THE AMERICAN LEGION
Department of Florida

Larry Sheets
Department Judge Advocate

May 9, 2014

American Legion Post 233
Attn: Roy Havekost, Post Commander
P.O. Box 2494
Ponte Vedra Beach, FL 32004

RE: Review of American Legion ByLaws of Post 233

Dear Commander Havekost,

Thank you for submitting your ByLaws amendments. The amendments of American Legion Post 233's ByLaws are approved.

If I can be of any further assistance to your Post, please contact me at your convenience.

Sincerely,

Larry Sheets
Department Judge Advocate

8950 NE 8th Ave., Apt. 204, Miami, FL 33138-3303
Phone: 305-467-7713 Email: rivetkckr@bellsouth.net

PALM VALLEY POST 233, THE AMERICAN LEGION, INC.

NORTH WILDERNESS TRAIL

PONTE VEDRA BEACH, FLORIDA 32082

Revised April 3, 2014

ARTICLE I. PURPOSE OF BY-LAWS REVISION.

The By-Laws of this organization are under revision to clarify and expand upon the existing By-Laws. These Revised By-Laws shall in no way be in conflict with the American Legion Department of Florida By-Laws, the National American Legion By-Laws, the Federal Internal Revenue Code relating to non-profit organizations as set forth at IRS Code Section 501(c) or as amended by future legislative changes, or the Florida Statutes relating to non-profit organizations.

ARTICLE II. NAME.

This organization was incorporated as a separate entity under the laws of the State of Florida in 1979, Florida Document Number 750075. The status of this Florida non-profit corporation is currently active. In the original Articles of Incorporation, this organization was named Palm Valley Post No. 233 , The American Legion, This organization also applied for non-profit recognition with the U.S. Internal Revenue Service in 1979; it was classified as a non-profit organization under Internal Revenue Code Section 501(c)(19); and it was assigned Federal ID Number 59-1449860. On the Federal exemption, the organization was named American Legion Post 233.@ The Revised By-Laws shall standardize the name of this organization as Palm Valley Post 233, The American Legion, Inc.@ on all official records and for all tax reporting purposes. The By-Laws Revision Committee shall certify such name change to all governing bodies and taxing authorities.

ARTICLE III. PURPOSE AND OBJECTIVE OF THE ORGANIZATION.

Section 1. The objective of this post shall be to promote the principles and policies as set forth in the Department of Florida Constitution and the National American Legion Constitution.

Section 2. This exempt organization is organized within the continental United States and is a post or organization of past and present members of the Armed Forces of the United States, with ninety-seven and five tenths percent (97.5%)* of such members composed of active duty military personnel, retired military personnel, and military veterans. The remaining two and five tenths percent (2.5%)* of its members are composed of the spouses, widows, widowers, and descendants of such military personnel. *Statistics provided by National Organization.

All position of authority in this organization, ie. , Commander, Finance Officer, Adjutant, various Vice Commanders, Chaplain, Sergeant-at-Arms, etc., are filled by elected and/or appointed volunteers who receive no compensation for their services. No part of the net earnings of this organization inures to the benefit of any individual member(s).

This organization is operated exclusively for the following reasons: (1) To promote the social welfare of the community in which it is located; (2) To assist disabled and needy war veterans and members of the U. S. Armed Forces; (3) To provide entertainment, care, and assistance to hospitalized veterans and members of the U.S. Armed Forces; (4) To carry on programs to perpetuate the memory of deceased veterans and members of the U.S. Armed Forces, and to comfort their survivors; (5) To sponsor and/or participate in activities of a patriotic nature; and, (6) To provide social and recreational activities for its members.

ARTICLE IV. MANAGEMENT.

Section 1. The administrative affairs of Palm Valley Post 233 shall be under the supervision of the Executive Committee, who shall serve as the corporate directors. This Executive Committee shall consist of all current Post Officers, five (5) elected members, and one past commander, elected by the Past Commanders Club. The Commander shall have the option of designating a past commander or conducting the Executive Committee meeting himself.

Section 2. The Executive Committee shall meet at least once a month at the call of the Commander and as often as the Commander shall deem necessary. The Commander may also call a special Executive Committee meeting upon notification of twenty-four (24) hours notice to members by personal contact. The Commander may also call a special meeting upon receipt of a written request of three (3) or more members of the Executive Committee. The term or office of the Executive Committee shall be for one (1) year.

Section 3. Any officer of this post may be reprimanded, suspended, or expelled from either the office or the American Legion for cause, in accordance with Article X, of The Constitution of The American Legion, Department of Florida.

Section 4. No member of this post will hold more than one (1) elective position.

*Section 5. The Executive Committee shall have the authority to appoint or dismiss any volunteer (s), or employee (s), as may be deemed necessary for just cause, as outlined in Article X of The Constitution of The American Legion Department of Florida. Volunteers that are dismissed by supervisory personnel may appeal their dismissal to the Executive Committee, within 30 days.

*Section 6. The Executive Committee shall require dishonesty insurance coverage of all persons, member or non-member, handling Post funds and shall hear all reports from Post committee chairpersons and officers.

*Section 7. The House Committee shall be responsible for the overall management of the Post Canteen and Kitchen. They shall designate a Canteen and Kitchen Manager with the approval of the Executive Committee. A proper inventory shall be taken monthly and a written activities report presented to the Executive Committee at every monthly meeting or at the request of the Executive Committee at anytime. The position of Canteen Manager and Kitchen manager may be held by one individual with the approval of the Executive Committee.

ARTICLE V. NOMINATION AND ELECTION OF OFFICERS.

Section 1. The Post Commander, 1st Vice Commander, 2nd Vice Commander, 3rd Vice Commander, 4th Vice Commander, Finance Officer, Chaplain, Historian, Sergeant-at-Arms, and the Executive Committee members shall be elected for one (1) year by a majority vote of those members voting on the date set for the election of officers. The Adjutant, Service Officer, and Judge Advocate shall be appointed by the Commander-elect.

Section 2. Nomination of officers shall be made from the floor at two (2) regular meetings immediately prior to election. Election of Post Officers shall be held not more than ninety (90) days, nor less than ten (10) days prior to the annual Department Convention. Certification must be made on forms furnished by the Department Adjutant. Newly elected Post Officers shall not enter upon their duties until they are installed by the District Commander or his/her representative within sixty (60) days after the adjournment of the annual Department Convention.

Section 3. Any vacancy existing on the Executive Committee, or in any elected office of the post, from any cause other than expiration of the term, shall be filled by the majority vote of the general membership. A member so voted shall hold the office for the unexpired term of the officer or committee member he succeeds. As to a committee member, a vacancy shall exist when a committee member has resigned or is absent from three (3) consecutive regular meetings. As to a Post Officer, a vacancy shall exist when a Post Officer has resigned. If a Post Officer is absent from three (3) consecutive regular meetings, such absences shall be considered a neglect of duty which can be the basis of charges under Article II, Section 2 of these By-Laws.

ARTICLE VI. DUTIES OF OFFICERS.

Section 1. POST COMMANDER: The Post Commander shall be the Chief Executive of the Post. The Commander will preside at all meetings of the Post and Executive Committee of the Post, and see that all recommendations of the Executive Committee are presented to the general membership, a majority vote shall be required for approval. The Commander shall be ex-officio member of all standing committees and have the general powers and duties of supervision. The Commander shall, from time-to-time, make reports covering the business of the Post and make recommendations to the Post. In the absence or incapacity of the Post Finance Officer, the Post Commander shall also be responsible for the maintenance of all Post financial records and the

preparation and timely* filing of all required Post income tax returns, and for Post compliance in regard to inspection of the Post financial records by the American Legion Department and National Organization; all taxing authorities; the Post members, and the general public. In the absence or incapacity of the officer appointed or elected to maintain the Post membership records, the Post Commander shall also be responsible for the maintenance of all Post membership records and for Post compliance in regard to inspection of the membership records by American Legion, Department and National Organizations; all taxing authorities; and the Post members. *Timely filing B This organization has been established with a fiscal year that commences on July 1st and ends on June 30th. At the present time, the U.S. Internal Revenue Service requires the filing of a Federal Form 990 Return of Organization Exempt from Income Tax on or before the 15th day of the 5th month following the end of the fiscal year and the State of Florida requires a copy of that Federal Return.

Section 2. FIRST (1st) VICE COMMANDER: The First (1st) Vice Commander shall work with the Post Commander in running the Post. The First (1st) Vice Commander shall, in the absence or disability of the Post Commander, perform the duties of the Post Commander until the return of the Commander and the ability of the Commander to resume his/her duties. It is the duty of the First (1st) Vice Commander to be responsible for membership goals.

Section 3. SECOND (2nd) VICE COMMANDER: The Second Vice Commander shall work with the house committee and be responsible for all Galley functions and related entertainment activities. He/she shall perform other duties as may be assigned by the Post Commander.

Section 4. THIRD (3rd) VICE COMMANDER: The Third (3rd) Vice Commander shall perform such duties as may be assigned to him/her by the Post Commander and shall work with the First (1st) Vice Commander in securing membership.

Section 5. FOURTH (4th) VICE COMMANDER: The Fourth (4th) Vice Commander shall assist the Second (2nd) Vice Commander in House Committee functions and related entertainment activities. He/she shall perform such other duties as may be assigned to him/her by the Post Commander.

Section 6. ADJUTANT: The Adjutant shall be the Secretary of the Post and shall attend all meetings of the Executive Committee of the Post and record all votes and minutes of all proceedings in a book to be kept at the Post for this purpose. The Adjutant shall also keep such records as the Department and National organization may require, and perform such other duties as may be directed by the Post Commander.

Section 7. POST FINANCE OFFICER: The Finance Officer shall have charge of all Post finances and see that they are safely deposited in some bank or banks approved by the Executive Committee, shall keep complete records of the receipt and disbursements of Post monies, shall insure all monthly bills are paid in a timely fashion and shall have all financial reports ready, at all times for inspection by the Post Commander, the Executive Committee, and all Federal and State taxing authorities. The Finance Officer shall prepare a fiscal year budget in writing and

will present same to Commander and Executive Committee within sixty (60) days of taking office. The Finance Officer shall present in writing a financial report accompanied by receipts to the Executive Committee at monthly meetings. There shall be three (3) officers authorized to sign checks for the disbursement of monies.
These officers shall be the Post Commander, Finance Officer, and the Adjutant. If the Adjutant and Finance Officer are one and the same, the other officer is to be designated by the Post Commander and Executive Committee. It shall require the signature of any one of the three (3) persons authorized to sign checks for the disbursement of monies of the Post. A proposed monthly budget report showing all expenditures shall be presented to the Executive Committee and Commander at each monthly meeting. The Finance Officer shall retain all financial records in the Post and shall make such records available to the State and National American Legion organizations, all Federal and State taxing authorities, and all members of the general public who request inspection of such financial records. In addition, the Finance Officer shall be responsible for the preparation and timely filing if all income tax returns required by Federal and State taxing authorities.

Section 8. CHAPLAIN: The Chaplain shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by the National Headquarters of THE AMERICAN LEGION. He is responsible for contacting the sick, disabled and indigent members of the Post.

Section 9. HISTORIAN: The Historian shall collect, from year-to-year, all records and data of value and interest concerning the activities of the Post.

Section 10. SERVICE OFFICER: The Service Officer shall advise the members of the Post as to the problems concerning Veterans rights, benefits and affairs.

Section 11. JUDGE ADVOCATE: The Judge Advocate shall be the Legal Officer of the Post and shall advise the Officers and Executive Committee upon all legal questions that shall arise.

Section 12. SERGEANT-AT-ARMS: The Sergeant-at-Arms shall preserve order during the meetings of the Post and perform such other duties as may be prescribed by the Post Commander.

ARTICLE VII. MEETINGS.

Section 1. REGULAR MEETINGS: Regular meetings of the Post shall be on the first (1st) Thursday of the month, starting at 1900 hours (7:00 pm). The regular meeting will be attended by Legionnaires only, all others, at the invitation or permission of the Commander.

*Section 2. EXECUTIVE COMMITTEE MEETINGS: The Executive Committee shall meet on a day and time designated by the chairman, generally to be held before the regular monthly meeting.

Section 3. ANNUAL MEETING: The last regular scheduled meeting each year prior to installation of newly elected officers will be known as the ANNUAL MEETING.

Section 4. QUORUM NECESSARY FOR MEETINGS OF THE EXECUTIVE COMMITTEE: Seven, (7) members of the Executive Committee shall constitute a quorum for any regular meeting of the Executive Committee.

Section 5. QUORUM NECESSARY FOR REGULAR MEETINGS OF THE POST: Nine (9) members shall constitute a quorum for any regular meeting of the Post.

ARTICLE VIII. APPOINTMENTS.

Section 1. The Commander, immediately upon taking office each year, shall appoint the following standing committees. Such standing committees shall consist of such members, and the chairman thereof, as shall be designated by the Commander.

Section 2. AMERICANISM: The Americanism Committee shall be charged with the inspiration of patriotism and good citizenship by arrangements for proper observances of patriotic occasions, encouragement of patriotic and civic phases of instruction in schools; Americanism of aliens; combating anti-Americanism propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment.

Section 3. CEREMONIALS COMMITTEE: The duty of the Ceremonials Committee is to ensure that all new members are properly initiated. The Committee must also concern itself with proper presentation of other rituals outlined in the Post Officers Guide and Manual of Ceremonies, burial detail and the wearing of American Legion regalia.

Section 4. CHILDREN AND YOUTH: The Children and Youth Committee shall be charged with aid and service to children of Veterans; cooperating with other established agencies in the community; laboring for the betterment of conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of the Veteran in obtaining the fulfillment of the Legion=s pledge that no child of a war veteran shall be in need of the necessities of life, and a square deal for every child.
Section 5. SCHOLARSHIP COMMITTEE: The Scholarship Committee will concern itself with raising funds to award scholarships. This Committee is empowered to select recipients and disburse funds at its own discretion. The Committee will report its actions to the Executive Committee.

Section 6. ECONOMICS COMMITTEE: The Economics Committee is primarily concerned with local employment problems, Veteran's preference, government employment and re-employment rights.

Section 7. FOREIGN RELATIONS: This Committee has become active, as America has recognized its responsibility as a World Leader. Maintaining security, world peach and friendship abroad, through community endeavors, has become essential as an aspect of treaty law.

Section 8. AUDITING COMMITTEE: The Commander shall appoint three (3) or more members of the Post, in good-standing, to this Committee. No member of the Finance Committee shall be eligible to serve on this Committee. It will be the duty of this Committee to audit the financial affairs of the Post, not less than once per year, or at such intervals as may be deemed necessary, and to report any irregularities that they deem to be detrimental to the general membership, or in violation of State and Federal Code in regard to non-profit organizations.

Section 9. GRAVES REGISTRATION AND MEMORIAL COMMITTEE: The duties of the Committee involve recording of grave sites and complete information on Veterans burial in cemeteries assigned to the Post. Special assistance can be given to the Service Officer in providing flags, headstones or proper interment in National Cemeteries.

* Section 10. HOUSE COMMITTEE: This Committee shall have charge of all matters pertaining to the care of the post canteen and kitchen as well as the arrangement of social activities, pavilion rental and duties described in the House Regulations. It will meet at least once a month, at the call of the House Committee Chair, normally a few days before the executive board meeting, so that decisions made there can be reported to the executive board and general membership.

Section 11. LEGISLATIVE COMMITTEE: The Committee should have knowledge of what is going on in Congress, what we favor or oppose, and should be ready to initiate action in support of the our position when requested by the National or Departmental Headquarters.

Section 12. PUBLIC RELATIONS COMMITTEE: This Committee shall have charge of the promotion of public support of the Legion programs, by the establishment of proper contact with the American Legion Magazine, Department and National news services and by local publicity of Post programs and activities.

Section 13. VETERANS AFFAIRS AND REHABILITATION COMMITTEE: This Committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state governments, employment, relief, etc.

Section 14. SECURITY COMMITTEE: This committee shall work with and coordinate Legion efforts with Civil Defense Council on matters pertaining to National civilian and home defenses. It shall assist the Armed Forces of the U.S.
In recruiting efforts and in every way be active in the community activities for the defense of the nation and the security of the American homeland.

Section 15. SONS OF THE AMERICAN LEGION COMMITTEE: The Committee shall have supervision over the operations of the Post Squadron of the Sons of the American Legion.

Section 16. VISITING COMMITTEE: This Committee is charged with visiting and comforting of members and their families when sick or bereaved, and with visiting ex-servicemen in nearby hospitals.

Section 17. ATHLETIC COMMITTEE: This Committee shall have supervision over all Post athletic activities.

ARTICLE IX. RESOLUTIONS.

Section 1. All resolutions of State or National scope presented to this Post by a member or as reported to this Post by a Committee shall merely embody the opinion of this Post on the subject, and copy of same shall be forwarded to the Department Headquarters for its approval before any publicity is given or action other than mere passage by the Post is taken.

Section 2. The subject matter of resolutions that are to be submitted for Department action shall be restricted to matters regarding the purposes and programs of the American Legion. Resolutions emanating from private organizations to further their own interest will not be accepted.

ARTICLE X. NOTICES.

Section 1. It shall be the responsibility of every member to furnish the Post Adjutant with his/her address for mailing purposes.

Section 2. The monthly Post communication (newsletter) will be the official vehicle of notices of general information to members of the Post.

ARTICLE XI. RULES OF ORDER.

Section 1. This Post shall use and follow The American Legion Post Officers Guide in conducting its meetings, initiation of members and other ceremonies prescribed therein.

Section 2. For situations and circumstances not covered by the Provisions of

Section 3. Proceedings of this Post shall be conducted under and pursuant to Robert's Rules of Order (Revised).

ARTICLE XII. DELEGATES.

Section 1. Delegates and Alternates to a Department Convention and a District Constitutional Conference will be appointed by the Post Commander.

ARTICLE XIII. DUES AND INITIATION FEES.

Section 1. Amount of annual dues shall be recommended by a majority vote of the Executive Committee and will be announced at the next general membership meeting. Also, this information will be posted in the next two (2) monthly newsletters and on the official website so that all members will be notified.

ARTICLE XIV. LIMITATION OF LIABILITIES.

Section 1. This Post shall not incur, or cause to be incurred, any liability nor obligations whatsoever which shall subject to liability any other Post, Subdivision, Group, members of The American Legion, other individuals, corporations or organizations.

ARTICLE XV. AMENDMENTS.

Section 1. Amendments to these By-Laws shall be made in writing and must be submitted to the Executive Committee for their review. Recommendations shall be presented to the general membership. A 2/3 (two-third) majority vote shall be required for approval.

Section 2. Amendments to these By-Laws shall be approved by the Department Judge Advocate, such approval confirmed by the Department Commander, and a copy filed with the Department Adjutant's Office, with a Certificate of Approval issued to the Post before becoming effective.

Section 3. The National Constitution and By-Laws of The American Legion and the Department of Florida Constitution By-Laws shall govern in the event any provision of these By-Laws conflict therewith.

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Attest:
The By-Laws contained on these eleven (11) pages have been approved unanimously by the general membership of Palm Valley Post 233, at a meeting held on April 3, 2014.

Adjutant: Sheri Martinez _____

Commander: Roy Havekost _____

The American Legion

Department of Florida

Larry Sheets
Department Judge Advocate

APPROVED

Pursuant to the applicable provisions of the Department Constitution and ByLaws, the foregoing ByLaws dated April 3, 2014 of American Legion Post 233 have been reviewed and approved this 9th day of May, 2014.

Larry D. Sheets
Department Judge Advocate

Approval Confirmed:

Arthur J. Schwabe
Department Commander