

Detachment Bylaws

ARTICLE I *Name and Mission*

1.10 NAME

The name of this association shall be the Cape Fear Detachment #1070 Marine Corps League, Inc." (Hereafter known as the Detachment). The Detachment is a non-profit 501(c)(4) corporation incorporated in North Carolina on March 22, 2001 and falls under the Marine Corps League IRS Umbrella 0955. The Detachment's EIN is 56-2233006. The incorporation filing and IRS determination letter are on file with the Department Adjutant.

1.20 GOAL

These bylaws provide guidance concerning the function and organization of the Detachment. The primary goal of these bylaws is to ensure that the Detachment is operated in accordance with the Marine Corps League structure and to follow all local, state, and national laws. The operation of the Detachment shall be maintained in compliance with the National Bylaws (**NBL**), Department Bylaws (**DBL**), and National Administrative Procedures (**NAP**).

1.30 MISSION STATEMENT

The mission of the Marine Corps League is to preserve the traditions of the United States Marine Corps; strengthen the fraternity of Marines and their families; serve Marines, FMF Corpsmen, and FMF Chaplains who wear or have worn the Eagle, Globe, and Anchor; and foster the ideals of Americanism and patriotic volunteerism.

1.40 DISOLUTION

Should the detachment have cause for being dissolved as described in DBL Sections 555 and 560, the processes described therein will be followed.

ARTICLE II *Membership*

2.10 ELIGIBILITY

Regular, Associate, Honorary, Life and Dual Membership shall be accepted as provided for in the NBL Article V, Section 515 and Section 520. The Detachment is the sole judge for acceptance into the Marine Corps League, as per NBL Article V Section 500. Given that responsibility, the following steps will be taken to sufficiently vet the applicant:

- A. An applicant for **Regular Membership** provides their sponsor with a completed, current version of the application and their most recent DD214. An applicant for **Associate Membership** shall provide their sponsor with a picture ID, along with a completed version of the current application. An applicant for **Honorary Active Duty Membership** shall provide their sponsor with their military ID, along with a completed version of the current application.
- B. The sponsor shall review the application with the Detachment Commandant, interviewing the applicant if desired, to satisfy themselves the applicant is qualified to become a member.
- C. Once satisfied, the applicant proceeds to the New Member Installation Process as provided for in the current Marine Corps League Ritual manual.

2.20 RIGHTS OF MEMBERS

No member shall be deprived of any rights and privileges in the Marine Corps League except for non-payment of dues or other indebtedness, unless the member shall first be charged, tried, and found guilty in accordance with the provisions of the National Administrative Procedures Chapter Nine dealing with offenses and penalties. Exception, a member that has been officially charged and is pending a "Hearing Board" in accordance with the National Administrative Procedures, Chapter Nine, may be "temporarily suspended" by the Jurisdictional Judge Advocate pending the results of the Chapter Nine Hearing.

2.30 REMOVAL FROM DETACHMENT ROLL

Once accepted as a member in good standing by the Detachment membership, that member may not be removed from the Detachment roll except by conditions defined in Section 525 of the National Bylaws.

2.40 INELIGIBLE MEMBERS

If there is reason to believe a member of the Marine Corps League does not meet the qualifications to be a member, this (these) reason(s) must be submitted in writing to the Detachment Commandant, who will appoint the Detachment Judge Advocate to investigate the charge as presented. Subsequent actions will follow the procedures defined in NBL Article 9, Section 915.

2.50 FREEDOM OF ACTION

Unless expressly forbidden by the NBL, NAP, or DBL, the Detachment shall be free to take action and engage in activities that do not violate federal, state, county or municipal law or ordinances.

ARTICLE III *Purpose*

3.10 RESOLVE

The Detachments purpose is to support the Marine Corps League (MCL), as defined by NBL Section 200, and shall be:

- A. To preserve the traditions and to promote the interests of the United States Marine Corps;
- B. To band those who are now serving in the United States Marine Corps and those who have been honorably discharged from that service together in fellowship that they may effectively promote the ideals of American freedom and democracy;
- C. To fit its members for the duties of citizenship and to encourage them to serve as ably as citizens as they have served the Nation under arms;
- D. To hold sacred the history and memory of the men who have given their lives to the Nation;
- E. To foster love for the principles which they have supported by blood and valor since the founding of the Republic;
- F. To maintain true allegiance to American institutions;
- G. To create a bond of comradeship between those in the service and those who have returned to civilian life;
- H. To aid voluntarily and to render assistance to all Marines, FMF Corpsman, and FMF Navy Chaplains, as well as their widows and orphans; and
- I. To perpetuate the history of the United States Marine Corps and by fitting acts to observe the anniversaries of historical occasions of particular interest to Marines.

3.20 NON-DISCRIMINATION

The Detachment:

- A. Shall never take part in any labor or management dispute or issue;
- B. Shall not be sectarian, political, and partisan;
- C. Shall not be based on race, color, creed, nationality, or sex;
- D. Shall not be used as a medium of political ambition or preferment, and

- E. Shall not use former or present military rank or former or present civilian position as the basis for special consideration and preferment.

ARTICLE IV *Organization*

4.10 ELECTED OFFICES

The offices to be elected by the detachment shall be the Commandant, Senior Vice Commandant, Junior Vice Commandant, and the Judge Advocate. Election will be held annually between 01 October and 31 January and occur at a Regular Meeting. Installation of officers will be held as soon as practicable, but not later than the last day of the month following the election. The installation of officers must be accomplished, and the required report submitted, thirty days prior to the annual Department Convention. The four (4) elected officers of the Detachment shall also be its board of trustees. The order of succession to the office of the Detachment Commandant shall be; first, Detachment Senior Vice Commandant and second, Detachment Junior Vice Commandant.

- A. **COMMANDANT** It shall be the duty of the Commandant to preside at all meetings, to observe and enforce the observance of the provisions of these Bylaws, to make and promulgate such orders as may be necessary for the proper administration of the affairs of the detachment, and to perform such other duties as provided for in these Bylaws of this detachment. The Commandant's term of office shall be one (1) year and is limited to a second consecutive term. He/she shall be prepared to surrender all books, records and other property of the detachment for which the office is charged to the duly elected successor.

B. **SENIOR VICE COMMANDANT**

It shall be the duty of the Senior Vice Commandant to be chairman of the membership committee. He/she shall perform such duties as may be assigned to him by the Detachment Commandant, and in the event a vacancy occurs in the office of the Commandant, be prepared to assume that position. The Senior Vice Commandant's term of office shall be one (1) year and is limited to a second consecutive term. He/she shall be prepared to surrender all books, records, and other property of the detachment with which the office is charged to the duly elected successor.

C. **JUNIOR VICE COMMANDANT**

It shall be the duty of the Junior Vice Commandant to assist the Senior Vice Commandant in procuring members and to direct preparation for all social entertainment as the chairman of the Entertainment Committee. The Junior Vice Commandant's term of office shall be one (1) year and is limited to a second consecutive term. He/she shall be prepared to surrender all books, records, and other property of the detachment with which the office is charged to the duly elected successor.

D. JUDGE ADVOCATE

It shall be the duty of the Judge Advocate to act as legal counsel for the detachment and to render opinions on all questions of law that may arise concerning any of the Bylaws of the detachment. The Judge Advocate's term of office shall be one (1) year and is limited to a third consecutive term. He/she shall be prepared to surrender all books, records, and other property of the detachment with which the office is charged to the duly elected successor.

4.20 TERM-LIMIT WAIVER

In the event any member fails to volunteer to serve in the position of a term-limited officer, the membership may authorize by majority vote, a waiver to the outgoing officer for an additional term of service.

4.30 APPOINTED OFFICERS

The Detachment Commandant shall appoint the Junior Past Commandant, Adjutant, Paymaster, Sergeant-at-Arms, Chaplain, Historian and any other officers he/she deems necessary to conduct Detachment business. The Commandant may combine the offices and responsibilities of the Adjutant and Paymaster to be titled Adjutant/Paymaster. All Appointed officers shall serve a term that expires when the next election occurs and may be appointed to additional terms.

- A. JUNIOR PAST COMMANDANT It shall be the duty of the Junior Past Commandant to advise the current Commandant. This position is typically the current past Detachment Commandant but can be any past Detachment Commandant.
- B. ADJUTANT It shall be the duty of the Adjutant to keep proper and necessary records of all business of the detachment, and prepare periodic reports as directed by National, Department, and the Detachment. He/she shall keep minutes of the meetings and perform such duties as are usually assigned to a recording secretary. He/she shall be prepared to surrender all books, records, and other property of the detachment with which the office is charged, to the duly appointed successor.
- C. PAYMASTER It shall be the duty of the Paymaster to hold all monies and securities of the detachment, to timely disburse monies which have been approved for payment by the detachment, to keep a correct record of all financial transactions, to deposit all monies and securities, in a timely manner, in the financial institute designated by the detachment and in the name of the detachment to sign all checks of the detachment. He/she shall be guided in the performance of his duties by close adherence to Section 6.10 FINANCES of these Detachment Bylaws. He/she shall be prepared to surrender all books, records, and other property of the detachment with which the office is charged to the duly appointed successor.
- D. SERGEANT-AT-ARMS The Sergeant-at-Arms shall preserve order at Detachment meetings and perform such other duties as directed by the Commandant and as are

required by the rituals of the National Bylaws. He/she shall be prepared to surrender all books, records, and other property of the detachment with which the office is charged to the duly appointed successor.

- E. CHAPLAIN It shall be the duty of the Chaplain to perform such duties of a spiritual nature as are customarily performed by members of the clergy and as are required by the rituals of the National Bylaws. He/she shall be prepared to surrender all books, records, and other property of the detachment with which the office is charged to the duly appointed successor.
- F. HISTORIAN It shall be the duty of the Historian to maintain a record of the detachment achievements and history. He/she shall be prepared to surrender all photographs, papers, memorabilia, and documents with which the position is charged to the duly appointed successor.

4.40 DETACHMENT STAFF

The Detachment Staff shall consist of the elected and appointed officers.

4.50 COMMITTEES

The Detachment Commandant shall have the power to appoint, such standing committees as deemed necessary to properly carry out the mission of the detachment. The Commandant shall have the power to appoint such Special Committees as required to support the Standing Committees.

4.60 VACANCY OF DETACHMENT OFFICERS

In the event any Detachment Officer shall be vacated by resignation or removal with cause,

- A. The Commandant is authorized to appoint a successor to serve until the next regular election of officers.
- B. In the case of the Commandant's office being vacated,
 - 1. The Senior Vice Commandant will become the Commandant,
 - 2. The Junior Vice Commandant will become the Senior Vice Commandant and
 - 3. The new Commandant will appoint a new Junior Vice Commandant.
- C. Notice of any change in elected officer's position before the annual election
 - 1. Will be reported in the minutes of that meeting and
 - 2. Distributed to the members no less than twenty (20) days prior to the next regular meeting.
 - 3. This will serve as notice to the membership.

- D. No formal nomination process will be required to fulfill a vacant officer's position.
- E. This replacement officer, if not previously sworn in at any position during the annual Installation Ceremony, must be installed within thirty (30) days of appointment and the Report of Officer Installation filed.
- F. Any mid-year reassignments in the elected positions, for any reason, is for a partial year, and that partial year is not to be considered under the term limits defined for that position in Section 4.10, A thru D.

ARTICLE V

Meetings

5.10 DETACHMENT MEETINGS

Regular Detachment meetings shall be held monthly at a day, time, and location previously designated by the Commandant and approved by the membership. Special or staff meetings may be held at the discretion of the Commandant, with matters pertaining to the detachment. Any actions taken as a result of these meetings shall be properly reported to the general membership, at or before the next regular meeting.

5.20 CONDUCT OF BUSINESS

Detachment business may be conducted between meetings, by mail, telephone, email, or any other means. Any actions taken as a result of these communications will be reported at the next regular meeting.

5.30 ELECTIONS

The election of Officers shall be held annually at a Regularly Scheduled Meeting that meets the quorum requirements identified in Section 540 of these bylaws. Only regular members in good standing may nominate and/or vote on any of the four (4) elected positions. Election will be held annually between 01 October and 31 January and occur at a Regular Meeting. The Nomination, Election, and Installation process is described in The Detachment Operating Procedures.

5.40 QUORUM

All business conducted shall be considered legal and binding. In matters effecting policy, or operation of the Detachment, the general membership shall be notified of such meeting with enough time to be present, to observe, and participate in discussion of the matter even though they may not be a voting member. No member of the Detachment may vote by proxy.

A minimum of two officers and four additional members in good standing, present at any Regular Detachment meeting shall constitute a quorum to conduct normal business with the exceptions noted below.

- A. A minimum of two officers and eight additional members in good standing, present at any Regular Detachment meeting shall constitute a quorum to approve any amendments of Detachment Bylaws.
- B. A minimum of two officers and eight additional members in good standing, present at any Regular Detachment meeting shall constitute a quorum to nominate or vote for elected officer positions.

5.50 CONDUCT OF MEMBERS AT MEETING

Members shall maintain proper decorum during the meeting. No alcoholic beverage shall be consumed during the meeting. All members shall respect the rights of others and refrain from speaking when another Marine has the floor. Members will stand, if not restricted by a physical impairment, when addressing the Commandant or the Detachment.

5.60 PARLIAMENTARY AUTHORITY

The detachment shall use the current edition of *Robert's Rule of Order Newly Revised* which shall govern in all cases to which they are applicable and in which they are not in conflict with the National Bylaws and Administrative Procedures, Department Bylaws, and any special rules of order National may adopt. In the event of a conflict, the ruling authority is the National Bylaws, then the National Administrative Procedures, then the Department Bylaws, then the Detachment Bylaws, then the *Robert's Rule of Order Newly Revised*.

ARTICLE VI

Finances

6.10 FINANCES

The Paymaster is responsible and accountable for all financial transactions necessary for the operation of the detachment. Funds collected in the performance of his duties will be deposited in a timely manner in the financial institution designated by the detachment. At Regularly Scheduled Meetings the paymaster will report Operating and Philanthropic balances orally to the Detachment. A comprehensive written report of income and expenses on all funds in his custody shall be made to a member at their request within 15 days post meeting date. Appropriate accounting records will be maintained with all disbursements supported by appropriate documentation. Disbursements of detachment funds are authorized under the following circumstances:

- A. Any disbursements directed by a majority vote of the membership at a Regularly Meeting,
- B. Any disbursements identified in the Detachment Budget for the current fiscal year and/or approved by the Detachment,
- C. Payment of Department and National dues to include life membership,

- D. Payments for goods/services, including, but not limited to, office supplies, postal expenses and copy services, etc. necessary for the Detachment day-to-day operations,
- E. In the case of deceased member, a floral display or a donation to a designated charitable organization in an amount approved at regular meeting or the Commandant and two other elected officers for any timely action required between meetings. This must be reported at the next scheduled membership meeting,
- F. In the case of deceased member's immediate family member, a floral display or a donation to a designated charitable organization in an amount approved at regular meeting or by the Commandant and two other elected officers for any timely action required between meetings. This must be reported at the next scheduled membership meeting,
- G. In the case of a local veteran experiencing an emergency financial crisis, the Commandant and two other elected officers may authorize a onetime disbursement of up to \$500 dollars in immediate assistance. This must be reported at the next scheduled membership meeting,
- H. In the case of a Detachment member, when a time-is-of-the-essence situation/ circumstance requires the disbursement of funds for the good of the league between meetings, the Commandant and two other elected officers may authorize a onetime amount up to \$1,000 dollars. This must be reported at the next scheduled membership meeting.

6.20 DUES

The detachment shall set the cost of its annual dues at a regular meeting prior to the beginning of a fiscal year. If no increase is voted upon, they will remain the same as the previous year. The total amount due by the member includes the Detachment, Department, and National portions as established by each organization. Dues for non-Life Members are due to the Paymaster by September 1st of each year.

6.30 FINANCIAL AUDIT

An audit of the detachment funds may be conducted at any time when so directed by the Commandant or when voted on by the membership. Additionally, an annual audit shall be conducted, and the resulting report submitted with the annual financial reports at the first meeting of the new fiscal year. An Annual Audit committee will be appointed by the Commandant from the membership at large, but exclusive of the detachment elected Officers and the Paymaster.

6.40 FISCAL YEAR

The Detachment fiscal year shall be from 1 July through 30 June.

6.50 CUSTODY OF DETACHMENT PROPERTY

It shall be the ultimate responsibility of the Commandant to determine the appropriate security measures in place for all Detachment property. The Sargent-at-Arms may assume the day-to-day responsibility for security of National, State and Detachment colors and other equipment at the meeting site.

6.60 CONTRACTING AUTHORITY

No detachment officer, committee chairperson, or other member of any detachment shall enter into or sign any contract or agreement for the purpose of binding the detachment without first submitting such contract or agreement to all members of the Detachment Board of Trustees.

6.70 INSURANCE AND BONDING

The Detachment is included in the Liability Insurance Policy contracted with the National Office. The National policy and instructions for filing a claim are located on the National website's Library page. The Detachment Commandant and Paymaster are bonded through the National policy as defined in the NAP Chapter 5, Section 5030 and Chapter 6 Section 6035.

6.80 UNADDRESSED ISSUES

Any issue not specifically addressed in these bylaws, Detachment Administrative Procedures, or by Detachment determination, should be referred to the NBL, NAP, and DBL for resolution.

ARTICLE VII *Amendments*

7.10 AMENDMENTS

These Bylaws, or any part thereof, may be amended, deleted, altered, repealed or revised by the majority vote of the members present at a Regular Meeting of the detachment, providing such amendments or changes are not in violation of the NBL, NAP, or DBL. The procedure for amending these bylaws is:

- A. Any member may submit, in writing, a proposed change to the Detachment Judge Advocate. The proposed amendment shall include the specific section of these bylaws recommended for amending, the recommended revised text and the rationale for the change. The author will sign and date the proposed amendment.
- B. The Judge Advocate shall check the proposal for compliance with NBL, NAP, and DBL. If the proposal is compliant, the proposal shall be presented to the membership by the Judge Advocate at the next regularly scheduled meeting and recorded in the meeting minutes.

- C. The proposed amendment will be distributed to the membership, in either the minutes or via separate communications, at least thirty (30) days prior to the meeting when the amendment will be voted on.
- D. The proposal shall be not be voted on until the following regularly scheduled meeting following its presentation to the membership. If the proposal is approved by the membership, the two (2) copies of entire bylaws that incorporates the amendment(s) must be signed and submitted to the Department Judge Advocate for certification.
- E. The corresponding soft copy of the bylaws used to prepare these bylaws will be emailed to the Department Judge Advocate.

7.20 TYPOGRAPHICAL AND GRAMMATICAL CORRECTIONS

Any typographical or grammatical changes can be made by the Judge Advocate, or the member responsible for maintaining Detachment Bylaws. These changes will be presented to the members at a Regular Meeting and noted in the minutes. The revised bylaws need not be re-signed but need to be reprinted and one copy submitted to the Department Judge Advocate, with a note indicating that only typographical/grammatical changes were made. The corresponding soft copy of the bylaws used to prepare these bylaws will be emailed to the Department Judge Advocate.

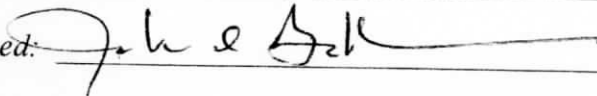
CERTIFICATION

Cape Fear Detachment #1070
Marine Corps League
Department of North Carolina

We hereby signify that these Bylaws were reviewed and approved with a valid quorum and by a proper vote of the membership of this Detachment on the 7th day of January 2020.


Commandant

Printed: John R. Babb

Signed: 

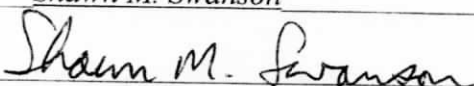
Judge Advocate

Printed: Robert W. Herd

Signed: 

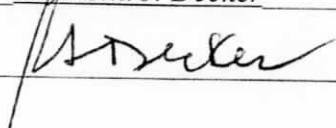
Adjutant

Printed: Shawn M. Swanson

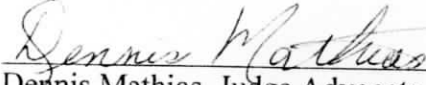
Signed: 

Bylaws Committee Chair

Printed: Raymond J. Decker

Signed: 

I have reviewed these revised By-Laws and find that they adhere to National and Department MCL By-Laws


Dennis Mathias, Judge Advocate

Department of North Carolina, Marine Corps League

6-11-2020
Date