



**AMERICAN LEGION NEWPORT HARBOR POST 291  
EXECUTIVE BOARD MINUTES  
THURSDAY, DECEMBER 5, 2019**

**SILENCE CELL PHONES**

**CALL TO ORDER:** Appx. 1800 HRS

**INVOCATION:** Ken Wilson

**PLEDGE OF ALLEGIANCE:** Commander Jon Reynolds

**ROLL CALL:**

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Jon Reynolds, Commander               | <input checked="" type="checkbox"/> Burt McChesney, Judge Advocate    | <input checked="" type="checkbox"/> Rich Whitlinger, M.a.L. |
| <input checked="" type="checkbox"/> Bob Brennen, 1 <sup>st</sup> Vice     | <input checked="" type="checkbox"/> Bob Wine, Finance Officer         | <input checked="" type="checkbox"/> Robert Wright, M.a.L.   |
| <input checked="" type="checkbox"/> Anthony Morales, 2 <sup>nd</sup> Vice | <input type="checkbox"/> Bob Grundmeyer, Sgt-at-Arms                  | <input type="checkbox"/> Kevin Van Otterloo, M.a.L.         |
| <input type="checkbox"/> Jim Updike, 3 <sup>rd</sup> Vice                 | <input checked="" type="checkbox"/> Chase Wickersham, Service Officer | <input checked="" type="checkbox"/> Wayne Zippi, M.a.L.     |
| <input checked="" type="checkbox"/> Doug Nye, Jr. Past Comm               | <input checked="" type="checkbox"/> Ken Wilson, Chaplain              | <input checked="" type="checkbox"/> Eric Schroeder, M.a.L.  |
| <input checked="" type="checkbox"/> Mike Berdine, Adjutant                | <input type="checkbox"/> Rich Frauentzimmer, Historian                | <input type="checkbox"/> Nick Giordano, M.a.L.              |

**Excused:** Jim Updike, Rich Frauentzimmer, Bob Grundmeyer, Nick Giordano, Kevin Van Otterloo

**INTRODUCTION OF GUESTS & GUEST COMMENTS:**

Guests: Rick Sundell, Gene Anderson, Kendall Madsen, Tim Sullivan, Dan Ferrari, Bob Carolan, John Lindgren

Guest comments: Gene Anderson asked to meet with the Commander regarding the Post 291 audit.

**Affiliates and Programs Reports:**

- Auxiliary Unit 291 – First Vice Kendall Madsen – Kids Christmas Party is scheduled for December 8. Also announced there are a range of Christmas activities planned at Joint Base Alamos. Reviewed successful troop shipping event. The Sweethearts Ball Raffle mailing went out this week. Collecting gifts for VA Hospital.
- SAL Squadron 291 – Commander Tim Sullivan – Christmas Party last night. The Christmas Boat Parade is almost sold out. Going to Menifee in January for Home for Troops key ceremony. Added that SALs are proposing changing the stage lights in the Main Hall
- ALYC – No report

**Minutes Approval**

- All Board members received copies of the November 21 Executive Board Minutes
  - The Commander asked for a motion to waive the reading of the Executive Board Minutes
  - M/S/C: The motion was approved.
- The Commander asked for a motion to approve the November 21 Executive Board Minutes
- M/S/C: The motion was approved

## Correspondence

- Commander asked the Adjutant if there was any correspondence
  - A copy of the Election Committee's report was received
  - Copies of the report were distributed to the E-Board members and it was projected on to the monitor

REPORT TO THE EXECUTIVE BOARD  
FROM THE 2019 ELECTION COMMITTEE

COMMITTEE MEMBERS:  
John Lindgren, Chair  
Dan Ferrari  
Robert Carolan

BACKGROUND:  
The Election Committee is appointed every year in February by the Executive Board and is tasked to ensure that the annual Post election is conducted in a proper manner and that all candidates follow the election rules as established by the Executive Board along with insuring that no negative campaigning is done. See Attachments 1 and 2, "Campaign Rules for Nominated Candidates" and "Election Committee Guidelines."

While the Committee Guidelines authorized the Election Committee to appoint members in good standing that are not running for election to assist in handing out ballots and counting votes, (see paragraph 10 in the attached Committee Guidelines). The Executive Board, instead, appointed three members to assist the committee, without consulting the committee. The appointed members were Marco Montes and Bob Brower along with Jeff Gottfredson, the manager of the Post Membership database.

On election night, two board members, Wayne Zippi and Robert Wright, showed up in the closed areas where ballots were being counted and told us that they had been sent by the Commander to oversee the counting. This was a complete surprise to the Election Committee, and this had never been done before in the history of Post 291. There is no provision for this in the election rules or bylaws.

Prior to the election, the Committee had processed a request from the Reynolds slate to send out an election mailer to members in accordance with California Corporate Code. The Election Committee had met and reviewed the proposed material and had approved it as the Committee was given the sole authority to insure that no negative campaigning takes place. The committee was notified that the Executive Board had met with no proper notice as required by the blaws for the purpose of reviewing the Reynolds campaign letter. This was especially egregious as most of the Executive Board was running in opposition to the Reynolds slate and should not have been involved in approving the campaign materials from the opposing side. According to the bylaws, Executive Board meetings require 3 days prior notice, which was not done. No minutes apparently exist for this meeting.

## Correspondence – Election Committee Report - continued

Perhaps the most egregious issue faced by the Election Committee this year was the negative campaigning done by the outgoing Commander who used the Post website and email blasting service to disparage the Reynolds slate by calling it a "hostile takeover", among other distortions in a multi page letter posted on the website.

As a general rule, both Mr. Reynolds and Mr. Schubert were responsive to minor issues brought up by the Election Committee and made all appropriate changes. A couple of former Board members, however, were dismissive of issues raised by the Committee and refused to comply with requests to stop negative comments or issue retractions for inaccurate statements they made to the membership. These were the former Service Officer and the former Sgt. at Arms.

The subject of "endorsements" came up when the Schubert slate indicated that their slate was endorsed by the Auxiliary and the Sons organizations. The Election Committee was unable to locate any mention of a motion to endorse in the minutes of either of those organizations thereby making that claim inaccurate. Mike Schubert agreed to delete those endorsements when we spoke to him. Essentially, the Schubert slate was endorsed by the Commander of the SAL Squadron and the wife of the candidate! The committee felt that it was not appropriate for Legion Family to get involved in the election but there are no rules that prohibit that activity.

### RECOMMENDATIONS

1. The Election Committee is tasked with insuring that the election is done properly and that there is no negative campaigning. The problem is that while the Committee was given the responsibility, they are not given any authority to enforce the rules. Recommend that the Election Committee be given the authority to remove a candidate from the ballot if that person refuses to comply with the election rules or instructions of the Election Committee. This can be done by amending the Election Committee Guidelines.

2. The Post resources, i.e. the email blasting service and the Post web site were used as negative campaign tools. Recommend that the Executive Board require that no email blasts or web site posting be done in the period from final nominations until the election is over unless there is an urgent matter unrelated to the election. This provision should be incorporated into a revision of the Post Election Rules

3. The Executive Board, which included many members of the opposition slate, met and reviewed the election materials that were sent out by the opposing slate. The Election Rules need to be amended to make the Election Committee the sole authority for reviewing election materials. The Executive Board should have no authority to review election materials, especially if a large number of Board members are running for re-election. In addition, the Election Committee should be assigned the authority to release the Post Membership mailing list to candidates if they comply with the California Corporate Code and Post 291 Election Rules.

- Comments and questions
  - What is definition of negative campaigning
    - Up to committee
    - Addressed on case by case basis

## **Correspondence – Election Committee Report - continued**

- Comments and questions - continued
  - Can change Bylaws to address major concerns
- 2020 election process to start in February with appointment of Election Committee
  - Can consider rules definition in February
- Vote by mail or other option to be considered
  - Strive to allow more people to vote
  - Other option to open up voting for longer period
- Personal attacks were made after announcement
  - No formal reports filed

## **Committee Reports**

- Finance Committee – Bob Wine
  - Meeting held November 20
    - Discussed the budget
    - Made some updates
      - Reduced Service Officer budgets
  - Copies of budget sent out to all board members this afternoon
  - Discussed membership budget line items by account
    - Questions about membership income accounting
    - Planning for better event income
    - A motion was made to form a Marketing Committee M/S/C to form
- House Committee – Mike Berdine
  - Dock piling by crane
    - Being replaced this Friday
- SALs – Bob Brennan
  - Attended SAL Christmas Party
  - First Vice Brennan will attend upcoming District Meeting
- Judicial – Burt McChesney
  - Nothing to report
- Donations – Chase Wickersham
  - Hope to add marketing budget
    - \$20,000
  - Has collected \$30,000 donations since July 2
  - Superbowl Party opportunity
- Constitution and Bylaws – Mike Berdine
  - Sections sent to committee chairs for revision
    - Starting to get responses

## Commander Comments/Announcements

### Comments / Announcements

- **Additional New Committees to be Appointed — Volunteers ?**
  - Rules, Regulations, and Policies
  - Public Relations and Media
  - Facilities Development and Capital Campaign
  - Marketing / Fundraising / Ways and Means
  
- **Goals and Objectives for 2019 – 2020**
  - Administrative and Governance
  - Facilities and Physical Plant
  - American Legion Pillars and Programs
  - Public Relations and Community Involvement
  - Communications
  
- **Thanksgiving Day — Outstanding turnout**
  
- **American Legion Yacht Club — Awarded SCYA Club of the Year**

### Other Topics

- **Audit Committee conducting comprehensive review of Insurance Coverage**
  - D&O Insurance          Travelers
  - General Liability        Mercury
  - Marina                      Chubb
  - — Proposed changes in coverages — to E-Board on Thursday 2 January
  
- **Constitution and Bylaws Committee updating the documents**
  - Proposed Amendments to be presented to E-Board and to Post Membership in January and February General Membership Meetings
  
- **Contract signed for new POS: Toast**
  - Implementation in about six weeks
  
- **Bank Signatories — Still in work          (Chase; Comerica)**
  
- **Post 291 Membership Goal for 2019-2020: 4,096**

Commander Comments/Announcements – continued

### Upcoming Events

<ul style="list-style-type: none"> <li>- District 29 Meeting:    <b>Brea    Post 181</b></li> <li>- Next GMM:</li> <li>- National <u>Cmdr</u> Dinner:   <b>Orange Post 132</b></li> <li>- Boat Parade</li> <li>- Christmas Day at the Post</li> <li>- New Year's Eve at the Post</li> <li>- Next E-Board meeting:</li> </ul>	<p><b>1000 Sun    8 Dec</b></p> <p><b>1900 Wed    11 Dec</b></p> <p><b>1800 Fri    13 Dec</b></p> <p><b>Wed 18 Dec — Sun 22 Dec</b></p> <p><b>1100 Wed    25 Dec</b></p> <p><b>1800 Tue    31 Dec</b></p> <p><b>1800 Thu    2 Jan</b></p>
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Christmas Boat Parade

HOSTED BY THE NEWPORT BEACH CHAMBER OF COMMERCE.

**11th ANNUAL NEWPORT BEACH CHRISTMAS BOAT PARADE**  
DECEMBER 18-22, 2019

Parade begins at approximately 6:30PM each night.  
Arrive early for best viewing and parking.  
Enjoy YOUR parade!

MARK	TIME	DESTINATION	MARK	TIME	DESTINATION
1	6:30	START Tip of Lido Isle <small>CONTINUOUS</small>	27	7:40	Baha Corinthian Yacht Club
2	6:34	Lido Isle Yacht Club	28	7:43	Balboa Island Bridge <small>CONTINUOUS</small>
3	6:38	Lido Isle Bend (aka West Channel Entrance) <small>CONTINUOUS</small>	29	7:46	Little Island Beach
4	6:42	Lido Isle Bridge <small>CONTINUOUS</small>	30	7:49	Little Island Point
5	6:42	Tip of Lido Peninsula/Rhine Channel	31	7:51	Balboa Island (South Bayfront/Grand Canal)
6	6:49	Marina Park	32	7:58	Balboa Island Ferry Landing
7	6:52	Lighthouse Café	33	8:00	Collins Island <small>CONTINUOUS</small>
8	6:56	American Legion Yacht Club	34	8:05	Balboa Island (North Bayfront)
9	7:00	15th Street Beach	35	8:10	Balboa Island Bridge
10	7:04	10th Street Beach	36	8:10	Newport Beach Yacht Club
11	7:07	Newport Harbor Yacht Club	37	8:17	Harbor Island
12	7:09	Bay Island Bridge	38	8:24	Orange Coast Yachts/POH Bridge <small>CONTINUOUS</small>
13	7:10	Bay Island Channel <small>CONTINUOUS</small>	39	8:27	Bay Shores Community Beach
14	7:14	Newport Landing Restaurant	40	8:34	Balboa Bay Resort <small>CONTINUOUS</small>
15	7:14	Balboa Boat Rentals	41	8:36	Orange Coast College (Crew Base)
16	7:14	Newport Landing Sportfishing	42	8:37	Newport Boy Scout Sea Base
17	7:15	Balboa Peninsula Ferry Landing	43	8:39	Mama's Restaurant
18	7:15	Discovery Cube's OceanQuest	44	8:40	GuacAmigos
19	7:15	Harborside Restaurant (Balboa Pavilion)	45	8:41	Rusty Pelican Restaurant
20	7:16	Catalina Passenger Service	46	8:42	Billy's at the Beach
21	7:16	Davey's Locker	47	8:43	Louie's By the Bay Restaurant
22	7:29	Peninsula Point Beach <small>CONTINUOUS</small>	48	8:45	The Winery Restaurant & Wine Bar <small>CONTINUOUS</small>
23	7:32	Pirate's Cove <small>CONTINUOUS</small>	49	8:50	Lido Marina Village
24	7:34	Channel Reef	50	8:55	Lido Park/Lido Bridge
25	7:36	Coast Guard (Harbor Master Dock) <small>CONTINUOUS</small>	51	8:58	Via Lido North Genoa Beach
26	7:37	Balboa Yacht Club	52	9:00	FINISH Tip of Lido Isle

Commander Comments/Announcements – continued

National Commanders Dinner



Welcome the AMERICAN LEGION  
**National Commander**  
**BILL OXFORD**  
 to Orange County District 29

*Dinner and Reception*  
 Centennial Post 132 Orange, Ca.

Friday December 13, 2019 1800

Tickets \$40.00 per person  
 Reservations recommended:

<https://www.eventbrite.com/e/79457851573>

Commanders Escort by:



**Chow:**  
**Italian selections from**



**Appropriate attire/  
 Legion Uniform  
 please**



**National Commander Dinner Attendees  
 — Volunteers ?**

- |                                |   |
|--------------------------------|---|
| 1. Jon and Karen Reynolds      | 2 |
| 2. Bob Brennan + One           | 2 |
| 3. Rich and Mary Frauenzimmer  | 2 |
| 4. Mike and Joany Berdine      | 2 |
| 5. Bob and Rita Wine           | 2 |
| 6. Bruce and Debbie Batcheller | 2 |
| 7. A                           |   |
| 8. A                           |   |
| 9. A                           |   |
| 10. A                          |   |

- Additional volunteers
  - Doug Nye - 1
  - Ken Wilson - 1
  - Chase Wickersham
  - Anthony Morales

## Commander Comments/Announcements – continued

### American Legion Veterans and Children's Foundation

Greetings District 29 Comrades,

Attached is a description of the National Commander's projects that he is passionate about and it would be great to have any of our D29 posts consider supporting either one of these projects. **Commander Oxford identifies the American Legion Veterans and Children's Foundation** as his focus in the new year. All contributions to the foundation go directly to the Legion's Temporary Financial Assistance program and to veterans Affairs & Rehabilitation efforts, that is primarily training for American Legion service officers who work as you know to help veterans and families in obtaining their health-care benefits, education and employment opportunities. Our District has also made this Pillar a priority this year to support our veterans and families in Orange County.

As a district, a gift of any amount could be collected at our upcoming District meeting on December 8th if interested in participating in this fundraiser.

Whatever posts that can participate in contributing any **funds can be presented to the Commander at his upcoming dinner on December 13th**. I am asking for all Post Commanders to consider contributing a gift of any amount for this purpose. I understand not all posts have the funds to do so, but if possible, this would be a great way to show our National Commander our support for his projects.

Thank you for your consideration.

For God and Country,

Sandy Schneeberger, Commander  
Orange County American Legion District 29  
Area 5 Boys State Commissioner  
National Americanism Council Member  
310 560-5400

## My two fundraising projects



**James W. Oxford**  
National Commander

First and foremost, I want to thank you for electing me as your 2019-2020 national commander. I look forward to working alongside the Legion Family as we move into our second century of service, and I am excited to see what the year holds for this great organization of ours.

As you may know, national commander's oftentimes have projects that they support during their year. From now until the end of December, my commanders project will be The American Legion's 100th Anniversary Commemorative Coin series. Proceeds from coin sales will help fund American Legion programs that support veterans, servicemembers, their families and the communities in which they live.

Coin sales end Dec. 31.

Those centennial coins make great gifts and give you American Legion memorabilia. I know in North Carolina we're going to use those centennial coins as membership incentives.

To make a purchase or for more information about the centennial coins, visit [www.legion.org/coin](http://www.legion.org/coin) or call 800-872-6468.

Then, in January, my emphasis will shift to fundraising for **The American Legion Veterans and Children's Foundation**. All contributions to the foundation go directly to the Legion's Temporary Financial Assistance program and to Veterans Affairs & Rehabilitation efforts - primarily training for American Legion service officers who work tirelessly to help veterans and families understand their health-care benefits, education and employment opportunities.

As we think about who we are and what we do as stakeholders, as the future of this organization, we are building the foundation for the future of the organization for the next 100 years.

We have a great team, and we will continue to have a great team. When we think about all the things that we do, that team makes it possible to accomplish those things.

*James W. "Bill" Oxford*



Commander Comments/Announcements – continued

American Legion Veterans and Children’s Foundation

**Donations to National Commander’s Charity  
Veterans and Children’s Foundation**

**Commitments to Date by Post 291 Family:**

- **Post 291** **\$ 500**
- **Auxiliary Unit 291** **\$ 500**
- **American Legion Yacht Club** **\$ 500**
- **SAL Squadron 291**

Pop Up Approval

600 DENIER  
File: American Legion - Newport Harbor 291 - 10 Test

**AMERICAN LEGION  
EMBLEM SALES**  
870 Apr 36452  
Indianapolis, Indiana 46230-0888  
(800) 633-3131 (phone)  
(317) 830-1250 (fax)  
specialorders@legion.org

**QUOTE**

Requested by: John Reynolds Newport Harbor Post 291 21052 Marine Ln Huntington Beach, CA 92641		Date: 12/4/2019
		Approx. Shipping Schedule:

Quantity	Description	Price	Amount
1	TNT 10- 18 8 1/2" FULL DIGITAL COLOR TEAM CANCOPY: (FEEL)FWARE: STAKE POT (ROLLING) BAG	\$ 621.40	<del>\$621.40</del>
	Shipping	\$ 63.00	<del>\$ 63.00</del>
	Tax	\$62.18	<del>\$ 62.18</del>
	<b>Total</b>		<b>\$ 746.58</b>

Quantities subject to availability. Be advised allowed on customized orders.      Quote Valid For 30 Days  
 I have reviewed this quote and agree that it is correct. I understand that you will process this special order with the best of your ability. Custom orders are not refundable.

Signature: \_\_\_\_\_

Check enclosed       Credit card      Exp. Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Please send order to Special Orders Representative      Special Orders Representative

## OFFICERS' REPORTS

### ADJUTANT – Mike Berdine

- No report

### 1ST VICE COMMANDER – Bob Brennen– Membership

- No report

### 2ND VICE COMMANDER – Anthony Morales - Speaking about upcoming events and bands.

- Name tags for volunteers and employees
- Conversation about Dog Bone table

### 3RD VICE COMMANDER – Jim Updike - Speaking on Americanism, youth and children, Boys State, and the Oratorical Contest.

- Report delivered by Ken Wilson
- Meeting of Oratorical Committee
  - Need volunteers – Timer and Greeter
  - January 27
- Boys State interview
  - March 28 and 29
  - Pick 25

### JR. PAST COMMANDER – Doug Nye

- No report

### FINANCE OFFICER – Bob Wine

- Distributed current condensed YTD statement
- Hard to make restaurant profitable
- Banquet business looking up
- Profitability going up

AL 291 BUSINESS P&L BY CLASS											12/4/2019
YTD 2019	ADMIN	BAR	RESTAUR	BANQUET	TOT REST BANQ	HALL	CUSTODIAL	MARINA	TOTAL	PYC	
TOT INC	8,324	573,367	756,985	350,958	1,107,943	139,962		281,748	2,111,345	1,997,823	
COGS		362,892	786,420	299,655	1,086,075				1,448,967	1,379,842	
GP	8,324	210,475	-29,435	51,304	21,869	139,962		281,748	662,377	617,981	
GP %		37%	-4%	15%	2%						
EXPENSES	132,837	116,723	92,269	14,525	106,794	71,915	130,141	165,524	723,934	741,698	
NET ORD INCOME	-124,513	93,752	-121,704	36,779	-84,925	68,047	-130,141	116,224	-61,557	-123,717	
OTHER INC	363,231		1,172		1,172				364,403	341,410	
OTHER EX										0	
NET INCOME	238,718	93,752	-120,532	36,779	-83,753	68,047	-130,141	116,224	302,847	217,693	
BANK BALANCE	1m328k		1m192k								
OPERATING ACCT	170k		125k								
MEMBERSHIP ACCT	109k		52k								
RESERVE ACCT	958k		902k								

**FINANCE OFFICER – continued**

- Budget still in process
- A motion was made to establish a marketing budget of \$20,000
  - M/S/C: The motion to establish a marketing budget of \$20,000 was approved.

**HISTORIAN – Rich Frauenzimmer - Speaking on the pictorial history of the Post.**

- Excused – No report

**SERGEANT AT ARMS - BOB GRUNDMEYER**

- Excused - No report

**CHAPLAIN – Ken Wilson**

- Sent out flowers to members in distress

**SERVICE OFFICER – Chase Wickersham**

- Veteran Assistance Committee
- Coordinating with Family members
- Need to promote benefits

Note: The December 5 E-Board meeting minutes were approved during the January 2, 2020 E-Board meeting pending a change to Service Officer Wickersham's presentation. The suggested change was not verified by the December 5 E-Board meeting audio recording.

**JUDGE ADVOCATE – Burt McChesney**

- Governor Newsom spoke about veterans housing needs in Sacramento today

**MEMBER AT LARGE – Wayne Zippi**

- General Membership Meetings – Officers introduce themselves and invite new members to visit the bar and restaurant

**UNFINISHED BUSINESS**

- What happened to the eagle donation that was offered?
  - No adequate display area
  - More of an outdoor sport image than patriotic
    - Holding a trout
  - Explained to person offering the sculpture – Post has items in storage – Lack of display space

**NEW BUSINESS**

- None

**GOOD OF THE LEGION**

- Wreaths of Honor event
  - Pacific View Cemetery
  - December 14
  - Volunteers and donations

M/S/C – A motion was made and approved to adjourn the meeting

**ADJOURNED: approximately 1955 hours.**