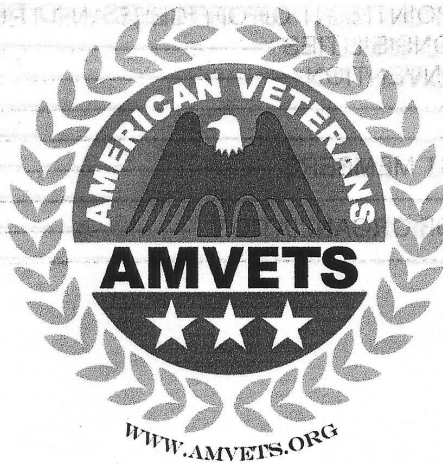

AMVETS POST 0081

Constitution and Bylaws



Revised May 2017

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AMVETS Department of Florida

AMVETS (American Veterans) POST 0081 CONSTITUTION AND BYLAWS

CONSTITUTION PREAMBLE

We, the American Veterans who have served or are serving in the Armed Forces of the United States during and since World War II, fully realizing our responsibility to our community, to our State, and to our Nation, associate ourselves for the following purposes: to uphold and defend the Constitution of the United States; to safeguard the principles of freedom, liberty, and justice for all; to promote the cause of peace and goodwill among nations; to maintain inviolate the freedom of our country; to preserve the fundamentals of democracy; to perpetuate the friendship and associations of these Veterans; and, to dedicate ourselves to the cause of mutual assistance, this by the Grace of God.

ARTICLE I. NAME

The name of this Post shall be Jack Cava AMVETS (American Veterans) Post 0081, city of North Fort Myers, County of Lee, in the State of Florida and it shall be hereinafter referred to as the Post. That name shall be recognized as the official name of this Post.

ARTICLE II. AIMS

The aims and purposes of this organization are as follows:

1. To serve our country in peace and in war; to build and maintain the welfare of the United States of America toward lasting prosperity and peace for all its inhabitants.
2. To encourage, in keeping with policies of our Government, the establishment of a concrete plan to secure permanent international peace and to assist in the maintenance of international peace.
3. To inspire in our membership a sense of responsibility and to develop leadership for the preservation of our American democratic way of life.
4. To help unify divergent groups in the overall interest of American democracy.
5. To train our youth to become purposeful citizens in a democracy with full knowledge of the responsibilities as well as the privileges of citizenship.
6. To cooperate with all duly recognized existing veterans organizations in the furtherance of the aims of the American veterans who have served or are serving in the Armed Forces of the United States during and since World War II.
7. To insure the orderly return of the veterans to civilian life by protecting their rights as individuals while still in uniform.
8. To expedite and assist in the rehabilitation of the veteran by maintenance of employment services, sponsoring educational opportunities, providing counseling of insurance, housing, recreation, personal problems, hospitalization, and veterans benefits.

9. To act as liaison agent between the veteran and the Government.

10. To provide an organization to encourage fellowship among all American veterans who have served or are serving in the Armed Forces of the United States during and since World War II.

11. To keep the public forever reminded that American veterans who have served or are serving in the Armed Forces of the United States during and since World War II fought and served to preserve peace, liberty, and democracy for their nation.

ARTICLE III. ORGANIZATION

This Post shall be organized with an Executive Committee and, if the Post has a Canteen, a Board of Trustees. The Executive Committee shall have administrative powers to conduct Post affairs between General Membership meetings. The Board of Trustees shall be responsible for supervising the activities, operation, and finances of the Post Canteen. The Board of Trustees shall be subordinate to the Executive Committee whose actions must be approved at a duly scheduled General Membership meeting. All revenues derived from the Post Canteen and other related Post activities shall be under the direct supervision of the Finance Officer.

ARTICLE IV. MEMBERSHIP

Section 1. Any person who served or is currently serving in the Armed Forces of the United States of America at any time after September 15, 1940, is eligible for regular membership in AMVETS provided such service, when terminated by discharge, or release from active duty, be by honorable discharge, honorable separation, or general discharge under honorable conditions. Membership eligibility was extended to include wartime merchant marines who are eligible for veteran's benefits and have secured a DD-214 from either the Navy or the Coast Guard.

Section 2. Any American citizen, as an American citizen, who served in the Armed Forces of an Allied Nation of the United States at any time after September 15, 1940, and before May 8, 1975, is eligible for regular membership in AMVETS provided such service, when terminated by discharge or release from active duty, is by honorable discharge or honorable separation.

Section 3. No person who is a member of, or who advocates the principles of any organization believing in, or working for the overthrow of the United States Government by force, and no American citizen or permanent resident alien in the United States, one of its territories, possessions or District of Columbia who refuses to uphold and defend the Constitution of the United States, shall be privileged to become, or continue to be a member of this organization.

Section 4. All United States Reservists and National Guardsmen who are now serving, or have been honorably discharged since September 15, 1940, are eligible for regular membership in AMVETS, provided such service, when terminated by discharge or release from active duty, be by honorable discharge or honorable separation.

Section 5. Honorary memberships shall not be granted.

Section 6. No member shall be a member of more than one AMVETS Post at the same time.

Section 7. This Post shall be the judge of its own membership, subject to the provisions of the Constitution and Bylaws of the National and Department organizations. (See AMVETS Department of Florida Bylaws Article VIII).

Section 8. Annual membership shall be on a fiscal year basis and shall run from September 01 through August 31 of each year.

Section 9. Eligibility for membership and the rights and privileges of members shall be as provided in this constitution and bylaws, and the terms of membership and requirements for holding office within AMVETS shall not be discriminatory on the basis of race, color, religion, gender, sexual orientation, or national origin.

ARTICLE V. OFFICERS AND TRUSTEES

Section 1. The elected officers of this post shall consist of a Commander, 1st Vice Commander for Membership, 2nd Vice Commander for Programs, Finance Officer, Judge Advocate, and Provost Marshal.

Section 2. The appointed officers may consist of an Adjutant, Public Relations Officer, Historian, Chaplain, and Quartermaster. A Sons of AMVETS coordinator must be appointed if a Squadron Sons subordinate organization exist. A Ladies Auxillary coordinator must be appointed if a Ladies Auxillary subordinate organization exist.

Section 3. The Post shall elect a minimum of 3 Trustees to supervise the activities, operation and finances of the Post Canteen. The number of Trustees and their term shall be in accordance with these Post By-Laws.

Section 4. Election of officers and Trustees shall be held annually between May 01 and May 14. Nominations shall be made from the floor at the March and April monthly meeting and again just prior to elections at the Annual Meeting.

ARTICLE VI. POST EXECUTIVE COMMITTEE

The administrative power between Post meetings shall be vested in the Post Executive committee which shall be composed of the Post Commander, 1st Vice Commander for Membership, 2nd Vice Commander for Programs, Finance Officer, Judge Advocate, Provost Marshall, Chairman of the Trustees, and the immediate Past Commander. All shall have equal right of voice and vote except the commander, who shall only vote in case of a tie. All other appointed officers shall have voice but no vote on the Executive Committee. The Post Commander shall be the Chairman of the Executive Committee.

ARTICLE VII. POST REVALIDATION

Section 1. Every Post shall be required to revalidate its charter within seven (7) days following the annual meeting but not later than May 22nd utilizing the procedures set forth in the Bylaws. The responsibility for gathering and submitting revalidation documents rests with the Commander, Judge Advocate and Post Adjutant.

ARTICLE VIII. SUBORDINATE ORGANIZATIONS

AMVETS (American Veterans) Post 81 recognizes the following subordinate organizations:

- AMVETS Post 81 Ladies Auxiliary
- Sons of AMVETS, Squadron 81
- AMVETS Riders Florida Chapter 81
- Sad Sacks
- Sacketts
- Sons of Fun
- Junior AMVETS

ARTICLE IX. AMENDMENTS

This Constitution may be amended by a two-thirds vote at a duly announced monthly General Membership meeting. The Post Judge Advocate must, through committee, develop recommended changes and present them at the monthly meeting prior to the date that voting on the changes is scheduled to occur. The Post membership shall be made aware that proposed changes are to be voted on at the next meeting at least fifteen days prior to that meeting. This Constitution may also be amended by a unanimous vote at a regular meeting without notice to the membership. Amendments to this constitution shall take effect immediately upon adoption unless otherwise specified by the voting body.

This document is a true copy, which was adopted by the membership of this Post on 7/8/2017
(Date)

Neil Fountaine
(Post Commander signature)

Neil Fountaine
(Post Commander printed name)

7/17/17
(Date)

George Taylor
(Post Judge Advocate signature)

George Taylor
(Post Judge Advocate printed name)

July 17, 2017
(Date)

BYLAWS

ARTICLE I. QUORUM

Section 1. At all annual, regular and special meetings, a minimum of 8 members present shall constitute a quorum, providing at least one elected officer is present to preside.

Section 2: A quorum at Executive Committee meetings shall consist of 50% plus 1 of the members of the committee.

Section 3. A quorum for the Board of Trustees shall consist of 2 members of the board.

ARTICLE II. COMMITTEES

Section 1. The following standing committees shall be appointed by the Commander, with approval of the Executive Committee and General Membership: Membership, Finance, and Programs. The Post Commander shall appoint a chairman and such members of AMVETS to each committee as are necessary to accomplish its objective.

Section 2. Temporary committees may be appointed by the Commander to expedite projects for the good and welfare of the Post.

ARTICLE III. MEETINGS

Section 1. This Post shall meet on the 2nd Saturday of every month at a place designated at the previous meeting, unless a special meeting needs to be called.

Section 2. There shall be three types of meetings:

- A. REGULAR MEETING referenced above,
- B. SPECIAL MEETING called for a specific purpose on an issue that cannot wait for the general membership meeting, and
- C. ANNUAL MEETING held between May 1st and May 14th electing the Post Officers.

Post members will be notified 15 days in advance of all meetings. Notification must include the time, date, location and purpose of the meeting. Notification may be verbal, posted on bulletin board, sent by mail or email. If email is used a response must be received by the adjutant or designated person to ensure the addressee received the email. If a critical issue arises that needs immediate approval of the Executive Committee the Commander may notify all Committee members by phone for a 1 day notification of meeting.

Section 3. The order of business shall be prescribed by the Executive Committee, but may be changed when necessary.

Section 4. Nominations of officers shall be made at the general meetings in March and April preceding the annual meeting. Further nominations may be made from the floor at the annual meeting.

Section 5. All business meetings of this Post shall be conducted in accordance with Robert's Rules of Order, latest edition.

ARTICLE IV. ELECTION AND APPOINTMENT OF OFFICERS AND TRUSTEES

Section 1. A Commander, 1st Vice Commander of Membership, 2nd Vice Commander of Programs, Finance Officer, Provost Marshal, Judge Advocate shall be elected annually. An Adjutant, Public Relations Officer, Historian, Chaplain, Quartermaster, Sons of AMVETS Coordinator (if appropriate) and a Ladies Auxiliary Coordinator (if appropriate) may be appointed annually by the newly elected Commander with the approval of the Executive Committee. Nominations will take place at the March and April meetings and just prior to the election at the Annual Meeting.

Section 2. The election of officers shall be held at the annual meeting of the Post between May 01 and May 14. The vote shall be taken in the manner prescribed by the Post membership. If by written ballot, sufficient paper ballots will be prepared in advance by the Adjutant. The Provost Marshal shall distribute, collect and count the ballots and shall advise the Judge Advocate, who will review and advise the Post Commander. The Post Commander will make the announcement of the results. Only members in good standing in person at the meeting shall be entitled to vote. The Post Adjutant shall notify the Department Executive Director of the election of new officers within seven (7) days after the said elections have been completed. Members of subordinate organizations may not participate in any manner in the election process.

Section 3. Board of Trustees.

A. (If a canteen is operated for the convenience of the membership) A minimum of three (3) trustees – or more if desired - shall be elected to supervise canteen activities, operations, and finances. A full board may be elected annually, or in one, two, or three year increments. A Chairman shall be elected within the Trustees and shall Chair all meetings. The Chairman of the Board of Trustees shall be directly responsible to the Post Executive Committee. The Chairman shall be the supervisor of all personnel working in the canteen, compensated or volunteer.

B. Standard Operating Procedures for each phase of canteen operations shall be prepared and approved by the General Membership. House Rules covering standards of conduct and visitor control, shall be prepared by the Board of Trustees, coordinated with the Executive Committee, and approved by the General Membership prior to implementation. These House Rules may be amended at any General Membership meeting with a 50% + 1, of members present, vote. All monies collected from canteen operations shall be accounted for and turned over to the Finance Officer.

C. No Post Officer (elected or appointed) or trustee may be employed in a compensated position in the Post.

Section 4. The newly elected officers, appointed officers, and trustees shall be sworn in and shall take office immediately at the end of the Annual Meeting.

Section 5. In the event that the office of the Commander is vacated, the Vice Commanders in the order of their numerical designation shall succeed to the office of Commander for the un-expired term. Only Vice Commanders may succeed to the Commander's position. If all Vice Commanders decline, a special election must be held to fill the Commander's vacancy.

Section 6. Should any other office be vacated, the Commander is empowered to appoint a successor for the completion of the term subject to the approval of the Executive Committee, and the General Membership.

Section 7. Any Post Officer (elected or appointed) or trustee who misses two (2) consecutive regular meetings 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 V. DUTIES AND RESPONSIBILITIES

Section 1. Commander – The Commander is the senior executive officer of the Post and shall preside at all meetings of the Post and Executive Committee but may delegate a Vice Commander to serve as a temporary substitute when needed. The Commander is an ex officio member of all committees. The Commander directs and supervises the activities of all elected and appointed officers and committees. The Commander and Finance officer are jointly responsible for all monies received by the Post. It is the Commander's responsibility to disseminate to the membership all pertinent information that is sent from the Department and National headquarters. The Commander shall be the official spokesman on all matters of public interest concerning Post activities.

Section 2. 1st Vice Commander for Membership: His duties will be to perform all membership duties as required by higher authority including a Post Membership Roster. In the event of the Post Commander's absence or disability the First Vice Commander shall preside at all meetings of the Post. The First Vice Commander shall perform such other duties requested of him by the Post Commander.

Section 3. 2nd Vice Commander for Programs: His duties will be to establish a series of programs to be adopted for the year which shall then be carried out by action of the Post. He shall confer with the Post Commander on all these Programs and with the Post Commander will determine the period of time at which these programs will be carried out. He will disseminate information as to how to implement these Programs. He shall also arrange to inform the Post as to the manner of participation in the Programs adopted.

Section 4. Finance Officer: An annual budget shall be prepared by the Finance Officer and/or Assistant Finance Officer and submitted to the Executive Committee for approval and adequate books and records of accounts maintained. The Commander, 1st Vice Commander, Finance and Assistant Finance Officers (if there is an Assistant Finance Officer) will be the only individuals authorized to sign checks or be on AMVETS Post 81 bank accounts.

Section 5. Trustees: The Post shall elect three (3) Trustees to supervise the activities, operation and finances of the Post Canteen. The terms of the Trustees may be further defined.

Section 6. Judge Advocate: The Post Judge Advocate is responsible for drafting the post's constitution and bylaws (CBL) for presentation to and adoption by the general post membership. Two copies of the updated post CBL, with any changes additions or corrections highlighted must be sent to the Department Judge Advocate for review, approval and forwarding. The Post Judge Advocate will be the prosecutor at all hearings within the Post. If the Judge Advocate recuses

himself or is not available, the Commander will appoint a knowledgeable member within the Post to take his place.

Section 7. Provost Marshal: The Provost Marshal preserves order at all meetings of the Post and Executive Committee, maintains the Post colors and other duties as assigned by the Commander.

Section 8. Post Employees: Post Employees shall be provided a job description prior to employment. They, along with volunteers, shall receive reasonable training and be free from harassment. Any Employee or Volunteer may be disciplined by their immediate supervisor (i.e. Bar Manager/Disciplines bartenders) with due cause. A disciplined employee shall have the right to appeal to the Post Executive Committee. The decision is final and no further appeal may be recognized.

Section 9. Relatives of Post Officers (elected or appointed) or Trustees are not eligible to be compensated employees if their employment establishes a supervisor/subordinate relationship within the Post "chain of command".

Section 10. Members holding trustee or Post positions (elected or appointed) are not eligible for compensated employment. Post employees are also barred from campaigning or otherwise advocating any candidate for an office of the Post. All employees that are Post members have the right to vote at all meetings.

ARTICLE VII. DELEGATES TO CONVENTION

At least thirty (30) days prior to the Department and National conventions, delegates and alternates shall be chosen 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. Other delegates may be elected with instructions governing their representation.

ARTICLE VII. FINANCE

Section 1. The total annual and life dues of this Post shall be set and paid in accordance with AMVETS Department of Florida Bylaws, Article VI. Section 6.

Section 2. The Post Executive Committee shall approve all fund-raising activities in advance. If a fund raising activity requires entering into a contract or if anticipated gross revenues are expected to exceed \$10,000, a copy of the proposed fund raising program must be transmitted through the Department Judge Advocate to the National Headquarters for approval.

Section 3. An annual budget shall be prepared by the Finance Officer and submitted through the Executive Committee for approval by the membership. Financial year will be January 1st through December 31st. Accurate books and records of account activities maintained by the Finance Officer shall be subject to inspection and regulation by the Executive Committee at all reasonable times.

Section 4. The Finance Officer shall render a report of receipts and disbursements to each meeting of this Post. This office is also responsible for filing an IRS Form 990 with the District Director of the Internal Revenue Service (or a Certificate in lieu thereof where the 990 is not required) on or before the mandatory date set by the IRS.

Article VIII. REVALIDATION

Section 1. The Post shall revalidate its charter prior to May 22nd of each year. Revalidation is required for members to register at the Department Convention. The responsibility for gathering and submitting revalidation documents rests with the Commander, Adjutant and Judge Advocate. The following minimum requirements must be completed and forwarded to the AMVETS Department of Florida:

- A. Change of Officers Form must be completed, in three copies. Two copies shall be forwarded in the revalidation package and one maintained on file in the Post.
- B. The Finance Officer shall file Internal Revenue Form 990 for the financial year identified in Article VII Section 3 with the Internal Revenue Service. This document will not be forwarded as part of the revalidation package, however it must be annotated on the Change of Officers form. This document is due the IRS not later than May 15, annually. The fiscal year for the Post shall be January 1st through December 31st.
- C. The Post Judge Advocate shall submit to the Department Judge Advocate two copies of the current Constitution and By-Laws, if amended during the current AMVET year. If no amendments are made, the Change of Officers Form shall be so annotated.
- D. The Post shall carry worker's compensation insurance in accordance with the State of Florida Statutes. The Post shall maintain a minimum of \$500,000 of Public, Product and Personal Injury coverage insurance. The Department of Florida AMVETS and the National AMVETS shall be included as additional insured in all policies. A copy of this document will be immediately forwarded to the Department and National Organization upon receipt.
- E. The Post shall revalidate its Articles of Incorporation as a "Patriotic Not for Profit Corporation" organization under IRS Code 501C (19) annually. Two copies of this revalidation certificate shall be included in the revalidation package.
- F. The Post must be fully paid up in all Department and National accounts.

Section 2. Post officials handling AMVETS funds shall be properly bonded with a good and solvent bonding Surety Company, acceptable to the U.S. Treasury, as surety to cover the average amount of AMVETS funds handled by said individual in a single year.

ARTICLE IX. DISCIPLINE OF POST MEMBERS

Each Post of AMVETS shall be the judge of its own membership, subject to the provisions of the National Constitution and Bylaws. All discipline must be handled in accordance with AMVETS Department of Florida Article VIII. and AMVETS National Constitution, Appendix B.

ARTICLE X. DISCRIMINATION

Discrimination and harassment within the Post shall not be tolerated. Instances based on sex, age, race, national origin, religion, sexual orientation, marital status, or membership in other protected groups, shall be referred to the Post Commander. As a minimum, the individual charged with this offense shall be suspended from all Post property until the matter is resolved. The Commander shall, within five days, convene a Special Executive Committee meeting to address this matter. This

meeting will be "Closed Door" and all findings will remain confidential. Visitors or vendors found guilty of this offense shall be dealt with in a very firm manner. Vendors shall have their respective supervisors notified and visitor may be declared an "Unwelcome Guest". A Post member may be disciplined for knowingly sponsoring an "Unwelcome Guest" into the Post.

ARTICLE XI. RESTRICTED USE OF ORGANIZATION

AMVETS, the Post, 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 member.

ARTICLE XII. AMENDMENTS

These Bylaws may be amended by the majority vote of the members present at a duly announced General Membership Meeting. The Post Judge Advocate must, through committee, develop recommended changes and present to the body at the monthly meeting prior to the date that voting on the changes are scheduled to occur. The Post membership shall be made aware that proposed changes are to be voted on at the next meeting at least fifteen days prior to the meeting. These By-Laws may also be amended, by unanimous vote, at the Annual Meeting without notice to the membership. Amendments to these By-Laws shall take effect immediately upon adoption unless otherwise specified by the voting body. Two copies of the approved Bylaws shall be forwarded to the Department Judge Advocate.

This document is a true copy, which was adopted by the membership of this Post on 7/8/2017
(Date)

Neil Fountaine
(Post Commander signature)

Neil Fountaine
(Post Commander printed name)

7/17/17
(Date)

George Taylor
(Post Judge Advocate signature)

George Taylor
(Post Judge Advocate printed name)

July 17, 20
(Date)