

# **AMVETS**

## **Post # 78**



# **CONSTITUTION**

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# **BY-LAWS**

**February 15, 2010**

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AMVETS POST 78, Inc.  
VALPARISO, FLORIDA

**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 association 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 organization shall be American Veterans (AMVETS) Post 78, Inc., and it shall be hereinafter referred to as the Post.

**Article II: Aims**

The aims and purpose of this organization are as follows:

1. To serve our country in peace as in war; to build and maintain the welfare of the United States of America toward lasting prosperity and peace for all 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 veterans who have served or are serving in the Armed Forces of the United States during and since World War II.
7. To ensure the orderly return of the veteran to civilian life by protecting the rights of individuals while the service member is still in uniform.
8. To expedite and assist in the rehabilitation of veterans by maintaining employment services; sponsoring educational opportunities; providing counsel on insurance, housing, recreation, personal problems, hospitalization, and veterans benefits.
9. To act as a 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 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 for their nation.

### **Article III: Organization**

The Post shall be organized with an Executive Committee and 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 overseeing 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- was by honorable discharge, honorable separation or general discharge under honorable conditions. 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. 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. 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 – was by honorable discharge or honorable separation.

## **Section 2.**

Booster, Honorary, or Social memberships in this Post shall not be granted. All AMVET members must meet the criteria in Section I. Members of duly recognized Post subordinate organizations shall meet the criteria of the AMVETS National Constitution, Article XIV, XV, XVI, and XX, as applicable.

## **Section 3.**

Membership shall be on a calendar year basis and shall run from January 1 through December 31. Members who have not paid their dues for the forthcoming year by January 1 shall consider their membership to be expired. Eligibility for membership and the rights and privileges of members shall be as provided in this Constitution and By-Laws. The requirements for holding office within the Post shall not discriminate on the basis of Race, Color, Religion, Sex, or National Origin.

# **Article V: Officers and Trustees**

## **Section 1.**

- A. The elected officers shall consist of a Commander, Vice Commander for Membership, Vice Commander for Programs, Finance Officer, Judge Advocate and Provost Marshal.
- B. The appointed officers may consist of an Adjutant, Service Officer, Public Relations Officer, Historian, Quartermaster, Chaplain and Squadron 78 Sons of AMVETS Coordinator.
- C. The Post shall elect a Chairman and six (6) Trustees to oversee the activities, operation and finances of the Post Canteen. The number of Trustees and their term shall be in accordance with the Post By-Laws. The Commander may appoint additional members representing the Post subordinate organizations as non-voting members of that Board, with the consent of the subordinate leadership.

## **Section 2.**

Employees: A salaried Post **and or Canteen** Manager may be employed to perform full time management and supervisory functions. Such employment, if used, shall be in accordance with the Post By-Laws. The Post Manager **and or Canteen Manager** shall be subordinate to the Chairman, Board of Trustees. This position shall be a non-voting member of **Board of Trustees**.

### **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; Vice Commander for Membership; Vice Commander for Programs; Finance Officer; Judge Advocate; Provost Marshal; Chairman, Board of Trustees; Adjutant; and the Immediate Past Commander. All shall have equal right of 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.

### **Article VII: Post Revalidation**

The Post shall revalidate its charter prior to **May 22** of each year utilizing the procedures set forth in the By-Laws. The responsibility for gathering and submitting revalidation documents rests with the Commander and Post Adjutant.

### **Article VIII: Discipline**

The Post shall be the judge of its membership. The Post Commander shall, when warranted, be disciplined by the AMVETS Department of Florida Commander. All others shall be considered by the Post utilizing the procedures set forth in the AMVET National By-Laws, Appendix B, and the AMVETS Department of Florida By-Laws, Article VII.

### **Article IX: Subordinate Organizations**

AMVETS Post 78 recognizes the following subordinate organizations:

- A. AMVETS Ladies Auxiliary 78.
- B. Sons of AMVETS, Squadron 78.
- C. SAD SACKS known as "MULLET SACK 78".
- D. SACKETTS known as "BOGGY BAGS".
- E. AMVETS Riders Florida Chapter 78

## **Article X: 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 unanimous vote at the annual meeting without notice to the membership. Amendments to this constitution shall take effect immediately upon adoption unless otherwise specified by the voting body.

This Constitution was presented and accepted by unanimous vote at the monthly General Membership meeting on February 15, 2010.

Larry M. Hipps, Commander  
AMVETS Post 78

Timothy J. Tierney, Judge Advocate  
AMVETS Post 78

AMVETS Post 78, Inc.  
VALPARAISO, FLORIDA

**BY-LAWS**

**Article I – Meetings**

**Section 1.**

There shall be three (3) types of meetings: the monthly General Membership Meeting, Special Meetings, and an Annual Meeting. The monthly General Membership Meeting will be held on the third Monday of each month. This meeting may be scheduled for a different date providing the membership approves at the previous meeting. The Annual Meeting will be held the second Saturday in May. An announcement of the date and time of the Annual Meeting or Special Meeting is mandatory. Such announcement may be made by separate mailing or by a prominent article in the Post newsletter a minimum of 15 days prior to the meeting date.

**Section 2.**

A quorum for the monthly General Membership meeting is not less than twelve (12) members plus an elected officer. The order of business for the General Membership Meeting shall be prescribed by the Post Executive Committee. A quorum for the annual Meeting is twenty-five (25) members plus an elected officer. A quorum for a Special Meeting shall be fifty (50) members plus an elected officer. All meetings shall be conducted in accordance with Roberts Rules of Order, latest edition. Each member present shall have one vote, except for the commander who shall only vote in case of a tie. Proxy voting and secret ballots shall not be allowed. All meetings shall be open to anyone wishing to attend. The Provost Marshal shall monitor visitors to insure that they do not vote nor interfere with any portions of the meeting. Visitors may address the floor if recognized by the Chairman.

**Article II – Committees**

**Section 1.**

The Post Commander, with the approval of the Post Executive Committee, may appoint committees as deemed necessary for conducting Post business. Recommended committees are: a Membership Committee chaired by the Vice Commander for Membership, a Programs Committee chaired by the Vice Commander for Programs, a Finance Committee and Budget Committee chaired by the Finance Officer, and a Constitution and By-Laws Committee chaired by the Judge Advocate. Additional temporary committees may be formed by the Commander or

other officers of the Post with approval of the Commander and may consist of any number of persons. All committee appointments must be presented and approved at a General Membership meeting; however, committees may immediately begin work if appointed between meetings.

## **Article III – Election of Officers and Trustees, Appointments**

### **Section 1.**

A Commander; Vice Commander for Membership; Vice Commander for Programs; Finance Officer; Provost Marshal; Judge Advocate; Chairman, Board of Trustees and Trustees shall be elected annually by members of the Post. Trustees are elected in the following manner: In the first year this By-Law revision comes into effect (2004), three (3) trustees shall be elected to a two-year term and three (3) trustees shall be elected to a one-year term. In each subsequent year, elections shall be conducted for those three (3) trustees whose term expires. An Adjutant and Chaplain shall be appointed by the incoming Commander. Nominations for elected offices shall be made at the March and April General Membership meetings and at the Annual Meeting. Nominated individuals must either be present to accept the nomination or they may have another AMVET present a letter of acceptance at the meeting.

### **Section 2.**

The election of Post Officers and Trustees shall be accomplished during the Annual Meeting. Nominations shall be accepted during the Annual Meeting just prior to election of each position. **If the position has only 1 nominee voting by hand vote is mandatory. If there is more than 1 nominee for a position voting for those positions will be by ballot. Balloting will begin immediately following the meeting and continue until 1900 hours that day and the results will be posted by 2100 hours.** Voting will be supervised by the Judge Advocate and the method for counting the votes shall be under the jurisdiction of the Provost Marshal. The Provost Marshal shall be responsible for ensuring that all voting individuals are current members of the Post. This shall be accomplished prior to **issue of a ballot and** the commencement of nominations. **If hand voting is being conducted,** No one will be allowed to enter the voting area during vote for any position. Individuals may enter after a vote is complete and the results have been announced. AMVETS present shall have one vote each. The Commander, or Acting Commander if Commander is not present, shall only vote in case of a tie.

### **Section 3.**

**If all positions were filled through hand balloting,** The newly elected officers and trustees shall be sworn in just prior to the closing of the annual meeting. **If some or all of the positions were filled through ballots, all positions will be sworn in at the beginning of the next General Membership meeting.** All shall immediately assume their elected position **following swearing in.**

### **Section 4.**

In the event that the Office of Commander is vacated, the Vice Commander for Membership shall act as Commander until the next General Membership Meeting. At this meeting, one of the Vice Commanders shall be elected as Commander for the remainder of the current term of office. Should both Vice Commanders decline, nominations will be opened to the floor and anyone accepting may be elected to the office of Commander. The elected individual shall be sworn in and take office immediately. Should any other office be vacated, the Commander, with approval of the Executive Committee, is empowered to appoint a successor until the next annual meeting at which time a replacement shall be elected. All appointments become null and void at the Annual Meeting. The membership shall be made aware of all appointments and retains the approval authority. Should the membership disagree with an appointment, the position will be immediately vacated until an acceptable replacement is identified.

### **Section 5.**

Any member of the Executive Committee or Board of Trustees who is absent from two consecutive scheduled meetings is deemed to have resigned unless excused by the respective Chairman. Any Officer, Trustee or Committee Member who has not renewed their membership by January 1 of each year is automatically and with no further action removed from their position.

### **Section 6.**

The Commander, with the consent of the Post Executive Committee, may remove an appointed Officer, committee Chair, or committee member. Elected individuals may only be removed from office utilizing those procedures set forth in the AMVETS National By-Laws, Appendix B, and AMVETS Department of Florida By-Laws, Article VII.

## **Article IV – 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.

**Adjutant** – The Adjutant provides administrative support for the Post and is charged with taking minutes and maintaining all records (in conjunction with the Finance Officer). The Adjutant is

responsible for correspondence and handles the routine administrative business of the Post conducts. The Adjutant supervises a monthly reconciliation of all bank statements.

**Vice Commander for Membership** – The Vice Commander for Membership shall be charged with the membership program. The Vice Commander for Membership shall perform such other duties as may be required by the Commander. This position is of equal rank to the Vice Commander for Programs. In the absence of the Commander, the Vice Commander for Membership shall preside at meetings. In the event that the Office of Commander is vacated, the Vice Commander for Membership shall act as Commander until the successor is designated pursuant to the provisions of these By-Laws.

**Vice Commander for Programs** – The Vice Commander for Programs shall be charged with promoting all programs and activities as set forth by the Department. The Vice Commander for Programs shall perform such other duties as may be required by the Commander. This position is of equal rank to the Vice Commander for Membership. In the absence of the Commander and the Vice Commander for Membership, the Vice Commander for Programs shall preside at meetings. In the event the Offices of Commander and Vice Commander for Membership are vacant, the Vice Commander for Programs shall act as Commander until a successor is designated pursuant to the provisions of these By-Laws.

**Finance Officer** – The Finance Officer is charged with the collection, banking, and disbursement of all Post funds. This position shall be responsible for the preparation and submission of all financial reports in a timely manner.

**Judge Advocate** – The Judge Advocate is the parliamentarian of the Post. This position shall incorporate all valid amendments into the Post Constitution and By-Laws, and whenever deemed necessary shall cause said Constitution and By-Laws to be presented to the Post membership in a revised form. The Judge Advocate and Adjutant are responsible for submitting revised documents to the Department Judge Advocate for review and acceptance. . **The Judge Advocate is responsible for developing balloting procedures and in conjunction with the Provost Marshall supervising the balloting. The Judge Advocate is an ex officio member of all committees.**

**Provost Marshal** – The Provost Marshal shall maintain order at all meetings and verify that persons attending are bona fide members. This position is the custodian of the Post Colors and is in charge of the color detail during the presentation and retirement ceremonies. The Provost Marshal will assist during the voting of the body. This position shall carry out such other duties as may be assigned by the Post Commander.

**Board of Trustees** – The Chairman, Board of Trustees shall oversee the activities, finances and operation of the Post Canteen. This position shall supervise a compensated Post Manager, when employed. During the absence of a Post Manager, The Chairman, with the approval of the elected Trustees, may employ a Canteen Manager who will be directly responsible to the Chairman, Board of Trustees. The Post Manager or Canteen Manager, as applicable, shall be the supervisor of all compensated or volunteer employees. The accountability of revenues and

expenditures within the Canteen shall be as prescribed by the Post Finance Officer. Procedures for canteen activities, operations, and control of finances, shall be published in Standing Rules which shall be reviewed at least once each year. The Trustees shall be responsible for inventory of the Post and shall perform Canteen inventories in accordance with those procedures set forth in the Standard Operating Procedures (SOPs). House Rules shall be formulated by committee, submitted to the membership, and prominently posted throughout the Post. Violations of House Rules shall be referred to the Post Commander for corrective action.

## **Section 2.**

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 terminated with due cause. All shall have the right to appeal their termination to the Post Executive Committee. The decision of this body is final and no further appeal may be recognized within AMVETS.

## **Section 3.**

**Relatives of members holding elected Post positions are not eligible to be compensated employees if their employment establishes a supervisor/subordinate relationship within the Post “chain of command”.**

## **Section 4.**

**Members holding trustee or elected Post positions 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 V – Post Revalidation**

The Post shall revalidate its charter prior to **May 22nd** of each year. The responsibility for gathering and submitting revalidation documents rests with the Commander and Adjutant. The following minimum requirements must be completed and forwarded to the AMVETS Department of Florida:

- A. 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 calendar year with the Internal Revenue Service. This document will not be forwarded as part of the revalidation

package but the Change of Officers form must be annotated to reflect that this action has been completed. This document is due IRS not later than May 15, annually. The fiscal year for the Post shall be January 1 through December 31.

- 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's statutes. The Post shall maintain a minimum of \$300,000.00 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 shall be fully paid up in all Department and National accounts.

## **Article VI – Discipline**

The Post shall be the judge of its own membership. Allegations of misconduct by Post members shall be referred to the Post Commander. Allegations of misconduct against the Post Commander shall be forwarded directly to the Commander, AMVETS Department of Florida. All must be in writing, with the signature being notarized. The Post Commander shall decide the category of the infraction and shall, within five calendar days, take action to either resolve the matter or direct the charged individual to appear before an appropriate committee. Charges that fall under the heading of "Conduct Unbecoming an AMVET" shall be heard by the Post Executive Committee. Charges of misconduct in the Canteen shall be heard by a Grievance Committee appointed by the Commander. The right of appeal applies to both hearings. Those heard by the Executive Committee may be appealed to the Department of Florida AMVETS. Those heard by a Grievance Committee may be appealed to the Executive Committee. The procedures for conducting these hearings shall be as set forth in the Post Constitution, Article VIII.

## **Article VII – Finance**

### **Section 1.**

The annual dues of AMVETS Post 78 shall be a minimum of thirty (30) dollars effective January 1, 2007. The balance remaining after reimbursing National and department shall remain under the custody of the Post Finance Officer for disposition.

### **Section 2.**

The Life Membership dues of AMVETS Post 78 will be as specified by the AMVETS Department of Florida. The balance remaining after reimbursing National and Department shall remain under the custody of the Post Finance Officer for disposition.

### **Section 3.**

Any loan or mortgage which may create a lien against that Real Property on which the Post Home is constructed must be approved at a Special meeting conducted in accordance with Article 1, Section 1, of these By-Laws.

## **Article VIII – Delegates to Conventions**

The Post shall not instruct any uncompensated delegate to either the National or Department Convention. Delegates are encouraged to support those indorsed by the Post membership and, when compensated for either transportation or lodging, must vote for those chosen and voted on at a Post General Membership meeting. The Post shall not discipline any Post member for how that member votes at a District Meeting.

## **Article IX – Discrimination**

Discrimination and harassment within the Post shall not be tolerated. Instances based on sex, age, race, national origin, religion, sexual orientation, martial 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 visitors may be declared an “Unwelcome Guest”. A Post member may be disciplined for knowingly sponsoring an “Unwelcome Guest” into the Post.

## **Article X – Restricted Use of Organization**

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 otherwise promote any individual, political party, or faction. The endorsement of an organization or product is prohibited unless specifically approved by the Department and National organization. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member. This restriction does not apply to hall rentals where no post meetings are in session.

## **Article XI - Amendments**

These By-Laws may be amended by “simple majority vote” 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 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.

These By-Laws were presented and approved by unanimous vote at the monthly General Membership meeting on February 15, 2010.

Larry M. Hipps, Commander  
AMVETS Post 78

Timothy J. Tierney, Judge Advocate  
AMVETS Post 78