

AMERICAN LEGION NEWPORT HARBOR POST 291
EXECUTIVE BOARD MINUTES



THURSDAY, JUNE 7, 2018

SILENCE CELL PHONES

CALL TO ORDER: 1805 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 Meyer, 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: William Bennett, Eric Schroeder, Rich Whitlinger, Rob White

INTRODUCTION OF GUESTS & GUEST COMMENTS:

Guests: 1. Jon Reynolds 2. Bruce Batcheller 3. Troy Knot 4. Angelina Garcia 5. Bob Wine
6. Margarete Olson 7. Troy Shields (Patriot Outreach)

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 first Board meeting last night with the new Board members. Stated that their concierge service at the parking lot entrance is going well; they are working on getting more coverage at the front door. Discussed their cover policy. Spoke about their upcoming Flag Day event on June 14th. Discussed their Salute to their Dad’s event on Father’s Day.
- b) Auxiliary – No one from the Auxiliary was in attendance.
- c) ALYC – Doug Green, Commodore – Mentioned they will discuss their Bylaws later in the meeting. Discussed Opening Day, their big event for the year, held on May 6th. Stated they had a successful trip to Two Harbors Catalina from May 18th to the 20th. They started their Monday Sundowner races on Monday, May 7th; it runs through the end of August. Mentioned they have a fishing tournament on Saturday, June 2nd. Their General Membership meeting is on June 14th. Cruise to Cabrillo Beach is at the end of the month. They have started their planning process for the 4th of July “Old Glory Boat Parade;” they have 25 boats signed up.

COMMANDER:

- a) All Board members received a copy of the **May 3rd Executive Board Meeting Minutes**, distributed by email:
 - The Commander asked for a motion to “**waive the reading of the May 3rd Executive Board Meeting Minutes?**”
 - The Commander asked for a motion to “**approve the May 3rd Executive Board Meeting Minutes?**”
 - Both motions were approved.

- b) All Board members received copies of the House Committee Minutes for **May 2nd, 16th, 23rd, and 30th** 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 Department Convention that is being held in Sacramento between June 21st and 24th. He also spoke about the hotel accommodations for the convention. The list of Post delegates has been sent to the Department.
- All the appointments of Post officers have been sent in to the District and department.
- Announced that the delegates going to National include: Doug Nye, Jess Lawson, Mike Schubert, Anne Borren; the alternate delegates are Rees Lloyd, Sandy Schneeberger, Paul Meye, and Bob Brower.
- Announced that he has appointed the following officers to serve the on the E-Board during the 2018-19 Command Year: Gene Anderson, Adjutant; Robert Wright, Judge Advocate; and Jesse Garcia, Service Officer. He called for a motion to ratify these officers.
- **M/S/C:** A motion was made to ratify the three appointed officers: Gene Anderson, Adjutant; Robert Wright, Judge Advocate; and Jesse Garcia, Service Officer, seconded, and a vote was taken. The vote was unanimous to approve these three appointed officers.
- Announced that Eric Schroeder has resigned from the E-Board, and that he has accepted his resignation. The Commander appointed Robert Wright to fill the vacancy. He called for a motion to ratify these changes to the E-Board.
- **M/S/C:** A motion was made to ratify Robert Wright to fill the Member at Large vacancy on the E-Board, and to serve in a dual capacity, seconded, and a vote was taken. The vote was unanimous to approve Robert Wright to fill the Member at Large vacancy on the E-Board, and to serve in a dual capacity.
- Mentioned that he is considering adding a position of Assistant Judge Advocate.
- Announced the make-up of the House Committee. The appointed members are: Jon Reynolds, John Lindgren, Mike Schubert, Rich Whitlinger, and Jim Bras. He called for a motion to ratify these members to the House Committee.
- **M/S/C:** A motion was made to ratify these members to the House Committee: Jon Reynolds, John Lindgren, Mike Schubert, Rich Whitlinger, and Jim Bras, seconded, and a vote was taken. The vote was unanimous to approve these House Committee members.
- The Commander spoke about the Post’s zero tolerance for sexual harassment and marijuana use.

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.

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

Announced there is a 4th of July planning meeting on Saturday, June 9th. Discussed the sound meter used to measure sound levels associated with the band. A motion was made to calibrate our noise meter.

- **M/S/C:** A motion was made to have Al Yarrington calibrate our old noise meter for a cost NTE \$500.00.

Anne Borren will send out an email to people on the 4th of July event committee. Skipper Tim will handle getting the firemen who cook at the breakfast, the Explorer Scouts, the parking meters, and he will take out a couple of people on his boat. Sons will help out with the breakfast. Sandy will contact the Sea Cadets, and Boys State. July 4th meetings will be held on June 9th, 16th and 30th.

Announced that a Casino Night is being held on Saturday night, June 16th.

3RD VICE COMMANDER – Speaking on Americanism, youth and children, Boys State, and the Oratorical Contest. Sandy Schneeberger discussed the Boys State Dinner held on May 14th. The Post is sending 27 boys and the District is sending 86 boys to Boys State this year. The boys will leave for Sacramento on June 15th. Sandy is flying to Sacramento to check the boys in on Saturday morning.

FINANCE OFFICER – Speaking on Post operations.

Paul Meye discussed the Post’s finances through June 6, 2018. Refer to the table below.

Financial Statement Executive Summary as of YTD 6/6/2018

Post 291 Business P&L By Class									
YTD 2018	ADMIN	BAR	REST	BANQUET	TOTAL REST/BAN	HALL	CUSTOD	MARINA	TOTAL
TOT INC	\$4,312	\$250,395	\$283,362	\$113,007	\$396,369	\$44,491		\$139,236	\$834,802
COGS		\$175,498	\$302,223	\$101,488	\$403,711				\$579,209
GROSS PROFIT	\$4,312	\$74,897	\$(18,861)	\$11,519	\$(7,342)	\$44,491		\$139,236	\$255,594
EXPENSES	\$58,374	\$57,467	\$39,612	\$4,128	\$43,740	\$30,159	\$72,946	\$75,765	\$338,452
NET ORD INC	(\$54,062)	\$17,430	(\$58,473)	(\$7,391)	(\$51,081)	\$14,331	(\$72,946)	\$63,471	(\$82,858)
OTHER INC	\$92,895		\$1,500		\$1,500				\$95,895
OTHER EX									
NET INCOME	\$38,832	\$17,430	(\$56,973)	(\$7,391)	(\$49,581)	\$14,331	(\$72,946)	\$63,471	\$11,537
BANK BAL	\$1.104m		\$899k						
OPERATE ACCT	\$42k		\$146k						
MBRSHIP ACCT	\$62k		\$135k						
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 Jeremiah 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 Jeremiah 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.