

BY-LAWS

Article I: Quorum

Section 1. At all regularly scheduled general or annual membership meetings not less than seven (7) of the membership in good standing present shall constitute a quorum, providing at least two (2) elected officer is present to preside.

Section 2. A quorum at Special General Membership meetings shall consist of ten (10 %) of the membership.

Section 3. Any loan or mortgage which may create a lien against the Real Property on which the Post Home is constructed requires a Special General Membership meeting with a minimum of fifty (50) members present.

Section 4. Any motions made during a Special General Membership meeting requires a two-thirds (2/3) majority vote for implementation.

Article II: Committees

Section 1. The Commander, with the approval of the Executive Committee, appoints the following standing committees: Membership, Finance, Programs and Constitution & Bylaws.

Section 2. Additional temporary committees may be appointed by the Commander and may consist of any number of persons, who shall serve at the pleasure of the Commander.

Section 3. The Commander shall be a member of all committees, ex officio, and the Finance Officer shall be a member of all committees involved in the handling of Monies, but neither shall have a vote.

Article III: Duties of Officers

Section 1. The members of this Post shall elect a Commander, Vice Commander for Membership, a Vice Commander for Programs, and Chairperson of the Board of Trustees, Finance Officer, Provost Marshal, Judge Advocate, and at least two (2) members of the Board of Trustees annually. They must have been a member of the Post in good standing for a minimum of six (6) months immediately preceding the date of the election. The newly elected Commander with the approval of the new Executive Committee appoints an Adjutant, Chaplain, Historian, Public Relations Officer, Quartermaster, POW/MIA Chairperson, and other officers annually.

Section 2. The election of said officers shall be held at the annual meeting of the Post between May 1st and May 15th. Sufficient written ballots will be prepared by the Adjutant and distributed, collected, and counted by the Provost Marshal, who shall thereafter make the announcement of

the counts. Only members in good standing in person at the meeting shall be entitled to vote. The Post Adjutant will notify the State Department of the election of new officers by June 1st.

Section 3. The newly elected and appointed officers shall be sworn in and shall take office at the close of the annual meeting. All new officers will have shown proof of eligibility for AMVETS membership by presenting their current AMVETS membership card prior to taking the oath of office.

Section 4. In the event that the Office of Commander is vacated, the 1st Vice Commander for Membership shall temporarily succeed to the Office of Commander until a vote of the membership at the next regular or special general membership meeting. At that meeting, a special called election will be held to elect a new Commander. Until that meeting the Vice Commander for Membership will act as Commander.

Section 5. Any officer or committee member who has not renewed his membership by December 31st of each year is automatically and with no further action, removed from his office.

Section 6. Should any office be vacated (elected or appointed officer, or any position on the Board of Trustees), the Commander will appoint a successor for the completion of his term in office subject to the approval of the Executive Committee. At the Annual Meeting all appointed positions will become vacant and the election of that position will be opened for the remaining term.

Section 7. All officers shall perform their duties as prescribed in the *AMVETS Officer's Manual*, but not limited to it.

Section 8. The Chairperson of the Board of Trustees shall supervise the Lounge Manager. He shall perform as the intermediary between the Board of Trustees and the Lounge Manager, and shall be responsible for communicating all directions of the Board of Trustees and the Executive Committee to the Lounge Manager. He shall be responsible for the annual performance evaluation of the Lounge Manager.

Section 9. The Board of Trustees duties shall include responsibility for all real property and fixed assets of this Post. The Board of Trustees shall advise the Chairperson of the Board of Trustees of all planned Post Club Room activities. The Board of Trustees, in cooperation with the Chairperson of the Board of Trustees, shall name or employ a Lounge Manager, which shall be responsible for all hiring and firing of Post employees, with approval from the Board of Trustees and the Executive Committee. With that responsibility, the Lounge Manager shall not be a member of the Board of Trustees nor the Executive Committee. The Board of Trustees shall be responsible for the establishment of a Procedures and Guideline Manual for which the lounge shall be managed.

- a) Actions of the Board of Trustees shall be subject to the approval or rejection by the Executive Committee, who in turn may be overruled by the general membership at a duly called regular or special meeting.

- b) Any special committee appointed for special events held in the Post Club Room shall work with the Board of Trustees, and under their jurisdiction.
- c) Anyone wanting to use the Post Club Room will contact the Board of Trustees and complete the appropriate forms and then be approved by the Board.
- d) The Board of Trustees shall consist of six (6) elected members. The Board shall consist of two (2) members for a one-year term, two (2) members for a two-year term, and two (2) members for a three-year term. Annually, two (2) members shall be elected to fill the position of the three-year term. The Ladies Auxiliary and/or special committee can have a member on the Board of Trustees, for information only with no vote.
- e) Minutes shall be kept of all meetings and a copy shall be given to the Commander, one posted on the bulleting board, and a file copy.
- f) A set of House Rules covering the standard of conduct and visitor control will be prepared coordinated with the Executive Committee and approved by the general membership prior to implementation. Changes to these House Rules can be made with the approval of two-thirds (2/3) vote of the general membership at any meeting.
- g) Misconduct in the Club Room should be addressed as a violation of a properly published House Rules.

Section 10. Any elected officer who misses two (2) consecutive regular meeting without prior consent shall be removed from office without any further action, notification, or hearing. The vacated position shall be filled within the guidelines prescribed herein.

Article IV: Meetings

Section 1. This Post shall meet on the third Tuesday of every month at the Post Home, or at a designated place.

Section 2. There shall be three (3) types of membership meetings:

- a) The monthly general membership meeting as set forth in Section 1;
- b) A called special general membership meeting; and,
- c) The annual meeting.

Section 3. Written notices shall be mailed to all members at least ten (10) days in advance to notify them of special general membership meetings. An agenda of business to be considered at the annual meeting shall be distributed to all members prior to said meeting.

Section 4. The order of business shall be prescribed by the Executive Committee and may be changed from time to time. At the monthly general membership meeting, two-months preceding the annual meeting, nominations for officers shall be entertained and an announcement of the business to be considered at the annual meeting will be made. Further nominations may be made from the floor of the next general membership meeting and at the annual meeting.

Section 5. At each meeting all members of this Post in good standing shall be entitled to one (1) vote.

Section 6. The Commander shall represent this Post at all District, State, and National Meetings, if this Post can financially afford for the Commander to be there. The Commander shall have his room ;aid for and mileage ;aid at the current Department rates. If the Commander cannot be at these meetings he shall appoint a representative to replace him and they will be paid in the same manner. If any voting member of the Executive Committee attends a State Executive Committee meeting or the Department Convention, and if the Post can financially afford to, their rooms will be paid for provided that the member be present on the floor each day. No per diem for meals shall be paid.

Article V: Finance

Section 1. The annual dues for this Post shall be \$30.00 for annual membership, or \$250.00 for life membership.

Section 2. The Post Executive Committee and the Department Judge Advocate must approve all fund-raising activities in advance. A copy of the proposed fund-raising programs must be transmitted to National Headquarters, through the Department Judge Advocate, at least fifteen (15) days before the program becomes effective, if expected proceeds are to exceed \$10,000.00.

- a) All special fund-raising projects shall be recorded and deposited. No funds from special projects shall be used for any other purpose without two-thirds (2/3) approval from the Board of Trustees, Executive Committee, and the general membership.

Section 3. An annual budget, subject to change, shall be prepared by the Finance Officer and submitted to the Executive Committee for approval and adequate books and records of accounting maintained. Any changes will be brought before the Executive Committee and the general membership. The activities and records of the Finance Officer shall be subject to inspection and regulation by the Executive Committee. The books shall be open to any member requesting inspection at all reasonable times. The fiscal year for this Post shall January 1st through December 31st.

Section 4. The Finance Officer shall render a report of receipts and disbursements at each monthly general membership meeting of this Post. He shall be responsible for filing IRS Form 990 with the Internal Revenue Service on or before May 15th, a certification of this Post shall be made on the AMVETS Change of Officers Form.

Section 5. An audit shall be conducted every October and April of the Post financial records. A member of the Executive Committee, and member of the Board of Trustees, and one (1) member in good standing shall conduct the audit. The Finance Officer will be present to answer questions. Any discrepancies shall be forwarded to the Commander and the Finance Officer will have thirty (30) days to correct them. If the Finance Officer position is vacated an audit must be conducted within 30 days.

Section 6. The Finance Officer is authorized to pay all normal bills of the Post. The Board of Trustees can authorize up to \$500.00 in expenditures for a project. The Executive Committee can

authorize up to \$1000.00 in expenditures. Only two (2) simultaneous projects of up to \$1000.00 will be authorized at any given time. More than two projects or any project costing greater than \$1000.01 will have to have the approval of the General Membership.

Section 7. The Post Commander is authorized a discretionary fund of \$100.00 per month. Disbursements of this fund will be accounted for and reported to the Finance Officer.

Section 8. Any loan or mortgage which may create a lien against the Real Property on which the Post Home is constructed must be approved by two-thirds (2/3) vote at a Special general membership meeting conducted in accordance with Article 1, Section 2, of these By-Laws.

Article VI: Uniform

Section 1. The proper AMVETS uniform for this Post is as follows:

- a) White shirt with epaulets with the following devices:
 - 1) Right sleeve – AMVETS patch 2 inches below the seam with Florida AMVETS patch below;
 - 2) Left sleeve – American Flag, blue field uppermost and always forward, 2 inches below the seam, a POW/MIA patch may be worn beneath the Flag patch.
 - 3) The AMVETS Collar Insignia will be worn on both collars, vertical from the tip of the collar.
- b) Medium gray trousers for men and medium gray slacks or skirt for female members.
- c) Navy blue blazer with the AMVETS patch on the left breast pocket.
- d) Navy blue tie, black, belt, and black shoes.

Section 2. All officers shall wear the AMVETS cap that they rate as prescribed in the *AMVETS Officer's Manual*, at all membership meetings.

Article VII: Discipline of Members

Section 1. This Post shall be judge of its own membership. Disciplinary action shall be taken into two (2) categories: Category A being offenses against AMVETS, Category B being a violation of the House Rules.

Category A: Offenses against AMVETS may include, but not limited to, the following:

- (a) failure to comply with any obligation imposed on members under the Constitution and By-Laws;
- (b) any violation of law that reflects unfavorably on the name of AMVETS;
- (c) any conduct unbecoming an AMVET;
- (d) ineligibility for membership at the time of acceptance into membership; or
- (e) procurement of membership by fraud or deception.

Category B: Violation of House Rules. These violations cover all situations where a canteen is operated and a meeting is not in session. The Commander must review all charges and determine which category the grievance shall be adjudicated.

Section 2.

Category A: Any member of AMVETS may prefer charges against any other member, alleging any of the foregoing causes for suspension or expulsion. Such charges shall be made under oath, setting forth the time and place of the offense or other basis for the charges, as near as may be practicable, and signed by the accuser. Not more than thirty (30) days after the occurrence took place.

Category B: Charges may be made by any member of the Post (any person having Post canteen privileges).

Section 3. All charges and specifications shall be sworn and filed with the Commander, not more than thirty days after the alleged incident occurred. The Commander shall discuss the charges with the complainant and determine which category is applicable. The Commander may also arbitrate closure to the grievance if appropriate. In the event that arbitration is not permissible, the Commander shall, within five (5) days, charge the accused individual under the appropriate category and forward, by registered mail, receipt return request, a copy of the charges and the original grievance to the member. This letter shall include a notice fixing a date, place, and time of the hearing, to be held not less than thirty (30) days after said date of mailing.

Section 4. Category A charges shall be heard by the Post Executive Committee. Category B charges shall be heard by a Grievance Committee, appointed by the Commander. The member shall have the right to be represented by counsel and to cross-examine his accuser or accusers and witnesses presented against him. No member against whom charges have been proffered, or who has proffered charges against another member, shall sit in judgment on any panel hearing or deciding the matter.

Section 5. The Judge Advocate shall prosecute Category A and B Charges. The attendance of a court reporter shall be permitted at all hearings, but paid for by the accused.

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

Section 7. On the conclusion of the hearing, a vote shall be taken, first as to whether there is a basis for the charge or charges and, if by the vote it is determined that there is none, the charges may be dismissed. If the charges are not dismissed, then a vote shall be taken on the guilt or innocence of each of the charges and each of the specifications. A two-thirds (2/3) vote of the members hearing the charges and specifications shall be required to sustain any charge or specification. Voting provided for shall be secret or open as said committee may, by a majority vote thereof, determine.

Section 8. If any charge or specification is sustained, then the member shall be deemed to be guilty thereof and the officer presiding at the hearing shall then put the question of the degree of punishment as to: whether there shall be an expulsion or suspension from the Post, or the National AMVETS organization. Category B charges can result in the suspension or revocations of canteen privileges only.

Section 9. Appeals.

Category A: Any member whose membership is suspended or forfeited may appeal to the next highest level, the State Executive Committee. Notice of appeal must be filled in writing with the Department Commander no later than fifteen (15) days after the imposition of the penalty.

Category B: Appeals will be made to the Post Executive Committee whose decision shall be final.

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

Article VIII: Delegates to Convention

At least thirty (30) days before, the general membership shall approve the State and National Department Convention, delegates and alternates to attend said Conventions. The number of delegates will be in accordance with the National and Department delegate strength guidelines. The Post Commander shall constitute one delegate. The Immediate Past Post Commander shall be the delegation chairperson and cast the vote for the delegation. The delegates and alternates shall conduct themselves as to not bring discredit upon this Post or its members, and be properly attired at all functions.

Article IX: Resolutions

All resolutions adopted by this Post shall be forwarded to the Department Headquarters. It shall take a majority vote of members present at a membership meeting to pass any resolutions other than amendments to the Constitution and By-Laws.

Article X: Definitions

The words "he", "him", or "member" wherever it shall appear in either the Constitution or By-Laws shall be construed as referring to both sexes.

Article XI: Restricted use of Organization

AMVETS, or any component part thereof, shall not be used to promote the interest of any individual who is a candidate for public office or to promote otherwise any individual,

organization, political party, faction, or product. Any violation of this provision shall be sufficient cause for disciplinary action against the offending members.

Article XII: Rules of Order

All meetings and all matters and proceedings not otherwise provided for herein shall be conducted pursuant to *Robert's Rules Order, Newly Revised*.

Article XIII: Amendments

All amendments to these By-Laws shall be recommended and voted upon in the same manner as prescribed in the Constitution, except that they can be approved by a majority vote of the members present at any General Membership or Annual meeting.

Approved at the General Membership meeting of 15 May2012.

Craig Sarrasin
Commander

Rick Brack
Judge Advocate