

CONSTITUTION

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 ASSOCIATIONS IN THE GREAT WARS; TO INCULCATE A SENSE OF INDIVIDUAL OBLIGATION TO THE COMMUNITY, STATE AND NATION; TO COMBAT THE AUTOCRACY OF BOTH THE CLASSES AND THE MASSES; TO MAKE RIGHT THE MASTER OF MIGHT; TO PROMOTE PEACE AND GOODWILL ON EARTH; TO SAFEGUARD AND TRANSMIT TO POSTERITY THE PRINCIPLES OF JUSTICE, FREEDOM AND DEMOCRACY; TO CONSECRATE AND SANCTIFY OUR COMRADESHIP BY OUR DEVOTION TO MUTUAL HELPFULNESS.

ARTICLE I

NAME

Section 1. The Name of this organization shall be "The Ernest F. Oldenburg Post #216, The American Legion, Incorporated", Department of Michigan.

ARTICLE II

OBJECTS – NATURE

Section 1. The objects and purposes of this Post shall be to promote the principles and policies as set forth in the foregoing Preamble to the National Constitution of the American Legion.

Section 2. This Post is a constituent part of the 18th District Association the Department of Michigan and the National Organization of the American Legion and shall be governed by the District, Department and National Constitution and the By-Laws and the Amendments thereto, by the Mandates of the Department and National Conventions and such miscellaneous rules as may, from time to time, be ordered by any of the aforementioned organizations.

ARTICLE III

MEMBERSHIP

Section 1. Eligibility to membership in the Post shall be as prescribed in the National Constitution of The American Legion.

Section 2. Applications for membership shall be made in writing and credentials must be submitted for examination and if found in order the application shall be presented and read at the next Post meeting when by a majority vote it may be accepted, rejected or referred for further investigation. A majority vote of members present against the acceptance of an application shall be recorded as a rejection and the applicant shall not be considered for membership until the expiration of six months from the date of the rejection.

Section 3. All members of this Post who joined the Post prior to the issuance of the permanent charter shall be known as the Charter Members.

Section 4. This Post may grant Life Membership to any members of the Post for outstanding service to the American Legion or other special circumstances, upon unanimous vote of the members at any regular meeting provided notice of such a proposal shall have been given at a previous meeting.

ARTICLE IV

OFFICERS

Section 1. The Officers of this Post shall consist of a Commander, Senior Vice Commander, Junior Vice Commander, Adjutant, Finance Officer, Historian, Chaplain, Sergeant-at-Arms, Judge Advocate, and Three Executive Committeemen.

Section 2. All Officers except the ADJUTANT and JUDGE ADVOCATE shall be elected annually at the Annual General Membership meeting of the Post which shall be held at least 30 days, but not more than 120 days, prior to the Annual Department Convention.

Section 3. The ADJUTANT and JUDGE ADVOCATE shall be appointed by the newly elected Commander immediately following his election to that office and the appointment shall be subject to the approval of the members present.

Section 4. All Officers shall hold office until their successors have been duly installed, or as otherwise provided for.

ARTICLE V

FINANCE

Section 1. The revenue of this Post shall be derived from Membership Dues and Assessments and such other activities or sources as may be determined and approved by a majority vote at any regular meeting.

Section 2. This Post shall pay all dues and assessment for each member of the Post, to the District Department and National Organizations.

Section 3. This Post shall be incorporated as a Non-profit organization with the Michigan Department of Licensing and Regulatory Affairs and shall file the necessary annual report to that organization.

ARTICLE VI

MEMORIAL HOME

Section 1. The Memorial Home, Buildings, Real Estate and Equipment owned by the Post which was financed and fully paid for through the activities of members of the Post, shall at all times remain in the control of the membership of the Post and at no time shall any agreement be made to mortgage, sell, lease or rent beyond a month to month basis, any part of the Memorial Home property unless approved by a vote of two-thirds the membership of the Post and providing that written notice shall have been sent to all members at least 30 days in advance of the date when such action is to be voted upon.

ARTICLE VII

AUXILIARIES

Section 1. This Post recognizes an auxiliary organization, to be known as the Auxiliary Unit of Ernest F. Oldenburg Post 216, The American Legion.

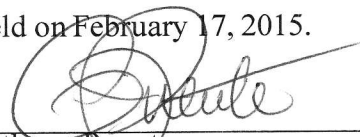
Section 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

ARTICLE VIII
AMENDMENTS

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

Section 2. This constitution may be amended at any regular Post meeting by a two-thirds majority vote of the members present, provided that the proposed amendments shall have been submitted in writing and read at a preceding regular meeting and that written notice shall have been sent to all members at least 30 days in advance of the date when such amendments are to be voted upon, notifying them that at such a meeting a proposal to amend the Constitution is to be voted upon.

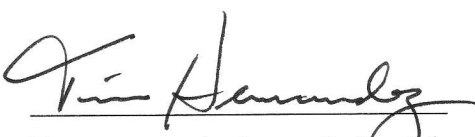
The foregoing Constitution was approved at a Post meeting held on February 17, 2015.



Anthony Puente
Post Commander

The within Constitution is hereby approved.

Dated: MAY 4, 2015



Department Assistant Judge Advocate

Amended Constitution:

Article III, Section 2
Article IV, Section 1
Article IV, Section 2
Article V, Section 3
Article VII, Section 1
Article VII, Section 2
Article VIII, Section 1
Article VIII, Section 2

BY-LAWS

ARTICLE I

NAME

Section 1. The Post existing under these By-Laws is to be known as: Ernest F. Oldenburg Post 216, The American Legion, Department of Michigan.

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

ARTICLE II

DUTIES OF OFFICERS

Section 1. Post Commander

He shall preside at all meetings of the Post and as Chief Executive Officer shall have a general supervision over the business and other affairs of the Post. He shall immediately upon assuming office appoint Chairmen of all standing Committees not otherwise provided for and shall make appointments to fill any vacancies that may occur. He shall submit an Annual Report, in writing, covering activities of the Post during his term of office, which shall be read at the Annual General Meeting. He shall perform such other duties as directed by the Post.

Section 2. Senior Vice Commander

He shall assume the duties of the Commander in the absence or disability of or when called upon by the Commander. He shall have charge of the enrollment of the Post membership and perform such other duties as may be assigned by the Commander.

Section 3. Junior Vice Commander

He shall assume the duties of the Commander in the absence of both the Commander and Senior Vice Commander. He shall especially interest himself in the Americanism and Community Service, Education and Youth Activities of the Post by stimulating the work of those committees. He shall perform such other duties as may be assigned by the Commander.

Section 4. Adjutant

He shall keep a record of the minutes of all regular and special meetings, which shall be presented for review or read at the next following meeting. He shall handle all correspondence and keep files of the Post including such records as the District, Department or National Organizations may require. He shall issue warrants, signed by the Commander and Adjutant, to the Finance Officer authorizing all expenditure only after such payments have been authorized by the Post.

Section 5. Finance Officer

He shall have control of all funds of the Post, which he shall keep deposited in a local bank or as otherwise directed by the Post. He shall keep the accounts of the General Fund, Welfare and other Special Funds under separate headings. He shall make all payments of Post monies by check but only after having received written authorization from the Post Adjutant and the Post Commander. He shall submit a written report at least once each month of the transactions and the financial condition of the Post. He shall be bonded in such sum as fixed by the Post.

Section 6. Post Historian

He shall be charged with keeping the Historical Records of the Post and its members, making an annual addition of the Post History of the activities and incidents of interest during his term of office.

Section 7. Post Chaplain

He shall render the opening prayer at all meetings and render non-sectarian services at all funerals, dedications or other functions where the Post is called upon to officiate. He shall adhere to such ceremonials as are recommended by the Department and National organizations. He should especially interest himself in members reported sick or in distress through bereavement.

Section 8. Sergeant-at-Arms

He shall vouch for the Legion Membership of persons attending Post meetings. He shall introduce new members or visiting comrades and report to the Commander any non-members that may be present and the purpose of their presence. He shall be custodian for all Post Colors and have them properly placed at all meetings and perform such other duties as may be assigned him by the Commander.

Section 9. Judge Advocate

The Post Judge Advocate may serve as the *ex officio* parliamentarian, and may advise the Post Officers and Executive Committee on all matters, including the construction and interpretation of the National, Department, and Post Constitution and By-Laws, and shall perform other such duties as are usually incident of this office.

Article III Executive Committee

Section 1. The Executive Committee

The Executive Committee shall be composed of all the Officers, three (3) elected members, the immediate Past Commander who shall have no vote, and a representative of the American Legion Auxiliary selected by the unit and a representative of the Sons of the American Legion selected by the squadron who shall only vote in regards to clubroom business. They shall be charged with the administrative affairs of the Post except as otherwise provided for. They shall be at the call of the Commander or the joint request of three or more members of the Executive Committee to deal with emergency matters concerning the Post. Five (5) members of the Executive Committee shall constitute a quorum and all their actions shall be subject to the approval of the members of the Post.

Section 2. Executive Committee Vacancies

All vacancies existing in the Executive Committee or in any office of the Post for any cause other than the expiration of the term, shall be filled by majority vote of the remaining members of the Committee with the exception of the representatives of the American Legion Auxiliary and the Sons of The American Legion who shall be replaced by appointments of their respective organizations and a person so appointed shall hold office for the unexpired term of the member of the committee or officer whom he succeeds. A vacancy shall exist when a member or officer is absent from his post for three unexcused absences.

Section 3. Executive Committee Appointment

The Executive Committee shall appoint the following Committee Chairmen:

1. Clubroom Chairman
2. Bingo Chairman
3. House Chairman

Said committee Chairmen will submit an oral or written report monthly to the Executive Committee, consisting of all income and expenses for the month and these Chairmen may be removed only by action of the Executive Committee. The books of said Committees will be audited Semi- annually by the Finance and Audit Committee.

Article IV Delegates

Section 1. Department Delegates and Alternates

Delegates and Alternates to the Annual convention shall be elected at the Annual General Meeting of the Post, following the election of Officers. The Post shall pay registration fees and room costs of all Delegates attending the Department Convention.

Section 2. District Delegates and Alternates

Delegates and Alternates to the 18th District Association monthly meetings shall be elected at the first Post meeting following the installation of the newly elected officers and the District Adjutant immediately notified of such Delegates.

Article V Committees

Section 1. Membership Committee

The chairman of this Committee shall be, when possible, the Senior Vice Commander. He shall be charged with forming his own committee to obtain New Members, renewal of Old Members, examine the credentials of applicants and reporting upon the eligibility of all applicants.

Section 2. Service and Rehabilitation

The Chairman of this committee shall be known as the Post Service Officer and shall handle all matters pertaining to service comrades in the prosecution of just claims against the State or Federal agencies under the various Veterans' Benefits Laws. He shall handle all cases of emergency need for medical or other relief for Veterans or their families in the Post area that may be brought to his attention. He may appoint one or two assistants to aid him in his work.

Section 3. Child Welfare

The Chairman of this Committee shall keep close observation of all activities pertaining to child welfare in the community. He shall work in close co-operation with the Post Auxiliary and other local child welfare agencies. He shall render assistance to needy Veterans' children when such need is brought to his attention. He shall furnish an Annual Child Welfare Report to the District and Department Child Welfare Chairman.

Section 4. Americanism

The Chairman of this Committee shall be charged with stimulating Patriotism, Community Service, Education and Youth Activities and shall work in close co-operation with the various Chairmen of the above Committees. He shall complete and file the Annual Americanism and Post Activities Report with and through the Post Commander to the Department and National Organizations.

Section 5. Education

The Chairman of this Committee should co-operate with the various schools in the Post area promoting the American Legion Programs such as teaching of flag etiquette, presentation of American Legion School Award Medals and Trophies, National Oratorical Contest, Guy M. Wilson and National American Legion Scholarships, National Education Week and observance for all Patriotic Occasions.

Section 6. Boy Scouts

This Committee shall assist in the organization and operation of a Post sponsored Boy Scout Troop. They shall make recommendations to the Post Members for the betterment of the Troop and report its progress at regular Post meetings.

Section 7. Baseball

This Committee shall assist in the organization and operation of a Post sponsored Baseball Team and shall work in close co-operation with other co-sponsoring groups to promote good sportsmanship and stimulate community interest in this activity.

Section 8. American Legion Boys State

The Chairman of this activity shall make recommendations for sponsoring boys to the annual assembly, work with other organizations wishing to sponsor boys, arrange for the selection of boys through the school faculty and see that Registration and other necessary details are complied with.

Section 9. Security Committee

The Chairman of this committee shall work with and coordinate Legion efforts with the Local Civil Defense organizations on matters pertaining to national, civilian and home defenses. It shall assist the armed forces of the United States in recruiting efforts and in every way be active in community services for the defense of the nation and the security of the American home.

Section 10. Publicity and Public Relations

The Chairman of this activity shall promote public support by keeping them informed of the Legion programs and Post Activities through the local and nearby newspapers and work in co-operation with National and Department publications.

Section 11. Finance Audit Committee

This Committee shall be composed of at least three (3) members who shall be charged with keeping constant surveillance of all matters pertaining to the finances of the Post. It shall prepare the annual budget recommendations, conduct the annual audit of the financial records of the Post annually and at other times, upon the request of the Commander. It shall prepare and file the Annual Income Report and the Michigan Non-Profit Corporation Information Report annually.

Section 12.

A. House Management Committee

This committee shall be composed of at least three (3) members who shall be charged with the management, maintenance and upkeep of the Legion Memorial Home, furniture, equipment and other property. It shall have charge of all arrangements for allowing the use of the Memorial Home and Property by other organizations or individuals, subject to rules and policies set up by the Post. Kitchen -- The use and care of the kitchen and all necessary cooking utensils and serving equipment shall be the responsibility of the House Management Committee of the Post.

B. Bingo Committee

The Bingo Committee shall consist of a Bingo Chairman and Co-Chairman. They shall be responsible for assigning necessary workers, purchasing necessary supplies and equipment pertaining to Bingo. They shall be responsible for filing a Michigan State Lottery Report. They will transfer funds from the Bingo account as they deem necessary, or as directed by the Executive Committee, to the Post's General or Special accounts.

C. Clubroom Committee

The Clubroom Committee shall consist of two (2) or more Co-Chairmen who shall have the responsibility of managing the Post Clubroom in accordance with the rules and regulations of the Michigan Liquor Control Commission. They shall make all necessary purchases, pay all necessary bills and take care of all maintenance of Clubroom equipment.

They shall hire all bartenders and necessary help, and shall pay all wages, in accordance with Michigan Employment Securities Commission regulations and shall keep record of same. They shall submit a written monthly report to the membership at a regular Post meeting.

It shall be responsibility of the Clubroom Chairmen to take any disciplinary action, when necessary, against any member or guest for any infraction of Clubroom Rules. It shall be the responsibility of the Bartender(s) to refuse service to any members or guest who in his or her opinion had enough to drink.

Each member shall be responsible for the conduct of his or her guests at all times. Guest of Post members shall not have the privileges of the Clubroom after the member departs from the Post.

Clubroom Permission - Auxiliary

All American Legion Auxiliary members who carry a paid up membership card for the current year will have the right to use the Post Clubroom and will abide by the Clubroom rules. The American Legion Auxiliary will cover the cost of the L.C.C. fee for all its members per year.

Clubroom Permission – Sons of the American Legion

All members of the Sons of The American Legion who carry a paid up membership card for the current year and qualify according to the rules of the Michigan Liquor Control Commission will have the rights to use the Post Clubroom and will abide by the Clubroom rules. The S.A.L. will cover the cost of the L.C.C. fee for each of its qualifying members per year. All S.A.L. members who are of legal drinking age will pay the same dues as all Legion Members do at Post #216.

Section 13. Other Committees

The Commander shall appoint any other Committee that may be deemed necessary by a majority vote of members present at any regular meeting.

Section 14. All Committees

All Committees shall furnish a copy of their monthly and annual activities in writing to the Adjutant and complete such reports as required by the Legion District, Department and National Organizations or Government Agencies. Committee Chairmen requiring financial outlay may apply for an advance from the Post funds at any regular Post meeting.

Section 15. Distribution

A copy of these By-Laws shall be furnished to each Post Officer and Committee Chairmen so that they shall be familiar with the duties of the office of their appointment or election thereto.

Article VI Meetings

Section 1. The regular meeting of the Post shall be held on the third Tuesday of each month, at which meeting shall be transacted such business as may be brought before it. One less member than the number present shall constitute a quorum at any regular meeting.

Section 2. The Post Commander, a majority of the Executive Committee or the written request of twelve (12) members shall constitute a reason for calling a special meeting of the Post Membership at any time. The quorum of a special meeting shall be twelve (12) members.

Section 3. The post Adjutant shall cause notice to be given of the Annual Election of Officers and the date of regular and special meetings, which shall be mailed to all Post members. Members should keep the Adjutant and Senior Vice Commander informed of any change of Email or home address, at all times.

Section 4. The Executive Committee meeting of this Post shall be held at the request of the Commander or a majority of the Executive Committee.

Section 5. The Department of Michigan By-Laws, Article IV, Section 4 (o) states, All Posts of the Department must conduct, open and close their meetings as per the National "Manual of Ceremonies" and "Post Commander's Guide". Post 216 will, therefore, conduct its meetings in compliance with this requirement.

Article VII

Dues

Section 1. The annual Membership dues in the Post shall be set for the following year by the members at the first regular meeting in March and shall be due in October of each year.

Section 2. National, Department and District dues shall be paid from the Post Funds for any member of this Post in good standing, who rejoins or is called back into the Armed Forces of the United States of America during a time of war or National emergency.

Section 3. Any member who pays their dues and said dues having been sent to Department and member refuses to accept said card, once refused, card cannot be reissued until said member appears before the Executive Board with reason of refusal.

Section 4. All Members with more than thirty (30) years continuous service at Milford Post #216 will be granted an honorary Life Membership in Post #216 with the Post paying the members' dues.

Section 5. All members who have reached the age of sixty-five (65) years, and have had the last five (5) years of continuous service to Post #216 shall pay membership dues of \$5.00 less than dues of record as of this date, 4/21/1992.

Section 6. Any member who is on active duty in the Armed Forces of the United States of America, their dues shall be absorbed by Milford Post #216 during their active military service.

Article VIII

Resolutions

Section 1. All resolutions of State or National Scope adopted by this Post shall merely embody the opinion of this Post and a copy of the resolution shall be forwarded to Department Headquarters for approval before any publicity is given or action taken, other than mere passage by the Post.

Article IX
Amendments

Section 1. These By-Laws may be amended, suspended or new By-Laws may be adopted at any regular meeting by a two-thirds majority of the members present at such meeting, provided that the proposed amendments shall have been submitted in writing and read at a preceding regular meeting and that written notice shall have been sent to all members at least 30 days in advance of the date when such amendments are to be voted upon, notifying them that at such a meeting a proposal to amend these By-Laws is to be voted upon.

Article X
Rules of Order

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

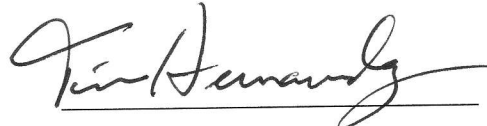
The foregoing By-Laws were approved by the Membership at the regular Post meeting held on February 17, 2015.

The within By-Laws is hereby approved.

Dated: MAY 4, 2015



Anthony Puente, Post Commander



Department Assistant Judge Advocate

Amended By-Laws:

Article I, Section 1
Article I, Section 2
Article II, Section 4
Article II, Section 5
Article II, Section 9
Article II, Section 1
Article II, Section 2
Article II, Section 3
Article V, Section 11
Article V, Section 12c
Article V, Section 12d
Article V, Section 13
Article V, Section 15
Article V, Section 16

Article V, Section 17c
Article V, Section 17d
Article V, Section 18
Article VI, Section 1
Article VI, Section 3
Article VII, Section 1
Article IX, Section 1
Article X, Section 1



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Lansing, Michigan 48915
(517) 371-4720 Fax (517) 371-2401

May 4, 2015

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

Re: Constitution and Bylaws, Ernest F. Oldenburg Post #216,
Milford, Michigan

Dear Ron:

I have reviewed the re-submitted Constitution and By-Laws of the above referenced Post as amended and approved by the Post membership on February 17, 2015. I find them in good order and approve same with a very minor typo to be corrected. The change required is in the statement that follows Article X, Rules of Order, Section 1, of the By-Laws. I am sure it is not part of the section however, the date of approval by the membership listed, May 20, 2014, is not the appropriate date. Please change this to February 17, 2015, and all will be perfect.

I would like to commend Post 216 and all who worked on the Constitution and By-Laws Committee for their excellent work.

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

Yours for The American Legion,

Tim Hernandez
Department Assistant Judge Advocate
Cc: File