

BY-LAWS

Temple and Welden Harris Post No. 4149

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 Temple and Welden Harris

Post No. 4149 Veterans of Foreign Wars of the United States.

Sec. 2. The location of this Post shall be in the City of Midland, County of Midland, State of Texas.

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 Texas, 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 Texas. 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

409 Veterans Airpark Lane, Midland, Texas.

The Post may change its meeting place in accordance with the provisions of Section 206 of the National By-Laws and Manual of Procedure.

Sec. 2. Time: The regular meetings of the Post shall be held on the third Tuesday of each month, to be called to order at 7:00 p.m. The appointed day and time of regular meetings may be changed by a two-thirds vote of the members present at any regular meeting. The Post members and the Department Commander shall be notified of any change of the appointed day and/or time of the regular meeting.

Sec. 3. Special meetings may be called in accordance with the provisions of the National By-Laws.

Sec. 4. Quorum: Six 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 \$1.00, 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.
- Sec. 4. Prior to an application being presented to the membership for consideration, the applicant must present a copy of his DD214 or discharge paper showing eligibility to the Adjutant. Said proof will be confidentially secured in the Post in accordance with the National By-Laws.

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 will and pleasure. The Post Quartermaster, by virtue of his office, shall be treasurer of all committees handling funds.

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

- | | | |
|----------------------|--------------------------|-----------|
| (a) Membership | (f) House | (k) Bingo |
| (b) Relief | (g) Americanism | |
| (c) Poppy | (h) Ways and Means | |
| (d) Publicity | (i) Community Activities | |
| (e) Youth Activities | (j) Safety | |

- Sec. 3. House Committee:

- (a) The House Committee shall consist of not less than five members, which will include the Sr. Vice Commander, one elected member, and one other member appointed by the Commander. The Post Commander and Post Quartermaster, by virtue of their offices, shall be members of the House Committee. Trustees shall not serve on the House Committee.
- (b) The House Committee shall employ such personnel, including manager and bartenders, as shall be necessary and shall have the authority to remove said personnel from the position. No members of the House Committee shall serve as the manager.

- (c) The House Committee shall have authority to suspend all club privileges of any member for misconduct on club premises for whatever time shall be deemed proper subject to appeal to membership.
- (d) All actions of the House Committee shall be subject to ratification by the Post by regular vote at a Post meeting.
- (e) The manager or any employee handling club monies shall be bonded to the Post for twice the amount normally handled.
- (f) The manager shall be responsible to the House Committee and the Post Commander for conduct of all patrons. He shall deny club privileges to any member or guest violating club rules, state laws or these regulations.
- (g) The club manager and House Committee shall be held responsible by the Post Commander and the Post membership for strict enforcement of club regulations, local ordinances, and state laws applicable to the operating of clubs.
- (h) Violation, or permitting the violation, of any of these rules and regulations shall be deemed sufficient cause for discharge of the club manager. If the House Committee fails to act upon proof of such violations, the Post membership may initiate action at a Post meeting under the provisions of paragraph (d) above.
- (i) Any member of the House Committee may be removed by the Commander upon proven charges of failure to comply or failure to enforce compliance with these rules and regulations or for failure to attend three consecutive meetings of the House Committee except that the validity of any action taken under this rule pertaining to the removal of the Post Commander or Post Quartermaster shall be based on full compliance of Section 220 and other applicable provisions of the National By-Laws and Manual of Procedure.
- (j) The House Committee may adopt house rules as it deems necessary, providing that said rules do not violate any of the Post By-Laws stated herein, nor those of Department or National. House rules will, however, contain the following standing orders for employees:
 - 1) No employee will serve an alcoholic beverage to anyone under the age of 21.
 - 2) All employees will carefully check identification of anyone who appears to be under 30 years of age.
 - a) Acceptable documentation is a valid Texas driver's license with a photo or a photo ID issued by the state of Texas. An active military ID showing date of birth may be used in lieu of one of the other two forms.
 - b) The employee will carefully check the identification to determine its authenticity.
 - c) In the absence of authentic identification or in case of doubt, the employee will refuse service of alcoholic beverages to the customer.
 - 3) No employee will serve an alcoholic beverage to anyone who is intoxicated.
 - 4) No employee will serve alcoholic beverages to anyone to the point of intoxication.
 - 5) It is the employee's responsibility to notify a manager when a customer shows signs of intoxication or is requesting alcoholic beverages above the limits of responsible beverage service.
 - 6) Any intoxicated customer wishing to leave the establishment will be urged to use alternative transportation provided by the establishment. (This can be a cab service, designated driver, etc.)

- 7) All employees are obligated to inform law enforcement authorities when intervention fails.
- 8) No employee will drink alcoholic beverages while working.
- 9) All employees who serve/sell alcoholic beverages will successfully complete a Texas Alcoholic Beverage Commission certified Seller/Server training course when beginning employment.

(k) Any vacancy which occurs in one of the positions will be filled immediately by appointment of the Commander.

(l) The House Committee and manager shall keep accurate records open to inspection of Post members at all reasonable times.

(m) The Post Quartermaster, by virtue of his office, shall be treasurer of the House Committee.

Sec. 4. Club Finances:

(a) The club manager shall keep an accurate, approved set of records and accounts.

(b) The largest sum which the manager of the House Committee may spend without a vote of the Post authorizing same shall be \$_____.

(c) All income/profits shall be held or deposited in the name of the Post, and in no other name.

(d) The House Committee and club manager shall turn over the Post Quartermaster at least weekly, all net profits and property acquired over and above a specific sum which shall be prescribed in the club By-Laws, and which sum shall be retained for current club expenditures.

(e) At least once each month the club manager shall furnish the Post Quartermaster a complete written profit and loss statement to be read to the Post membership and placed in the Post minutes.

(f) All club books and records shall be subject to a quarterly audit by the Post Trustees or qualified accountants approved by them.

(g) All club regulations may be amended by majority vote of members present at any regular or special Post meeting subject to written notice to members at least ten days prior to such meeting.

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 the purposes of this Article, the Ladies Auxiliary to the Veterans of Foreign Wars, the Military Order of the Cootie and its Ladies Auxiliary are governed by Articles XI and XII 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 and in addition to the signature of the Quartermaster, shall be countersigned by the Post Commander.
- 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 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.
- Sec. 3. No other payment or expenditures 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.
- Sec. 2. For services rendered, the Post may, by majority vote, pay the annual dues of the Adjutant and Quartermaster for the periods or parts of periods they serve as such, and such other compensation commensurate with their duties as may be determined and specified by vote of the Post.

ARTICLE X
FUND RAISING 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 fund-raising 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 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 rate distribution.
- Sec. 4. Fund-raising 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 procedure 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 a 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 Post By-Laws, these By-Laws may be amended by the Post by a two-thirds vote of the members present at a stated meeting thereof provided, however, such amendments have been read at the preceding stated meeting and each member notified, at least seven (7) days in advance by first class mail, of the contents of the amendments and the date on which the proposed amendments are to be presented for adoption. 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 Texas, Veterans of Foreign Wars of the United States on this 20th day of January, 2005, at a regular meeting of this Post in the City of Midland and County of Midland, State of Texas.

Feb 8, 2006 Post No. 4149
By [Signature]
Commander

OFFICIAL:

By [Signature]
Adjutant

(Documents to be completed in triplicate with signatures of Post Commander and Adjutant affixed to each copy)

Veterans of Foreign Wars

FEB 16 2006

Administrative Operations

REVIEWED MAR 10 2006
FOR THE COMMANDER-IN-CHIEF

[Signature]
JOHN J. McNEILL, JR.
ASSISTANT ADJUTANT GENERAL
BY THOMAS L. KISELL, DIRECTOR
ADMINISTRATIVE OPERATIONS

February 9, 2006

To Whom it May Concern;

Please note that these by-laws have already been submitted and approved. They were corrected in a letter dated September 2, 2005. There are, however, other corrections that need to be made:

Original	Change 9/2/05	Change 2/9/06
pg. 1 "Air Park Road	pg. 1 "Veterans Airpark Lane"	None
pg. 1 "third Thursday"	pg. 1 "third Tuesday"	"second Tuesday"
pg. 1 "7:30 p.m."	pg. 1 "7:00 p.m."	None


In addition, the correct spelling of the names of the veterans for whom Post 4149 is named are: Temple and Weldon Harris--not Welden as is listed on all previous communication and documentation. We have confirmed this correction with a surviving member of the Harris family. Would it be possible for you to make that change, as well?

Yours in comradeship,



Dalton (Dal) P. Davis
Commander
VFW Post #4149

Yours in comradeship,



Floyd R. Lewis
Adjutant/Quartermaster
VFW Post #4149

REVIEWED
DEPARTMENT COMMANDER

