

KENTUCKIANA DETACHMENT # 729

DEPARTMENT OF KENTUCKY

CONSTITUTION AND BYLAWS



**REVISED
21 JANUARY 2013**

**MARINE CORPS LEAGUE
KENTUCKIANA DETACHMENT #729
Kentuckiana Detachment # 729 Constitution and Bylaws**

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PREAMBLE

In the name of the benevolent God of all, we who have honorably served, or are now honorably serving our country in the United States Marine Corps, for the common good of the Nation, and all the nations and people of our world, and that the fundamental rights and freedom of every person may be preserved; to foster interest in the affairs of the United States Marine Corps, to protect and advance the welfare of wounded and disabled Marines and their dependents, and for the further purposes set forth after this, do solemnly and firmly associate ourselves together in a non-profit corporation known as the Marine Corps League, Kentuckiana Detachment #729, and order and establish this Constitution and Bylaws.

ARTICLE I - NAME

Section 1. Having received its charter on *15 October 1990*, this Detachment will be known as the *Kentuckiana Detachment # 729*.

ARTICLE II – AUTHORITY

Established under the authority of the National Headquarters, Marine Corps League, INC. and the Department of Kentucky.

ARTICLE III – ALLEGIANCE

The Department recognizes and affirms its allegiance and subordination to the National Headquarters Marine Corps League, INC. and the Department of Kentucky.

ARTICLE IV - PURPOSE

Section 1. To promote the aims and purposes of the Marine Corps League, as set forth in the National Constitution and Bylaws of the Marine Corps League as directed by Public Law 243, Section 3 (C) of 5 January 1937 and approved 4 August 1937 by the Seventy-fifth Congress of the United States of America.

ARTICLE V – NATURE

Section 1. This Detachment is a nonprofit, Veterans, service organization and membership therein does not affect or increase liability for the military.

Section 2. This Detachment will be non-political and will not be used for the dissemination of partisan principles or for the promotion of the candidacy of any person seeking public office.

ARTICLE VI – REGULAR MEMBERSHIP

Section 1. Membership is a privilege and is restricted to the following:

- (A) Only persons who are serving or who have served honorably on active duty in the United States Marine Corps for not less than ninety (90) days and additionally some Korean War Era Marines who were ordered to active duty prior to completion of Recruit Training or Officer's Training and subsequently received an Honorable Discharge prior to completion of ninety days active or reserve duty.
- (B) U.S. Navy Corpsmen who have trained with Marine FMF units in excess of ninety (90) days and earned the Marine Corps Device (clasp) worn on the Service Ribbon and those who earned the Warfare Device authorized for FMF Corpsman.

- (C) Those persons who are serving or who have served in the United States Marine Corps Reserve and have earned no less than ninety (90) Reserve Retirement Credit Points.
- (D) Those in good standing and within the guidelines set forth in the section entitled Dues.
- (E) General Discharge under Honorable conditions is acceptable.

Section 2. Regardless of the rank once held or currently holding, every member is equal.

Section 3. Any person eligible for membership in the Marine Corps League may initiate an application for membership by submitting the standard application form. The acceptance of the applicant's membership is the sole province of the Detachment. In the event the applicant is rejected for membership, all monies and documentation from the affected applicant shall be returned. This section pertains to all types of membership.

Section 4. Any member of this detachment can be expelled for cause. Cause will be based upon disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of the Detachment. Causes should be presented in writing by the complainant to the Detachment Judge Advocate. Refer to National's Administrative Procedures, Chapter Nine, for further guidance.

ARTICLE VII – ASSOCIATE AND HONORARY MEMBERSHIP

Section 1. Associate Member. Those individuals not qualified for regular membership in the Marine Corps League who espouse the principles and purposes of the Marine Corps League as contained in its Congressional Charter may upon application to a Detachment or to the National Headquarters, be accepted for associate membership in the Marine Corps League. Those individuals may vote on internal affairs provided such affairs do not affect a policy of the Marine Corps League. Associate members will neither vote for membership applications, election of officers nor hold any elected office.

Section 2. Honorary Member. The Commandant of the Detachment at his discretion may issue honorary membership to those persons who have been of extraordinary service to the Nation, to the community, to the United States Marine Corps, or the Marine Corps League. The Honorary Member will not be entitled to the rights, privileges and benefits available to a regular or associate member. Payment of dues or initiation fees is not required. A suitable certificate may be issued to honor or recognize the person. A membership card and certificate will be available from National Headquarters.

ARTICLE VIII – FINANCE

Section 1. The revenues of this Detachment are derived from annual membership dues and from such sources as approved by the membership body.

Section 2. Dues are largely influenced by National and Department bylaws. This Detachment may, upon approval by the majority of members present at a regular business meeting, impose any additional dues over and above mandatory payments to National and Department of Kentucky.

Section 3. No dues will be prepaid by the Detachment for members without special consideration by and approval of the majority of members present at a regular business meeting. Such considerations may be limited to extensive medical expenses, long-term unemployment and medical care on a case by case basis. For

continuity, these matters should be handled prior to the member's expiration date. Nothing in these bylaws precludes awarding a member in good standing a Permanent Life Membership (PLM) who is permanently confined to a medical facility or bed, in the spirit of taking care of our own.

Section 4. Dues must be paid prior to the expiration date in order to maintain office, whether elected or appointed, and to maintain voting privileges. Membership renewal privilege will terminate following a one year period after the last day of the expiration month.

Section 5. Bonding. All Detachment Officers handling detachment funds will be bonded. The Detachment Commandant and the Detachment Adjutant/Paymaster (or Detachment Paymaster, as applicable) is covered under a blanket bond held and paid for by National Headquarters. The bonding of other Detachment Officers will be arranged by and at the expense of this Detachment.

Section 6. An audit will be conducted annually within 60 days of the installation of officers and each time following the change of the Paymaster. The records of all staff officers who have accountability for monies and for property of this Detachment shall be also be subject to annual audit.

Section 7. Audit Committee. An audit committee will be formed of the following: Two members from the Board of Trustees and a member from the Detachment general membership to be appointed by the Commandant. A report of the findings of that audit will be made to the general membership at a regular scheduled business meeting. A motion to accept the report as read, seconded, and voted on is required.

Section 8. Reimbursable Expenses. The Detachment **may** reimburse all officers and any other member that is conducting official business for the Detachment. All reasonable expenses incurred in completing the assignment **may** be reimbursed. **(See Administrative Procedures)**

Section 9. Budget Committee. A budget committee will be formed of the following: Commandant, Paymaster and three (3) members from the general membership appointed by the Commandant. The budget will coincide with the current term of office, i.e. **1 July to 30 June** of the following year.

Section 10. Investment Committee: The investment committee shall consist of the Commandant, Paymaster, Comptroller and two other members appointed by the Commandant. A monthly report will be available at each regular Detachment meeting.

ARTICLE IX – MEETINGS

Section 1. A regular business meeting will be held at least once a month by the officers and members of the Detachment.

Section 2. Any officer or committee chairman may call for a special meeting of all pertinent officers and members with notification one week prior to the proposed meeting date.

Section 3. Quorum. The Commandant, or the appropriate elected officer, and fifteen regular members must be present to convene a regular business meeting.

Section 4. The National Ensign, the United States Marine Corps flag, the Bible and the Detachment Charter or a copy thereof will be present at each meeting.

Section 5. An Order of Business (agenda) should be established and followed at each regular business meeting. Robert's Rules of Order, revised, will be the parliamentary authority.

ARTICLE X – DUTIES OF OFFICERS

Section 1. No officer, or committee, will conduct business in the name of the Detachment or obligate the Detachment's resources without the prior consent of the Board of Trustees or the majority of the members attending a regular business meeting.

Section 2. Any officer, elected or appointed, failing to make three consecutive meetings will be contacted via mail for an explanation as to their absence. An explanation will be received no later than the fourth regular business meeting following the first absence in order to retain the office. If no response is received, that member will be removed from that office. A member removed from office will be ineligible to run or hold any office until after the next scheduled election.

Section 3. The Commandant, Senior Vice Commandant, Junior Vice Commandant and Judge Advocate are elected Officers. All other Officers are appointed by the Commandant.

Section 4. All records, logs and other property belonging to the Marine Corps League Detachment #729 will be relinquished to the successor of that office. Failure to do so will result in disciplinary action as allowed by National's Administrative Procedures.

Section 5. The following subsections are specific responsibilities of the elected and appointed officers. Officers are strictly charged with adherence to these duties:

- (A) **Commandant.** Presides at all detachment meetings, serves as advisor to all committees and is in direct charge of all functions of his Detachment. The Commandant administers the oath of membership to all new members of the Detachment.
- (B) **Senior Vice Commandant.** **The Senior Vice Commandant renders every assistance to the Detachment Commandant. He should be familiar with the duties of the Commandant and be prepared to be the senior chairperson for projects and committees deemed important by the Commandant. As second in command, the Senior Vice Commandant's role is to serve as the presiding officer in the absence of the Commandant, and performs such duties as outlined in the Marine Corps League Ritual Manual and as recommended by the Commandant.**
- (C) **Junior Vice Commandant.** **The Junior Vice Commandant is responsible primarily for the recruiting and retention of members. He should be familiar with the operations and projects of the Detachment, influence programs and be a spokesperson to the Board of Trustees on what the members and prospective members are looking for from the organization. He is charged with selling ideas and programs to members that will assure growth of the organization.**
- (D) **Judge Advocate.** Serves to interpret bylaws and administrative procedures, at all levels. To avoid conflict-of-interest, the Judge Advocate may not serve in any additional office, elected or appointed. The Judge Advocate performs such duties as may be assigned by the Commandant.
- (E) **Paymaster.** Keeps a true record of all Detachment General Account funds received and expended and causes an up-to-date record of member's paid dues to be maintained. The Paymaster must work with the Junior Vice Commandant and the Adjutant to be kept informed of the detachment's membership status. The Paymaster is responsible for notifying members in arrears and performs such duties as may be assigned by the Commandant.

(F) **Adjutant.** Keeps a true record of all meetings, typewritten or neatly hand-written in ink, and forward notices of meetings and social events. The Adjutant will submit Death Notices, Installation of Officers Report, Membership Dues Transmittal & Change Notification and Annual Life and Membership Audits Reports. The Adjutant assists the Senior Vice Commandant and Paymaster as necessary to maintain an up-to-date membership roster, compiles a month-by-month synopsis for the Commandant to the Department of Kentucky Convention, maintains a file of the detachment's correspondence and performs such duties as outlined by the Commandant.

(G) **Sergeant-At-Arms.** Maintains order at the regular business meeting. The Sergeant at Arms will monitor the admission of persons entering the meeting at all times and not permit alcoholic beverages into the meeting. The Sergeant at Arms shall escort any unqualified person from the meeting area. This shall be accomplished in part by maintaining the Detachment's sign-in log. The Sergeant at Arms may also perform such duties as prescribed by the Commandant from time to time.

(H) **Chaplain.** Performs such duties as prescribed in the Marine Corps League Ritual manual at the meetings, takes an active part in all memorial and funeral services in which the Detachment is included, assists the VAVS Officers, and performs such other duties as directed by the Detachment Commandant.

(I) **Service Officer:** Provides direction and assistance to veterans and his/her dependents (without providing advice or counseling) in filing claims to the various veteran assistance organizations, which include the Veterans Administration (State and Federal), Department of Defense, Veterans service organizations, and other non-veteran State and Federal organizations (such as Area Development Districts) that may assist the veterans in obtaining assistance with their needs

(J) **VAVS** The Veterans Administration Voluntary Service Officer shall work closely with the medical staff of the VA Hospital and other medical facilities, i.e. nursing homes, to serve *all* veterans in addition to "our own" he/she is to be kept informed by VAVS members as to the status of Detachment members confined to medical facilities and in turn, keep the Detachment Chaplain informed.

(K) **Supply Officer.** Orders and maintains Marine Corps League uniform items. Orders, distributes and maintains a receipt for any specialized items.

(L) **Historian.** Maintains a bound book, scrapbook or album. Items included are: monthly activities, photos, newspaper articles, pictures of a historical nature or such other material as deemed appropriate.

(M) **Ways and Means.** **Responsible for administration, licensing, quarterly, annual, special reports to both fundraising and the League. Responsible for legitimate conduct of all fundraising activities sponsored by the League. Pays all bills or fees in a timely manner, transferring excess funds to the General Account.**

(N) **Toys for Tots.** Coordinates personnel and financial assets to support our Toys for Tots collection with Quantico providing fiscal oversight and accountability. Organizes campaign to collect toys and, in conjunction with the Salvation Army distributes toys to the needy children in greater Louisville area. Maintains accurate records and files and completing required reports.

(O) **Comptroller.** Maintains a record of all funds and investments of the Marine Corps League. Advises the Commandant of any and all changes in amounts and procedures that effect the assets of the League.

(P) **Nominating Committee.** **There shall be a Nominating Committee composed of three (3)**

Regular Members appointed by the Commandant, which shall meet in January for the purpose of seeking out Regular Members who are qualified to fill each of the Elective Offices, and are willing and able to accept such nomination. The Nominating Committee shall present their slate to the membership at the April meeting of the Detachment.

ARTICLE XI – ELECTION OF OFFICERS

Section 1. Nominations for the Offices of Commandant, Senior Vice Commandant, Junior Vice Commandant and Judge Advocate shall be made at the regular business meeting in April. Nominations will be published in the subsequent newsletter to ensure that all members receive their copy at least seven (7) days prior to the May meeting. Nominations will be accepted from the floor and called for three (3) times prior to voting for that office. Only members in good standing may be nominated for office.

Section 2. Each Officer shall be elected by a majority vote of the general membership attending the May meeting. Only members in good standing present at the meeting may vote.

Section 3. Voting will be by ballot or show of hands

Section 4. The Commandant shall only vote when a tie breaking vote is required.

Section 5. The term of Office shall begin on **July 1st** and run through **June 30th** of the following year.

Section 6 The order of succession to the office of Detachment Commandant shall be (1) Detachment Senior Vice Commandant, (2) Detachment Junior Vice Commandant. In the event of other vacancies on the Board of Trustees, the Detachment Commandant, with advice and consent of the remaining Board members, shall appoint a successor to fill the remaining unexpired term of office.

ARTICLE XII – INSTALLATION OF OFFICERS

Section 1. The Installation of Officers will occur no later than the last day of **June** each year.

Section 2. The installing officer must be the Department Commandant, an elected Department Officer, a Past Department Commandant, the National Commandant, an elected National Officer, a Past National Commandant, the Detachment Commandant or a Past Detachment Commandant.

Section 3. The Report of Officers and Installation is signed by the Installing Officer then forwarded as described on the report.

ARTICLE XIII – TERM LIMITS

Section 1. All elected Officers shall be elected for a term of one (1) year and may stand for re-election for two (2) additional terms.

ARTICLE XIV – BOARD OF TRUSTEES.

Section 1. The Detachment Commandant will be chairman of the Board of Trustees consisting of all elected Officers **and such appointed officers as the Commandant may direct.** These trustees will meet monthly prior to Detachment meetings to discuss and assess business matters that may require Detachment approval. A majority vote by the trustees present will be required for any motion to be approved.

Section 2. The Detachment Board of Trustees shall exercise Executive and Administrative supervision of the business of this Detachment between Regular meetings, comply with and execute without delay the mandates and acts of the Detachment Membership as expressed by the majority vote in its regular meetings; employ and terminate employment of such employees as are deemed necessary and advisable, determining duties and compensation; exercise such other Executive and Administrative functions and duties as are compatible with National, Department, and Detachment By-laws and deemed advisable from time to time in the best interest of the Detachment and the Marine Corps League. The Commandant will serve as the Chairperson of the Board of Trustees. In his/her absence, the Senior Vice Commandant will serve as the Chairperson of the Board of Trustees and in his/her absence the Junior Vice Commandant will serve as the Chairperson of the Board of Trustees.

ARTICLE XV – GRIEVANCES

Section 1. Appeals, discipline, and grievances shall be handled in accordance with the provisions of the Department Bylaws, National Bylaws and Administrative Procedures. If a conflict should arise as far as to procedure, the National Bylaws and Administrative Procedures shall prevail. The aggrieved (petitioner) shall present the complaint, in writing, to the Detachment Judge Advocate, with a copy to the Detachment Commandant. The Right of Appeal shall not be denied.

ARTICLE XVI – MARINE OF THE YEAR SOCIETY

Section 1. The Marine of the Year Society shall be comprised of all past recipients of the Detachment Marine of the Year Award in good standing with the Marine Corps League. The Society is charged with receiving and reviewing nominations for the Detachment Marine of the Year Award. The President of the Society will name their selection at the June meeting. Each recipient of the Marine of the Year Award shall serve as President of the Society for the following year. (See Detachment Administrative Procedures)

ARTICLE XVII - DISSOLUTION

Section 1. In the event this Detachment’s charter is dissolved, all funds, property and assets shall be delivered to the Marine Corps League Department of Kentucky, within fifteen (15) calendar days by the elected Commandant or his appointee.

ARTICLE XVIII – AMENDMENTS

Section 1. These Constitution and Bylaws are adopted subject to the provisions of the National’s/Department of Kentucky’s Administrative Procedures and Bylaws. Any amendment to either National’s or Department’s Administrative Procedures and Bylaws, which are in conflict with any provisions hereof, shall be regarded as automatically repealing or modifying the provisions of this Constitution and Bylaws.

Section 2. These Constitution and Bylaws may be amended at any general meeting by a two-thirds vote of members present if the proposed amendment has;

(A) Been submitted in writing and read to the membership and;

(B) All members are notified of the proposed amendment in the business meeting prior to the actual vote.

ARTICLE XIX - INDEMNIFICATION OF TRUSTEES AND OFFICERS.

Section 1. Indemnification of Trustees and Officers. The Marine Corps League, Kentuckiana Detachment #729 shall to the fullest extent indemnify each trustee and officer of Kentuckiana Detachment #729 against expenses (including attorneys' fees), judgments, taxes, fines and amounts paid in settlement incurred by such person in connection with, and shall advance expenses (including attorneys' fees) incurred by such person in defending any threatened, pending or completed action, suit or proceeding (whether civil, criminal, administrative or investigative) to which such person is, or is threatened to be made a party by reason of the fact that such person is or was a trustee or officer of Kentuckiana Detachment #729 as trustee or officer of state or national organization. Advancement of expenses shall be made upon receipt of an undertaking, with such security, if any, as the Board of Trustees may reasonably require, by or on behalf of the person seeking indemnification to repay amounts advanced if it shall ultimately be determined that such person is not entitled to be indemnified by Kentuckiana Detachment #729 as authorized herein.

Section 2. Non-exclusivity of Indemnification. The indemnification provided for by this **Article XIX** shall not be deemed exclusive of any other rights to which Trustees and/or Officers of Kentuckiana Detachment #729 may be entitled under any statute, agreement or action of the Board of Trustees of Kentuckiana Detachment #729, or otherwise, and shall continue as to a person who has ceased to be a Trustee or Officer of Kentuckiana Detachment #729, or otherwise, and shall continue as to a person who has ceased to be a Trustee or Officer of Kentuckiana Detachment #729, and shall inure to the benefit of the heirs, executors and administrators of such person, except for liability for any transaction in which the officer's personal financial interest is in conflict with the financial interests of the Detachment or its members and which is not a transaction permitted by these by-laws, or the Kentucky and National by-laws in effect at the time of the transaction; or acts or omissions not in good faith or which involve intentional misconduct or are known to the Officer or Trustee to be a violation of law.

These Constitution and Bylaws for the Kentuckiana Detachment # 729 were established in accordance with the National Bylaws, Article 5.

These Constitution and Bylaws hereby supersede all previous editions enforced or proposed having carried the majority vote of the membership on 20 February 2008.

Robert D. Cross
Commandant

ATTESTED BY:

Allen D. Broussard
Adjutant

Harold Sneed
Judge Advocate

APPROVED BY:

C.J. Wychulis
Judge Advocate
Department of Kentucky