

**AMERICAN LEGION NEWPORT HARBOR POST 291
EXECUTIVE BOARD MINUTES**



THURSDAY, MAY 3, 2018

SILENCE CELL PHONES

CALL TO ORDER: 1812 HRS

INVOCATION: CHAPLAIN

PLEDGE OF ALLEGIANCE: COMMANDER

ROLL CALL:

Doug Nye, Commander	Robert Wright, Judge Advocate	Don Putzig, M.a.L.
Mike Schubert, 1 st Vice	Paul Meye, Finance Officer	Al Yarrington, M.a.L.
Anne Borren, 2 nd Vice	Skipper Tim Bercovitz, Sgt-at-Arms	Rich Whitlinger, M.a.L.
Sandy Schneeberger, 3 rd Vice	Jesse Garcia, Service Officer	Eric Schroeder, M.a.L.
Jess Lawson, Jr. Past Comm	William Bennett, Chaplain	Rob White, M.a.L.
Gene Anderson, Adjutant	Carman Williams, Historian	Wayne Zippi, M.a.L.
		Rees Lloyd, Legal Advisor

EXCUSED: Mike Schubert, Sandy Schneeberger, Carman Williams, William Bennett, Eric Schroeder, Rob White

INTRODUCTION OF GUESTS & GUEST COMMENTS:

Guests: 1. Jon Reynolds 2. Rick Sundell 3. Jeff Gottfredson 4. _____ 5.

COMMANDER: Reminder that this meeting is conducted in accordance with Post 291 Bylaws & Roberts Rules of Order.

Legion Family & Donations

- a) SAL – Tim Sullivan, Commander – Announced that they held their election last night, and that everyone ran unopposed. Announced that Butch Rowe stepped down as adjutant and was replaced Don Allen, and the new Historian is Robert Ewing. The following individuals were elected for SONS Command Year 2018-2019: Tim Sullivan Commander, Jeff Gottfredson 1st Vice, Art Jimenez 2nd Vice, Don Allen Adjutant, Rich Morin Finance Officer, Sgt-at-Arms Rich Semonell, Chaplain Jeff White, and Robert Ewing Historian.

M/S/C: Tim Sullivan moved that the elected officers be approved by the E-Board for SONS Command Year 2018-2019. The E-Board unanimously voted to approve this motion.

Tim Sullivan announced that they have made some changes to their Bylaws to modernize them.

1. They are requesting that they be able to postpone, change or cancel the date of a meeting to avoid conflicts (i.e., when a regularly scheduled meeting falls on a holiday).
2. They adopted email as their formal way of communication, and that members can opt out with a request to receive a mailing.

M/S/C: Tim Sullivan moved that these two changes to the SONS Bylaws be approved by the E-Board. The E-Board unanimously voted to approve this motion.

M/S/C: Tim Sullivan moved that the E-Board approve their annual “Salute to our Fathers’ event, a Bourbon salute that they hold in the smoking area. They would hold the event on June 16th at 1:00 PM. The E-Board unanimously voted to approve this motion.

- b) Auxiliary – Kendall Madsen, 1st Vice – Announced that Poppy Month is May, and the Poppy Twins will be at the Post asking for donations for Poppies. The Auxiliary will be assisting the Post on Memorial Day; they will be picking up the wreaths and will get them to the cemetery. Discussed the Troop Shipping that is occurring on June 16th at 10:00 AM. Mentioned that their elections are coming up.
- c) ALYC – Doug Green, Commodore – Mentioned they are updating their Bylaws. Discussed their Cruise to Dana Point on April 6th. Their General Membership meeting is on May 17th. Discussed the Newport to Ensenada Race held on April 26th; they had six boats in the race and 2 top 3 finishers. Opening Day, their big event for the year, is on May 6th. The Monday Sundowner races begin on Monday, May 7th. A Catalina cruise is upcoming on May 18th to the 20th. They have started their planning process for the 4th of July “Old Glory Boat Parade.”

COMMANDER:

- a) All Board members received a copy of the **April 5th Executive Board Meeting Minutes**, distributed by email:
 - The Commander asked for a motion to “**waive the reading of the April 5th Executive Board Meeting Minutes?**”
 - The Commander asked for a motion to “**approve the April 5th Executive Board Meeting Minutes?**”
 - Both motions were approved.
- b) All Board members received copies of the House Committee Minutes for **April 4th, 18th, and 25th** in the packets handed out for review.
 - The Commander asked for a motion to “**waive the reading of the House Committee Minutes in the E-Board packets.**”
 - The motion was approved.

ADJUTANT REPORT & CORRESPONDENCE:

There is nothing to report this month.

COMMANDER

- Discussed the American Legion 100 Year Book being prepared for this year’s convention, and that they are selling Ad space for the book.
A motion was made to look into purchase the back cover of the American Legion 100 Year Book for this year’s convention for \$2,500. A lengthy discussion was held. The motion was revised to direct Jess Lawson to call them tomorrow for additional information. The motion was approved for a \$2,500.00 expenditure.
- Asked Jesse Garcia, Chair of the Donations Committee, if there were any donation requests this month. Jesse Garcia responded that there were no donation requests to present to the E-Board this month.
- Jess Lawson requested that Jeff Gottfredson prepare the list for Post Everlasting for Memorial Day.

OFFICERS’ REPORTS

1ST VICE COMMANDER – Speaking about membership.

The Commander spoke for Mike Schubert in his absence. He announced that we made 100% of our membership goal (3,911) this year. He mentioned that due to a Post closure Post 291 was assigned an additional 15 additional memberships for a goal of 3,926. Our total membership this year was 3,953.

2ND VICE COMMANDER – Speaking about upcoming events and bands.

Anne Borren reported that bands have been book for the remainder of the year. She stated that she has booked 2 new bands.

3RD VICE COMMANDER – Speaking on Americanism, youth and children, Boys State, and the Oratorical Contest. The Commander spoke for Sandy Schneeberger in his absence. Announced that the Boys State Dinner is scheduled for May 14th. He invited all officers to attend and assist with the event.

Jess Lawson mentioned that Sandy Schneeberger, in addition to being Post 291 3rd Vice is also District 29 3rd Vice, and is overseeing the Boys State Program. Jess Lawson made the following motion:

M/S/C: I move that we allow Sandy Schneeberger as the administrator for the Santa Ana Unified School District, whose donation came up slightly short, to make up the difference, which is not to exceed \$500.00, from the Post 291 Boys State budget so that we can get these kids off to the Program. The motion was approved.

FINANCE OFFICER – Speaking on Post operations.

Paul Meye discussed the Post’s finances through May 2, 2018. Refer to the table below.

Financial Statement Executive Summary as of YTD 5/2/2018

Post 291 Business P&L By Class									
YTD 2018	ADMIN	BAR	REST	BANQUET	TOTAL REST/BAN	HALL	CUSTOD	MARINA	TOTAL
TOT INC	\$3,987	\$180,412	\$207,567	\$78,889	\$286,456	\$31,816		\$116,129	\$816,799
COGS		\$133,431	\$220,961	\$77,505	\$298,467				\$431,898
GROSS PROFIT	\$3,987	\$46,981	\$(13,395)	\$1,384	\$(12,011)	\$31,816		\$116,129	\$186,902
EXPENSES	\$48,168	\$40,954	\$27,307	\$2,735	\$30,041	\$25,942	\$58,101	\$65,024	\$268,230
NET ORD INC	(\$44,182)	\$6,027	(\$40,702)	(\$1,351)	(\$42,052)	\$5,874	(\$58,101)	\$51,105	(\$81,329)
OTHER INC	\$92,437		\$1,000		\$1,000				
OTHER EX									
NET INCOME	\$48,256	\$6,027	(\$39,702)	(\$1,351)	(\$41,052)	\$5,874	(\$58,101)	\$51,105	\$12,108
BANK BAL	\$1.139m		\$845k						
OPERATE ACCT	\$99k		\$92k						
MBRSHIP ACCT	\$85k		\$150k						
RESERVE ACCT	\$846k		\$499k						

JUDGE ADVOCATE – Speaking on the Post’s Constitution, Bylaws, and Rules and Regulations.

Robert Wright stated he has been working with the Yacht Club; they have 3 issues they are looking into.

1. One of the issues was the name, the American Legion Yacht Club, Inc. There was no documentation that could be located that proved they could use the name American Legion for the Yacht Club. Robert Wright was given the go-ahead to contact National to get permission to use the name American Legion Yacht Club to document in our files the right to use the name “The American Legion.” He contacted the National Judge Advocate and Adjutant offices, and Daniel S. Wheeler, National Adjutant, put in writing on April 10, 2018, the following:

“Thank you for contacting my office inquiring about permission to use the name of the American Legion.

The American Legion Yacht Club, Inc. has been a program of Newport Harbor Post 291, Newport Beach, California, for over 51 years when it was incorporated in 1967. The use of the name "The American Legion" is acceptable as long as the post has control of the club as a program of the post and it follows the "Five Rules of Subsidiary Corporations" (see below). The American Legion Yacht Club, Inc. has had continuing permission to use the name of the American Legion and this authorization continues to this day.

FIVE RULES OF SUBSIDIARY CORPORATIONS OR SAL AND RIDERS OR SEMI INDEPENDENT PROGRAMS

1. All officers, directors, trustees, etc. must be named by the Post (usually nominated by the Post Commander and confirmed by the Post Executive Committee).
2. All vacancies in the subsidiary corporation must be filled by the Post.
3. The subsidiary corporation must report to the Post, no less frequently than monthly. These reports must include financial reports.
4. The Post Treasurer or Finance Officer or Post fiscal officer must be a signatory on all accounts.
5. All amendments to articles of incorporation or by-laws must be approved by the Post. (If the current text has not been approved by the Post, it too must be so approved.)

Robert Wright stated that it is not the intent of the E-Board to run the Yacht Club; we just want the Yacht Club to be run correctly. It is not our position that the Post Commander name all of the Yacht Club officers, or that he fill all vacancies. The Yacht Club should elect its Board members, and the E-Board would approve them.

2. The American Legion Yacht Club Bylaws need to be rewritten. The above five rules need to be incorporated into the Bylaws so they become part of the rules that regulate that program. The Bylaws need to be state that the Commander or the E-Board does not need to name the Yacht Club officers; the Yacht Club names the people and the E-Board approves them. The E-Board has approval on everything. We are currently rewriting the Yacht Club Bylaws, and we will take it in sections. There are three things we are using to rewrite the Bylaws: Jon Reynolds prepared a rewrite of the Bylaws, Doug Green revised Jon Reynolds version of the Bylaws, and Robert Wright is preparing his version of the Bylaws. They have agreed to take it piece by piece, and send them back and forth to get it to the point where we agree on the Bylaws, Article by Article. Their goal is to complete the changes this month so it can be presented to the E-Board at the June 2018 meeting.
3. The Dive Club is the third issue. The goal being to protect the American Legion from any type of problem. The Commodore, or someone he names, needs to come to the E-Board and explain to the E-Board how the Dive Club is going to work, and what it is all about in detail. This is to allow the E-Board the opportunity to make an intelligent decision on approving or not approving the Dive Club.

The Commodore recently informed Robert Wright that they do not want a Dive Club, they just want to be able to have members of the Yacht Club dive. This approach, and how it is going to work, needs to be presented to the E-Board. Originally, we wanted all diving to be from a chartered boat with a Dive Master. This way the Dive Master is legally responsible for the people on that boat. This protects the American Legion. What we don't want is any diving off the American Legion Post 291 boat, nor off of any member's boat.

SERVICE OFFICER – Speaking on the Post 291 veteran's assistance programs.
Jesse Garcia stated he had nothing to report this month.

CHAPLAIN – Speaking on the spiritual welfare of Post members.
William Bennett was absent, and nothing was reported.

HISTORIAN – Speaking on the pictorial history of the Post.
Carmen Williams stated he had nothing to report this month.

OTHER BUSINESS

Rees Lloyd, Member in Good Standing, discussed the Defense of Veterans Memorials project between Post 291 and the Alliance Defending Freedom (ADF). The ADF contacted Rees Lloyd to ask if the Post would serve as a party on an Amicus Curiae (Friend of the Court) Brief to the U.S. Supreme Court on a new cross case.

M/S/C: Skipper Tim Bercovitz made a motion that Post 291 join with the Alliance Defending Freedom in the Amicus Curiae Brief to the U.S. Supreme Court to defend against the Court ordered destruction of a Cross Memorial honoring WWI Veterans in Maryland. The motion was approved.

Rees Lloyd, Member in Good Standing, brought up supporting the naming of a U.S. Navy Warship for the late Rear Admiral Jerimiah A. Denton. He survived nearly eight years of captivity in North Vietnamese prisons, and whose public acts of defiance and patriotism came to embody the sacrifices of American POWs in Vietnam.

M/S/C: Skipper Tim Bercovitz made a motion that Post 291 supports the naming of a U.S. Navy Warship for the late Rear Admiral Jerimiah A. Denton. The motion was approved.

Rees Lloyd, Member in Good Standing, discussed District 29 raising the dues on District members in an awful manner.

M/S/C: Jess Lawson, Member in Good Standing, made a motion that Post 291 opposes the proposed District 29 dues increase. Post 291 also opposes the method by which District 29 took the vote at a District meeting when it appeared that there was not a quorum present. The Commander of Post 291 is authorized to take whatever action he decides necessary to oppose the dues increase at the Department of California Convention. The motion was approved.

Rees Lloyd, Member in Good Standing, discussed adopting a resolution that Post 291 should be a separate District.

M/S/C: Anne Borren, Member in Good Standing, made a motion that Post 291 create its own District by a resolution written by Rees Lloyd. The motion was approved.

GOOD OF THE LEGION

Nothing to report.

WENT INTO CLOSED SESSION

Discussed an application for dry storage.

RETURNED TO OPEN SESSION

ADJOURNED: 2005 hours.