

## March Courier

I am very pleased to present to you the proposed, revised Brevard Veterans Council, Inc. by-laws for your reading pleasure and review. Many months of research, discussion, planning, writing and rewriting went into these by-laws and the Committee feels confident that they are prepared in such a way that will best serve our veterans and community. We will be reviewing them at the next General Membership meeting on Wednesday, March 11, 2020. If you have any questions or comments that I may address before that please feel free to email me at : [dwalshusa@gmail.com](mailto:dwalshusa@gmail.com). As these by-laws have been fully revised, we will be reviewing and approving them per Roberts Rules of Order: RONR (11th ed.) p. 569 - 570.

Special thanks go to the Governance Committee: Harry Beaver, Bob Doyle, Don Flamio, Doris Hendricks, Ernie Hoffman, Ray Norman and Ted Suzor. We didn't always immediately agree but we did compromise and come up with the best recommendation for the BVC. It was a great team effort. Thank you to Ted Schmid, Treasurer, for his input and advice as well as thanks to Don Pearsall, BVC Chairman and Dean Schaaf, VMC President for their ongoing support and encouragement.

For God and Country,  
Dorothy Walsh  
VMC Board of Directors Member  
Governance Committee Chairman

**Brevard Veterans Council, Inc.**  
**400 S. Sykes Creek Parkway**  
**Merritt Island, FL 32952**  
**2020 By-Laws**

**BREVARD VETERANS COUNCIL, Inc.**  
400 S. SYKES CREEK PARKWAY  
MERRITT ISLAND, FL. 32952-3547  
**BYLAWS**

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## **ARTICLE I - NAME**

**Section 1.** The name of this organization will be the Brevard Veterans Council, Incorporated, hereafter to be referred to as “the Council”.

**Section 2.** The Brevard Veterans Council, Inc. is a corporation organized under the laws of the State of Florida as shown by the records of the office of the State of Florida, Department of State, document number: 747128.

## ARTICLE II – OBJECTIVES

**Section 1.** The objectives of this organization will be to work in conjunction with the Board of County Commissioners, the State of Florida Legislative delegation, and veterans' organizations, military and civilian associations in Brevard County to:

- a. Promote the interests and welfare of military veterans and their dependents in Brevard County.
- b. Cooperate with the leadership of the Cape Canaveral National Cemetery to ensure the appropriate burial and internment of veterans. This may include, where feasible, assisting in or conducting a final burial service to honor each veteran.
- c. Support the maintenance and operation of the Veterans Memorial Center, Plaza and Park in Brevard County as a living memorial to all military veterans.
- d. Reawaken in citizens, through non-partisan, non-political and nonsectarian efforts and activities, a sense of pride in American traditions, ideals and accomplishments, and a new devotion and admiration for our Country.
- e. Increase the knowledge of citizens, particularly our children, concerning the Nation's cultural heritage, constitutional form of government, and National, State and local history.
- f. To provide scholarships for veterans, their spouses, children and their descendants. Details will be defined through the Scholarships Committee.

**Section 2.** The Council will ensure compliance with the objectives outlined in the State of Florida Department of State Articles of Incorporation document number 747128 and subsequent updates.

**Section 3.** The Council will ensure that compliance with the objectives, terms and conditions outlined in the Lease Agreement between the Board of County Commissioners of Brevard County and the Brevard Veterans Council, Inc. origination date April 28, 1998 and all subsequent renewals of lease agreements are adhered to and complied with.

## ARTICLE III - MEMBERSHIP

**Section 1.** Brevard Veterans Council is a 501(c)(19) organization under the IRS code and will maintain proper membership procedures and requirements.

**Section 2:** A veterans' post or organization must meet the following requirements to be exempt under IRC 501(c)(19):

- a) It must be organized in the United States or any of its possessions.
- b) At least 75% of the organization's members are present or former members of the United States Armed Forces (veterans).
- c) Of the remaining 25%, substantially all (90%) must be cadets who are students in a college or university Reserve Officers Training Corps (ROTC) program or at an Armed Services academy, or spouses, widows, widowers, ancestors, or lineal descendants of veterans or cadets.
- d) No more than 2.5% of the total membership may consist of individuals who are not veterans, cadets, spouses, widows, widowers, ancestors, or lineal descendants of veterans or cadets.
- e) Membership requirements may be changed by the Board of Directors but must be in accordance with IRS Code 501(c)(19) and approved by the general membership.

### **Example:**

An IRC 501(c)(19) organization consisting of 200 people must have at least 150 members who are past or present members of the Armed Forces of the United States (75% x 200) and cannot have more than 5 members (2 1/2% x 200) who are neither past or present members of the Armed Forces nor cadets, spouses, widows, or widowers of such persons.

**Section 3.** There are two types of memberships: Life Member (individual) and Organizational Member. Each membership will be required to pay the appropriate dues amount (Article 4.2) when submitting their application for review.

**Section 4.** There will be two classes of gratis memberships in the Council, both of which shall be issued by resolution of the Council and shall not be countable against any required percentages of membership.

- (a) Honorary memberships may be awarded by resolution on a case by case basis to persons who have performed outstanding services in support of veterans.

(b) Memorial memberships may be awarded by resolution to spouses of deceased Life Members of the Council.

(c) Honorary/Memorial members will be exempt from payment of dues, but will not be entitled to make motions for, or vote on, issues before the Council, or to hold elective office in the Council. They may, however, engage in debates on issues before the Council.

**Section 5.** Voting rights of member organizations and individuals:

(a) Member organizations/associations are each entitled to one vote, on business matters before the Council.

(b) Individual members are entitled to one vote each on business matters before the Council.

(c) No one individual shall be authorized to represent more than one organization or individual for voting purposes.

**Section 6.** All applications for Membership must be:

- a) Presented for review to the Membership Chairman by the 1<sup>st</sup> of the month in order to be reviewed and presented for approval at the next General Membership Meeting.
- b) The Membership Chairman will, at a minimum, review the application and papers for eligibility and perform the required background check as outlined in the Membership Processing standard operating procedure manual.
- c) Approved by a majority vote of those members present and voting at a regularly scheduled General Membership Meeting of the Council.
- d) Approved memberships will be effective beginning with the next regular General Membership Meeting.

**Section 7.** The Membership Chairman will report at each General Membership meeting the current number of members and the percentages needed to maintain compliance with 501(c)(19) requirements.

**Section 8.** A Life Member or Organizational member may cancel their membership at any time by submitting their request in writing to the Membership Chairman.

**Section 9.** Membership records will be maintained in a secure file cabinet in the Administrative Offices of the Veterans Memorial Center.

## ARTICLE IV - DUES

**Section 1.** The Brevard Veterans Council, Inc. operates on a Calendar year, 1 January to 31 December of the current year.

**Section 2.** Dues for Lifetime and Organizational membership types shall be a one-time payment of \$100.00 for the applicant's lifetime membership or until membership is cancelled by either party. Dues payments are not refundable.

**Section 3.** Dues amount may be changed by the decision of the Board of Directors.

**Section 4.** There are two classes of gratis memberships in the Council, Honorary and Memorial, both of which shall be issued by resolution of the Council and shall **not** be countable against any required percentages of membership.

**Section 5.** Dues payment for membership in the Brevard Veterans Council, Inc. also entitles the applicant to membership in the Veterans Memorial Center, Inc.



## **ARTICLE V - BOARD OF DIRECTORS**

**Section 1.** There shall be a Board of Directors composed of the elected and appointed Officers of the Council, (Chairman, Vice Chairman, Secretary, Treasurer, Chaplain, Judge Advocate), nine (9) elected Directors and the immediate Past Chairman of the Council who shall be a member Ex-Officio.

**Section 2.** The Executive Committee is comprised of the elected officers of the Council; Chairman, Vice-Chairman, Secretary and Treasurer. Updates of Executive Committee activities will be made at the following Board of Directors meeting.

**Section 3.** The nine (9) Directors shall be elected from the Life Member veteran organizations or from among the Life Members of the Council at large. All elected and appointed Directors of the Council must also be individual dues-paying members of the Council.

**Section 4.** Initially three will be elected for three years, three to be elected for two years and three to be elected for one year. Thereafter, three shall be elected at each annual meeting of the Council for three-year terms. No elected or appointed Director shall serve simultaneously as an elected Officer of the Council. No organization or association will have more than one elected Director on the Board at any one time.

**Section 5.** The Chairman of the Council shall serve as the Chairman of the Board of Directors.

**Section 6.** The mission of the Board of Directors is to conduct the business of the Council.

**Section 7.** Decisions made by the Board of Directors will be reported to the Council at the next regularly scheduled General Membership Meeting.

**Section 8.** Regularly scheduled Board of Directors meetings will be held the first Monday of the month at 0900 hours at the Veterans Memorial Center. The date and or time may be changed by the Council Chairman as needed and appropriate notice given to the membership.

**Section 9.** Meeting agenda items will be accepted by the secretary up to five (5) days prior to the meeting. Chairmen of Standing Council committees will report and update on their activities and forward a copy of their report to the secretary to

ensure accuracy of minutes.

**Section 10.** Board meeting minutes will be emailed to Board members within one week of the meeting for review and comments. Corrected minutes will be emailed to Board members one week prior to the monthly meeting.

**Section 11.** A quorum for the conduct of a Board meeting shall be a simple majority of the voting Board membership (which is 16 total).

**Section 12.** Should a Board vacancy occur, the Chairman of the Council may appoint a replacement. In the instance that the vacancy is that of the Chairman, the Vice Chairman will assume the Chairman position and appoint a Vice Chairman.

- a. When it is an elective office, the appointment will be ratified at the following Board of Directors meeting and reported at the General Membership Meeting.

**Section 13.** There are certain expectations of members of the Board of Directors.

- a. Attend the monthly Board of Directors and General Membership meetings. Except for emergencies, absences will be excused with prior coordination with the Council Chairman, Vice Chairman or Secretary.
- b. Attend Council events supported or sponsored by the organization
- c. Sit on and participate in at least two (2) committees.
- d. Be trained as a Manager on Duty (MOD) and be prepared to fill in as needed.
- e. Be trained as a Museum Docent and be prepared to fill in as needed.

## **ARTICLE VI OFFICERS AND DUTIES**

**Section 1.** The elected Officers of the Council shall be a Chairman, a Vice Chairman, a Secretary, and a Treasurer. These Officers shall be elected annually for a term of one year. All elected officers of the council will be individual members of the Council in good standing.

**Section 2.** The appointed officers of the Council shall be a Chaplain, and a Judge Advocate. These appointed officers may sit as a member of the Board of Directors but will not have a vote unless they are individual dues-paying life members of the council.

**Section 3.** There shall be an assistant secretary and assistant treasurer who will be appointed but will not be a member of the Board of Directors unless voted or appointed as a Board of Directors member.

**Section 4.** An elected or appointed Officer is prohibited from serving simultaneously as an elected or appointed Director.

**Section 5.** Paid staff of the Council shall be prohibited from serving simultaneously as an appointed or elected officer or Board of Directors member. However, he/she can serve as a Committee Chairman.

**Section 6.** The Chairman of the Council, or in the Chairman's absence the next highest Officer, shall preside at all regular, special and Board meetings of the Council. The Chairman shall maintain order and dispatch such business as may legally come before him or her. The Chairman shall perform all other duties that may reasonably be assumed to be incidental to his or her office.

**Section 7.** The Vice Chairman, Secretary and Treasurer, in the order named, shall perform duties of the Chairman in the event of his/her absence or, if he/she should die, resign or be removed, until his/her successor is appointed or elected.

**Section 8.** The Secretary shall keep a true and complete record of all business conducted by the Council, including the minutes of regular, special and Board meetings. The secretary shall notify the membership of regular and special meetings as well as prepare and distribute the agenda prior to said meeting.

**Section 9.** The Treasurer shall deposit all money received in the appropriate financial account in the name of the Council. Treasurer shall make authorized

disbursements by checks or vouchers signed by the Officers so authorized in Article VI Section 10 below. The Treasurer shall keep a system of accounts approved by the Board of Directors and shall preserve all receipts and checks or vouchers for payments made. The Treasurer shall provide a report of income received and outgoing expenditures with the balances of accounts for the previous month to the Council Board of Directors monthly and will give an oral report at each regular General Membership meeting. The Treasurer shall submit a financial review of all accounts to the Council Board of Directors no later than the first regular General Membership meeting, following the last day of June each year and prior to the installation of officers for the coming year.

**Section 10.** All checks or vouchers in excess of \$250 issued by the Council must be signed by any two of the following: Chairman, Vice-Chairman, Treasurer, Ass't Treasurer or Operations Director.

**Section 11.** The Judge Advocate, upon the request of the Chairman of the Council, shall render an opinion upon all parliamentary questions, upon any question arising out of any dispute upon the floor of the assembly, or concerning the interpretation of the Bylaws of the Council. Upon receipt of his or her opinion, the Chairman shall announce his or her ruling or decision, which need not be in accordance with the opinion of the Judge Advocate, and such decision shall be final and binding upon the Council unless it is over-ruled by a two-thirds vote of the Council and members present and voting upon an appeal from such decision.

**Section 12.** The Chaplain shall render appropriate religious services at meetings of the Council on request of the Chairman and conduct religious services for deceased veterans at Brevard County Cemeteries when requested and is available.

**Section 13.** The Sergeant-at-Arms is an appointed position and oversees: a) set up of the room before the General Membership meeting starts, b) that everything is in order before the General Membership meeting begins, c) order during the General Membership meeting and d) that the room is put back in order at the end of the General Membership meeting.

## ARTICLE VII - NOMINATIONS AND ELECTIONS

**Section 1.** The election of Officers (Chairman, Vice-Chairman, Secretary and Treasurer) and open Board of Directors positions of the Brevard Veterans Council (BVC) shall be held at the annual membership meeting of the BVC in June each year.

**Section 2.** A Nominating Committee, consisting of one (1) Chairman and two (2) committee members, will be appointed by the Council Chairman with the concurrence of the Board of Directors at the regular General Membership meeting in April. The nominating committee members; a) will be Council members in good standing, b) will be Council members at large or Board of Directors members, c) will not be part of the current Executive Committee and d) will not be up for election or re-election in the upcoming election.

**Section 3.** The committee will canvas the Commanders/Presidents of Life Member Organizations of the Council and also the membership of the Council at large for eligible members in good standing who are willing to serve as Officers and/or Directors of the Council for the following year. The committee will develop a slate of nominees to be presented at the regular General Membership meeting in May for consideration by Council members. The proposed slate of nominees shall be published in the May Council Courier for the benefit of all Council members.

**Section 4.** At the May General Membership meeting, the Nominating Committee shall present the proposed slate of nominees. The Chairman will open the floor for additional nominations. Nominees must be; a) members in good standing, b) express their willingness to serve if elected c) be a past or present member of the military. The complete slate of nominees and sample ballot will be published in the June Council Courier for the benefit of all Council members.

**Section 5.** At the May General Membership meeting the Council Chairman will appoint, with the concurrence of the Board members, a Teller Committee, consisting of one (1) head teller and two (2) assistant tellers who will be responsible for; a) creating the ballot, b) ensuring the integrity of all ballots cast during the election process, c) accurate accounting of ballots and d) reporting results to the Presiding Officer.

**Section 6.** At the June General Membership meeting, organizational and lifetime members will elect the officers and Board members for the coming year.

a) There will be a 1.5-hour time frame for members to cast their votes prior to

the start of the June General Membership meeting.

- b) The Membership Chairman and committee will verify membership of each member using the current membership printout. If a member does not have a membership card, they will be verified via the membership printout upon showing a valid picture ID.
  - i. For organizational memberships, the point of contact for that organization, upon presentation of photo ID, will receive one ballot to be cast as the organization's valid representative. (Individual Council members may not also be an organizational representative. One person, one vote).
- c) To be eligible to vote, the member must be 18 years of age or older.
- d) Upon verification, the verified member/organizational representative will be given one numbered ticket. Numbered tickets will be used for tracking purposes and validation of number of ballots distributed and received.
- e) Upon entering the voting room, the member will present their ticket to the teller and in return receive one ballot which will be completed and placed in the ballot box.
- f) At the end of the allotted voting time the Head Teller will; i) announce that voting is closed, ii) oversee the process as the tellers tally the votes, iii) report results to the presiding officer.
- g) A majority of votes cast will be required to elect a candidate for Council Officer or Board of Director member.

**Section 7.** Installation of Officers and Board of Directors members elected at the regular annual meeting in June may be made at the next succeeding General Membership meeting, or at a social function planned for that purpose, at the discretion of the newly elected Directors and Officers.

**Section 8.** Should a vacancy occur in an elective or appointive office, the Chairman of the Council may appoint a replacement. In the instance that the vacancy is that of the Chairman, the Vice Chairman will assume the Chairman position and appoint a Vice Chairman.

- (a) When it is an elective office, the appointment will be ratified at the following Board of Directors meeting.
- (b) Installation may be made at the same or following meeting.

## **ARTICLE VIII - RECALL OF ELECTED/APPOINTED OFFICERS/DIRECTORS**

**Section 1.** Florida State Statute 617.0808 Removal of Board of Directors members:

(1) A director may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws, which shall provide the following, and if they do not do so, shall be deemed to include the following:

(a) Any member of the board of directors may be removed from office with or without cause by:

1. Except as provided in paragraph (i), a majority of all votes of the directors, if the director was elected or appointed by the directors; or

2. A majority of all votes of the members, if the director was elected or appointed by the members.

(b) If a director is elected by a class, chapter, or other organizational unit, or by region or other geographic grouping, the director may be removed only by the members of that class, chapter, unit, or grouping. However:

1. A director may be removed only if the number of votes cast to remove the director would be sufficient to elect the director at a meeting to elect directors, except as provided in subparagraphs 2. and 3.

2. If cumulative voting is authorized, a director may not be removed if the number of votes sufficient to elect the director under cumulative voting is voted against the removal of the director.

3. If at the beginning of the term of a director the articles of incorporation or bylaws provide that the director may be removed for missing a specified number of board meetings, the board may remove the director for failing to attend the specified number of meetings. The director may be removed only if a majority of the directors then in office vote for the removal.

(c) The notice of a meeting to recall a member or members of the board of directors shall state the specific directors sought to be removed.

(d) A proposed removal of a director at a meeting shall require a separate vote for each director whose removal is sought. Where removal is sought by written consent, a separate consent is required for each director to be removed.

(e) If removal is affected at a meeting, any vacancies created shall be filled by the members or directors eligible to vote for the removal.

(f) Any director who is removed from the board is not eligible to stand for reelection until the next annual meeting at which directors are elected.

(g) Any director removed from office shall turn over to the board of directors within 72 hours any and all records of the corporation in his or her possession.

(h) If a director who is removed does not relinquish his or her office or turn over records as required under this section, the circuit court in the county where the

corporation's principal office is located may summarily order the director to relinquish his or her office and turn over corporate records upon application of any member.

(i) A director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office or such greater number as is set forth in the articles of incorporation or bylaws.



## **Article IX COMMITTEES AND CHAIRMEN**

**Section 1.** Standing Committees of the Council may be, Governance, Membership, Legislative, Courier, Public Relations, Audit, Finance, Women Veteran, Cemetery, Education/Speaker, Military Activities, Veterans History Project, Veterans Treatment Court, Communications (social media), Youth Activities, and Fundraising.

**Section 2:** Special Committees may be appointed by the Chairman as the need arises; i.e.: Nominating Committee

**Section 3:** The Chairman of the Council shall appoint the membership of each Committee and will designate the Chairman thereof. The Chairman of the Council will be an Ex-Officio member of all Committees except the Nominating Committee.

## ARTICLE X GENERAL MEMBERSHIP MEETINGS

**Section 1.** Regular scheduled General Membership meetings of the Council shall be held monthly on the second (2<sup>nd</sup>) Wednesday of the month at 0900 hours, unless designated otherwise by the Council Chairman and the Board of Directors.

**Section 2.** The purpose of the monthly meeting will be to share information and updates with and between individual and organizational Council members.

**Section 3.** The regular scheduled General Membership meeting for June each year will constitute the annual meeting of the Council for the purpose of election of officers and Board members. The start time of this meeting may change to accommodate the voting process.

**Section 4.** Special meetings may be called by the Chairman of the Council whenever s/he may deem it necessary, or when requested in writing to do so by ten (10) or more members of the Council in good standing. The call for such meeting will state the purpose, and no other business will be conducted.

**Section 5.** A quorum for a regular or a special meeting shall include three (3) officers and five percent (5%) of the membership.

**Section 6.** Due notice of at least five days will be given to the membership for any meeting.

**Section 7.** The Board of Directors will provide an agenda for the conduct of all regular General Membership meetings. Items for inclusion in the agenda may be recommended by an Officer, Director or member, and will be accepted by the Council Secretary up to fifteen (15) days prior to any meeting. Items received after that time will be carried over to a subsequent meeting unless the Board of Directors rules otherwise.

**Section: 8.** “Using Parliamentary Procedure”, a Guide Produced by the National Association of Parliamentarians will be used for the proper conduct of meetings. Robert’s Rules of Order, newly revised, may also be used as a guide for the conduct of meetings of the Council where applicable and when not inconsistent with these Bylaws.

## **ARTICLE XI - VETERANS MEMORIAL CENTER, INC.**

**Section 1:** The Veterans Memorial Center, Inc., is a separate corporation organized under the laws of the State of Florida to establish and maintain a Building Complex, Museum, Library and an on-going education program, including the necessary supporting groups and organizations, and educational activities, including panels, discussions, lectures, forums, seminars, conferences, radio and television programs, and similar programs, on the various wars in which the United States took part, and those who fought them.

**Section 2.** The Veterans Memorial Center, Inc., is located in the Veterans Memorial Park, a Brevard County facility on Merritt Island, Florida.

**Section 3.** The building and grounds housing the Veterans Memorial Center, Inc. are County Properties and are under lease to the Brevard Veterans Council, Inc. The Veterans Memorial Center, Inc. will pay a previously agreed upon, budgeted and approved monthly stipend to the Council.

## **ARTICLE XII REPORTING TO BREVARD COUNTY**

**Section 1.** The duly authorized representative of the Council for the purpose of the lease agreement between Brevard County, Florida and the Brevard Veterans Council, Inc. shall be the Brevard Veterans Council Chairman or his/her designee.

**Section 2.** The Brevard Veterans Council Treasurer will ensure compliance with the insurance and liability requirements of the Lease Agreement between the Board of County Commissioners of Brevard County, Florida and Brevard Veterans Council, Inc.

- a. Upon renewal or change of said insurance policy, the Treasurer will mail to the Brevard County Parks and Recreation office a true copy of said document.

**Section 3.** The Brevard Veterans Council will ensure that the monument policy of the Veterans Memorial Center is in compliance with the requirements of the Lease Agreement between the Board of County Commissioners of Brevard County, Florida and Brevard Veterans Council, Inc.

**Section 4.** The Brevard Veterans Council will ensure that the standard operation procedures of the Veterans Memorial Center are in compliance with the requirements of the Lease Agreement between the Board of County Commissioners of Brevard County, Florida and Brevard Veterans Council, Inc. as well as all federal, state, and local safety, security and Americans with Disability Act (ADA) requirements.

## ARTICLE XIII - AMENDMENTS

**Section 1.** Amendments to these Bylaws may be completed only by:

- a) having the proposed amendments published for the benefit of the general membership which will include;
  - i) The proposed amendment, precisely worded,
  - ii) The current bylaw,
  - iii) The bylaw as it will read if the amendment is adopted,
- b) having the proposed amendment read at the next General Membership meeting of the Council and
- c) adopted by a two-thirds vote of the active members present.

**Section 2.** Full revisions of these By-Laws will be made at a General Membership meeting and they will be presented for review and approval as outlined by Roberts Rules of Order: RONR (11<sup>th</sup> ed.), pp 557 – 560.

**ARTICLE XIV – CERTIFICATE OF ADOPTION**

These by-laws, prepared and presented by the Brevard Veterans Council, Inc. Governance Committee, replace all previous by-laws, have been reviewed, approved and adopted at a regularly scheduled General Membership meeting held on \_\_\_\_\_.

**Chairman**  
Donald J. Pearsall

**Vice Chairman**  
Dean Schaaf

\_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

**Secretary**  
William Muckler

**Treasurer**  
Ted Schmid

\_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

**Governance Committee Chairman**  
Dorothy Walsh

\_\_\_\_\_  
Date: \_\_\_\_\_