

# The American Legion District 5

## General Meeting 2/25/2016

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### Agenda

Formal Opening Ceremony – Commander

Prayer-Chaplain

I now declare District 5, Department of Colorado, regularly convened- Commander.

Roll Call of Officers – Commander

Officers:

Commander: Jimmy Walker - Present

Sr. Vice: Lee - Present

Jr. Vice: Richard Pabon – Present

Jr. Vice Wayne McClimens - Present

Adjutant: Annette Johnson - Present

Service Officer: Annette Johnson - Present

Staff Judge Advocate: Open

Sgt-at-Arms: Art Santry - Absent

Finance Officer: Rick Reeser - Absent

Chaplain: Norm Harpole - Present

Historian: Open

Website Master: Lee - Present

Auxiliary President – Pilar Bottoms

Auxiliary Vice: Jenn Fielder

Auxiliary Secretary – Jannette Scott

SAL representative – Lee

Ed Wearing DEC

Finance: Balance as of 2-25-2016 \$ Unavailable

### Officers Reports

#### 1. **Commander:**

##### a. Pledge of Allegiance

- i. Adjutant forwarded email on 2/24/2016 – See Adjutant Note
- ii. Some did not receive, re-mailed after meeting to all D-5 Officers
- iii. Req: did we write the letter? Needs all Officers signatures.
  1. Lee - no
- iv. Discussion about children not having an opportunity to recite the Pledge of Allegiance and 2014 laws.

1. Lee – statute says “must give children an opportunity to say the Pledge,” instead announcements are being made, so the opportunity is not there to recite if the children want to.
  - v. District 5 needs to get a letter of support, sign it, and it will go to Dept. for final signature.
  - vi. Rich: the letter can go to Board of Education
    1. Lee: let’s vote on it to make sure this is the way we want this to go.
    2. Ed agrees
  - vii. Ed: Look up letter of Resolution from National, ensuring official ruling, only enclose the resolution clause.
    1. Lee misinterpreted Resolution, thought it was moving up didn’t realize it had already passed.
    2. Resolution from Deputy Dir. of Youth Programs – only include the Resolve clause
      - a. Ed read the resolve clause.
      - b. Cmdr asking if there is a motion for writing this letter?
      - c. Discussion over who to send the letter to.
      - d. Norm past school administrator: explains how the process works, “it is strictly District control.”
  - viii. State law in effect since 2014: quote in letter as well
  - ix. Cmdr: Motion to write letter to School District, a second discussion evolves, who has final say ...
  - x. Norm: discussion outlining levels of school Districts; asks if all Officers are in agreement.
  - xi. Cmdr restates motion to write a letter.
  - xii. Move that letter be written to the Jefferson County School Board of EDU with a copy going to the Superintendent stating the three paragraphs of resolve in the email dated 2-18-2016.
    1. 2<sup>nd</sup> Rich
    2. Cmdr question: have all District 5 Officers sign this letter?
    3. Ed: no
    4. Norm: indicate that all officers are in agreement
    5. Send a copy to Dept.
    6. Lee – will have the letter ready tomorrow.
  - xiii. Send mailings to:
    1. Jefferson County School Board
    2. Chairman of the State Board of EDU
    3. Carol Atwood
    4. Address one to Dept or cc
    5. cc all Officers
    6. We can post it on the website when accepted – all agreed
    7. Motion carried
  - xiv. Ed recommends D-5 Officers sign letter
    1. Rich 2<sup>nd</sup>, motion carried
- b. Pound to be American - Bill Baldacini
- i. Adjutant forwarded information to all D-5 Officers on 2/24/2016
    1. all received attachments.
  - ii. Addressed the verbal confrontation with Commander Florez at mid-year
    1. Adjutant has this on recording

- iii. Letter from Department to Bill Baldacini
    - 1. Relieved of all duties.
    - 2. Not to represent in any form as a Chairman or Committee Chairman of any committee of Post 161, do not use any AL letterhead.
    - 3. Outlining constitutional process for appointing committees and to refrain from using AL at any presentations. Encouraged to approach running State Commanders to consider making the committee a sub-committee for the 2016-2017 year.
  - iv. Letter received from Ed Shreeve Post 161 Commander to Bill Baldacini:
  - v. A District 5 letter was drafted directing him to no longer represent himself as a chairman and to cease utilizing the AL name in any future presentations.
    - 1. All letters direct to no longer claim to be the Chairman of Americanism Committee or Chairman of Proud to be an American,
    - 2. no longer represent as a committee member of any committee of Post 161, only represent as a Paid Up For Life (PUFL) member
  - vi. Ed explains circumstances
    - 1. AAdj: He represented himself as being the Chair to Posts 161, Post 22, and Post 201, we were approached and contributed to program.
  - vii. Cmdr: motion to send letter from District 5
    - 1. Rich 2<sup>nd</sup>
    - 2. Discussion: Ed this is to clarify the program is great, DEC and incoming Commander did not set a Proud to be American sub-committee for 2015-2016.
    - 3. Lee: it is recognized by National
    - 4. Ed: yes, we did not get it filled this year
    - 5. Discussion evolved, Do Not allow him to present at Posts.
  - viii. Jannette Scott (Aux. Secretary)
    - 1. Letter going to Dept., Post 161 Commander, and Bill
    - 2. All Officers sign tonight
    - 3. Recommends letter be sent registered mail return receipt.
    - 4. All agreed
  - ix. Cmdr motions to send letter to Mr. Balacini
    - 1. Adjutant will send letter
    - 2. Return receipt requested
    - 3. Rich & Annette 2<sup>nd</sup> motion carried
    - 4. **UPDATE: Letter on hold due to revisions per Commander Walker**
- c. Constitution & Bylaws
- i. Status?
  - ii. Changing to reduce to 1 Sr. Vice and 2 Jr. Vice
  - iii. Needs to be voted in so it may be presented at Convention
  - iv. Adjutant sent out email and copy of documents to all Officers
  - v. **See information DEC section**
- d. Membership stats as of 2-25-2016 90.55% (Elaine)
- e. Post 46's roster has been signed off for transfer to Post 2002
- i. **Submitted to Dept. 2-26-2015**
- f. Spring Fling The AL American Veteran & Family Appreciation
- i. Committee: Wayne, Annette, Palar, and Joe Ann
    - 1. Annette will help **IF** information is provided of what is needed.

- 2. Cmdr will help when he has time
      - 3. Joe Ann dependent on health -
    - ii. Date chosen June 4th
    - iii. Need location, Wayne checking availability at Post 178
    - iv. Need to get 5 Post involved
      - 1. Checking into a Pig Roast
    - v. Combining District 5 & 6
    - vi. Aux. Pres. Moved away from the Park idea because of the costs of all the permits
    - vii. Inability to control who comes and goes, alcohol issues
    - viii. From 10 am to 7 pm
      - 1. Cmdr will check with Post 178 next week
    - ix. **UPDATE: Received an email from Wayne the 4<sup>th</sup> is booked and set a tentative date for June 12<sup>th</sup>, only other date available is June 26<sup>th</sup>.**
    - x. **Commander will confirm on Monday 2-29-2016**
  - g. Post 151 –
    - i. Post Cmdr problems, continued leadership and budget issues
    - ii. Slow in writing Constitution and bylaws due to opposing auxiliary being in leadership roles and on committees.
    - iii. Commander, Sr. Vice, and Adjutant unable to attend tomorrows meeting
    - iv. Jr. Vice Rich & Wayne, Aux. President Palar, and Asst. Adj. Joe Ann will attend, at 4:00
    - v. Joe Ann will provide a report to Adjutant and will forward to Commander
  - h. Adjutant provided receipt for reimbursement \$471.89 itemized sheet provided
    - i. Cmdr & Lee motion to reimburse 2<sup>nd</sup> Norm Motion Carried
  - i. DEC minutes approved, send to Lee for web posting (**sent 2-25-2016**)
  - j. Request time efficient officer reports due to length of Constitution & Bylaws discussion.
2. **Sr. Vice:** Lee
- a. Constitution & Bylaws Discussion involved Q & A with Ed (DEC) primarily concerning Constitution this meeting.
  - b. Post 11-11 Paul J. Murphy, passed; services 2/27/2016
3. **Jr. Vice:** Heather – **4th consecutive meeting missed – in violation of Bylaws**
4. **Jr. Vice:** Wayne
5. **Jr: Vice:** Richard working with Post 151
- a. Meeting 2/26/2015 at 4:00
  - b. Representing District Commander and Sr. Vice
  - c. District Assistant Adjutant will attend meeting in place of Adjutant due to previous commitment.
6. **District 5 DEC:** Ed
- a. Constitution & Bylaws Discussion involved Q & A with Lee (Sr. Vice) primarily concerning Constitution
  - b. Adj. Point if Clarification: Did change occur at DEC then revert back to having to notify members [reduction of 1 Sr. & 2 Jr. Vices'] before it can be voted on?

- i. A Bylaw changed was voted on and carried at DEC; there was a quorum and motion carried to reduce size of Sr. & Jr. Vice.
- c. Constitutions Questions:
  - i. Article III Territorial Jurisdiction
    - 1. Comparison between old and proposed new bylaws throughout
    - 2. Suggest printing out State Constitution and Bylaws.
      - a. Lee we didn't intentionally place it in there so we do not have to keep changing it [Boundaries].
      - b. Should match Dept and let Posts know who is in what District.
      - c. If going to D-5 webpage information is posted
      - d. It states D-5 is defined by the DEC
      - e. Cmdr clarity:
      - f. List dividing lines as of East of Colorado Blvd as District 6, West of Colorado Blvd is District 5
      - g. Posts changing to District 6: 151, 46, 23, 2002, & 183
      - h. Rich brings up the Dept. Directory – yes look up your post and you will see what District you are in.
      - i. Ed motions: Article 5, Section 5 of the Dept. Bylaws under District Boundaries - Constitution – specify Counties, Posts and Boundaries of District
        - i. Rich 2<sup>nd</sup>
        - ii. Lee Objects
        - iii. Motion carried
- d. Under Territorial Jurisdiction Article 5
  - i. “... Further subdivided at the discretion of the Commander as needs of the District Requirement.”
  - ii. Commander does not have authority, the DEC does
  - iii. Motion to remove Commander and reinsert DEC
  - iv. 2<sup>nd</sup> Rich, Annette, Wayne motion carried
- e. Article 4, Section 2
  - i. Selection and Term of office:
  - ii. “Each elected Officer shall hold office until their successor has been elected and qualified or removed from office by a majority vote at any EC meeting “
  - iii. Cannot do this
  - iv. Lee: you can under Roberts rules
  - v. We do not go by Roberts Rules we go by the Constitution & Bylaws of the Dept Colorado American Legion.
  - vi. To remove a District Officer you have to do it in a form of bringing up on charges, letter, person has time to respond to letter, given an opportunity to face accuser, then it goes to trial. It's in Depts. Constitution or Bylaws.
  - vii. Lee: Posts and District is not in violation because we are not Department
    - 1. Lee: needs 2/3 of DEC
    - 2. Conversation: Department, Post, versus District, we have a right to Police our own membership
    - 3. Removal or other punishment of District Officers: DEC may suspend, remove from Office, or reprimand a District Officer upon charges or disloyalty, neglect of duty or other conduct unbecoming as a member of Am. Legion. All charges must be made in writing, under oath of the accuser, shall be served personally or by mail addressed to the accuser

... trial shall be held at a regular meeting or special meeting. These are the Bylaws we follow, not Roberts Rules of Order because it is in Dept. Constitution /Bylaws.

- a. Motion made to recommend delete this portion “to remove from office by majority vote at any DEC meeting” and go back to old Constitution and Bylaws. 2<sup>nd</sup> Wayne
4. Discussion Rich: remove and add the old Constitution or Bylaws information? Yes.
  - a. Motion carried Lee opposed, motion carried.
- f. Under same Section Article 4, Section 2,
  - i. 4<sup>th</sup> line Clarification ... two-year term but D-5 elects on odd years
    1. District 6 even years
    2. 2<sup>nd</sup> Rich & Annette Motion Carried
  - g. Under Government, Section 10
    - i. Voting and quorum: Clarifying Question
    - ii. New: has different reading, it states one delegate for each Post, “entitled to one Vote, a quorum of District Convention shall consist of one delegate from 1/3 of the Posts represented and qualified to vote at the convention.”
    - iii. Recommendation: leave it the same as in the old/current Constitution.
    - iv. The old Constitution and Bylaws reads “A quorum of the District Convention shall consist of a minimum of one delegate from each of the majority of the Posts represented and qualified to vote at the convention.”
    - v. Define “majority” of all Post or the Posts present
      1. Post represented and qualified
      2. If 2 Posts show up then the quorum has the ability to vote for the Posts not in attendance - yes
    - vi. Ed motion to change from “1/3” to “each of the majority” Post
      1. 2<sup>nd</sup> Rich motion carried
  - h. Section 12 concerning per capita dues has been removed
    - i. Discussion: Why was it removed?
    - ii. Lee: Because it is not an action of District 5 and we cannot demand an action from Department. Department determines what they are going to give us per capita we don’t say ... because we don’t have jurisdiction over Department.
    - iii. Dept. is required to pay per capita, why not move it to revenue?
    - iv. Why reinsert it?
    - v. This is a major factor, how can Dept. set budget if projected revenue is not acknowledged in District Constitution?
    - vi. District 5 has no jurisdiction over Dept. They tell us, we don’t tell them.
    - vii. Currently it is .35 in July moves up to .50
    - viii. Place it in our revenue because we expect and use that revenue to set Dept. Budget.
    - ix. We cannot direct Dept.
    - x. Discussion concerning a comparison between Dept. Constitution and Bylaws versus District.
    - xi. Department tells District what the per capita is at the beginning of the year, we know what the budget will be after Convention.
    - xii. DEC determines fees. Regardless of rules set Dept. supersedes District.

xiii. Ed Passes & withdraws motion

i. Article 6, Section 1 Committee

- i. Amend to list Officers titles we elect
- ii. Cmdr: It states all elected Officers except DEC as representative, immediate Past D-5 Commander, and 1 member from each Post from within D-5 and disagrees that DEC should be part of the D-5 committee. DEC is liaison between District and Dept. and votes in Dept. what District decides on.
- iii. Why exclude DEC member?
- iv. Lee: conflict of interest
- v. Ed: DEC cannot vote, only whatever he/she is told to vote on. Recommends listing all Officers including committee person.
- vi. Restore as listed in current document into new document, i.e., remove "all elected officers" and specify Sr. Vice, Both Jr. Vice, F/O, Chaplain, Sgt-of-Arms, Judge Advocate. Tell the members who their Officers are, on a Post level people do not know, let them know especially when making the changes we are making.
- vii. In old it states, "District Adj and Deputy Adj (when needed), F/O, DEC committeemen, one member from each post in D-5, Pres. of Auxiliary, District SAL Commander (not based on District level at the time) and one approved member if member is already a committee officer."
  1. Auxiliary to sit on and have a vote? Yes.
  2. Give them a voice
  3. Ed: disagrees with the voting position due to financials
  4. All agree: a voice, not a vote.
- viii. Cmdr: prefers officers titles be specified.
  1. Elected: Cmdr, Sr., Jr., Jr., F/O, Chaplain, Historian, DEC
  2. Appointed non-voting members: Adj., & Assistant Adj (vote when needed), Sgt of Arms, Asst. Sgt of Arms President of Auxiliary, JAG
  3. Adj., point of clarification: Add DEC, the immediate Past Commander, and one member from each Post as voting members.
    - a. yes
- ix. Adj makes motion to add DEC, the immediate Past Commander, and 1 member from each Post as voting members.
  1. 2<sup>nd</sup> Wayne                      Lee Abstains                      Motion Carried

j. Article 7, Section (not annotated)

- i. Shows we recognize AL Auxiliary, do not know what squad club is, and add SAL and AL Riders
- ii. Riders voted down because you have to be a member of one of the AL, Aux, or SAL. Riders are a Post program.
- iii. Ed motions to recognize SAL and AL Riders
  1. 2<sup>nd</sup> Rich      Motion Carried

\*\*\*\*\* End Constitution Discussion \*\*\*\*\*

k. Bylaws

1. As discuss at DEC in February,
  - i. In Section 1 deleting 1 Sr. Vice, 2 Jr. Vice
  - ii. Identify them as Jr. Vices 'A' and 'B'

1. Motion carried remains in effect.
- m. Bylaws tabled until next meeting 3-18 at Covenant Village 6:30

7. **Finance** - Not available

8. **Adjutant & Post Service Officer's Report** –

- a. Officers indicated they did not receive attachments in email concerning Pledge of Allegiance
  - i. Please notify me if you do not receive attachments in an email.
  - ii. [Not all emails have attachments and this one did not, you needed to scroll through the email for the information]
- b. Post 46 donated majority of Post items the charter was donated to the Brighton Historic Society along with multiple other official documents.
- c. Banks account were closed years ago, money donated to Post 2002, Brighton Historic and Adams County Historic Society
- d. Post 46, documentation completed to transfer members into Post 2002
  - i. need Cmdr signature - obtained
- e. Tom at Dept. suggests pulling the Charter and inform D-5 Officers at meeting so Ed may represent this at Convention
- f. Recommends contacting Ed to learn proper procedures
- g. Suggests at D-5 meeting making a motion to remove and /or cancel Post 46 Charter – since it was donated to Brighton Historical Society and if carried DEC will bring up at National.
- h. Annette motions to have Charter cancelled/removed so DEC can have the authorization to present at Convention.
  1. Motion – did not presented correctly
  - ii. Ed explains circumstances and requests more information
    1. Used to have building - it's sold
    2. All assets - donated
    3. Members just want to transfer and give up the Charter.
    4. Requests to know that all the members have transferred
      - a. [completed turned in to Dept. 2-26-2016]
    5. all assets are 0 [Not sure how to complete this]
    6. questions about pulling the charter versus suspending it
- i. Lee: recommends amending the motion to suspend the Charter rather than pulling it in case someone wants to revitalize it
  - i. Norm & Rich 2<sup>nd</sup>
  - ii. Discussion concerning Post 46 will no longer be in District 5 after Convention, Ed will handle
  - iii. Lee: pulls motion and instead motions that Post 46 be referred to District 6 for disposition.
  - iv. Adj questions the position of not completing official business brought to meeting and placing official business on hold because e.g., Post 46 will become an issue for District 6 to manage, do we suspend all business for Post moving into District 6?
    1. Clarifying statement: No Ed will no longer have authority at National so this needs to move over to D-6, timeframe is too short.
    2. We split Districts May 1<sup>st</sup>. Ed will discuss with D-6 DEC



- v. Motion carried
- j. Annette will follow up with Dept for further clarity on this issue.
  - i. Spoke with Pat 2/26 pull Charter – inform Ed (DEC)
- k. Post 2001 has officially moved – address being sent to Dept
- l. Post 2002 revitalizing (not discussed due to time constraints)
- m. Post 166 assisting in procedures for inspection and possible replacement of Honor Guard Rifles. (not discussed due to time constraints)
- n. Post 1976: Documents filed & reinstated with the Secretary of State's Office
  - i. In Good Standing again (not discussed due to time constraints)
- b. Met with bike club interested in providing support to Veterans in doing mentoring runs would like to work with Riders. (not discussed due to time constraints)

**9. Assistant Adjutant**

- a. Willing to attend Post 151 with Jr. Vice Rich & Norm and Aux. President 2/25/2016 4:00 pm. Will provide report next week.

**Ladies Auxiliary:** Nothing at this time due to time constraints  
(still open – Evergreen assistance)

**SAL:** Nothing at this time due to time constraints

**Chaplain:**

- a. At end of this officers year Norm will be off District level and no longer be in charge of setting up for Covenant Village D-5 Officers meetings.
  - i. Contact front desk to request room and times.
- b. Nothing else at this time due to time constraints

**For the Good of the Legion:**

All Officers bring a copy of Constitution and Bylaws to all meetings until this process is completed and changes accepted. Copies may be found on the District 5 website.

Next Meeting Dates:

**District 5 Officers**

March 18, 2016 6:30 @ Conant Village      April 8<sup>th</sup> 6:30 Post 161 in Westminster

**DEC:** April 23 TBA

**D-5 Convention** May 7 Post 161 10:00 am

**D-6 Convention** May 14 Post 1 9:00 am

**National Commander** May 23 Post 161 10:30

I now declare this meeting of District 5, The American Legion, Department of Colorado, adjourned.

Officers presents 7, Aux 3, SAL 1, members 2  
Total of 13 present

Meeting started at 6:30 pm

Meeting adjourned at 8:17 pm

Minutes submitted by  
Annette Johnson  
District 5  
Adjutant/Service Officer