

State ALR meeting, minutes Sept. 22, 2019 At Brownsburg Post 331

Meeting was called to order at 10:04 am. By Director Mike Brady.

Prayer by, Wilmer McNeil, chaplain was offered.

Rituals were observed.

Roll call of officers: Director, Mike Brady, present, Northern Director, Ira Glover, Present, Southern Director, Jeff Everman, present, Secretary, Mary Lou Melton, present, Finance/Membership, Dina Long, present, Chaplain, Wilmer McNeil, present, Historian, Danny White, present, Sgt. At Arms, Chris Baker, present, Run Coordinator, vacant.

Director Brady requested the count for Chapters present and was told 26. He Asked membership officer number of chapters in good standing and was Notified the number is 118. A discussion ensued and the quorum number Required was 25% necessary, requiring 31 chapters, so no quorum present. It was stated we could still discuss the changes but could not have a vote. T.J. said have a discussion today but we will need review on Oct. 6, 2019. We should have the required number of chapters then.

Mike Harper brought up a point of order, the flags are incorrectly placed At the rear of the stage. After discussion it was noted the Placement is not incorrect according to the guide, discussion ensued. This meeting Was called to discuss the constitution and by-laws not points of order, better addressed in a regular meeting.

A question was asked about voting by a person, not in attendance, but on The phone and was this allowed. After discussion, it will be addressed by The judge-advocate.

Discussion about whether this is a regular meeting or a special meeting, Director Brady said it was a special called regular meeting.

It was stated that we can have discussion but no first reading or vote, today.

Discussion about a realistic number for a quorum as less than 10% if the Usual number at most meetings which would be less than 2/3. Possible change To the number required to constitute a quorum.

In May, Director Brady and Dina Long met with Tim Sproles, at Dept. Headquarters, and asked for a copy to be pulled of all meeting with the mention of the ALR being mentioned, at a DEC meeting. We were given a copy and a CD rom.

In January of 2014, the DEC passed a resolution from the 4<sup>th</sup> District, Freemont Post, Requiring, not suggesting, we establish Districts in the Dept. of Indiana, ALR. Also has a step by step of what the Director, of what the ALR is supposed to do.

Director Brady stated he did not know that document existed. Lots of people in this Room didn't know it existed, but if you look in the back of the officer's guide, we handed Out, there's a copy of that resolution and the minutes from the Dept. executive meeting That passed it.

Mary Lou Melton asked to read a portion of the minutes, from the July 2014, ALR meeting, which stated that Jim Hamilton, State Chairman, announced: The Resolution to have the Districts Organize and have meetings each month has been cancelled by the Judge Advocate. The Districts have a right to run their Districts as they see fit. The constitution Article 3, Section 4 wording is to be used for District organization. If there is a treasury created, In the District, then it needs to become a 501c3 and incorporate and file 1099 tax reports.

Director Brady stated it doesn't hold any weight because the Judge Advocate can't cancel a resolution that has already passed. Mary Lou stated, well he thinks he can. Director Brady stated he asked at Dept. Headquarters and was told, the Judge Advocate can not overrule a resolution that's already been passed, by the DEC. The statement was made that, then, someone is wrong here. Director Brady said the resolution was passed and there has been no resolution passed since to revoke it.

Resolution 2014M07, Jan 12, 2014, in the Guide, looks like this in the State resolutions Not the National. Not found in officers guide, Director Brady has a copy available and apologized for it not being copied into the guide.

He read the resolved clause to the members present. It included the amendment to create an Ad Hoc committee.

Ira Glover ask if there was an ad hoc committee put together? Answer there was ad hoc Committee for years and nothing ever got accomplished. An ad hoc committee is any Committee, the Director appoints. Was there one appointed? Yes. Question where are The meeting minutes? The committee was appointed but never held any meetings so nothing was accomplished. Ira, was appointed to it, T.J. was appointed to it, Jim Hamilton, was appointed to it and Jeff??? Was appointed to it. T.J. was to chair it, to the Directors knowledge no meeting was ever held and he couldn't get a draft from T.J. someone Stated they were fired. Not fired...

Director from 2014, Kirk Crawford stated he, Jim Hamilton, Danny White and Jerry Riggs, had a meeting in Marion, but his term ended before it came to fruition. And after talking to Marc Gosney that was also the case during his term of office. At all the meetings the current Director attended, the chairman got up and stated they were working on it and that was the end of each report. In January of this year, Director Brady, appointed a committee and was unable to get any information from the chairman of the committee, He took it upon myself to prepare a draft. To put it out there so we could get some discussion on the subject. I was the chairman and the membership, was the committee.

Because I am going to clue you guys into something, the National Organization, specifically, Bob Sussen, sp? Has it in their mind to do away with Department level and District level ALR.

Shorty, Cicero Chapter, made a statement, about ALR being a National Program. Director Brady answered: Resolution number 35, Dated Oct. 17th and 18<sup>th</sup>. 2007. American Legion Riders as a National program. So, it is a National program. Shorty stated: If it's a National program, not a post level program, we would have a National Riders Committee and pay per capita to National Headquarters to track Legion Riders as a National program. Dr Brady answered: by resolution in 2007 the ALR was adopted as a National program, and quoted the resolution. Bob Sussen, is the chairman of the National American Legion Riders Committee.

Statement: Shorty, Cicero Chapter, there was a resolution after that that changed it from a National to a State Program. Director Brady: Resolution 32 is the resolution you're talking about. And he quoted the resolved clause. May 4 and 5, 2011.

The following is a direct quote by John Crosby at Dept. Headquarters, a week ago Friday, Sept. 13, 2019. That National and Bob are pushing to make it a chapter level program only.

Statement that has never been brought up in any advisory committee meeting.

Director Brady invited Dept. Adjutant Crosby and Dept. Commander, Connelly to be here today, but other obligations wouldn't allow it.

At our last meeting, with them, and in Dina's presence, they stated they are looking for us to get this done; they want to have this at the DEC meeting in Oct. So that the internal affairs commission report submit this, we've approved it, the committee's approved it they want to approve the by-laws. The District issue has been resolved; there will be no further discussion about this matter. Unless someone can produce a resolution that says they rescinded the resolution from Jan. 2014.

Director Brady asked for comments from the group, about the by-laws.

T.J. stated: in our meeting in 2015, we had that meeting and it was certified by the chairman that there wouldn't be Districts formed in the state of Indiana, and that was supposed to go to The DEC. It was brought up in our ALR committee meeting and, with the judge advocate in the room, the meeting was suspended and the resolution presented in our regular ALR Dept. meeting and it was voted down.

We returned to our ALR committee meeting and the Judge advocate stated, it would not pass with the wording as written to National, which stated you could or could not establish as Districts, It would have to say will only, or won't only, establish as Districts and he advised, if someone made the motion to accept the wording, but no one seconded the motion, it would die in committee and wouldn't be forwarded to National and could be revisited at a later time.

Charlie Whetchel subsequently made the motion and it was not seconded.

Bob Snell, Chapter 500, stated he didn't know the documents regarding the passage of this resolution was in existence till about four months ago and was shocked, and asked why was no one notified of the existence, why didn't Jim Hamilton tell us of this long ago and why were we working all this time to address this issue. Director Brady stated according to the records of 2014 at the July meeting, Jim Hamilton did discuss it with the membership. We have a little bit of an issue when we change officers with institutional knowledge and we change a lot of things, we lose their knowledge and all I have to go on are these documents. Question: Mark Harper, Chapter 97, in reading that thing that you said they passed, they set up guidelines for us to follow and get the documentation to set the districts up and if we were to follow the guidelines, that the American Legion set up, and if we didn't ever do that, could that be the reason that they said it never went through, because we didn't follow the guidelines to make this an official document. T.J. remembers the discussion but doesn't know how it got from there to there. Director Brady stated from the DEC meeting 2014 T.J.'s statement.

While Director Brady was looking up this statement. Membership Chairman, Dina long, Stated while she was looking up the number of chapters, in good standing, she had read the wrong list. We have 108 Chapters, in good standing at close of books, June 9, 2019. So that makes a quorum 27 so we are still one shy.

Constitution and by laws proposed and discussed.

Nature, Article 3, ALR is a program.

In your Post by-laws Section has to be in there for liability.

Article IV, organization, Section 8, Finances by Post District and State, provides oversight. Must have Legion Federal ID, due to state gaming commission requirement.

To Start a ALR chapter you must have 7 members, Question how many are required to maintain a Chapter Charter? Legion By-Laws state, you must have 10 members. We all know, Chapters are still in operation with less than 7 members in good standing.

Article 4 Section 10,

Article 4 Section 8, remove **and the**, and change to: or the District Director, add Commander. This was changed after discussion.

Question, can we require a second signature, by adding the Director to the account? This is not a requirement, for check signing.

Danny Price, point of order, we need to limit these discussions to two minutes. Otherwise we will never get through this.

Membership, Section 1 change and to or after Auxiliary. After discussion.

Section 1A requirements, were discussed, at length, with several members voicing concerns and opinions about legalities of what constitutes a rider and a motorcycle to be considered a legal member, this should be addressed as a posts issue, The state isn't going to police chapters.

Section 2 Special Membership, after numerous speakers and opinions, it was decided to Leave the word Divorce in this category of membership and was approved. Noted a Divorced member or Honorary member can hold office.

Section 4 Capitalization correction, L for Legion twice in this section, noted.

Section 2C. Change without voice to with voice, and remove or vote. After discussion.

Section 2E Strike IN on ALR back patch statement. Change brought up by Neil McKinney, 497.

Article VI Honorary and Supporting Memberships. Section 2 C After discussion this was proposed to read, supporting members are members, WITH voice, NOT vote and may not be included in total membership counts.

Article VII Regalia nothing changed only noted the wearing is encouraged at meetings and events, but not required. Larry???, chapter 97, chapter should decide yes or no for Regalia.

For a Parade standard dress, vest, and t-shirt. Officers guide discusses attire for meetings.

Article VII

Section 2, it was brought up to change to two nominating meetings, a great deal of discussion ensued regarding this. It was noted that one of the supporters of this was also noted to support the removal of this when it was addressed previously. After a good deal of discussion, it was proposed by Kirk Crawford, Chapter 357, to bring this up at a State meeting. As this is a By-Law issue, A By-Law can't be changed from a motion from the floor at a meeting. It can only be changed at a By-Laws meeting.

Section 3, the suggestion was made, proposing a three year term for a three year term for Finance/Membership due to the continuity and the institutional knowledge of Dina is worth hanging onto for more than a one year term. We need to give her a long term contract. The option of someone helping Dina, and thus learning the position would be beneficial and has been addressed, but not successful. Question of the possibility of a qualified person being interested in the position, but not able to run for a period of three years. If a candidate isn't willing to invest three years as a rider before running for the position, they might not be a good fit for the position. The general consensus was in support of a three-year term.

## Section VIII

### Article 8

Bob Snell addressed the issue of not being able to vote for the full slate of officers. In particular, the Northern Director and South Director Candidates. Director Brady stated that this proposal is mirroring the State By-Laws. Bob Snell stated the State doesn't have contested races. Bob is in support of the positions and also noted these guys are lining themselves up for the Directors job. As an example, are you allowed to vote in a general election or a primary, are you allowed to vote for a people outside your district? No! are you allowed to vote for the senator from Illinois? No! These guys are aligning themselves to run for your position. The Northern Vice is going to take care of his people in the North and the Southern vice is going to do the same. So, T.J. stated. We should mirror the state in this, and the Commander really likes this.

### Article IX Finance

Question of where is the dollars and cents spent and authorization and coming back to get the ok to do it. That's in the By-Laws section not the Constitution. The specifics that you are looking for are located there, I believe. Director Brady stated.

Question about the location of the proposed budget, that wasn't done till this year? It will be in the finance report but won't be subject to approval based off of what monies were spent the previous year on what subject, will we get a finance report? It will be in the finance report and the proposed budget will go to the committee, if that's approved, by the committee. A copy will be submitted to the Executive committee and it will be in the in the finance report from Dina the following finance report and that will be approved by the American Legion, Correct. Not this executive committee? No, the American Legion Riders committee. The American Legion Riders committee will approve the budget and that is what's required.

Who is the ALR committee? Ron Patton is the new Chairman of the ALR committee, and each District has a representative, appointed by their District Commander to sit on this committee, Hugh Dagley is going to be on it this year as an executive section appointee. He's coming back at his second bought as chairman. That is what is required so that's why Director Brady put that in there.

### Article X State Charter Members

No change

### Article XI

Amendment: no change

Jeff Bikel, Chapter 97, Auburn, under section two the constitution, this constitution may be amended at any regular meeting by vote by two thirds of the members attending such regular meeting providing? Is this the same thing you were quoting when we were discussing having two nomination meetings? You said it would take a resolution to change the amount of times we hold a nomination, this says otherwise. No, I said it can't be done from a floor vote because it's in the By-Laws how we hold our nominations. It can be done from the By-Laws by changing the By-Laws with a floor vote or by a resolution from a Chapter that passes through the legion. That's what I said and that's accurate. So we could change this by a floor vote, if we're voting on the By-Laws, yes.

When I say By-Laws implying both the By-Laws and the Constitution. Because it's basically done all together. You can change the Constitution and or the By-Laws by a 2/3 majority vote provided it's advertised your going to be voting on it enough in advance and yes a floor vote can do that. But you're changing the By-Laws. But if you're not changing the By-Laws, you can't come to a meeting and say, I want to require everyone to wear a vest, at a meeting from the floor and get it done, if it doesn't allow it in here. If it's outlined in here to change it you have to have two meetings with a quorum, any motion like that would have to be in writing, to change the By-Laws. In writing means a resolution. Ask to read it out loud and this was done.

I'd like to bring up, I didn't change this but section 2, It says written notice will be given to all members, we publish our newsletter on-line. We send our newsletter to every Chapter in the State, every Director. Is it your opinion that that meets the requirement? T.J. Small and Danny Price made statements in support of this meeting the requirement. It is twelve thirty, we are going to break for lunch, I do ask everybody here to please, please, the post, Brownsburg Post 331 has gave us this hall free charge, they asked us to do the catering with them, we agreed. They are going to bring in some food at 12:30. It's \$14 buffet, the executive committee voted to approve and we paid them half upfront And we had to give them a number, I gave them 100. How many do we have here? Answer about 70. So were upside down so I'd really appreciate if everyone would contribute the \$14. To the food. Meeting is adjourned till 1:30. We got through the Constitution and we'll get through the By-Laws.

Meeting reconvened at 1:30 p.m. with 29 Chapters present.

The consolidated report is talking about ALR specifics and the reason being there was reference to it in the past. And the only way I could see to comply with that from actions that were taken from floor votes and I believe TJ. You were one of he Directors, and he confirmed that he was, to implement this consolidated report, so that the riders could take credit for what the riders do as riders, and to specifically address the fundraising efforts that we do that don't involve gaming licenses and a lot of Chapters don't do financial reports to their posts even though there supposed to. They do not get the message out of what the Riders chapter to make the post knows what we did. Because there's a lot of folks, who don't thing the riders do anything.

Article 3: Indiana ALR executive committee, questions or comments. T. J. had a question about section 2 spending over \$250. I did take out statement, and be approved by the body, because under the Legion format, responsibility of the executive committee

and the e-board approves the expenditures. Before the finance report is approved, the finance chair reports approval and discussion.

Article IV Duties of officers: none

Article V appointments: no changes

Who has the authority to dismiss an officer? Is it e-board or you? Appointed or elected?

There's a difference, appointed can be dismissed for failure to do their job, by the Director, the elected, must be removed by the e-board with a 2/3 vote. If you're talking about the Tony James situation, he wasn't doing his job.

Regalia Article 6:

Chapter 230, Mark ? Section 2, after discussion Article 3, placement was also brought up. discussing the American Flag Patch placement. As long as the field of stars is pointing toward the center of your chest we shouldn't have a problem.

Section 5 also addresses the flag placement.

Article 7, Resolutions:

Resolutions are the only way things get changed. Discussion and clarification of the proper way to form a resolution for consideration and vote. Just like the districts.

Article 8 Meetings:

Section 1, discussed authorized headwear, clarified the emblem on the baseball cap is the American Legion rider's patch only.

Section 5 hospitality room, discussion, no need to change.

Article 9, elections: no discussion. Discussion regarding showing, legion family membership also ALR, card to vote, Past practice.

Article 10, Notices: no discussion.

Going to close this meeting, asked to go through changes and Director complied.

Ok, here's our game plan, and I've consulted with some wiser minds, on this subject.

We're going to close this meeting, and then we're going to immediately, reopen and declare a quorum, because we have 29 Chapters present now. And then we are going to hold a first reading vote, on these by-laws, constitution and by-laws.

Chaplain read the closing prayer, rituals were observed and meeting closed at 2:02 p.m.

Opening rituals observed, we decided to forgo the chaplains prayer, some members left the room, but, no one reported to the chair That there Chapter was leaving, or with drawing from the quorum. Director stated they were present when meeting was called to order, Director called meeting to order, and in session.

Roll call of officers, all present, noted exception of vacant position of run coordinator.

We have a quorum.

Director thanked everyone for coming and taking part.

I have the Dept. Commanders assurances and the Dept. Adjutants assurances, that as long as these Constitution and By- Laws conform to their format, they will be passed.

We have the first reading and vote today, we will need to have a quorum at the Oct. 5<sup>th</sup> meeting. Where we will have a second reading and vote, and then it will go to the committee, the ALR committee, for them to vote. Once they approve it, it goes into the internal affairs commission report, to the DEC, and if the DEC approves, the internal affairs commission our by-laws will be officially changed, provided everybody votes in the affirmative. Questions before we hold the vote? In the interest of all interested he would prefer a paper ballot. Bob Parker, Chapter 79, makes a motion to approve the by-laws as presented. Seconded by Randy Sicheing, Chapter 230, motion and proper second to enact the by-laws, question of necessity of paper ballot, consensus was no, vote by show of hands. All those in favor? Signify by saying Aye, and raising your right hand. All those opposed, say nay and raise your right hand, the vote is unanimous in favor of this motion.

Rick made a statement in support and recognition of Director Brady's efforts and expertise to make this happen.

Question about quorum with the members leaving prior to the vote. By Brian Hawkins, Chapter 182. Do we need to take a roll call, consensus, they were in the room when we started the meeting.

Meeting adjourned in proper form, by Director at 2:30 p.m.

Respectfully submitted by

Mary Lou Melton

ALR State Secretary 2018-2019