

**American Legion Auxiliary
Department of Nebraska**

**Advisory Committee Meeting – Pre – Mid Year Conference
Divots Conference Center, Norfolk, Nebraska
January 7, 2010**

The Advisory Committee of the American Legion Auxiliary, Department of Nebraska, met on Thursday, January 7, 2010, at the Divots Conference Center in Norfolk, Nebraska.

The meeting was called to order at 10:55 a.m. by Acting Chairman Roxanne Hiatt. The Invocation was given by committee member, Gayla Schmid. The Pledge of Allegiance was led by committee member Gayla Schmid. A welcome was given by Acting Chairman Roxanne Hiatt. The minutes of the previous Advisory meeting were accepted as printed.

Present were: Acting Chairman, Roxanne Hiatt Department President, Carol Ulrich
Member, Gayla Schmid Department Secretary, Jacki O'Neill
Member, Marva Kasl via telephonic conference

RESOLUTIONS PRESENTED TO ADVISORY COMMITTEE

Resolution No 1 – Conflict of Interest Policy

WHEREAS, the National Finance Committee has recommended that Departments develop and adopt a Conflict of Interest Policy; and

WHEREAS, when the Sarbanes-Oxley Act was signed in July, 2002, significant changes to financial practices and governance regulations were introduced. Although not directly applicable to the nonprofit sector, the National Council of Nonprofit Associations recognizes some common sense applications that can be adopted by nonprofits; and

WHEREAS, the American Legion Auxiliary National Headquarters has provided their conflict of interest policy and related questionnaires; therefore be it

RESOLVED, that the Department of Nebraska adopt the attached Conflict of Interest Policy, and be it further

RESOLVED, that each Employee and Officer read the policy and complete the Disclosure Questionnaire annually by August 1.

ACTION: Gayla Schmid moved to accept this recommendation as written. Motion seconded and carried. Forwarded to Finance.

Resolution No 2 – Fraud Policy and Whistleblower Guidelines

WHEREAS, the National Finance Committee has recommended that Departments develop and adopt a Fraud and Whistleblower Policy; and

WHEREAS, when the Sarbanes-Oxley Act was signed in July, 2002, significant changes to financial practices and governance regulations were introduced. Although not directly applicable to the nonprofit sector, the National Council of Nonprofit Associations recognizes some common sense applications that can be adopted by nonprofits; and

WHEREAS, the American Legion Auxiliary National Headquarters has provided their fraud policy and whistleblower guidelines; therefore be it

RESOLVED, that the Department of Nebraska adopt the attached Fraud Policy and Whistleblower Guidelines.

ACTION: Marva moved to accept this recommendation as written. Motion seconded and carried. Forwarded to Finance.

Resolution No 3 – VA&R Standing Rule 14

WHEREAS, Standing Rules, Veterans Affairs and Rehabilitation (VA&R) number 14 states, “The Gold Star annual gifts shall be as follows: A total of \$2,100 annually to be divided on a per member basis among each of the two (2) Veterans Administration Medical Centers and four (4) Nebraska Veteran’s Homes, to be figured May 1 utilizing the Liberty Express census and VA Medical Center Representative reports (yearly average).”; and

WHEREAS, the purpose of Gold Star donations is not stated; and

WHEREAS, annual donations do not meet the annual amount of \$2,100: therefore be it

RESOLVED, that the annual Gold Star distributions be based on estimated actual Gold Star donations in an amount equal to the prior year actual, and be it further

RESOLVED, that Standing Rules, Veterans Affairs and Rehabilitation (VA&R) number 14 be amended to state, “The Gold Star annual gifts shall be as follows: (a) A total amount equal to the prior year’s actual donations to be divided on a per member basis among each of the two (2) Veterans Administration Medical Centers and four (4) Nebraska Veteran’s Homes, to be figured May 1 utilizing the Liberty Express census and VA Medical Center Representative reports (yearly average) (b) The allocated amount to be used for gifts for Veterans”

ACTION: Roxanne Hiatt moved to amend this recommendation by striking the last sentence; (b) The allocated amount to be used for gifts for Veterans. Motion to amend was seconded and accepted. Marva moved to accept this recommendation as amended. Motion seconded and carried. Forwarded to Finance.

Resolution No 4 - VA&R Standing Rule 12

WHEREAS, Standing Rules, Veterans Affairs and Rehabilitation (VA&R) number 12 states, “Items carried in the Veterans Affairs and Rehabilitation Fund under the heading “Recreation and Bingo” shall be called “Recreation”. These funds to be expended by Medical Center Representatives for recreation not to exceed 50 cents per patient per month. The patient load must be reported to the Department Secretary at the beginning of each month”; and

WHEREAS, patient loads have not been reported to the Department Secretary and recreation funds have not been requested by the VAMC representatives; and

WHEREAS, Standing Rules, Veterans Affairs and Rehabilitation (VA&R) number 13 states, “\$2,500 is allowed from Veterans Affairs and Rehabilitation Fund to conduct recreation and entertainment activities at the Nebraska Veterans Homes, said funds to be divided on a per-member ratio using the Liberty Express census on August 1st each year”; and

WHEREAS, annual donations do not meet the annual amount of \$2,500 specified in VA&R number 13 nor are they sufficient to fund 50 cents per patient per month specified in VA&R number 12; therefore be it

RESOLVED, that Standing Rules, Veterans Affairs and Rehabilitation (VA&R) number 12 stating, “Items carried in the Veterans Affairs and Rehabilitation Fund under the heading “Recreation and Bingo” shall be called “Recreation”. These funds to be expended by Medical Center Representatives for recreation not to exceed 50 cents per patient per month. The patient load must be reported to the Department Secretary at the beginning of each month” be deleted and be it further

RESOLVED, that the annual recreation distributions from recreation donations (number 13) be based on estimated actual recreation donations in an amount equal to the prior year actual, and be it further

RESOLVED, that Standing Rules, Veterans Affairs and Rehabilitation (VA&R) number 13 be amended to state, “Recreation distributions shall be as follows: (a) A total amount equal to the prior year’s actual donations to be divided on a per member basis among each of the four (4) Nebraska Veteran’s Homes, to be figured August 1st utilizing the Liberty Express census (b) The allocated amount to be used to conduct recreation and entertainment activities at the Nebraska Veterans Homes”

ACTION: Gayla moved to reject this recommendation as written. Motion seconded and carried. Recommendation returned to original submitter for revision.

Resolution No 5 – Changing the interest accrued date for the Ruby Lorraine Paul Scholarships

WHEREAS, The interest is accrued on a principal invested amount that has been deposited in a money market account at Mutual of Omaha Banking facility with restricted use of funds,

WHEREAS, A scholarship is awarded from each of the above mentioned accounts on a yearly basis.

WHEREAS, The wording currently states under Education paragraphs 6 and 7, page 175 of the 2009- 2010 ABC Book, **The amount awarded will be based on the interest accrued from May 1 to April 30 on the invested principal,**

WHEREAS, The current banking facility calculates the interest accrued on a quarterly system with March 31st being one of the cutoff dates,

WHEREAS, The Department Headquarters has on file a signed approval of these date changes from Richard Paul who originally set forth the above provisions,

THEREFORE be it RESOLVED, By the American Legion Auxiliary, Department of Nebraska, Department Executive Committee that the above highlighted words be changed to read; The amount awarded will be based on the interest accrued from April 1 to March 31 on the invested principal.

RESOLVED, That this recommendation become effective immediately.

ACTION: Marva moved to accept this recommendation as written. Motion seconded and carried. Forwarded to Finance.

Resolution No 6 – Changing National’s Unit Handbook transmittal of dues

WHEREAS, membership dues generate a major portion of the funds needed to operate our programs on the Unit, Department and /or national level; and

WHEREAS, the Department of Nebraska has established a weekly transmittal of National per capita dues to the National organization;

WHEREAS, promptly and once each month do not justify one another;

THEREFORE, Be it resolved that the above references to transmittal of dues to the national organization be amended to read **on a weekly basis**.

ACTION: Gayla moved to reject this recommendation as written, at this time. Motion seconded.

After much discussion on the changes that the national organization plans to implement with the way we handle the membership process, it was unanimously decided to reject this resolution until the new system is up and running. Motion carried.

Resolution No 7 –Rewording of previous request forwarded to Girls State

WHEREAS, The Department of Nebraska requested that the Cornhusker Girls State committee change the words highlighted in the paragraph below:

“Following the annual Department Convention, the newly elected Department President of the American Legion Auxiliary of Nebraska shall appoint the officers of Girls State, namely: Chairman, First and Second Vice Chairman, Secretary, Treasurer and the Fifth member of the Advisory Committee, with the approval of the Department Executive Committee. The Chairman, First Vice Chairman and Second Vice Chairman **shall be active Unit members invested in the American Legion Auxiliary**. The directors shall be appointed by the newly appointed Chairman of Girls State, with the approval of the Department President. The Directors shall serve for a period of one year and until their successors are appointed and qualified.

WHEREAS, The Department of Nebraska Cornhusker Girls State committee voted not to make the changes and the highlighted words were changed to the former words, “ shall be members in good standing with the American Legion Auxiliary”, and resubmitted this recommendation to the American Legion Auxiliary Department Executive Board at the June 2009 Convention.

WHEREAS, The Department of Nebraska American Legion Auxiliary Department Executive committee voted not to accept the Department of Nebraska Cornhusker Girls State request and resubmitted their original recommendation to the Department of Nebraska Cornhusker Girls State committee for reconsideration.

WHEREAS, The Department of Nebraska Cornhusker Girls State committee voted to accept the wording as previously recommended by the Department of Nebraska American Legion Auxiliary Department Executive committee.

THEREFORE be it RESOLVED, By the American Legion Auxiliary Department of Nebraska, Department Executive committee that the following paragraph replace Article IV paragraph 2 of the Constitution and Bylaws of the American Legion Auxiliary Girls State, Inc. Department of Nebraska (Cornhusker Girls State). “Following the annual Department Convention, the newly elected Department President of the American Legion Auxiliary of Nebraska shall appoint the officers of Girls State, namely: Chairman, First and Second Vice Chairman, Secretary, Treasurer and the Fifth member of the Advisory Committee, with the approval of the Department Executive Committee. The Chairman, First Vice Chairman and Second Vice Chairman shall be active Unit members invested in the American Legion Auxiliary. The directors shall be appointed by the newly

appointed Chairman of Girls State, with the approval of the Department President. The Directors shall serve for a period of one year and until their successors are appointed and qualified; and, be it further

RESOLVED, That this resolution become effective with the 2010 – 2011 administrative year.

ACTION: Gayla moved to accept this recommendation as written. Motion seconded and carried. Forwarded to Constitution and Bylaws for consideration at the June Convention for final approval.

Resolution No 8 – District Constitution, Article IV, Officers, Section 5

In the event of the death or resignation of the District President, the District Vice President shall fill said vacancy by appointment with the approval of the District Executive Committee and shall notify the Department Secretary of the appointment.

As stated above, our District has outlined the process by which we would continue to have in place a District President; however, it does not clarify what the District would do should both the District President and Vice President be unable to complete their term of office.

RECOMMENDATION:

When neither the District President nor the District Vice President is able to fulfill the duties of the office of District President, the District Secretary shall call a meeting of the District Executive Committee. The District Executive Committee shall appoint a County President or an active member of District to fill the office of District President for the remainder of the current term of office.

ACTION: The Advisory committee reviewed the **Uniform District Constitution**. Currently the Sections state **Section 5**. In the event of the death or resignation of the District President, the District Vice President shall immediately succeed to the office of the District President with written notification to the Department Secretary.

Section 6. In the event of the death or resignation of the District Vice President, the District President shall fill said vacancy by appointment with the approval of the District Executive Committee and shall notify the Department Secretary of the appointment.

ACTION: Gayla moved to reject this recommendation as written. Motion seconded and carried.

The committee discussed the duties of the Department Advisory Committee as listed in the Standing Rules. The Committee also discussed the need to change the current wording of the Standing Rules referring to the Advisory Committee if the Conflict of Interest and Fraud and the Whistle Blower policies come into effect.

With no further business to come before the Advisory Committee, Acting Chairman Roxanne Hiatt recessed the meeting at 11:45.

Roxanne Hiatt
Acting Department Advisory Chairman

Jacki O’Neill
Department Secretary-Treasurer