

AMVETS Post 5 By-Laws

ARTICLE I. QUORUM

The post must have a minimum number of members in attendance for a meeting to be considered valid.

- a. A quorum at all annual meetings shall consist of 6 members, providing at least one of them is an elected officer.
- b. A quorum at all general meetings shall consist of 6 members, providing at least one of them is an elected officer.
- c. A quorum at Executive Committee meetings shall consist of 5 members of the committee.
- d. A quorum at Board of Trustee meetings shall consist of 5 members of the board.

ARTICLE II. COMMITTEES

The post will have the following committees, the commander will appoint all non-chair members with approval of the Executive Committee:

- a. Finance Committee – The Finance Office will chair this committee and the other members will be the Commander and the Adjutant.
- b. Membership Committee – This committee will oversee recruitment and retention of membership. The 1st Vice Commander will chair this three-person committee.
- c. Programs Committee – This committee will oversee the programs of the post. The 3rd Vice Commander will chair this three-person committee.
- d. VAVS Committee – This committee will oversee all veterans' services by the post. The 2nd Vice Commander will oversee this three-person committee.
- e. Temporary committees may be appointed by the commander to expedite projects for the good and welfare of the Post. The post commander shall appoint a chairman and such members of AMVETS to each committee as are necessary to accomplish its objective.

ARTICLE III. MEETINGS

There shall be five types of meetings: the annual meeting, the general monthly meeting, the executive board meeting, the board of trustee meeting and special meetings. Post members will be notified in advance of all meetings.

AMVETS Post 5 By-Laws

- a. The order of business shall be prescribed by the Executive Committee but may be changed, when necessary, by the chair.
- b. All business meetings of this Post shall be conducted in accordance with *“Robert’s Rules of Order, The Newest Edition”*.
- c. The Post Annual meeting will be held @ 1800 on the 1st Wednesday of June unless otherwise posted 30 days prior.
- d. The Post General monthly meeting shall be held @ 1800 on the 1st Wednesday of each month unless otherwise posted 30 days prior.
- e. The Post Executive Board meeting shall be held @ 1730 on the 1st Wednesday of each month unless otherwise posted 30 days prior.
- f. The Post Board of Trustee meeting shall be held at a time to be determined in the future on the 1st Wednesday of each month for compliance with the constitution.
- g. Members may attend any meeting in person or virtually.
- h. Members attending in person should report to VFW 4719 located at 75 W. Johnstown Road Gahanna, Ohio 43230 at the scheduled time.
- i. Members who attend a meeting virtually should connected using the link or dial in number listed on the post website www.ohamvets5.org under the meetings tab.
- j. Members who attend a meeting virtually will not have a voting right during the meeting unless they are visible to everyone in attendance.
- k. Special meetings can be called with a minimum of 10 days’ notice and the National and Department CBLs’s must be followed.
- l. Consumption of Alcoholic beverages is prohibited to members physically in attendance at 75 W. Johnstown Road Gahanna, Ohio 43230 during all Post meetings.

ARTICLE IV. ELECTIONS AND APPOINTMENTS

The post will have elected and appointed officers.

AMVETS Post 5 By-Laws

- a. At the annually meeting the post shall elect a commander, 1st vice commander, 2nd vice commander, 3rd vice commander, adjutant, finance officer, provost marshal, and judge advocate from the members.
- b. Annually the newly elected Post commander with approval of the post executive committee will appoint an immediate past commander, chaplain, public relations officer, VFW Liaison, two members each to the membership, programs and VAVS committees.
- c. The election and appointment of officers shall be held at the annual meeting of the Post.
- d. Members must attend a minimum of four meetings in a fiscal year to be eligible to run for office.
- d. The election 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 thereafter make the announcement of the results.
- e. Only members in person or virtually visible that are in good standing at the meeting shall be entitled to vote. National and Department Headquarters shall be notified of the election of new officers by the Post adjutant within thirty (30) days after the said elections have been completed.
- f. The newly elected and appointed officers shall be sworn in and shall take office at the next regular meeting of the Post, but in no event sooner than two weeks after such election, nor later than July 15 thereafter.
- g. In the event of a vacancy in the office of Post commander, the first vice commander shall temporarily succeed to that office. However, within forty-five (45) days, the Post, at a regularly scheduled general monthly meeting, shall nominate, and elect a person to complete the unexpired term of the Post commander.
- h. Should any other office be vacated, the commander is empowered to appoint a successor for the completion of the term subject to the approval of the Executive Committee.
- i. Any elected officer who misses three (3) consecutive regular meetings without prior consent shall be removed from office without any further action, notification, or hearing. The vacated position shall be filled within the guidelines prescribed herein.

AMVETS Post 5 By-Laws

ARTICLE V. OFFICERS DUTIES

Each elected or appointed officer of the post will have certain duties and responsibilities associated with their position.

- a. Commander – The post Commander shall be the executive head of the post with full power to enforce the provisions of the post constitution and by-laws.
- b. 1st Vice Commander - The Post 1st Vice Commander shall be primarily responsible for the membership of the Post.
- c. 2nd Vice Commander - The Post 2nd Vice Commander shall be primarily responsible for the programs of the Post.
- d. 3rd Vice Commander – The Post 3rd Vice Commander shall be primarily responsible for the VAVS activities of the Post.
- e. Adjutant - The Post Adjutant shall serve as the secretary of the Post.
- f. Finance Officer - The Post finance officer shall be custodian of the funds of the Post, see By-Laws Article VI for description of duties.
- g. Provost Marshal – The Post Provost Marshal shall maintain order at all post meetings.
- h. Judge Advocate - The Post Judge Advocate shall advise the Post officers and the Post Executive Committee on the construction and interpretation of the Post, Department and National Constitution and Bylaws and shall perform such other duties as are incident to the office.

ARTICLE VI. FINANCE

The post financial procedures will be as follows:

- a. The total annual dues of this Post shall be set at \$30.00 of which \$15.00 per member shall be paid to National, \$10.00 to the Department, and the Post shall retain \$5.00.
- b. The total life dues of this Post shall be set at \$250.00 of which \$125.00 per member shall be paid to National, \$62.50 to the Department, and the Post shall retain \$62.50.

AMVETS Post 5 By-Laws

- c. All 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 a contract or if anticipated gross revenues are expected to exceed \$10,000, a copy of the proposed fund-raising program must be transmitted through the Department to National Headquarters for approval.
- d. An annual budget shall be prepared by the finance committee and submitted to the Executive Committee for approval.
- e. 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.
- f. The finance officer shall render a report of receipts and disbursements for the previous month at each meeting of the Post. This office is also responsible for filing an IRS Form 990 on or before the 15th 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 shall end annually on June 30th.
- g. If a Post club room is maintained and operated for the convenience and pleasure of the members of this Post in the name of AMVETS, or its insignia are displayed or used, a Board of Trustees shall be elected from among the members of the Post to supervise its activities, operation, and finances. The Post shall also secure, at the least, the minimum liability insurance coverage prescribed by the National Constitution and By-laws which names the Department and National Headquarters as additional insureds and file a copy of the Certificate of Insurance with the Department and National offices.
- h. The Finance Officer, Adjutant and Commander will have signature on all post accounts.
- i. Post officials handling post funds over \$5000 shall be properly bonded with a good and solvent bonding and surety company, acceptable to the U.S. Treasury, as surety to cover the average amount of AMVET funds handled by such individual in a single year.

ARTICLE VII – BOARD OF TRUSTEES

When required a Board of Trustees will be formed and shall be comprised of the post commander, immediate past post commander, adjutant, finance officer and judge advocate, along with three elected trustees. membership.

AMVETS Post 5 By-Laws

- a. The post will elect 3 trustees from the members who will serve in accordance with the National and Department CBL's as well as the Department Uniform Post Constitution and By-Laws (UPCBL).

ARTICLE VIII. DELEGATES TO CONVENTION

At least thirty (30) days prior to the Department and National conventions, delegates and alternates shall be chosen to attend said conventions. The number of delegates will be in accordance with the National and Department delegate strength guidelines. The Post commander and Post Adjutant shall constitute one delegate each. Other delegates may be elected from the membership with instructions governing their representation.

ARTICLE IX. RESOLUTIONS

All resolutions adopted by this Post shall be forwarded to Department Headquarters.

- a. A simple majority vote of members in attendance in person or virtual is required to pass any resolution other than amendments to the Constitution and Bylaws.

ARTICLE X. 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 XI. DISCIPLINE OF POST MEMBERS

Members of the post may be suspended or expelled for any one 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 AMVET.
- d. Ineligibility for membership at time of acceptance into membership.
- e. Procurement of membership by fraud or deception.

AMVETS Post 5 By-Laws

- f. Any member of AMVETS may prefer charges against any other member, alleging any of the foregoing causes for suspension or expulsion. Such charges shall be made under oath, setting forth the time and place of the offense or other basis for the charges, as near as may be practicable and signed by the accuser within 30 days of the alleged violation.
- g. All charges and specifications shall be filed with the post commander of the post to which the member complained about 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 complained about, together with a notice fixing a date, place, and time of a hearing to be held not less than 30 days after said date of mailing.
- h. Said charges and specifications shall be heard by the executive committee of the post, at which said hearing the member complained about 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.
- i. The post judge advocate shall prosecute the charges, and the attendance of a court reporter shall be permitted.
- j. The presiding officer of said executive committee shall decide all questions as to the relevancy of evidence and the regularity of the proceedings.
- k. 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.
- l. In 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.

AMVETS Post 5 By-Laws

- m. 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 state executive committee, from department 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.
- n. The decision of the appellate body at either level shall be binding and final.
- o. 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 the 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 bylaws or this code.

ARTICLE XII. VFW 4719

All members of the post including subordinate members agree while utilizing any of the property of the VFW 4719 located at 75. W. Johnstown Road Gahanna, OH 43230 will abide by all their posted rules.

- a. Any member or subordinate member of the Post violating any house rules of VFW 4719 will be subject to the disciplinary procedures of their house committee and any appeals will be handled in accordance with their house rules.
- c. All members and subordinate members agree to pay the VFW 4719 five dollars (\$5.00) annually for a new key card. They must show an active AMVETS Post 5 membership card.
- d. The post Executive Board must receive approval from the VFW 4719 House Committee for events and fundraisers on VFW 4719 property.
- e. The post will make an annual donation to VFW 4719 based on the membership and financial stability.

ARTICLE XIII. AMENDMENTS

AMVETS Post 5 By-Laws

These Bylaws may be amended by the majority vote of the members present at annual meetings. Proposed amendments must be submitted in writing to the Executive Committee for recommendation. The Committee will instruct the adjutant to notify the membership, by mail or email 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 Bylaws to the National Headquarters for filing.

CERTIFICATION

This document is a true copy which was adopted by the membership of this Post.

Date

Signature of Post Judge Advocate

Date

Signature of Post Adjutant