

AMVETS

RAY METTY MEMORIAL POST 897 Inc.

Constitution and Bylaws



Amendments to AMVETS Post 897's Constitution and Bylaws
Approved by 2/3rd Vote at General Body Meeting - 11/12/2016

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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 REALIZE OUR RESPONSIBILITIES 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 SAFE GUARD THE PRINCIPLES OF FREEDOM, LIBERTY, AND JUSTICE FOR ALL; TO PROMOTE THE CAUSE OF PEACE AND GOOD WILL AMONG NATIONS; TO MAINTAIN INVIOATE THE FREEDOM OF OUR COUNTRY; TO PRESERVE THE FUNDAMENTALS OF DEMOCRACY; TO PERPETUATE THE FRIENDSHIP AND ASSOCIATIONS OF THESE VETERANS; AND TO DEDICATE OURSELVES OF THE CAUSE OF MUTUAL ASSISTANCE, THIS BY THE GRACE OF GOD.

CONSTITUTION

ARTICLE 1 NAME

The name of this organization shall be AMVETS, Ray Metty Memorial Post 897 Inc., (AMVETS Post 897) in the Village of Blasdell. NY and it shall be hereinafter referred to as the Post.

ARTICLE II THE AIMS AND PURPOSES OF THIS ORGANIZATION

SECTION 1: To serve our country in peace as in war, to build and maintain the welfare of the United States toward lasting prosperity and peace for all inhabitants.

SECTION 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.

SECTION 3: To inspire in our membership a sense of responsibility, and to develop leadership for the preservation of our American democratic way of life.

SECTION 4: To help unify divergent groups in overall interest American democracy.

SECTION 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.

SECTION 6: To cooperate with all duly recognized existing veteran organizations in the furtherance of the aims of American veterans who have served or are serving in the Armed Forces of the United States during and since World War II.

SECTION 7: To ensure the orderly return of the veteran to civilian life by protecting their rights as individuals while _ still in uniform.

SECTION 8: To expedite and assist in the rehabilitation of the veteran by maintenance of employment services, sponsoring educational opportunities, providing counsel of insurance, housing, recreation, personal problems, hospitalization, and veterans benefits.

SECTION 9: To act as liaison agent between veteran and the government.

SECTION 10: To provide an organization to encourage fellowship among all veterans.

SECTION 11: To keep the public forever reminded that the 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 of their nation.

ARTICLE III 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 POST #897, provided such service, when terminated by discharge, or release from active duty be by honorable discharge, honorable separation, or general discharge under honorable conditions

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, is eligible for regular membership in AMVETS POST # 897 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 the 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 Sept. 15, 1940, are eligible for regular membership in AMVETS Post 897 provided such service, when terminated by discharge or release, is by honorable discharge or separation.

SECTION 5: Honorary membership shall not be granted.

SECTION 6: No person shall be a member of more than one post at any one time.

SECTION 7: No person expelled from one post shall be eligible for membership in any other post without the consent of the expelling post, or consent of the State Executive Committee (SEC) after hearing an appeal.

SECTION 8: This post shall be the judge of its own membership, subject to the provisions of the constitution and By-laws of the national and department organizations.

SECTION 9: Membership shall be on a fiscal year basis and shall run from Sept. 1st through Aug. 31st. A member, whose dues have not been paid 30 days after the expiration of the membership year, will be suspended and if not paid within 60 days, membership and all rights and privileges shall be forfeited.

SECTION 10: Application for membership will be submitted on a form similar to that prescribed by the National AMVETS Headquarters. It will be submitted to the Post Adjutant for processing and action by the Executive Committee, after proof of eligibility, i.e. Retired ID Card, DD 214. Active Duty ID or other equivalent proof of honorable service/discharge is shown.

SECTION 11: Eligibility for membership and the rights and privileges of members shall be as provided in the Constitution and By-laws, and the terms of membership and requirements for holding office within AMVETS shall not be discriminatory on the basis of race, color, religion, sex, or national origin.

ARTICLE IV OFFICERS

SECTION 1: Post Officers shall consist of a Commander, 1ST Vice Commander, 2ND Vice Commander, 3RD Vice Commander, 4TH Vice Commander, Adjutant, Finance Officer, Provost Marshal, Judge Advocate, Trustees, Public Relations Officer, Chaplain, Historian, and Service Officer.

SECTION 2: Nominations of Officers for AMVETS POST # 897, shall be held in the months of February, March and April. Elections (if needed, shall be in the month of May.

ARTICLE V EXECUTIVE COMMITTEE

The elected and appointed officers of the Post, and the immediate Past Commander shall constitute the Executive Committee. The Executive Committee is charged with the management and administrative affairs, and the property of the Post. The Executive Committee shall formulate the policy of the organization for approval by the members. Commander shall be the chairperson of the Executive Committee. The Adjutant, Chaplain, Service Officer, Historian, Auxiliary President, Sons Commander and Riders President (if an AMVET 897, Ladies Aux, or Sons of AMVET 897 member) are non-voting members of the Executive Committee.

ARTICLE VI POST ORGANIZATION

SECTION 1:

This post shall be governed by the officers chosen in accordance with this Constitution and By-laws and will annually revalidate its charter prior to July 15. Such revalidation shall be evidenced by the issuance of a Revalidation Certificate issued by the National Department upon satisfactory completion of all requirements. Apart from any other requirements imposed by the Department of National Constitution and By-laws, this post shall:

- (a) Furnish National and Department Headquarters with a certified list of current Post officers not later than July 15.
- (b) Provide a written statement to the National Organization that the post has or has not filed an IRS Form 990 with the Internal Revenue Service for the fiscal year.
- (c) Furnish National Headquarters with a copy of the Post's current Constitution and By-laws or certify on the Change of Officers Form that the copy on file has not been altered, changed or amended.
- (d) Be fully paid up in all accounts with National Headquarters.
- (e) Comply with applicable liability insurance and bonding mandates.

- (f) Have a minimum of ten (10) members in good standing at all times.
- (g) All property and assets are for the express use of AMVETS 897 on premises only.

SECTION 2: Within 30 days of notice to surrender its charter resulting from disciplinary or voluntary action, the post will close all bank accounts and deliver to the State Department or National Organization all post records, property and assets.

ARTICLE VII SUBORDINATE ORGANIZATIONS

SECTION 1:

- (a) A subordinate organization of this post may be established only by a provision of the post's Constitution and By-laws, and in keeping with the National Constitution and By-laws.
- (b) All subordinate organizations' membership qualifications must be consistent with the aims and purposes of AMVETS.

SECTION 2: All AMVETS subordinate organizations shall follow the same membership year and membership dues in concert with the parent organization.

SECTION 3: All subordinate organizations shall be under the jurisdiction of the AMVETS Post 897 whose name it bears and shall carry the corresponding number of the Post.

SECTION 4:

- (a) A two-thirds (2/3) vote of the AMVET members present at a stated meeting is required to approve and form a subordinate organization.
- (b) AMVETS Post members must be given written notice of such meeting a minimum of 15 days prior to the proposed formation.
- (c) Where no Post exists, a subordinate organization shall not be formed, nor continue to operate as an independent entity. The subordinate's charter must be surrendered along with any property it may possess to the duly recognized subordinate officer in accordance with the Constitution of the National Subordinate Organization.
- (d) Wherever a post clubroom is maintained and operated for the convenience and pleasure of its members, and the name of AMVETS or its insignia is displayed or used, a Board of Directors shall be elected by and from among the members of the post to supervise its activities, operations and finances.

SECTION 5: No fund-raising activities can be sponsored by any subordinate organization without the recommendation of the AMVETS Post Executive Committee and the prior approval of the AMVETS Department and National Organizations in compliance with National By-laws, Article VII, Section 3(a).

ARTICLE VIII LADIES AUXILIARY

SECTION 1: AMVETS POST #897 INC., recognizes a subsidiary organization known as AMVETS POST # 897 AUXILIARY.

SECTION 2:

(a) Membership eligibility in AMVETS Post 897 Ladies Auxiliary is limited to the mothers, wives and grandmothers, regardless of age, and to the daughters, sisters and granddaughters not less than 18 years of age of regular members of AMVETS.

(b) Mothers and widows, regardless of age, and daughters, sisters and granddaughters not less than 18 years of age of deceased veterans who would have been eligible for membership in AMVETS Post 897.

(c) Female veterans who served honorably in the Armed Forces of the United States after Sept. 15, 1940 or as an American citizen in the armed forces of Allied countries, after Sept. 15, 1940, and before May 8, 1975, who maintain their AMVETS Membership unless they meet the established criteria.

(d) Any auxiliary member who qualifies and joins as a member under the criteria in Section 2 (a), (b), or (c) shall be allowed to remain an auxiliary member so long as she remains a member in good standing.

SECTION 3: The Auxiliary shall submit its Constitution and By-laws to the AMVETS POST #897 Judge Advocate for review and determination of compliance with AMVETS POST #897 and NATIONAL AMVETS CONSTITUTION AND BY-LAWS.

SECTION 4: On a quarterly basis the Auxiliary shall submit all accepted minutes of their meetings to the Adjutant AMVETS POST #897. All financial reports shall be submitted to the Finance Officer of AMVETS Post 897. The Auxiliary will submit an annual report and projected activities report to the Commander AMVETS POST #897 in May each year.

SECTION 5: ALL members of the Auxiliary in good standing shall have use of all facilities of the Post and shall be governed by the standard rules of the Post.

SECTION 6: The president of the Post Auxiliary shall be a non-voting member of AMVETS Post #897 Executive Committee.

SECTION 7: The Auxiliary's monthly meetings will be on a different night than AMVETS POST # 897 INC. monthly meetings.

ARTICLE IX SONS OF AM VETS

SECTION 1: AMVETS Post 897 recognizes a subordinate organization known as Sons of AMVETS Post 897.

SECTION 2: Membership is limited to all male descendants, grandsons, adopted sons and stepsons, fathers, husbands, widowers and brothers of members of AMVETS Post 897 and deceased members of AMVETS Post 897, or service personnel who died and would have been eligible for membership in the parent organization of AMVETS.

SECTION 3: The applicant for the Sons of AMVETS must be at least 18 years of age and cannot be a member of nor be eligible for membership in the parent organization of AMVETS.

SECTION 4: The Sons shall submit its Constitution and By-laws to the AMVETS POST #897 Judge Advocate for review and determination of compliance with AMVETS POST #897 and NATIONAL AMVETS CONSTITUTION AND BY-LAWS.

SECTION 5: On a quarterly basis the Sons shall submit all accepted minutes of their meetings to AMVETS POST #897 Adjutant and all financial reports to AMVETS POST #897 INC. Finance Officer. The Sons will submit an annual report and projected activities report to the Commander AMVETS POST #897 in May each year.

SECTION 6: All members of the Sons in good standing shall have use of all facilities of the Post and shall be governed by the standard rules of the Post.

SECTION 7: Commander of the Sons shall be a non-voting member of AMVETS POST #897 Executive Committee.

SECTION 8: The Sons monthly meetings will be on a different night than AMVETS POST # 897 monthly meetings.

ARTICLE X
AMVETS RIDERS CHAPTER

SECTION 1: AMVETS Post 897 recognizes a subordinate organization known as AMVETS RIDERS CHAPTER # 897 and that the elected Riders Officers have to be members of AMVETS Post # 897 as the Chapter and Charter both bear the name of AMVETS Riders Chapter #897. Appointed Officers may be members from other AMVETS Posts.

SECTION 2:

(a) Membership in AMVETS Riders Chapter # 897 shall be limited to members in good standing of AMVETS, AMVETS Ladies Auxiliary, and Sons of AMVETS.

(b) AMVETS Riders Chapter # 897 members must be the legally registered owner of a motorcycle or be the spouse of the legally registered owner within the State of NY.

(c) AMVETS Riders Chapter #897 also recognizes individuals who display a desire to help and support veterans through the AMVETS Riders Organization. Hereafter these individuals shall be known as AMVETS Chapter #897 Riders Support Members.

(d) AMVETS Riders Chapter # 897 Support Members must be a Member in good standing of AMVETS, Ladies Auxiliary, or Sons of AMVETS,

SECTION 3: The applicant for the AMVETS Rider Chapter #897 Rider or Supporter must be at least 18 years of age.

SECTION 4: AMVETS Riders Chapter # 897 shall submit its Constitution and By-laws to the AMVETS POST #897 Judge Advocate for review and determination of compliance with AMVETS POST #897 and NATIONAL AMVETS RIDERS CONSTITUTION AND BY-LAWS,

SECTION 5: On a quarterly basis the AMVETS Riders Chapter # 897 shall submit all accepted minutes of their meetings to the Adjutant AMVETS POST #897. All financial reports shall be submitted to the Finance Officer of AMVETS Post 897. The AMVETS Riders Chapter # 897 will submit an annual report and projected activities report to the Commander AMVETS POST #897 in May each year.

SECTION 6: Members of AMVETS Riders Chapter #897 in good standing but NOT a member of AMVETS Post # 897, Ladies Aux. # 897 or Sons # 897, shall NOT be issued a key card for entrance into the Post or Club Room.

SECTION 7: The President of the AMVETS Riders Chapter # 897 shall be a non-voting member of AMVETS POST #897 Executive Committee.

SECTION 8: The AMVETS Riders Chapter # 897 monthly meetings will be on a different night than AMVETS POST # 897 monthly meetings.

ARTICLE XI AMENDMENTS

SECTION 1: This Constitution may be amended by resolution at the General Meeting. Proposed amendments shall be submitted in writing to the Executive Committee through the Constitution and By-laws committee for its review and presentation at the General Meeting. Copies of proposed amendments shall be distributed by mail to all Post members at least ten (10) days prior to the date of the vote. A two-thirds (2/3) vote of the members present shall be required to amend this constitution. Copies of all adopted amendments shall be forwarded to the Department for review by the Department Judge Advocate within thirty (30) days after their adoption. The Department Judge Advocate will forward the approved copies to the National Headquarters for placement in the permanent post file.

BY-LAWS

ARTICLE I QUORUM

SECTION 1: At all regularly scheduled General Meetings and Special meetings; ten (10) of the paid-up membership present shall constitute a quorum, providing at least three (3) elected Officers are present.

SECTION 2: A quorum at the Executive Committee meetings shall consist of (4) voting (elected) members of the Committee.

ARTICLE II COMMIITEES

SECTION 1: The following standing committees shall be appointed by the Commander, with the approval of the Executive Committee: Membership, Finance, Building, Recreation/Special Events.

SECTION 2: Additional temporary Committees may be appointed by the Commander, with the approval of the Executive Committee, and may consist of any number of persons. The Commander has the power to dissolve any and all committees and re-appoint new committees to replace them.

SECTION 3: All Committees shall submit minutes, financial requests and reports in writing to the Commander and Adjutant after each meeting.

ARTICLE III MEETINGS

SECTION 1: There shall be three (3) types of meetings; General Meeting, Executive Committee, and Special Meetings.

SECTION 2: The Executive Committee shall meet one hour (6:30 pm) before the General Post Meetings which are held on the fourth (4th) Wednesday of every month at 7:30 P.M. unless a special meeting is called. Notification of special meetings of the Executive Committee will be done telephonically by the Adjutant. Special General Post Meetings will be called for by the Commander and the Executive Committee.

SECTION 3: Written notices shall be mailed to all members at least one month in advance to notify them of meetings. This will be done by way of the monthly newsletter. The General Meeting in May (if needed) will also be the Election of Officers.

SECTION 4: The order of business shall be prescribed by the Executive Committee and may be changed as the Executive Committee directs.

SECTION 5: At each General or Special Meeting all members in good standing shall be entitled to one vote.

SECTION 6: Every organization is limited to those powers that can be exercised in compliance with law, constitution, by-laws, charter or standing rules. The Parliamentary authority adopted by the organization controls. The adopted authority on AMVETS Post 897 Charter, Constitution, By-laws, and Standing Rules shall be "**ROBERTS RULES OF ORDER.**"

SECTION 7: All Officers shall be required to attend the General and Executive Committee meetings and such other meetings as may be required in performance of their duties.

SECTION 8: An Officer shall not miss more than two (2) consecutive meetings in one (1) year of his term without valid cause, and excused by the Executive Committee. If he so does he will be removed from his office.

ARTICLE VI

ELECTION AND APPOINTMENT OF OFFICERS

SECTION 1: A Commander, not more than four Vice Commanders designated as First, Second, Third and Fourth Vice Commanders, Provost Marshal, Directors and Trustees whose terms are expiring shall be elected annually by the members of the Post. The Finance Officer will be elected every two (2) years.

SECTION 2: An Adjutant, Judge Advocate, Chaplain, Historian, and Service Officer shall be appointed by the newly elected Commander with the approval of the Executive Committee.

SECTION 3: Nominations of Officers will be held at the General Meetings in February, March and April and will be read in list form by the Adjutant.

SECTION 5: Election of Officers will be held at the General Meeting in as follows:

(a) If after the Nominations in April, nominees are running unopposed, a motion will be made from the floor that the Adjutant cast one ballot for the entire slate of officers.

(b) If after the Nominations in April, there is more than one nominee running for a particular office, the Adjutant will set up a ballot box in the clubroom on the day of the May General Meeting. Voting will be from Noon until 6:00 P.M. The votes will be totaled by the Adjutant and Provost Marshall and the results announced by the Adjutant at the 7:30 P.M. meeting.

SECTION 6: Officer and Committee appointments will be announced by the newly elected Commander at the General Meeting in June.

SECTION 7: The newly elected and appointed officers shall be sworn in and shall take office at the general meeting in June each year.

SECTION 8: In the event that the office of Commander is vacated, the 1ST Vice Commander shall succeed to the office of Commander for the remainder of the unexpired term.

SECTION 9: Should any other Office be vacated, excluding the Board of Trustees or Directors, the Commander is empowered to appoint a successor for the completion of the term subject to the approval of the Executive Committee.

SECTION 10:

- (a) The Post Commander will be limited to two (2) consecutive elected terms of office. After serving two consecutive elected terms as Post Commander, he/she must have a one (1) year interval, unless running unopposed. He/she may remain as Post Commander.
- (b) The Finance Officer may succeed himself in office every two years with a majority vote.
- (c) All other elected officers may succeed themselves in their respective office each year, with a majority vote.
- (d) Any member of AMVETS 897 may run for office provided they have been a member in good standing for one (1) year.
- (e) Any member of AMVETS 897 who desires to run for Commander must have served as a Vice Commander for at least one (1) year.

SECTION 11: Department and National Headquarters will be notified of the election and appointment of new officers by the Adjutant within thirty (30) days after the election and not later than July 15 each year.

**ARTICLE V
DUTIES OF POST OFFICERS**

SECTION 1: COMMANDER

- A. The Commander is the Senior Executive Officer of the Post and shall preside at all meetings of the Post and Executive Committee. He shall direct and supervise the activities of all AMVETS Post 897 Officers elected and appointed and all committees. This excludes all Post Clubroom Officers and functions.
- B. The Commander shall have full powers as herein provided to enforce the provisions of the Articles of Incorporation, Constitution, By-laws, and Standing Rules of this Post.
- C. The Commander with the Adjutant and Finance Officer shall be responsible for all moneys of and received by the Post and the upkeep and safety of all Post property.
- D. The Commander or his representative shall represent AMVETS Post 897 at all civic, memorial and community functions where it is customary that Veterans Organizations are represented.

SECTION 2: 1ST VICE COMMANDER

A. The 1st Vice Commander shall act as direct representative of the Commander. He shall preside over meetings in the absence of the Commander. The 1st Vice Commander is the membership Chairperson. He shall also perform such other duties as are usually incident to the office.

B. The 1st Vice Commander institutes and promotes the Post membership campaign. The 1st Vice Commander is responsible for the issuance of membership cards and keeping the membership records of the Post.

C. The 1st Vice Commander shall be kept informed on the membership strength of the Post and its status within the County and Department.

SECTION 3: 2nd VICE COMMANDER

The 2nd Vice Commander shall assist the Commander in the performance of his duties. The 2nd Vice Commander is the Special Events coordinator. He shall also perform such other duties as are usually incident to the office.

SECTION 4: 3rd VICE COMMANDER

The 3rd Vice Commander shall assist the Commander in the performance of his duties. The 3rd Vice Commander will be responsible for Program reporting on the National AMVETS website. He shall also perform such other duties as are usually incident to the office.

SECTION 5: 4th VICE COMMANDER

The 4th Vice Commander shall assist the Commander in the performance of his duties. The 4th Vice Commander is liaison with all subordinate units. He shall also perform such other duties as are usually incident to the office.

SECTION 6: ADJUTANT

A. The Adjutant is the administrative officer of the Post and is the right hand of the Commander. He is charged with maintaining all Post records. He shall handle correspondence and other routine business of the Post.

B. He shall establish and maintain an up-to-date file of names and addresses of the membership and their status in the Post.

C. He shall establish and maintain all files and correspondence, incoming and outgoing by subject matter.

D. The Adjutant shall forward to the Finance Officer all bills/receipts with vouchers for payment.

E. He shall inform the membership in advance of all Post meetings and activities.

F. He will present all Post communications and correspondence at Post General and Executive Committee Meetings.

G. He will maintain a record of all Post property including a description, value, and location of such property.

H. The Adjutant will arrange for a VIP to administer the Oath of Office to all newly elected officers.

I. The Adjutant is the official contact person for the Post and is the liaison officer between the Post, Community, Department, and National Headquarters.

SECTION 7: JUDGE ADVOCATE

- A. The Judge Advocate is the legal advisor to the Commander and the Executive Committee.
- B. He will serve as the Post Parliamentarian at all Post and Executive Committee meetings. He shall be responsible for the maintenance, amendment proceedings, and interpretations of the Constitution and By-laws. He shall insure Post compliance with National and Department Constitution and By-laws.
- C. He shall conduct investigations into Membership and Officer discipline.

SECTION 8: FINANCE OFFICER

- A. The Finance Officer is charged with collecting, banking, and accounting for all Post funds excluding those of the Post Clubrooms.
- B. He shall be ready to make a report on the condition of the Post treasury when called upon by the Commander or the Executive Committee.
- C. He shall insure quarterly internal audits are conducted by the Board of Trustees in September, December, and March. The annual independent audit in June, conducted by the accountant will serve as the quarterly internal audit. These audits should also include the Auxiliary, Sons and Riders.
- D. He shall collect all dues and assessments and keep a record of same.
- E. The Finance Officer will keep all funds in a local banking facility. Payments for all approved bills are to be made by check. All checks are required to bear two signatures (the signatures of the Post Commander and Finance Officer). In the absence of the Post Commander, the 1st Vice Commander or 2nd Vice Commander will be assigned as the second signature.
- F. The Post will incur no financial obligation unless authorized, and no payments shall be made without prior authorization by the membership by a majority vote at a General Meeting.

SECTION 9: PROVOST MARSHAL

The Provost Marshal is responsible for the keeping of order at Post meetings, for the care of the Post colors and other duties as are usually incident to the office.

SECTION 10: HISTORIAN

The Historian shall compile records of the Post activities and submit a full historical record at the end of his term. He shall work with the Adjutant and other officers when necessary. He will perform other duties as are usually incident to the office. He is also the Post photographer.

SECTION 11: SERVICE OFFICER

The duties of the Service Officer are to provide information and referral and assistance to Veterans and eligible persons regarding needed benefits and services that may be obtained through various agencies and other duties as are usually incident to the office.

SECTION 12: CHAPLAIN

The Chaplain is charged with the spiritual welfare of the members. He shall help plan funeral arrangements with the family of a deceased member, and will arrange for Color Guard and Honor Guard at the family's request. He will send out get-well cards and coordinate visits to sick members at the Buffalo Veterans Hospital.

ARTICLE VI DELEGATES TO CONVENTIONS

SECTION 1: Delegates to AMVETS Department or National Conventions shall be chosen by a nomination and election at the General Meeting in May each year. The number of delegates to be in accordance with Department and National rules. The Post Commander shall constitute one of these delegates. *In the case that the Post Commander cannot attend, the Executive Committee will delegate another Officer of the Post to attend.* The Post will pay all delegate fees.

ARTICLE VII FINANCE

SECTION 1: The annual dues of this Post shall be determined by vote of the membership at a General Meeting. The annual dues will also follow the guidelines established by National and Department.

SECTION 2: All fund raising activities must be submitted to the Executive Committee in advance. The Executive Committee will make a recommendation to the membership. All fund raising activities must be approved at a General Meeting.

SECTION 3: The Chairperson(s) for approved fund raising activities shall submit in writing to the Executive Committee a plan of activities, anticipated gross revenues and all expenditures expected, including any contracts that the Post would enter into. The Executive Committee will submit the plan to the membership for approval.

SECTION 4: All contracts and advanced payments must be approved in advance by the membership at a General Meeting. In emergency situations the Commander may enter into contracts and make advanced payments as necessary. He will then inform the membership at the next scheduled General Meeting.

SECTION 5: Rules as to delinquent dues will be established by the Executive Committee and enforced by the Finance Officer and Membership Chairman.

SECTION 6: An annual budget shall be prepared by the Finance Officer and submitted to the Executive Committee for approval and adequate books and records of account maintained and subject to inspection and regulation by the Executive Committee & Board of Trustees.

SECTION 7: The Finance Officer shall render a report of receipts and disbursements at each General Meeting. The Finance Officer shall be responsible for filing IRS Form 990 with the

Internal Revenue Service. A copy of said form is to be filed with National and Department Headquarters. The Post fiscal year shall begin January 1 and end December 31 each year.

SECTION 8: The Post Clubroom will be governed by its own By-laws and Standing Rules, but will exist for the convenience and pleasure of the members of AMVETS Post 897. All Officers and Directors of the Post Clubroom will be elected by the membership of AMVETS Post 897. The Post Clubroom Officers and Directors will supervise its activities, operations, and finances. It will be known as Southtowns Veterans Club, Inc.

SECTION 9: All Officials of this Post handling AMVETS Post 897 funds, shall be properly bonded through the National Headquarters blanket bond or a licensed bonding and surety company as a surety to cover the average amount of AMVETS funds handled by individuals in a single year. All moneys shall be administered as per National AMVETS By-laws, Article XIV, "Accounting for Moneys."

ARTICLE VIII BOARD OF TRUSTEES

SECTION 1: The Board of Trustees shall be the auditors and advisors to the Post Officers and the Executive Committee.

SECTION 2: The Board of Trustees shall be elected to terms of office as follows: One (1) Trustee to a three (3) year term, two (2) Trustees to a two (2) year term, and one (1) Trustee to a one (1) year term.

SECTION 3: The Board of Trustees shall fill Vacancies on the Board. The appointed member will fill the vacant position until the next General Election of Post Officers.

SECTION 4: The Board of Trustees shall elect a Chairperson who will act as spokesperson.

SECTION 5: The Board of Trustees are the auditors of the Post. They shall audit all books and property of the Post and Post Clubroom. The audits of the books shall be conducted quarterly in September, December, and March. The audit of the Post Property will be conducted once a year prior to the newly elected Commander taking office in June. They shall give the Finance Officer, Post Clubroom Treasurer and Adjutant written notice of pending audits. The written findings report of said audit must be presented to the newly elected Commander and President at the July meeting each year.

SECTION 6: Any discrepancies in book keeping or missing Post property shall be kept in confidence among the Board of Trustees until such time as the matter is resolved or filed and reported to the Post Commander and the membership at a General Meeting.

ARTICLE IX RESOLUTIONS

SECTION 1: All resolutions for Department or National AMVETS action, adopted by this Post shall be forwarded to the Department or National Headquarters.

SECTION 2: Resolutions require a majority vote at a General Meeting to be approved

ARTICLE X RESTRICTED USE OF ORGANIZATION

AMVETS, or any component part thereof, shall NOT be used to promote the interest of any individual, organization, political party, fraction or product. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member.

ARTICLE XI DISCIPLINE OF POST MEMBERS

SECTION 1: Members of the post may be suspended or expelled for anyone or more of the following reasons:

- (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 AM VET.
- (d) Ineligibility for membership at time of acceptance into membership.
- (e) Procurement of membership by fraud or deception.

SECTION 2: 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 practical, and signed by the accuser.

SECTION 3: All charges and specifications shall be filed with the Post Commander of the Post to which the accused member belongs. On receipt of said charges and specifications, the Post Commander shall, within five days, send a copy thereof by certified mail to the member accused, together with a notice fixing a date, place, and time of a hearing to be held not less than 30 days after the date of mailing.

SECTION 4: The charges and specifications shall be heard by the Executive Committee of the Post, at which said hearing, the accused 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 preferred, or who has preferred charges against another member, shall sit in judgment on any panel hearing or deciding the matter.

SECTION 5: The Post Judge Advocate shall prosecute the charges, and the attendance of a court reporter shall be permitted.

SECTION 6: The presiding officer of said Executive Committee 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 hereinafter mentioned, 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 vote of the members of the Executive Committee hearing the charges and specifications shall be required to sustain any charge or specification. Voting herein provided for shall be secret or open as said Executive Committee may, by 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 a suspension from the benefits of membership and, if so, for how long; or whether there shall be an expulsion from membership.

SECTION 9: Any member whose membership is suspended or forfeited may appeal to the next highest level applicable from that which heard the charges and specifications, e.g., from Post Executive Committee to State Executive Committee to National Executive Committee. Notice of appeal must be filed in writing with the appellate body not later than 15 days after the imposition of the penalty.

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

SECTION 11: The procedure for the handling of any appeal to be heard by the National Executive Committee or the National Convention shall be prescribed by the National Judge Advocate. The procedure for the hearing of an appeal by the Department Executive Committee shall be prescribed by the Department Judge Advocate, and the procedure for handling of any appeal to be heard by the Post Executive Committee shall be prescribed by the Post Judge Advocate. No such procedure at any level, however, shall be inconsistent or in conflict with the National, Department or Post Constitution and By-laws or this code.

ARTICLE XII TORT LIABILITY

Each member, and each subsidiary member, shall be deemed to have released and exonerated each other member and AMVETS from any tort liability other than based on fraud or criminal act to the extent to which such liability is satisfied by the proceeds of liability insurance carriers by a member, a subsidiary member, or by AMVETS.

ARTICLE XIII

LIABILITY OF OFFICERS, DIRECTORS, AND TRUSTEES

The Officers, Directors and Trustees shall not be liable to AMVETS or to any of its members for any mistake of judgment, negligence, or otherwise, except for their own individual willful misconduct or bad faith. AMVETS and the members of AMVETS shall indemnify and hold harmless each Officer, Director and Trustee against all contractual liability to other arising out of contracts made by the Officers, Directors, and Trustees on behalf of AMVETS unless any such contract shall have been made in bad faith or contrary to the provisions of these By-laws or Constitution. It is intended that the Officers, Directors, and Trustees shall have no personal liability with respect to any contract made on behalf of AMVETS. Further, AMVETS and each member of AMVETS shall indemnify the Officers, Directors, and Trustees of AMVETS and shall defend them and hold them harmless from all liability in tort, except for their own individual willful misconduct or fraud, from any and all claims, demands, or actions by any person or persons arising out of the performance of the duties of their office and activities responsible related thereto, including claims for cost, expenses and attorney's fees and any other claims of what so ever kind or nature.

ARTICLE XIV

CORRESPONDENCE

SECTION 1: Elected and appointed Officers shall have the authority to initiate correspondence on behalf of the Post and its membership.

SECTION 2: It shall be the duty of the initiator of any correspondence to submit a copy of the correspondence to the Post Commander and Adjutant, and to any other Officer or Committee concerned.

ARTICLE XV
AMENDMENTS

These by-laws may be amended by a majority vote of the members present at a General Meeting. Proposed amendments must be submitted in writing to the Executive Committee, through the Constitution and By-laws Committee for recommendation. The Committee will instruct the Adjutant to notify the membership, by mail with copies of proposed changes at least ten (10) days before the meeting to vote on the amendment. Copies of all adopted amendments shall be forwarded to the Department Judge Advocate for review and recommended approval. The Department Judge Advocate will forward a copy of the approved by-laws to the National Headquarters for filing.

THE ABOVE CHANGES WERE APPROVED BY THE GENERAL BODY ON THE **12th DAY OF NOVEMBER IN 2016.**

THESE CHANGES WERE SUBMITTED TO THE AMVETS DEPARTMENT OF NEW YORK ON THE DAY OF March 27 IN 2017.

Adjutant – Mary L Jephson	<u><i>Mary L Jephson</i></u>	<u>01/14/2017</u> DATE
Judge Advocate – Chris Drzal	<u><i>Chris Drzal</i></u>	<u>01/14/2017</u> DATE
Commander – C. Daniel Dunkle	<u><i>Charles Daniel Dunkle</i></u>	<u>01/14/2017</u> DATE

STANDING RULES

DEFINITION: Standing Rules cover points of lesser importance than those contained in the Constitution and By-laws.

ADOPTION: All Standing Rules are adopted, suspended, amended, or rescinded at any General Meeting. Any action regarding Standing Rules requires a majority vote of the membership present at the meeting. The Judge Advocate and the Executive Committee will review all Standing Rules annually in February.

STANDING RULE 1 POST COLOR/HONOR GUARD

1.1 AMVETS Post 897 has established a unit called AMVETS Post 897 Color and Honor Guard. It is referred to throughout this rule as the Unit.

1.2 The Unit is the official representative of AMVETS Post 897 at parades, ceremonies and rituals where appropriate.

1.3 The Post Commander will appoint a Unit Captain. The Unit Captain will be responsible for all operations and administrative actions of the Unit.

1.4 The Unit Captain, with the assistance of the Post Finance Officer, will establish a Unit Checking Account. The account will require two signatures. The signatures will be that of the Post Finance Officer and the Unit Captain. In the absence of either individual the Post Commander can be the second signature.

1.5 The Unit is authorized to conduct their own fund-raisers.

1.6 The Unit will specify their ceremonial dress uniform with the approval of the Post Membership.

1.7 All uniforms, equipment, funds, etc., are the property of AMVETS Post 897. The uniforms and equipment will be on the listing of Post Property maintained by the Post Adjutant.

STANDING RULE 2 COST OF REFRESHMENTS

2.1 Cost of refreshments at General and Special Meetings will not exceed \$75.

STANDING RULE 3 JULY AND AUGUST MEETINGS

3.1 There will be no Executive Board Meetings held during the months of July and August. The General Body will meet instead on the 2nd Wednesday of July and August at 7:30pm in the Post Meeting Room.

**STANDING RULE 4
BI-MONTHLY FUND-RAISER**

- 4.1 AMVETS Post 897 has established a BI-monthly fund-raiser based on the daily lotto numbers.
- 4.2 Tickets are sold every other month at a cost of \$3.00 ea.
- 4.3 As there are two (2) daily lotto drawings, winners will be determined based on the evening lotto drawing.

**STANDING RULE 5
TICKETS, ADS, AND DONATIONS**

- 5.1 All requests for tickets, ads, and donations by AMVETS Post 897 must support the Aims and Purposes of AMVETS and AMVETS Post 897.
- 5.2 All requests for ads from other AMVETS Posts will be handled by the Executive Committee.
- 5.3 All requests for ads or tickets to functions from outside organizations will have a recommendation by the Executive Committee to the General Membership for a vote.

**STANDING RULE 6
TICKETS TO AMVETS FUNCTIONS**

Tickets to AMVETS functions will be handled as follows:

- 6.1 The Post will automatically purchase two (2) tickets to be used by the Commander and his/her escort.
- 6.2 The Post will purchase all remaining tickets for use by other members. If a member takes a ticket and does not attend the function he/she must reimburse the Post the cost of the ticket.
- 6.3 If the function is out of town and requires lodging, the Post will pay for the lodging of the Commander and escort only.

**STANDING RULE 7
ATTENDANCE AT STATE EXECUTIVE COMMITTEE (SEC) MEETINGS**

- 7.1 There are a minimum of two (2) State Executive Committee (SEC) Meetings Fall/Spring. If lodging is required it will be paid for by the Post (Queen of Hearts Account (QOH's), if funding permits. If funding from QOH's does not permit, it will be funded by Southtowns Veterans Club Inc.) for the Delegates and the Commander or his designated representatives only. Meals and bar bill are not included.

**STANDING RULE 8
ANNUAL POST AWARDS**

- 8.1 The Ed Beres Award is awarded to the outstanding Officer of the Year for AMVETS Post 897. The Commander is excluded from this award

- 8.2** The Ron Brandt "Gavel" Award is given by the Commander to an AMVET Post 897 member for dedicated service to the Post.
- 8.3** The Americanism Award is awarded to a Post member for building a better America through Patriotism and Nationalism.
- 8.4** The AMVET of the Year Award is given to a Post Member for outstanding service and support to AMVETS Post 897.
- 8.5** The Citizen of the Year Award is awarded to a local citizen or member for outstanding service to the community.
- 8.6** The awards are presented at the Past Commanders dinner by the current Commander and the Junior Past Commander.

STANDING RULE 9 AMVETS UNIFORM COVER

- 9.1** The official and required cover (hat) at all AMVETS Post 897 meetings, and when representing AMVETS and AMVETS Post 897 at any functions is the Official AMVETS Cover. When in uniform the Color/Honor Guard will wear their appropriate cover.
- 9.2** Officers who do not wear their AMVETS cover to Post meetings or functions will be fined \$1.00 for each occasion.

STANDING RULE 10 DONATION TO UNITED PRESBYTARIAN CHURCH

- 10.1** The Post will donate \$150.00 to the United Presbyterian Church of Blasdell, Soup Kitchen located at 67 Lake Ave. annually at Easter, Thanksgiving, and Christmas.
- 10.2** After any Post function or function held at the Post, all remaining leftover foodstuffs will be donated to the Blasdell Soup Kitchen.

STANDING RULE 11 PAST COMMANDER'S DINNER

- 11.1** The Past Commander's Dinner will be held at a venue of his choice but must be at a Veterans Organization or Military Installation. For example: American Legion Post, VFW Post, Connecticut St. Armory.

STANDING RULE 12

- 12.1** If you did not pay your dues, your membership is **NOT** in Good Standing and therefore, you are "**BARRED**" from entering the building until your membership is paid up.
NO EXCEPTIONS!!! Bartenders **WILL** enforce this Standing Rule.
- 12.2** Memberships **NOT** in good standing will **NOT** be permitted to sign in as a "**Guest**".

STANDING RULE 13

MILITARY ACADEMY RULES APPLY TO AMVETS POST

***** NO LYING *** ** NO CHEATING *** ** NO STEALING *****

From: Mark Phillips [mailto:markphillips376@gmail.com]
Sent: Wednesday, March 29, 2017 11:49 AM
To: Mary L. Jephson <mljephson@gmail.com>
Subject: Re: FW: AMVETS Post 897 CBL Nov 2016 amendments

Mary: I have reviewed the changes that you forwarded to me and have found them to be in compliance with Department and National Constitution & By-Laws. I have forwarded a copy to National for their files.

Mark Phillips, PDC
Judge Advocate