

# MARINE CORPS VETERANS ASSOCIATION OUTER BANKS PLATOON BYLAWS



**For official Marine Corps Veterans Association use only. All other use is prohibited.**

## **SECTION 1**

**Purpose:** The purpose of these bylaws is to set forth guidance for the operations and administration of the Marine Corps Veterans Association Outer Banks Platoon (hereafter referred to as the “organization” or “platoon”) as established in its Articles of Organization. Such operations and administration shall be conducted in accordance with the bylaws of the Marine Corps Veterans Association (hereafter referred to as the “parent organization”) and instructions established and promulgated herein.

## **SECTION 2**

**Membership:** There are two distinct categories of membership, defined as follows:

1. Regular Membership. Regular membership shall be limited to active-duty and honorably discharged Marines, or Navy Corpsmen who have honorably served or are currently serving with Fleet Marine Forces. Applicants for regular membership may have served in either the regular or reserve establishments provided that they have served for a continuous period on active duty for a minimum of 90-days. In addition, a minimum of one-day of the applicant's service must have been during time of war. These dates are statutorily prescribed, may be amended by competent federal authority from time to time, and are currently: 7 December 1941 through 31 December 1946; 27 June 1950 through 31 January 1955; 5 August 1964 through 7 May 1975, and; 2 August 1990 through the present day, and;

2. Associate Membership. Associate membership applies to those who do not meet the criteria established above for regular membership. This includes Marines and Navy Corpsmen who have served with Fleet Marine Forces whose service was characterized as honorable but was not during time of war as described in Section 2.1, those who have served honorably in other branches of the armed forces regardless of whether such service was during time of war, and those with no record of past or present military service. As statutory limits apply to those who do not meet the requirements for regular membership, all applications for associate membership will be considered on a case-by-case basis and must be approved by both the organization and parent organization.

## **SECTION 3**

**Membership Dues and Privileges:** Membership dues shall be established, assessed, and collected on an annual basis from each member. The platoon will fix the amount of its annual membership dues which will include dues and fees that are assessed by the parent organization. All members must remain current in their annual dues payments to be considered in an active status. Those members who have not paid their dues will continued to be carried on the organization's Register of Members in a delinquent status until the next scheduled business meeting, however such members will not be permitted to cast a vote for the election of officers or in matters presented to the membership at business meetings. Following this period, members remaining in a delinquent status shall be dropped from the membership rolls. In cases where members are experiencing financial hardship or distress, membership dues may be paid by the organization as an act within the purview of the organization's charitable mission. Such cases will be considered on a case-by-case basis at business meetings and will be subject to approval of

the organization membership.

#### **SECTION 4**

**Register of Members:** A complete listing of organization's members shall be maintained in the platoon's Register of Members by the platoon sergeant. This register shall be used as the primary document to provide evidence a veteran's service, as the organization does not maintain copies of any member's DD Form 214. The Register of Members shall include each member's complete name, branch of service, dates of service, membership status, membership expiration date, current address and contact information.

#### **SECTION 5**

**Membership Report:** A numerical tabulation of the platoon's membership will be prepared and submitted by the platoon sergeant to the parent organization as part of business meeting minutes in order to ensure the organization maintains the statutory membership requirements for a nonprofit war-veterans organization under the provisions of Sections 501(c)(19), 170(c)(3), and 2522(a)(4) of the Internal Revenue Code of 1986, as now enacted or hereafter amended. In addition, this document will also be made available to the parent organization at any other time upon request. A sample of the Membership Report is provided at Exhibit (A).

#### **SECTION 6**

**Elected Officers:** The management and affairs of the platoon shall be at all times under the cognizance of the organization's elected officers, whose operations in governing the organization shall be carried out with diligence, and in accordance with appropriate statutes, the Articles of Organization, and these bylaws. The platoon officers shall consist of, in order of seniority: platoon commander; platoon sergeant, and; paymaster sergeant. All officers must be regular members in an active status as defined in Sections 2 and 3 and shall be elected by the membership to a two-year term. Elections and installation of these officers will take place at the organization's first quarter business meeting during an election year. Should any office become vacant for any reason, the senior officer remaining may appoint a member to the vacant office to serve until such time that the next election and installation cycle is reached. Specific duties for each office are set forth as follows:

1. Platoon Commander: The platoon commander shall serve as the organization's president and chief executive officer. The platoon commander's duties include directing all organizational activities, presiding at all business meetings, and ensuring compliance with these bylaws and with the bylaws and instructions provided by the parent organization;

2. Platoon Sergeant: The platoon sergeant shall serve as the organization's secretary and shall keep accurate records of all meetings (also known as meeting minutes), maintain the Register of Members, and prepare the Membership Report as prescribed in Section 5. The platoon sergeant shall also ensure that a copy of these three documents, along with the paymaster sergeant's balance sheet is provided to the president and treasurer of the parent organization within fifteen (15) calendar days of its presentation at a business meeting by means of e-mail, fax, or postal delivery, and;

3. Paymaster Sergeant: The paymaster sergeant shall serve as the organization's treasurer and shall be responsible for the custody of all organizational funds, the collection and deposit of membership dues, the disbursement of funds for accounts payable, and the maintenance of accurate fiscal records, including all banking statements. The paymaster sergeant shall also prepare and present a financial report at each business meeting. This report shall consist at the minimum of a balance sheet, a sample of which is provided at Exhibit (B).

#### **SECTION 7**

**Appointed Officers:** The organization's platoon commander may appoint other regular or associate members to perform specific duties within the platoon. These may include, but are not limited to, such billets as web sergeant, quartermaster sergeant, armorer, mess sergeant, and sergeant-at-arms. Those appointed to such billets shall serve for an unspecified period, solely at the pleasure of the platoon commander, with required duties to be specified upon appointment.

#### **SECTION 8**

**Compensation of Officers:** Officers of this organization shall not receive compensation for the performance of any duties related to their respective office as defined in Section 6.

#### **SECTION 9**

**Business Meetings:** Business meetings shall be held at a minimum of once each quarter during the fiscal year with the exact dates, times, and locations to be determined by the membership. Notifications of upcoming meetings will be provided to the membership via e-mail and/or other means of communication as deemed appropriate. Meeting information will also be available on the organization's website and through social media assets. These meetings will be open to all members of the organization, to members of the parent organization, and to those interested in becoming members. Meetings shall be conducted in accordance with Robert's Rules of Order with an agenda consisting of a roll call, a reading of the minutes of the previous meeting, reports from organization officers, old business, new business, announcements, and adjournment.

#### **SECTION 10**

**Quorum for Meetings:** The presence of ten-percent (10%) of the those on the platoon's Register of Members in an active status, including a minimum of two (2) officers as defined in Section 6 shall constitute a quorum for the purpose of conducting official business. All business so conducted shall be considered legal and binding to the membership.

#### **SECTION 11**

**Federal Tax Identification Number:** The platoon, as a Class-A organization of the Marine Corps Veterans Association, will not have its own federal tax identification number (also known as an EIN). Rather, it will use the EIN of its parent organization in the conduct of all business. This number shall be provided to organizations, institutions, and individuals upon request as required by federal, state, and local statutes.

#### **SECTION 12**

**Fiscal Matters:** The platoon's fiscal year shall commence on 1 January and end twelve months

later on 31 December with fiscal records being kept on a cash basis. As a Class-A organization of the Marine Corps Veterans Association, all banking accounts, including but not limited to, bank statements and online access to all information with respect to those account records, are subject to the review of the parent organization's president and treasurer. In addition, any inquiry from the parent organization's president or treasurer with respect to fiscal matters must be responded to by the platoon within ten (10) calendar days. This fiscal oversight is necessary since the platoon is using the parent organization's EIN and as such, the parent organization is ultimately responsible to ensure accuracy of records and compliance with all applicable statutes.

### **SECTION 13**

**Federal Reporting Requirements:** The platoon, as a Class-A organization of the Marine Corps Veterans Association, will not file its own Return of Organization Exempt from Income Tax form (also known as IRS Form 990) as its fiscal records shall be included as part of the parent organization's filing requirement.

### **SECTION 14**

**Unrelated Business Income:** The platoon shall not engage in any activity that results in the generation of Unrelated Business Income (UBI), that is activities that are regularly carried-on which generate income not substantially related to furthering the exempt purpose of the organization. Should any unintentional UBI be generated by the organization, the organization shall immediately pay to the parent organization or the appropriate government agency, the amount of any such taxes, penalties, or fees that have been assessed as a result of such acts.

### **SECTION 15**

**Expenditure of Funds for Business Supplies:** Organization officers are authorized to use organizational funds to purchase items in order to conduct routine business operations, provided such purchases do not exceed \$200. Examples of items required for routine business operations include paper, computer ink or toner cartridges, envelopes, postage, and similar items. Business supply expenditures in excess of \$200 must be approved by the membership at a regularly scheduled business meeting.

### **SECTION 16**

**Expenditure of Funds for Other Purposes:** The expenditure of funds, except for the purchase of business supplies as provided in Section 15, must be approved by the organization membership at regularly scheduled business meeting. Should an unanticipated and urgent need for the expenditure of funds arise, and the next regularly scheduled business meeting is greater than ten (10) calendar days forthcoming, the expenditure of funds in the amount of not more than \$500 may be authorized by unanimous consent of the organization's elected officers, provided such expenditure is in the best interests of the organization by furthering its exempt purposes.

### **SECTION 17**

**Reimbursement of Expenses:** The reimbursement of expenses incurred by officers or members is authorized, provided that a legible receipt is submitted to the paymaster sergeant and that the

expense is related to the administrative maintenance of the organization, or to the organization's operational activities as specified in Section 18.

## **SECTION 18**

**Operational Activities:** The organization will operate as a nonprofit war-veterans organization within the provisions of Section 501(c)(19) of the Internal Revenue Code of 1986, as now enacted or hereafter amended. Authorized activities shall include:

1. Veteran Service Activities. These are activities that promote the organization's exempt purpose by performing service to assist veterans and their respective families. Examples of these activities include, but are not limited to, providing visitation and entertainment activities to hospitalized veterans, and providing necessary resources or services to veterans during a time of crisis or urgent need;

2. Public Service Activities. These are activities that promote the organization's exempt purpose by performing service that further the common good and general welfare of the people of the community. Examples of these activities include, but are not limited to, participation in the Toys for Tots and Adopt-A-Beach programs, and the participation at local ceremonies or parades as a member of a color guard;

3. Educational Activities. These are activities that promote the organization's exempt purpose by performing activities which educate the general public. Examples of these activities include, but are not limited to, instructing students on topics such as flag etiquette and American history, and providing information to the general public at local events about the organization, its mission, and its charitable works;

4. Patriotic Activities. These are activities that promote the organization's exempt purpose by performing activities of patriotic nature. Examples of these activities include, but are not limited to, participating in or hosting ceremonies on days of importance to our identity as Americans such as Independence Day, Armistice Day, Pearl Harbor Day, and Patriots Day;

5. Social Activities. These are activities that promote the organization's exempt purpose by providing social interaction between its members for the purpose of building the level of camaraderie and *esprit-de-corps* that our members experienced while on active service, and to foster that spirit to inspire teamwork to the benefit of veterans and our local community. Examples of these activities include, but are not limited to, our monthly Leatherneck Breakfast and the annual event in celebration of the Marine Corps birthday;

6. Memorial Activities: These are activities that promote the organization's exempt purpose by performing activities that honor deceased veterans. Examples of these activities include, but are not limited to, participating in or hosting public services on Memorial Day, participating in the burial services of a veteran as an unrelated mourner or pallbearer, serving as a member of an honor guard at the funeral services of a veteran, and decorating the graves of deceased veterans, and;

7. Charitable Activities: These are activities that promote the organization's exempt purpose by providing charitable donations to other organizations that assist disabled and needy veterans and members of the Armed Forces and their dependents, to organizations that assist and comfort the widows and orphans of deceased veterans, to organizations that provide entertainment, care, and assistance to hospitalized veterans or members of the United States Armed Forces, or to organizations that promote the common good and general welfare of the people of the community. Examples of organizations that provide such activities include, but are not limited to, the United Service Organizations, the Blue and Gold Star Mothers, the Wounded Warrior Project, the Boy Scouts of America, the Toys for Tots Foundation, the Navy-Marine Corps Relief Society, and the U.S. Marines Youth Foundation.

#### **SECTION 19**

**Contractual Obligations:** The organization shall not enter into any contractual obligation in excess of \$500 without the express written consent of the parent organization.

#### **SECTION 20**

**Employees:** The organization shall not hire any employee without the express written consent of the parent organization.

#### **SECTION 21**

**Uniforms:** There is no requirement for a member to purchase any uniform items, however it is highly recommended that members purchase at least the garrison cover with the appropriate cover ornament and a polo shirt, all of which are available through the parent organization. However, members desiring to participate in platoon activities where it is vital to present a uniform and professional appearance to the public will be required to wear the uniform that is prescribed for the particular activity by the platoon commander. Examples of activities in which a complete uniform will be required include, but are not limited to, color guards and honor guards. In all cases where uniform items are worn, members will ensure compliance with the parent organization's uniform regulations and will conduct themselves in a professional manner.

#### **SECTION 22**

**Awards:** Awards authorized to cite members for organizational service and in recognition of meritorious acts and deeds are prescribed in, and will be awarded and worn in accordance with, the uniform regulations of the parent organization. In addition, the organization may utilize a locally produced Certificate of Appreciation to recognize both organizational members and members of the public for noteworthy or patriotic efforts.

#### **SECTION 23**

**Identifying Emblems:** Identifying emblems utilized by this organization shall be prescribed by the parent organization and include a distinctive garrison cover, an appropriate garrison cover ornament for both regular or associate members, and the distinctive Marine Corps Veterans Association logo that is embroidered upon uniform items and shoulder patches. Examples of a number of these items are illustrated at Exhibit (C).

**SECTION 24**

**Donations and Grants:** Donations and grants to the organization to further its established mission shall be accepted from persons, foundations, and lawfully established entities. As the association is organized under the provisions of a nonprofit war-veterans organization, such donations are tax deductible as permitted by law under Section 170(c)(3) of the Internal Revenue Code. A record of each donation shall be maintained by the paymaster sergeant, and any donor shall receive a written receipt detailing their respective contributions upon request.

**SECTION 25**

**Non-Liability and Indemnification:** No officer, member, volunteer, employee, or their respective personal representatives shall be liable towards any of the organization's debts or obligations nor shall they be personally liable for a claim based upon an act or omission that was performed in good faith in the discharge of their respective duties, except those involving a breach of loyalty to the organization, acts or omissions involving intentional misconduct or knowing violation of the law, or any transaction from which improper personal benefit is derived. Furthermore, every officer and their personal representatives shall be indemnified by the association against all costs and expenses reasonably incurred or imposed in connection with any action, suit, or proceeding to which they have been made a party by reason of currently serving or having served as an officer of the association, except for acts performed in bad faith or involving willful misconduct. Costs and expenses shall include but are not limited to attorney's fees, damages, and reasonable amounts paid in settlement.

**SECTION 26**

**Website and Social Media:** The platoon shall utilize both website and social media resources to advise members of activities, and to inform the public of the organization's mission, programs, activities, accomplishments, and charitable works.

**SECTION 27**

**Custodian of Bylaws:** The organization's platoon sergeant shall retain the original signed copy of these bylaws in his possession and ensure that any additions or amendments are incorporated therein.

**SECTION 28**

**Amendment of Bylaws:** These bylaws may be amended by a majority vote of the membership. Proposed amendments shall be submitted in writing at least 30-days prior to any vote by the membership.

**SECTION 29**

**Certification:** The undersigned, acting as the organizing officer of the Marine Corps Veterans Association Outer Banks Platoon, hereby approve these bylaws on behalf of the membership.

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Robert J. Yanacek

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Date

# MARINE CORPS VETERANS ASSOCIATION OUTER BANKS PLATOON MEMBERSHIP REPORT

31 October 2018

The following is a tabulation of the veteran status of those on the platoon's Register of Members for the date shown:

Marine Veterans	2
Navy Veterans (FMF Corpsmen)	0
Navy Veterans (Other)	0
Army Veterans	0
Air Force Veterans	0
Coast Guard Veterans	0
Non Veterans	0
<b>Total Membership</b>	<b>2</b>
<b>Percent Veteran Membership</b>	<b>100.00%</b>

War-Veterans	2
Non War-Veterans	0
<b>Total Membership</b>	<b>2</b>
<b>Percent War-Veteran Membership</b>	<b>100.0%</b>

**EXHIBIT (A)**

**MARINE CORPS VETERANS ASSOCIATION  
OUTER BANKS PLATOON  
BALANCE SHEET**

31 October 2018

**Assets**

Current Assets

1010 Operational Account	\$500.00
1020 Scholarship Account	\$150.00
1030 Imprest Account	\$25.00
1110 Membership Dues	\$25.00
1120 Donations	\$0.00
1130 Grants	\$0.00

**Total Current Assets** **\$700.00**

**Liabilities**

Current Liabilities

2010 Membership Dues	\$25.00
2011 Other Dues	\$0.00
2110 Grants	\$0.00
2120 Donations	\$0.00
2210 Fees	\$10.00
2310 Postage and Supplies	\$5.00
2320 Equipment	\$0.00
2410 Marketing	\$0.00

**Total Current Liabilities** **\$40.00**

**Equity**

3010 Member Equity	<u>\$660.00</u>
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**Total Equity** **\$660.00**

**Total Liabilities and Equity** **\$700.00**

**EXHIBIT (B)**

# MARINE CORPS VETERANS ASSOCIATION IDENTIFYING EMBLEMS



Garrison Cover (Left Side)



Garrison Cover (Right Side)



Garrison Cover Embroidery



Regular Member Garrison Cover Ornament



Associate Member Garrison Cover Ornament



Marine Corps Veterans Association Patch



Embroidered Logo