be filled within the guidelines prescribed herein.

## ARTICLE V DELEGATES TO CONVENTION

At least thirty (30) days prior to the Department and National conventions, delegates and alternates shall be chosen to attend said conventions. The number of delegates will be in accordance with the National and Department delegate strength guidelines. The Post commander shall constitute one delegate. Other delegates may be elected with instructions governing their representation.

## ARTICLE VI FINANCE

- Section 1 The total annual dues shall be per capita required by National and Department CBL's.
- Section 2 Life member dues are \$ 237.50 of which \$125.00 is remitted to National Headquarters, \$112.50 is forwarded to the Department and, if there is any remaining balance, it shall be deposited in a separate interest bearing account. The principal at this time cannot be used by the Post. The interest earned can be placed into the general fund.
- Section 3 The Finance Officer and one of two other authorized Post Officers must sign checks.

- Section 4 All fund-raising activities must be approved in advance by the Post Executive Committee and the Department Judge Advocate. If a fund-raising activity requires entering into a contract or if anticipated gross revenues are expected to exceed **\$10,000**, a copy of the proposed fund-raising program must be transmitted through the Department to National Headquarters for approval.
- Section 5 An annual budget shall be prepared by the finance officer and submitted to the Executive Committee for approval. Accurate books and records of account activities maintained by the finance officer shall be subject to inspection and regulation by the Executive Committee at all reasonable times.
- Section 6 Post accounts shall be reviewed quarterly and audited semi-annually by the Finance Committee or other members appointed by the Executive Committee within 30 days of the election of new officers.
- Section 7 The finance officer shall render a report of receipts and disbursements at each meeting of the Post. This office is also responsible for filing an IRS Form 990 with the District Director of the Internal Revenue (or a certificate in lieu thereof where the 990 is not required) on or before the 15<sup>th</sup> day of the fifth month following the close of the annual accounting period. A statement as to whether a 990 has/has not been filed with the IRS must be given in writing to the Department and National Headquarters. The Post's fiscal year shall end **June 30**.
- Section 8 Post officials handling AMVETS funds shall be properly bonded with a good and solvent bonding security company, acceptable to the U. S. Treasury, as security to cover the average amount of AMVET funds handled by said individual in a single year.

## **ARTICLE VII BOARD OF TRUSTEES**

The Board of Trustees shall be comprised of the post commander, immediate past post commander, adjutant, finance officer and judge advocate, along with three trustees elected by the post members.

## **ARTICLE VIII RESOLUTIONS**

- Section 1 All resolutions adopted by this Post shall be forwarded to Department Headquarters.
- Section 2 A simple majority vote of members present is required to pass any resolution other than amendments to the Constitution and Bylaws.

## **ARTICLE IX RESTRICTED USE OF ORGANIZATION**

AMVETS, or any component part thereof, shall not be used to promote the interest of any individual who is a candidate for public office, or to promote otherwise any individual, organization, political party, faction or product. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member.

## **ARTICLE X DISCIPLINE OF POST MEMBERS**

- Section 1 Members of the post may be suspended or expelled for any one or more of the following reasons:
- a. failure to comply with any obligation imposed on members under the constitution and bylaws;
  - b. any violation of law that reflects unfavorably on the name of AMVETS;
  - c. any conduct unbecoming an AMVET;
  - d. ineligibility for membership at time of acceptance into membership; or
  - e. procurement of membership by fraud or deception.



Section 2 Any member of AMVETS may prefer charges against any other member, alleging any of the foregoing causes for suspension or expulsion. Such charges shall be made under oath, setting forth the time and place of the offense or other basis for the charges, as near as may be practicable, and signed by the accuser.

Section 3 All charges and specifications shall be filed with the post commander of the post to which the member complained about belongs. On receipt of said charges and specifications, the post commander shall, within five days, send a copy thereof by certified mail to the member complained about, together with a notice fixing a date, place and time of a hearing to be held not less than 30 days after said date of mailing.

Section 4 Said charges and specifications shall be heard by the executive committee of the post, at which said hearing the member complained about shall have the right to be represented by counsel and to cross-examine his accuser or accusers and witnesses presented against him. No member against whom charges have been preferred, or who has preferred charges against another member, shall sit in judgment on any panel hearing or deciding the matter.

Section 5 The post judge advocate shall prosecute the charges, and the attendance of a court reporter shall be permitted.

Section 6 The presiding officer of said executive committee shall decide all questions as to the relevancy of evidence and the regularity of the proceedings.

Section 7 On the conclusion of the hearing, a vote shall be taken first as to whether there is a basis for the charge or charges and, if by the vote hereinafter mentioned, it is determined that there is none, the charges may be dismissed. If the charges are not dismissed, then a vote shall be taken on the guilt or innocence of each of the charges and each of the specifications. A two-thirds vote of the members of the executive committee hearing the charges and specifications shall be required to sustain any charge or specification. Voting herein provided for shall be secret or open as said executive committee may, by majority vote thereof, determine.

Section 8 In any charge or specification is sustained, then the member shall be deemed to be guilty thereof and the officer presiding at the hearing shall then put the question of the degree of punishment as to: whether there shall be a suspension from the benefits of membership and, if so, for how long; or, whether there shall be an expulsion from membership.

Section 9 Any member whose membership is suspended or forfeited may appeal to the next highest level applicable from that which heard the charges and specifications, i.e., from post executive committee to state executive committee, from department executive committee to National Executive Committee. Notice of appeal must be filed in writing with the appellate body not later than 15 days after the imposition of the penalty.

Section 10 The decision of the appellate body at either level shall be binding and final.

Section 11 The procedure for the handling of any appeal to be heard by the National Executive Committee or the national convention shall be prescribed by the national judge advocate. The procedure for the hearing of an appeal by the department executive committee shall be prescribed by the department judge advocate, and the procedure for the handling of any appeal to be heard by the post executive committee shall be prescribed by the post judge advocate. No such procedure at any level, however, shall be inconsistent or in conflict with the national, department or post constitution and bylaws or this code.



## ARTICLE XI – INDEMNIFICATION

1. Any Person made a party to any legal action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he or she is or was a Director or Officer of the organization shall be indemnified by the organization against judgments, fines, amounts paid in settlement and reasonable expenses (including fees of an attorney retained with consent of the organization) to the extent permitted by law. A Director or Officer shall not be entitled to indemnification for those items which he/she may be personally liable to the organization as described below in the section.

2. A volunteer Director of the organization shall not be personally liable to the organization (or its members or Directors) for the monetary damages for breach of fiduciary duty as Director, except for liability:

A. for any breach of the Director's duty or loyalty to the organization

B. for acts or omissions not in good faith or that involve international misconduct or knowing violation of law

C. for violation of Section 551 (1) of the Michigan Business Corporation Act

D. for any transaction from which the Director derived an improper personal benefit.

E. for any act or omission that is grossly negligent and:

F. for any act or omission occurring before the date this Article is filed by the Michigan Department of Commerce.

G. The organization assumes all liability to any person other than the Corporation, its members or directors for all acts or omissions of a volunteer director after the approval date of this constitution and by-laws.

## ARTICLE XII AMENDMENTS

These Bylaws may be amended by the majority vote of the members present at annual meetings. Proposed amendments shall be submitted in writing to the Executive Committee for its review and presentation at the next annual meeting. The Executive Committee will instruct the adjutant to distribute copies to the membership by means of, a) U.S. Mail, b) Electronic Mail, or c) by personal delivery at least fourteen (14) days prior to the date of the meeting to vote on the amendment. Copies of all adopted amendments shall be forwarded to the Department Judge Advocate for review and recommended approval within thirty (30) days after their adoption. The Department Judge Advocate will forward a copy of the approved Bylaws to the National Headquarters for filing.

## CERTIFICATION

This document is a true copy which was adopted by the membership of this Post.

JUNE 16, 2014  
Date

JUNE 16, 2014  
Date

James A. Powers  
Signature of Post Judge Advocate

J. W. Moore  
Signature of Post Adjutant


ACKNOWLEDGEMENT THAT  
THE PROPOSED AMENDMENTS  
TO THE CONSTITUTION & BY-LAWS  
FOR HURON VALLEY AMVETS POST 2006  
HAVE BEEN REVIEWED BY  
THE EXECUTIVE COMMITTEE  
ON MARCH 20, 2014

I was in attendance at the above meeting and confirm the  
review and discussion of these proposed amendments  
by the members of the Executive Committee

  
\_\_\_\_\_  
Signature of Commander

ACKNOWLEDGEMENT THAT  
THE PROPOSED AMENDMENTS  
TO THE CONSTITUTION & BY-LAWS  
FOR HURON VALLEY AMVETS POST 2006  
WERE UNANIMOUSLY APPROVED AT THE  
POST GENERAL MEETING HELD ON MAY 27, 2014  
THE PROPOSED AMENDMENTS HAVE NOW BEEN  
INCORPORATED INTO THE POST CONSTITUTION & BYLAWS

I was in attendance at the above meeting and confirm that the  
motion to approve the amendments was recorded in the meeting minutes.

  
\_\_\_\_\_  
Signature of Post Adjutant



# AMVETS

National Headquarters  
4647 Forbes Boulevard  
Lanham, Maryland 20706  
(301)459-9600



## POST CONSTITUTION AND BYLAWS - COVER SHEET

TO: NATIONAL JUDGE ADVOCATE  
AMVETS NATIONAL HEADQUARTERS  
SUBJECT: CONSTITUTION AND BYLAWS (CBL)  
DEPARTMENT OF MICHIGAN  
POST NUMBER 2006

REGARDING: New CBL  
CBL change/update

Within the scope of my duties and responsibilities as Department Judge Advocate, and on behalf of the above identified Post, I respectfully submit the attached Post Constitution and Bylaws. My recommendations for approval or further review are certified by my signature in the appropriate section identified herein. Sections I and II attest the attached document has been reviewed and is forwarded for placement in the permanent files at AMVETS National Headquarters. Section III requires further review and follow up action.

### SECTION I. APPROVED AS SUBMITTED

As Department Judge Advocate, I hereby certify that the above cited Post Constitution and Bylaws is in compliance with the Department and National Constitution and Bylaws.

*Larry D. Belcher*  
Signature of Department Judge Advocate

25 June 14  
Date

### SECTION II. APPROVED AS AMENDED

After initial review with subsequent recommendations and follow up, the Post has incorporated the necessary changes in its Constitution and Bylaws; therefore, I, as Department Judge Advocate, do hereby certify that the above cited Post is not in conflict with the provisions set forth in the Department or National Constitution and Bylaws.

\_\_\_\_\_  
Signature of Department Judge Advocate

\_\_\_\_\_  
Date

### SECTION III. REQUEST FURTHER REVIEW BY NATIONAL JUDGE ADVOCATE

I am unable to execute an approval for the attached Post document and respectfully request your able assistance. Please review the following area:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Department Judge Advocate

\_\_\_\_\_  
Date