

American Legion Riders South Dakota Chapter 2, Post 15



Chapter By-laws

Purpose

To provide a social atmosphere for members of the American Legion Family who share a common interest in responsible motorcycle riding and enjoyment. This shall include, but not be limited to, participation in parades and other ceremonies that are in keeping with the Aims and Purposes of The American Legion, the promotion of motorcycle safety programs, and the promotion and support of the programs and goals of The American Legion.

By-laws

- I. Charter** - The Chapter is chartered by The American Legion Riders, Department of South Dakota and is sponsored by Sioux Falls American Legion Post #15, The American Legion Department of South Dakota.
 - A.** Where in conflict, the Constitution of The American Legion Riders, Department of South Dakota shall be deemed to supersede any rules or by-laws drafted by the Chapter.
 - B.** The sponsoring post retains full control over the Chapter, including the approval of by-laws, the right to request reports of Chapter activities and finances, and the revocation of sponsorship.

II. Membership

A. Eligibility

- 1.** Must be a member of The American Legion, American Legion Auxiliary, or The Sons of The American Legion (collectively known as “The Legion Family”).
 - a.** Said membership must be within the Department of South Dakota, regardless of member’s physical address.
 - b.** Membership can be in any Post, Chapter, or Squadron and is not limited to the sponsoring post, as long as all of the requirements in Section II(A)(1) are met.
 - c.** Members will not at any time hold membership in more than one Chapter of the American Legion Riders.
- 2.** Must be a registered owner, or the spouse of same, of a motorcycle with at least 250cc engine displacement, which is licensed and insured in accordance with South Dakota laws.
- 3.** All operators must be properly licensed.
- 4.** All members will obey the motor vehicle laws of any state in which they are operating a motorcycle or riding as a passenger.

5. Cannot have been previously expelled, or currently suspended, from The American Legion Riders, Department of South Dakota, nor from any Chapter within the same.
 - a. If the Department adopts provisions for repealing an expulsion or suspension, either by a chapter or the Department itself, then such repeal will be deemed to have removed the original action and the person in question shall have a clean record to be allowed membership in the Chapter.
- B. Classes of Membership –** There shall be no rank among members, nor any special privileges or restrictions, except as specifically enumerated in these by-laws.
1. Chapter Member - The standard membership in the Chapter.
 2. Charter Member - The first 12 members to join the Chapter shall be designated as Charter Members. Charter members shall be authorized to wear a “Charter Member” patch as described in Section VII(C)(1)(c), but are otherwise identical in all respects to the Chapter Member.
 3. Special Class Member - Members may continue to be a part of the Chapter, with full membership privileges, as a Special Class Member, even though they fail to meet the membership requirements of Section II(A)(2) pursuant to the following and subject to the approval of the general membership:
 - a. Death of the spouse who was the owner of the motorcycle, or disability which prevents the member from physically being able to operate a motorcycle, and ownership of the motorcycle was relinquished, due to this disability.
 - b. Had been a member for at least one full year prior to seeking special class status.
 - c. Agreement by member that they will not participate in any Chapter activity that would require them to operate a motorcycle.
 4. Honorary Member - This classification does not constitute actual membership in the Chapter. Honorary members do not pay dues, may not vote at Chapter meetings nor hold an office in the Chapter, and are, for purposes of insurance and liability, considered guests when participating in Chapter events.
 - a. Honorary membership should be considered for those persons who have demonstrated themselves to be assets to the organization and excelled in promoting the aims and purposes of the "American Legion Riders".
 - b. Honorary membership must be approved by a majority vote of members present at a regular meeting.

- e. The candidate with the highest vote total shall win the office. In case of a race where all candidates receive an equal vote, the current President shall cast the decisive ballot. In case of a tie where one or more candidates are not part of the tie, the non-tying candidate(s) shall be dropped and a new vote taken.
2. Appointed positions listed in Section III(A)(2) shall be designated by the President-Elect, and all appointees shall be subject to approval by a majority vote of the members present. If an appointment is not approved, the President-Elect shall name another appointee and the process shall repeat.
3. Newly elected officers will be installed as the first item of business at the January meeting, at which time they shall assume all responsibilities of their office.
4. Newly appointed positions will be installed as the first item of business at the next regular meeting, at which time they shall assume all responsibilities of the position.
5. One member may hold up to, but no more than, two offices within the chapter in the same year, provided;
 - a. Only one of the offices is an elected post listed in Section III(A)(1)
 - b. Appointed positions are still confirmed as described in Section III(B)(2)

C. Duties of Chapter Officers

1. President: serves as Chief Administrative Officer of the chapter and will preside over all meetings. Shall have general supervision over the affairs of the chapter in accordance with the by-laws and direction of the general membership and shall perform such duties as directed by the general membership.
2. Vice President: will assume the duties of the President in case of absence. Will assist the President in the performance of duties when called on to do so by the President.
3. Secretary: will keep a full and correct record of all proceedings at the meetings and will read the minutes from the prior month at each general meeting. Will also keep all membership records as may be required by the general membership (if no Membership Chair).
4. Treasurer: will have charge of all finances of the chapter, and will be responsible for disbursing funds as directed by the general membership in accordance with Section V of these by-laws. Will give a detailed financial report at each regular meeting and will furnish a written and/or verbal report to the sponsoring Post if requested by them.
5. Sgt at Arms: The Sgt at Arms shall preserve order at meetings and gatherings, assist the Road Captain in enforcing all rules of safe riding during rides and runs and perform such other duties or chair such committees as may be from time to time assigned by the President or Chapter Executive Committee.

6. **Public Relations:** Shall be charged with the promotion of public support of the American Legion Riders program and activities by the establishment of proper contact with public media and shall communicate on a regular basis with the President, Vice President and Secretary.
7. **Membership Chairman:** Responsible for maintenance of membership records as may be required by the General Membership. Collect membership dues as determined by the Chapter by-laws, and provide same to Treasurer on a regular basis. Review and/or collect eligibility documentation as required by the General Membership, sponsoring Post Executive Board, Department or State and Local laws. Provide detailed membership reports at regular meetings of the Chapter. Develop and maintain membership database containing all pertinent information. Copies of reports are to be provided within thirty days of written request.
8. **Road Captain:** The road Captain shall plan all tours, runs, activities and events; lead the Chapter in formation riding or parades; enforce all rules of safe motorcycle operation and group riding. Additionally the Road Captain may select assistants to aid in special tasks and may chair appropriate activities committees as directed by the President or Chapter Executive Committee.
9. **Webmaster:** Develop and maintain Chapter website.
10. **Historian:** Will keep a running history of the Chapter. Keep photos of events, awards, certificates, letters of recognition and any other article significant to the Chapter's history.
11. **Chaplain:** Will open and close meetings with prayer. The Chaplain will take care of all correspondence concerning members of the Chapter in hospitals, recovering at home, or when there is a death of a member or member's immediate family member. The Chaplain will also be responsible for sending expressions of concern on behalf of the Chapter with the approval of up to \$50.00 to be reimbursed by the Chapter Treasurer.

D. Vacancies in the officer ranks

1. If an elected office, as listed in Section III(A)(1), becomes vacant for any reason, the position shall be filled as follows, with subsequent vacancies caused by this procedure also filled:
 - a. **President** - the office of President shall be filled by the current Vice President.
 - b. **Vice President** - the office of Vice President shall be filled by the current Sgt at Arms.
 - c. **Sgt at Arms** - the office of Sgt at Arms shall be filled by special election at the

next general meeting.

- d.** Multiple offices - if more than one elected office is vacated, the above procedure shall be executed to the extent possible and all remaining offices will be filled by special election at the next general meeting.
 - i.** In cases where no elected officers remain, the highest appointed position, according to the order of the offices as listed in section III(A)(2), shall be in charge of the next meeting until a new slate of officers is elected, but shall have no other authority granted beyond this charge.
 - ii.** If no elected officers or appointed positions remain, the floor will choose a temporary chair from among their members as the first order of business at the next general meeting. This chair shall take charge of the meeting until a new slate of officers is elected at that meeting.
- 2.** If a vacancy is created in an appointed position, as listed in Section III(A)(2), that position will be filled by appointment of the current President immediately as an “acting officer” of the position(s), becoming the active officer(s) once approved by the next general meeting.

IV. Meetings

- A.** General Meetings also referred to as “Regular Meetings”, will be held on a fixed, monthly schedule as decided upon by the members.
 - 1.** The initial meeting schedule, including day, time, and location, will be determined by the chartering members of the Chapter.
 - 2.** The schedule may be changed by a majority of members at any regular meeting.
 - a.** Said changes will not begin until the second meeting after the change is voted on.
 - b.** The secretary will send out a written notice to all members within 14 days to inform them of the change.
- B.** Special Meetings of the Executive Board may be called by the President if he/she feels there is a need.
 - 1.** Written notice of the meeting’s date, time, location, and intent must be sent out to all Executive Board members at least five (5) days prior the meeting. Except in the case of an Emergency.
 - 2.** Actions taken at a special meeting must be reviewed, and may be changed or overturned, at the next general meeting.

V. Finances

A. Revenue

- 1.** The primary, recurring, source of revenue for the Chapter will be from Association membership dues.
 - a.** The amount of said dues shall be determined annually at the September General Meeting.
 - b.** The dues rate shall become effective for the next calendar year after they are set.
- 2.** Other revenue shall come from fund-raisers, and other sources, as approved by the membership.

B. Control

- 1.** All monies will be maintained in bank accounts requiring two (2) signatures to access. No more than three (3) signatures (President, Vice President and Treasurer) will be on file at a given time with access to the accounts.
 - a.** Funds of up to \$5000 may be placed in a Checking Account.
 - b.** If, at any time, the end-of-day balance in the checking account shall exceed \$5000, funds sufficient to reduce the balance to \$4000 shall be transferred to a Money Market or Savings account.
 - c.** Funds may be removed from the Money Market/Savings account(s) only by prior approval of the membership in a general meeting, and only in such amounts needed to cover expected disbursements, so that the balance in the checking does not conflict with provision (a) of this section.
 - d.** The Treasurer will deposit all checks and funds monthly and give a current financial report at the monthly meeting.

C. Property

- 1.** The Chapter shall own no Real Property, and only such equipment and supplies as are deemed necessary to support the Chapter's goals and operations.

D. Debt

- 1.** The Chapter shall be bound from carrying any debt.
 - a.** No loans, secured or unsecured, may be taken out in the Chapter's name.

- b. The Chapter and its officers are prohibited from engaging in any business that involves financial commitments in excess of current funds.
- c. Any accrued debt/commitment made on behalf of the Chapter shall be recorded as money spent and unavailable, as soon as the commitment is made and approved by the membership, regardless of when the actual payment of such shall be made.

E. Disbursement and expenditure of Funds

- 1. Funds may only be used/disbursed with prior authorization by majority vote at any regular meeting of the Chapter.
 - a. The Chapter will be a non-profit organization and may only disburse funds in a manner that is in keeping with all local, state, and national laws regarding non-profit organizations.
 - b. Any single expenditure of funds in excess of \$1500, including the entering of a binding contract with a total cost that could potentially exceed this amount, can only be authorized by a vote of members at a regular meeting, where prior written notice was sent out to all members at least fourteen (14) days in advance of the meeting.

F. Cessation of Chapter existence

- 1. If the Chapter disbands for any reason – from mutual consent of members, to revocation of Charter or Sponsorship, or for any other cause – any funds or property owned by the Chapter after payment of outstanding bills, shall be turned over to the sponsoring Post.

VI. Committees

- A. The President of the Chapter can appoint any standing or special committees as deemed necessary for the operation of the Chapter; however, no committee shall have any authority to enter into binding agreements on behalf of the Chapter. Committees can only make recommendations at the general meetings, and allow the membership to approve or disprove them.

VII. Chapter Uniform and Patch Requirements

- A. Vests – The recommended material for the vest is black leather, with patches and pins affixed only as proscribed in Section VII(C).

B. Headgear.

- 1. The official headgear shall be either the Legion Riders beret or ALR ball cap or the uniform cap of The American Legion, Auxiliary, or Sons of the American Legion.

2. Other headgear can be worn at meetings, events, and activities of the Chapter, but will not be considered a service cover when saluting the American Flag.

C. Patches and Pins on Vest.

1. Back of Vest.

- a. The American Legion Riders patch shall be centered on the back of the vest, both vertically and horizontally.
- b. The American Legion Riders patch referred to in this section shall be the official patch of the national organization, as carried by Flag and Emblem Sales of The American Legion.
- c. No Patches shall be worn above the American Legion Riders patch with the exception of "Charter Member" or "Honorary Member" patches. These patches will be sewn touching, but not on the American Legion Riders patch.
- d. Post and Chapter rocker patches will be ordered from the Membership Chair. These patches will be sewn touching, but not on the American Legion Riders patch.

2. Front of vest.

- a. The top left portion of the vest, just below the collar bone, shall be reserved for the American flag. Regardless of whether or not the flag patch is displayed, no other patch or pin may be worn on or above this location (No exceptions).
- b. All patches and/or pins will be tasteful and not be considered obscene or offensive by reasonable standards. The Chapter membership and the sponsoring post have the right to object to any patch or pin and may vote at a regular meeting to allow or refuse inclusion on the Legion Rider vest.
- c. No patches or pins shall be allowed that proclaim membership or association in any M/C (motorcycle club), nor shall "Property" patches be approved or worn.

D. Ownership of Legion Riders Patch

1. While each member is responsible for supplying his or her own vest, the ALR patch, Post 15, and Chapter 2 rockers will be purchased from the Membership Chair. The Chapter retains ownership interest in them as part of the official colors of the Chapter and will demand the return of the patches to the Chapter if a member is expelled as explained in Section VIII.

E. Wearing of the Vest.

1. Members may wear the vest at their own discretion as long as it is not contradictory to the purpose of The American Legion Riders, The American Legion, Sons of the American Legion, or the American Legion Auxiliary.

VIII. Disciplinary Action

- A. The chapter may suspend or expel a member upon charges of disloyalty, neglect of duty, dishonesty, or other conduct unbecoming a member of The American Legion Riders Department of South Dakota, or The American Legion Family.
 1. There will be no consumption of alcoholic beverages prior to or during a sanctioned riding event.
 2. All charges against a member must be made in writing, and shall be served personally, or by certified mail addressed to the accused's last known address at least five (5) days prior to a hearing and service shall be complete upon mailing.
 3. Notice of the day and time of the hearing shall be served with the charges against said member.
 4. The hearing shall be held at a regular or special meeting of the Chapter.
 5. The decision of the Chapter, as made by a majority vote of the members present at the hearing, will be final, unless the Department adopts rules for a review policy.
 6. Disciplinary action may be, but not limited to, temporary suspension of Chapter membership or expulsion from the Chapter. Such actions will only affect the member's status in the American Legion Riders, not their status in The American Legion, Auxiliary, or Sons of the American Legion.
 7. A record of the proceedings shall be kept on file with the Secretary and shall become part of the Chapter's official minutes.
- B. Revocation of patch and other Chapter property.
 1. The American Legion Riders patch will be recalled, either temporarily or permanently, from any member who is suspended or expelled from the Chapter in accordance with the procedures outlined in Section VIII(A). The member will be reimbursed for the ALR back patch, Post 15 and Chapter 2 rockers, upon receipt of same, and verified by the membership chair that they have been returned in a serviceable condition.
 2. Any other equipment or property belonging to the Chapter that is in possession of a member under disciplinary sanction shall be immediately returned to the Chapter.

IX. Rules and Order

- A.** The Chapter may create standing rules to govern its policies, meetings, and committees, but said rules must be attached to these by-laws and approved as amendments to be recognized.
- B.** Written Notice, when required for any action of the Chapter, can be delivered by hand, US Postal Service First Class Mail, or email unless specifically required otherwise by these by-laws.
 - 1.** Notices must be delivered to the last known address of member and it is the member's responsibility to insure that the Chapter Secretary is informed of address changes.
 - 2.** Both the Chapter and Secretary will be deemed to have fulfilled any requirement of written notice as long as the notice was sent on or before the required time, regardless of when (or if) the member actually receives it.
- C.** A quorum shall be construed as all members present at a meeting of the Chapter or committee, as long as said meeting was called within the parameters defined by these by-laws or the Chapter's properly amended standing rules.
- D.** All meetings shall be conducted under "Robert's Rules of Order", except where a provision or rule is specifically enumerated in the by-laws or properly amended standing rules.

X. Amendments to, and review of, these by-laws

- A.** The by-laws of the Chapter can be reviewed, and recommendations for changes made, by an ad-hoc committee appointed by the President of the Chapter. The call for formation of such a committee can be at the Presidents discretion, or by a majority vote at any regular meeting of the Chapter.
- B.** Any proposed changes or amendments to the by-laws must be provided to all members in writing at least 14 days prior to consideration by the Chapter.
- C.** Changes and amendments to the by-laws can only be made at a regular meeting of the Chapter, held after notification, as provided in Section X (B), has been made.
- D.** Changes and amendments to the by-laws require approval by the members present at the meeting and must also be affirmed by a majority vote at the next regular meeting of the Chapter.

XI. Repeal and Saving Clause

- A.** These by-laws are adopted at The American Legion Riders of South Dakota, Chapter Two (2) meeting held in Sioux Falls, South Dakota on 9 March 2011.
- B.** Submitted for approval of sponsoring Post 15 on 21 March 2011.
- C.** Approved by sponsoring Post 15 on 4 April 2011.
- D.** Submitted for approval of the American Legion Riders, Department of South Dakota on 7 Apr 2011.
- E.** Approved by the American Legion Riders, Department of South Dakota on insert date.