

March 11, 2015

Roger Sherwin, Commander
VFW Post No. 7164
6402 Veterans Way
Joshua Tree, CA 92252

Re: Proposed Amended By-Laws

Dear Mr. Sherwin:

Receipt is acknowledged of the proposed revised By-Laws for Post No. 7164 submitted through channels for the review of the Commander-in-Chief in accordance with Section 202 of the Manual of Procedure.

These documents have been designated amended By-Laws to reflect their replacement of previously reviewed By-Laws.

A review of the proposed amended By-Laws discloses that they were in substantial compliance with the Congressional Charter, By-Laws, Manual of Procedure, Ritual, and laws and usages of the Veterans of Foreign Wars of the United States; however have been modified for compliance. To preclude any misunderstanding of the additions and/or deletions, an informal document has been attached.

A copy of the reviewed amended By-Laws, with the corrections noted thereon, has been retained for our files, another forwarded to your Department Headquarters, and two sets herewith returned.

Sincerely,


David E. Prohaska, Director
Administrative Operations

DEP: cjlj
Enc: Revised By-Laws (2)
cc: Department Adjutant (1)

NO ONE DOES MORE FOR VETERANS

NATIONAL BY-LAWS/MANUAL OF PROCEDURE CONFLICT

POST 7264 CALIFORNIA

Article III Section 5

Remove second sentence

Reason: A quorum is based on a number, not designated officers.

Article VIII Section 1

Replace "Post and voted on" with "Quartermaster"

Reason: To conform to Section 218 (a) (5) (c) of the Manual of Procedure.

BY-LAWS

JOSHUA TREE POST NO. 7264

VETERANS OF FOREIGN WARS OF THE UNITED STATES

ARTICLE I NAME AND LOCATION

- Sec. 1.. By virtue of charter granted, this Post shall be known as Joshua Tree Post No. 7264 Veterans of Foreign Wars of the United States.
- Sec. 2. The location of this Post shall be in the City of Joshua Tree, County of San Bernardino, State of California.

ARTICLE II SUBORDINATION

- Sec. 1. The supreme power of this association is vested in the National Convention and this Post shall be at all times governed by the Congressional Charter and By-Laws of the Veterans of Foreign Wars of the United States, the By-Laws of the Department of California, orders issued by authority of the National Convention, National Council of Administration, the Commander-in-Chief, the Department Convention, Department Council of Administration and the Commander of the Department of California. For the purposes of this Article and Section, resolutions adopted by the National Convention are held to be lawful orders.

ARTICLE III MEETINGS

- Sec. 1. Place: The regular meeting place of this Post shall be at 6402 Veterans Way, Joshua Tree, California 92252.
- Sec. 2. Time: The regular meetings of the Post shall be held on the 1st Saturday of each month, to be called to order at 10:00 a.m.
- Sec. 3. The Post may, after at least fourteen (14) days written notice to the Department Commander and the members of the Post, change its meeting place, appointed day or time upon a majority vote of the members present at a regular or special meeting called for such purpose.
- Sec. 4. Special meetings may be called in accordance with the provisions of the National By-Laws.
- Sec. 5. Quorum: 5 members in good standing shall constitute a quorum for the transaction of business.

ARTICLE IV MEMBERSHIP

- Sec. 1. Membership in this Post, eligibility to, application for, acquiring and maintenance of, loss of and discipline shall be in accordance with the provisions of the National By-Laws.
- Sec. 2. The admission fee of this Post shall be \$2.00, payable in accordance with the National By-Laws.
- Sec. 3. The dues of this Post shall never be less than the amount required to cover Department and National dues.

ARTICLE V OFFICERS

- Sec. 1. Eligibility to, nomination, election or appointment, installation and term of office shall be in accordance with the provisions of the National By-Laws.
- Sec. 2. The duties of all officers shall be those prescribed by National and Department By-Laws, lawful orders as the Post may direct and as these By-Laws may provide.

ARTICLE VI COMMITTEES AND DUTIES

- Sec. 1. All Committees and their chairmen, unless otherwise provided, shall be appointed by the Commander as promptly as possible after election to office, and as such shall serve at his/her will and pleasure. The Post Quartermaster, by virtue of his/her office, shall be treasurer of all committees handling funds.

- Sec. 2. The Standing Committees of the Post shall be as follows:

(a) Membership	(e) Youth Activities	(i) Community Activities
(b) Relief	(f) House	(j) Safety
(c) Poppy	(g) Americanism	(k) Military Assistance
(d) Publicity	(h) Ways and Means	(l) Others as needed

- Sec. 3. House Committee:

- (a) The House Committee shall be elected by the Post members to manage certain matters related to the Post property including the operation of Post Club Rooms and/or Canteen. It shall consist of not less than three members, one each of whom shall be elected annually for a three-year term. Trustees shall not serve on the House Committee. In addition, the Post Commander and Post Quartermaster by virtue of their offices shall be members of the House Committee. (If no volunteers for election, then the Post Commander can appoint one)
- (b) The Committee shall be responsible for the cleanliness and upkeep of the quarters and the equipment therein.
- (c) The Committee shall be in charge of the sub-rental of the Post's quarters and shall exercise such supervision over sub-renters as will ensure the protection of the Post's name and property.
- (d) The Committee may authorize such expenditures for minor emergency repairs and janitor supplies as may be necessary for the preservation and protection of the Post's quarters and its equipment, provided that the total amount so expended between any two regular meetings shall not exceed \$1,000.00

- (e) All monies received by the Committee through the sub-rental of the Post's quarters or other sources shall be deposited with the Post Quartermaster.
- (f) All expenditures of the Committee shall be made only by regular voucher and drawn by the Quartermaster in accordance to these By-Laws.
- (g) The House Committee shall keep a record of all its receipts and expenditures and shall, at every meeting of the Post, report all monies received and all expenditures made since the last meeting.
- (h) The Post may adopt such further rules and regulations governing the conduct of club or canteen as do not conflict with the provisions of this Article. Such rules and regulations shall only become effective upon their approval by a majority vote of members present at a regular or special meeting called for that purpose; at least thirty (30) days notice in writing having first been given to all members.
- (i) The Post Quartermaster, by virtue of his/her office, shall be the treasurer of the House Committee.

ARTICLE VII CONTROL OF SUBSIDIARY UNITS

- Sec. 1. Any activity, unit or clubrooms sponsored, conducted or operated by the Post, incorporated separately from the Post or unincorporated, shall be at all times under the direct control of the Post.
- Sec. 2. All funds derived from any of the above shall be in the custody of the Post Quartermaster.
- Sec. 3. All money, property and assets of every kind as well as all records in connection therewith used, held and owned by any of the above activities is the property of the Post and must be placed in the care and custody of the Post Quartermaster.
- Sec. 4. For purposes of this Article, the Ladies Auxiliary to the Veterans of Foreign Wars, the Military Order of the Cootie and the Men's Auxiliary are governed by Articles XI, XII and XIII respectively of the National By-Laws and Manual of Procedure of the Veterans of Foreign Wars and their respective By-Laws, Rules and Regulations.

ARTICLE VIII EXPENDITURE OF FUNDS

- Sec. 1. Expenditure of funds shall be made only after prior authorization by the Post and on proper voucher drawn by the Adjutant and approved by the Commander. All checks for the expenditure of Post funds shall be numbered in sequence, the number of each check to correspond with the voucher authorizing the same, other expenditures may be made using acceptable banking practices. Unless otherwise provided for in these By-Laws, all disbursements of Post funds shall bear the signature of the Quartermaster or other person(s) authorized by the *Quartermaster*. Such other authorized person(s) shall be bonded in accordance with Section 703 of the National By-Laws.
- Sec. 2. The adoption of this Article shall constitute authorization by the Post for the payment of bills, when and as due, for monthly rental, public utility service, postage, janitor service and for janitor's supplies and minor emergency repairs authorized by the House Committee, provided that the amounts to be paid for monthly rental and for janitor service shall have been previously established by the Post. (Also to include local, County, State and Federal bills and/or fees)
- Sec. 3. No other payment or expenditure shall be made except on the specific authorization of the Post in each and every case.

ARTICLE IX COMPENSATION

- Sec. 1. No compensation shall be paid to any officer of this Post for his services as such officer, except as hereafter may be provided.

ARTICLE X FUNDRAISING PROMOTIONS/SOLICITATIONS

- Sec. 1. This Post shall solicit funds or donations only by prior vote of the members agreeing to the proposition. It shall not solicit funds or donations or otherwise engage in fundraising activities or projects outside the immediate geographical area or community of the Post.
- Sec. 2. This Post shall not enter into any agreement with a promoter for the purpose of raising funds unless the said promoter shall have first furnished a good and sufficient surety bond in a principal sum sufficient to give the Post ample protection in the particular circumstances. The said bond shall be subject to the approval of the Post Advocate, bear the endorsement of the Post Commander and be kept in the possession of the Post Quartermaster. The bond will be conditioned on the payment to the Post Quartermaster of all monies due the Post as a result of the solicitation within thirty (30) days of the close of the campaign. If the promoter has made satisfactory settlement within the thirty day period, then surety will be determined to be discharged, otherwise the bond will remain in full force and effect.
- Sec. 3. If the bond cannot be furnished, then all collections shall be made by the members of the Post sponsoring the campaign or entertainment and said funds shall be paid to a bonded officer of the Post who shall hold the funds in his custody pending proper pro rata distribution.
- Sec. 4. Fundraising organizations or individuals conducting solicitations, activities or projects for a profit shall not be engaged or used by the Post for such purpose unless such engagement is made by written agreement between the Post and the organization or individuals providing those services. The form of any such written agreement must be submitted to the Department Commander for review at least thirty (30) days prior to any Post entering into any such agreement.
- Sec. 5. Unless previously authorized by a majority vote of the Post, no solicitations or ticket sales shall be permitted in the Post quarters or at socials or meetings unless such solicitations or ticket sales shall have been approved by the Post.
- Sec. 6. The Ways and Means Committee shall confine any such approved solicitations or ticket sales to stated meetings and socials of the Post in or around the Post quarters.

ARTICLE XI MISCELLANEOUS

- Sec. 1. Every member of this Post shall keep the Post Adjutant and Quartermaster advised of his current address by promptly reporting any change of same.
- Sec. 2. One copy of these By-Laws shall be issued to each elected and appointed officer of this Post.
- Sec. 3. In all Post procedures not provided for by the Congressional Charter and By-Laws or these By-Laws, Demeter's Manual shall be the Authority, and it shall be the duty of the Post Advocate, in an advisory way, when called upon to do so by the Post Commander to advise the Post Commander on the proper rule or rules.

**ARTICLE XII
SPEECHES**

- Sec 1. No member will be permitted to speak on any one subject (Pro or Con) more than twice; and the first time no longer than five (5) minutes, and the second time no longer than three (3) minutes, with the exception of a committee report and recommendations and visiting guests who have message to impart.

**ARTICLE XIII
AMENDMENTS**

- Sec 1. These By-Laws shall become effective after adoption by this Post and after review by the Commander of the Department and Commander-in-Chief of the Veterans of Foreign Wars of the United States.
- Sec 2. Unless otherwise provided for in these By-Laws, these By-Laws may be amended by the Post by two-thirds vote of the members present at a stated meeting provided each member had been notified at least twenty (20) days in advance and upon request provided a copy of the proposed amendments. All amendments shall be forwarded through channels and reviewed by the Department Commander and the Commander-in-Chief before becoming effective.
- Sec 3. Wherever these By-Laws or subsequent amendments may be found to be in conflict with the present or any future National By-Laws and By-Laws of the Department, the latter shall prevail and be binding upon this Post as though written herein.

These By-Laws were adopted, subject to the review of the Commander-in-Chief and the Commander of the Department of California, Veterans of Foreign Wars of the United States on this 1st day of November 2015, at a regular meeting of this Post in the City of Joshua Tree and County of San Bernardino, State of California.

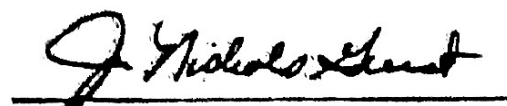
Joshua Tree Post No. 7264
Veterans of Foreign Wars of the United States

By 
Commander - (Roger Sherwin)

APPROVED 2-27-15
FOR THE DEPARTMENT COMMANDER

OFFICIAL:

By 
Adjutant - (Roger Sherwin)


STATE ADJUTANT



MAR 11 2015
REVIEWED
FOR THE COMMANDER-IN-CHIEF

JERRY L. NEWBERRY
ASSISTANT ADJUTANT GENERAL
BY DAVID E. PROHASKA, DIRECTOR
ADMINISTRATIVE OPERATIONS