

## **BYLAWS POST 2006**

### **ARTICLE I. QUORUM**

- Section 1. At all regular and special meetings at least 3 members present shall constitute a quorum, providing at least two elected officers are present to preside and no major expenditures are to be entertained.
- Section 2. A quorum at Executive Committee meetings shall consist of 5 members of the committee.
- Section 3. A quorum for the Board of Trustees shall consist of 3 members of the Board.

### **ARTICLE II. COMMITTEES**

- Section 1. The following standing committees shall be appointed by the Commander, with approval of the Executive Board and General Membership. Membership, Finance, Hospital and Welfare, Programs. The Post Commander shall appoint a Chairman, except Finance and such members of AMVETS to each committee as are necessary to accomplish its objective. The Finance Committee shall consist of the Finance Officer as Chairman; the Commander; the Judge Advocate; and two (2) members of AMVETS Post 2006 in good standing.
- Section 2. Temporary committees may be appointed by the Commander to expedite projects for the good and welfare of the Post.
- Section 3. The Finance Committee shall meet annually in the month of May to prepare the annual Budget and review the budget in November for conformance/revision. Special meetings may be called by the Chairman or by any three members of the committee.
- Section 4. The Finance Committee shall make bi-annual reports to the Executive Committee.
- Section 5. The Finance Committee shall submit a provisional annual budget to the Post Executive Committee for its approval after its annual meeting. Within 10 days thereafter, the Executive Committee may approve or reconvene the Finance Committee for the purpose of preparing and acting on such recommendations for budgetary change the Executive Committee may propose prior to presentation to the membership for adoption.
- Section 6. The following provisions shall govern the establishment and administration of the annual budget of AMVETS Post 2006:

- (a). The Finance Committee has the sole fiduciary responsibility to prepare and present a budget that is fiscally sound.
- (b) In determining the budget, revenue shall be based on tangible assumptions and realistic and/or proven income projections to include revenue that provides funding for the operations and programs approved by membership.
- (c) In the full execution of approved programs within the budget, expenses shall be budgeted as realistically as possible to ensure overall spending integrity.
- (d) A contingency budget shall be developed solely to address unexpected expenses during the operating fiscal year and included in the budget.
- (e) In no case shall the Finance Committee or any other body of the Post be permitted to adopt or approve a budget in which the expenses, provisions for capital expenditures and provisions for debt reduction exceed the income established above. Post budgets may be adjusted between departments, subject to the approval of the Finance Committee. Under no circumstances, however, shall the aggregate budget as approved by the membership be over-expended. Violation of any of the foregoing provisions by any officer of AMVETS shall constitute cause for disciplinary action, including removal from office.
- (f) Any officer or member who willfully violates any provision of this section shall, in addition to any other disciplinary action taken, be personally financially liable for any amount spent that exceeds the budget appropriations unless such excess had prior approval of the Finance Committee. Any salary or expense money due or to become due to any officer or member may be retained by the organization to offset all or any part of the unauthorized over-expenditure.
- (g) The Commander, the Finance Officer, and any one other voting member of the Finance Committee, by a majority of the three, in person or by telephone may utilize monies from the contingency fund to the limit duly approved by the Executive Committee via the annual budget process. A full reporting of such expenditures, which shall be detailed as part of the committee minutes, shall be made to the next meeting of the membership.

Section 7. The Finance Committee shall have the power and authority to designate the depository banks or other financial institutions to receive deposits into various accounts belonging to the Post and to disburse such funds on checks signed by two or more persons designated by the Finance Committee.

Section 8. The fiscal/budget year shall be May 1 through April 30.

### **ARTICLE III. MEETINGS**

- Section 1. This Post shall meet on the first Monday of every month at the Post home, unless a special meeting needs to be called.
- Section 2. There shall be three (3) types of meetings, the general monthly meeting, special meetings and the annual meeting. Post members will be notified in 15 days in advance of all meetings. Post Executive Committee members may be notified by phone for a 1-day notification for any necessary immediate approvals.
- Section 3. The order of business shall be prescribed by the Executive Committee but may be changed when necessary.
- Section 4. Nominations for officers shall be entertained and an announcement of the business to be considered at the annual meeting will be made at the general meeting two months preceding the annual meeting. Further nominations may be made from the floor of the annual meeting before voting.
- Section 5. All business meetings of this Post shall be conducted in accordance with "Robert's Rules of Order, latest revision."
- Section 6. There shall be no closed meetings in AMVETS except for privileged matters including executive sessions considering employment matters, legal advice, honors and awards meeting and grievance matters.

### **ARTICLE IV. ELECTION AND APPOINTMENT OF OFFICERS**

- Section 1. A Commander, not more than two Vice-Commanders designated as 1<sup>st</sup> Vice Commander, Membership and 2<sup>nd</sup> Vice Commander, Programs, Finance Officer, Provost Marshal, Judge Advocate and not less than three Trustees shall be elected annually by members of the Post. An Adjutant, Chaplain, Sons of AMVETS Coordinator, Historian, Service Officer and Public Relations Officer shall be appointed annually by the newly elected Post Commander with the approval of the Executive Committee.
- 1a. Qualifications for Commander, shall have held an elected office, or have held an elected office in another AMVETS Post successfully for one year.
- 1b. Shall have attended 6 of the past 12 meetings.
- 1c. Shall have been a member in good standing for the past one year.
- 1d. Shall be bondable.

- 1e. Must not have been brought up on charges and have had a hearing and found guilty for the past year.
- 1f. Must be present or have submitted a letter of acceptance for nomination of office.

Section 2 The election of officers shall be held at the annual meeting the Post between May 1 and May 15. 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 Commander who will thereafter 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 any subordinate organizations may not participate in the election process.

### SECTION 3. Board of Trustees

- A. Post 2006 has a canteen for the convenience of the membership, therefore ; a minimum of three(3) trustees but not more than twelve(12) shall be elected or appointed by, and from, the membership to supervise canteen activities, operations and finances. No elected Post Officer may hold a position as a trustee. Trustees are not considered elected officers of the Post. All monies derived from such activities shall be under the direct supervision of the Post Finance Officer. The Trustees shall be elected or appointed for the following terms of office: One (1) Three-year term; One (1) Two-year term; and the remainder in One-year terms. All elected or appointed Trustees shall constitute a Board of Trustees. A Chairman shall be elected within the Trustees and chair all Board of Trustee meetings. The Chairman shall be directly responsible to the Post Executive Committee. The Chairman shall be the Supervisor of all personal working in the canteen, compensated or volunteer.
- B. 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, coordinated with the Executive Committee and then approved by the General Membership prior to implementation. These House Rules may be amended at any General Membership meeting with a 2/3 vote.
- C. No elected officer or trustee may be employed in a compensated position within the Post or its canteen. Such personnel may perform the duties of a paid employee but shall not accept compensation.

- Section 4. All nominee Officers shall work with their counterpart officers beginning 1 April to have a seamless exchange of Office after the election. Installation of Officers shall take place immediately after the election **followed by their assumption of Office.**
- 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 the Commander for the unexpired term.
- Section 6. Should any office other than Commander 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 elected officer who misses **two (2)** consecutive regular meetings without prior consent shall be removed from office without further action, notification or hearing. The vacated position shall be filled within the guidelines prescribed herein.

#### **ARTICLE V. DELEGATES TO THE CONVENTION**

- Section 1. At least thirty (30) days prior to the Department and National conventions, delegates and alternates shall be chosen to attend 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.
- Section 2. Post 2006 shall be entitled to one (1) alternate for each delegate provided for below. Alternates shall have all the rights and privileges of delegates, except during elections, they may vote only in the event the delegate they represent is absent from the floor.
- Also, any person who transfers from another Post to Post 2006 must have transferred for at least six months before becoming eligible to be a delegate or an alternate.
- Section 3. At the Department Convention, Post 2006 shall be entitled to two (2) delegates for the first twenty-five (25) paid up members. Post 2006 is authorized one (1) additional delegate for each twenty-five (25) paid up members, or major fraction thereof, in excess of, and exclusive of the first twenty-five (25) paid up members.
- Section 4. The following procedure will be followed by this Post 2006 in paying registration fee and lodging on behalf of certain members of said post:
1. Registration fees and two nights lodging will be paid by the Post

for all Post Officers and the Trustee Chairperson attending SEC,

Department and National Conventions held in the State of Florida. Registration fees and one nights lodging will be paid for Delegates attending SEC.

2. The Officer, Delegate and Trustee who has notified the Post Commander that the person will attend a convention will deposit an amount equal to the registration and lodging at least ten (10) days prior to the date of the convention. If the deposit is by check or cash, the deposit will be held by the Finance Officer until conclusion of the convention and returned to the depositor if that depositor has attended the convention and all convention meetings. If the depositor has not fulfilled the attendance requirements, the cash or proceeds of the negotiated check will be forfeited to the Post treasury.
3. The forfeiture is necessary in order to compensate the Post for its payment of fees and lodging costs paid by it for attendance of the member and required far in advance of the convention date by the sponsor of the convention. If the member elects to attend a convention when the Post pays that members fees and lodging cost, the member undertakes to attend the convention and meetings.

## ARTICLE VI. FINANCE

- Section 1. The total annual dues of this Post shall be set **at thirty-five dollars(\$35.00), of which fifteen dollars (\$15.00) per member shall be paid to National, ten dollars (\$10.00) to the Department and the Post shall retain ten dollars (\$10.00).**
- Section 2. Life membership dues, effective September 1, 2023, shall be not less than \$500 for those members age up to and including 55, ages 56 through and including 65 will be \$400, and those 66 and over \$300, nonrefundable, and payable to the post, of which 50% shall be forwarded to National Headquarters and 25% to the state department and 25% shall be retained by the Post.
- Section3. All Public fund-raising activities must be approved in advance by the Post Executive Committee and the Department Judge Advocate. If a fund-raising activity requires entering into a contract or if anticipated gross revenues are expected to exceed \$10,000.00, a copy of the proposed fund-raising program must be transmitted through the Department to National Headquarters for approval.

Any fund raising project(s) or program(s) conducted by a Post or any combination of Posts or subordinates there is no other person, firm, or corporation involved, and which such fund raising project(s) or program(s) is conducted solely by the Post shall not be deemed to be within the purview of this section. Provided the

Anticipated gross receipt from such fund-raising project(s) or program(s) does not exceed the total sum of ten thousand dollars (\$10,000.00).

Section 4. An annual budget shall be prepared by the Finance Committee and submitted to the Executive Committee for approval. 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 5. 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 15<sup>th</sup> day of the fifth month following the close of the annual accounting period. A statement as to whether a 990 has/has not been filed with the IRS must be given in writing to the Department and National Headquarters. The Post's fiscal year end shall be April 30.

Section 6. Post club rooms are maintained and operated for the convenience and pleasure of the members of this Post in the name of AMVETS, and its insignia is displayed or used, a Board of Trustees shall be elected among the members of this Post to supervise its activities, operation and finances within guidelines set by the Finance Officer through the Executive Board. The Post shall also secure, at the least, the minimum liability insurance coverage prescribed by the National Constitution and Bylaws which name the Department and National Headquarters as additional insured's and file a copy of the Certificate of Insurance with the Department and National offices.

Section 7. 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 AMVET funds handled by said individual in a single year.

1a. No Officer can spend or authorize the spending of any funds in excess of \$100.00 without first bringing it before the Executive Board, and then to be brought before the members for a vote at the next meeting. This includes everything except for standard normal billings for Post business.

2a. No Officer of this Post can authorize or sign a contract without it being reviewed and approved by the Judge Advocate **for legality**, prior to the Executive Board recommending approval to the membership for an approval vote at the next regular or special meeting be for execution.



## ARTICLE VII. RESOLUTIONS

- Section1. All resolutions adopted by this Post shall be forwarded to Department Headquarters.
- Section2. A simple majority vote of members present is required to pass any resolution other than amendments to the Constitution and Bylaws.

## ARTICLE VIII. 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 member.

## ARTICLE IX. DISCIPLINE OF POST MEMBERS

Post 2006 shall be the judge of its own membership, subject to the provisions of the National and Department Constitution and By-laws. Disciplinary action shall be broken into two categories: Category A, being offenses against AMVETS; Category 8, being a violation of Post House (Canteen) Rules. Such charges shall be made under oath (notarized), 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. The Commander and Judge Advocate shall review all charges and determine which category the grievance shall be adjudicated. Filing of charges determined to be frivolous shall constitute conduct unbecoming an AMVET and result in charges to **the accuser.**

Category A:

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

- Section1. The Post Executive Committee may suspend or expel any Post Officer for defalcation or misappropriation of Post funds.

Members of the Post may be suspended or expelled upon proper showing of cause. Written charges shall be based upon disloyalty, neglect of duty, dishonesty, conduct unbecoming of AMVETS or for any of the following reasons:

- (a) Failure to comply with any obligation imposed on members under the Constitution and Bylaws.

- (b) Any violation of law that reflects unfavorably on the name of AMVETS.
- (c) Any other conduct unbecoming a member of AMVETS.
- (d) Ineligibility for membership at time of acceptance into membership; or
- (e) Procurement of membership by fraud or deception. In addition to the above:

Category B:

Violation of House (Canteen) Rules. These violations cover all situations where a canteen is operated, and a meeting is not in session.

- Section 2. 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 of the matter.

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 (notarized), 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. All such charges and specifications shall be filed with the Post Commander unless a Member-At-Large, a District Commander or a Post Commander is involved, in which case they are filed with the Department Commander. Members of subordinate organizations cannot file Category A charges against an AMVET.

Category B: Charges may be made by any Post member (defined as any person having Post canteen privileges). Any person preferring charges shall do so within 30 days of the chargeable offense. No frivolous charges shall be considered, (see above).

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

Section 4 .**Category A: Charges shall be heard by the Post Executive Committee** (defined as a minimum of (5) five elected Officers of AMVETS) or, if any of five elected Officers total cannot be seated, then the remaining number shall be filled with AMVET members in good standing appointed by the Commander.

**Category B: Charges shall be heard by a grievance committee, appointed by the Commander.** A Post Grievance Committee consisting of a minimum of five (5) AMVET members in good standing shall be designated to hear the charges, **determine basis for the charges.** guilt or innocence and recommend disciplinary action where appropriate.

No members of the Post Executive Committee or a member of the Board of Trustees, elected or appointed, shall be a member of this Grievance Committee, with the exception of the Judge Advocate who shall act as prosecutor. Disciplinary actions taken by this committee are limited to Clubroom/Canteen/Social Quarters activities and will in no way, affect the individual's membership or restrict access to meetings or participation in committee activities.

The member complained about shall be advised that he shall have the right to be represented by counsel, to have a court reporter, to face his accuser and to present witnesses in his behalf. He shall also be advised that the cost of counsel, court reporter and appearance of his witnesses shall be at his own expense. He shall also be notified that his canteen privileges are suspended pending resolution of the charges, but the suspension in no way restricts his access to AMVETS or subordinate organization's meetings or committee activities.

Section 5. The Post Judge Advocate shall prosecute Category A and B charges. The attendance of a court reporter shall be permitted at all hearings.

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 it is determined that there is/are 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 of the Executive Committee hearing the charges and specifications shall be required to sustain any charge or specification. Voting herein

shall be secret or open as said Committee may, by majority vote thereof, determine.

Section 8. If any charge or specification is sustained, then the member shall be deemed 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 the Post, or the National AMVETS Organization. Category B charges can only result in the suspension or revocation of canteen privileges.

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

Category 8: Appeals will be made to the Post Executive Committee within fifteen (15) days of the imposition of the penalty whose decision shall be final and further appeal to a higher level will not be recognized.

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

Section 11. Any member resigning their membership, suspended, or revoked shall have their name directed to the Department Executive Director to have their name purged from AMVETS.

Any member, regardless of position, who is listed on the Florida Department of Law Enforcement (FDLE) database, or any similar official state or federal database, as a Sexual Offender, Sexual Predator, Sexual Deviant or for that matter found to be involved of an abusive nature (basically considered Crimes Against Nature) with a minor child or children is deemed ineligible for membership in Florida AMVETS and shall be immediately dropped from the rolls of Florida AMVETS without a hearing. Similarly, applicants for membership, so listed, will be ineligible for membership.

Likewise, any visitor so labeled as addressed above, found to be on any Florida AMVETS property will be asked to leave the premises with notice of applicable trespassing laws in effect. If the individual refuses, actions will be taken to notify appropriate Civil Authorities for the individual's removal.

## ARTICLE X. DISCRIMINATION

**Discrimination and harassment within this 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 the 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 be confidential. Visitors or Vendors found guilty of this offense shall be dealt with in a very firm manner. Vendors will have their supervisors notified and visitors maybe declared an "Unwelcome Guest". A Post member may be disciplined for knowingly sponsoring an "Unwelcome Guest" into the Post**

## ARTICLE XI. AMENDMENTS

These Bylaws may be amended by the majority vote of the members present at a general monthly meeting provided that:

1. The proposed amendment has been first submitted and approved by the Executive Committee.
2. The Post Adjutant has notified the Post members of the proposed amendment by providing them with the language of such amendment and the general monthly meeting date at which the proposed amendment will be presented for approval by the majority of the members present at the meeting.
3. The notice to the Post members has been given at least forty(45) days prior to the meeting by e-mail internet address previously provided by members and on file with the Post. A copy of the notice will also be posted on the Post bulletin board at the same time notice is given to members.
4. A copy of the amendment passed at the General Members Meeting shall be mailed to the Department Judge Advocate for review and approval with the request that a copy be provided to the AMVETS National Headquarters.

These By-Laws were updated and approved by the membership of AMVETS Post 2006 on November 6, 2023.

Post Commander Signature

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Printed Name

Les Moreland

Date

6 Nov. 2023

Post Adjutant Signature

\_\_\_\_\_

Printed Name

Tim Sorady

Date

6 Nov. 2023

Post J.A. Signature

\_\_\_\_\_

Printed Name

Bill McLaughlin

Date

6 Nov. 2023