

CONSTITUTION AND BYLAWS OF CHAPTER # 5

(City) (State)

CONSTITUTION

ARTICLE I–NAME

The name **of** this Chapter **shall be** Los **Angeles Chapter** No. 5, Department of **California**. DISABLED AMERICAN VETERANS.

ARTICLE II–PURPOSE

The purpose of this Chapter is to fulfill our promises to the men and women who served, and, in furtherance of that purpose, to support the programs of the Disabled American Veterans as provided in the National Constitution and Bylaws and Regulations of the National Executive Committee.

ARTICLE III–MEMBERSHIP

Membership in this Chapter shall conform with the requirements set forth in the National Constitution and Bylaws. There shall be no associate, special or honorary memberships in this Chapter.

ARTICLE IV–ADMINISTRATION

Section 1: The administrative affairs of this Chapter shall be vested in the Chapter Executive Committee in emergencies only, and all other actions of the Chapter Executive Committee must be ratified by a majority vote of those Chapter members present and voting at the next regular Chapter meeting.

Section 2: The Chapter Executive Committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commander(s), Treasurer and any other elected Chapter officers.

Section 3: At the time specified in the Chapter Bylaws, the Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commander and a Treasurer. Such other officers as may be necessary to operate the Chapter may be appointed by the Commander, with the approval of the Chapter members present at a regularly convened meeting of the

general membership. Neither the Chapter Commander nor any Chapter Vice Commander may serve as Chapter Adjutant or Treasurer.

ARTICLE V–EXECUTIVE

The executive power of this Chapter shall be vested in the Chapter Commander.

ARTICLE VI–AUXILIARY

This Chapter recognizes a DAV Auxiliary, subject to such supervision as conforms with the National and Department Constitution and Bylaws of both organizations.

ARTICLE VII–AMENDMENTS

This Constitution may be amended at any Chapter meeting by a vote of two-thirds of those Chapter members present and voting, subject to approval of the Department and National Judge Advocates, and effective only after the date of said approval, provided that any such amendment is read at two (2) meetings and that all Chapter members were notified of the proposed change prior to each of the two (2) meetings.

ARTICLE 1–ORGANIZATION

Section 1: This Chapter recognizes the National Organization known as DAV (Disabled American Veterans), incorporated by an Act of Congress and affirms its allegiance and subordination to the National Organization, its Constitution, Bylaws and all rules, mandates and regulations promulgated pursuant thereto. Upon dissolution of the Chapter, the assets remaining after the payment of its debts shall be distributed as provided in Article 6 of the National Bylaws.

Section 2: The governing body of this Chapter shall be the Chapter in session, except as otherwise provided in this Constitution and Bylaws.

Section 3: Minutes of the meetings of the Chapter, including the Chapter Executive Committee, shall be kept and be available for inspection by any Chapter member.

ARTICLE 2–CHARTER

The Charter of this Chapter, issued by the National Executive Committee, is its authority to function and shall be kept in the Chapter archives and a copy made available to any member upon request.

ARTICLE 3–EXECUTIVE COMMITTEE

Section 1: The Chapter Executive Committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commander, Junior **past** Commander, Treasurer and any other elected Chapter officers.

Section 2: Meetings of the Chapter Executive Committee will be called by the Commander or at the request of a majority of its members, made in writing to the Commander.

Section 3: Appointed officers, committee chairmen and other Chapter members may attend the Chapter Executive Committee meetings, but without voice or vote.

Section 4: A majority of the members of the Chapter Executive Committee shall constitute a quorum.

Section 5: The Chapter Executive Committee may act for the Chapter only in emergencies and at all other times shall recommend courses of action to the Chapter in session. **The Chapter** at its next **meeting** must **ratify** actions of the **Executive Committee**.

Section 6- The **Executive** Committee shall **also act as** a Resolution Committee **and the Chapter** shall adopt no resolution **unless first** submitted **to the** Executive Committee for **its** recommendation, except by a **two-thirds affirmative Chapter vote by the members present at a meeting with quorum**.

Section 7 - In the event **this** Committee **fails** to make **recommendations** upon any **matter referred to it within a reasonable** time, the Chapter, **by majority vote, may act** upon such matter without **receiving the recommendations of the Committee**.

ARTICLE 4—OFFICERS

Section 1: The Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commander(s) and a Treasurer. No elected officer may serve as Chapter Adjutant or Treasurer.

Section 2: The Commander shall appoint an **Adjutant**, committee chairpersons, and such **other officers** as are **necessary** to carry out **the business of the Chapter, with the** ratification of the Executive Board and **the Chapter at a regularly convened meeting of such**.

Section 4: A Chapter officer report shall be submitted to the State Department and National Organization within ten (10) days after the installation of newly elected or appointed Chapter officers or in the event of any subsequent change in the Chapter officers during the membership year.

Section 5: There shall be no voting by proxy or voting by absentee ballot.

Section 6: The Commander shall be the presiding officer at all Chapter meetings and, in his/her absence, the duty will fall to the next highest officer in line of succession who is present.

Section 7: The Senior Vice Commander shall be the Membership Chairman and, as such, is responsible for campaigns to increase membership.

Section 8: The Treasurer shall receive and immediately deposit all Chapter funds in a bank account in the name of the Chapter without any deductions or offsets.

They shall make authorized disbursements over \$500 only by checks, money order, direct deposit, signed and countersigned by two of the three authorized signatories, limited to the Commander, Treasurer, and Adjutant.

-----a petty cash and emergency funds account will be available for accessing funds less than \$500 in the form of a secondary account functioning as a credit card....

----- disbursements greater than \$800 shall be approved by EC and general membership and made in any form necessary for the achievement of proper payment

They shall keep a system of accounts approved by the Chapter and shall preserve all receipts for payments made.

They shall render a monthly report of receipts and expenditures to the Chapter.

An annual financial report, audited and approved by the Chapter Audit Committee, shall be submitted to the DAV Department of California and DAV National Organization within ninety (90) days of the July 1st deadline, as required by the National Bylaws.

ARTICLE 8--FINANCES

Section 1: The Treasurer or other designated officer shall deposit all monies in the name of the Chapter and shall countersign with the Commander or one other designated Chapter officer on all checks. There shall be no "pre-signed" Chapter checks for convenience purposes or otherwise. Signatures must be added only after the payee, date and amount sections of the check have been completed.

Section 2: The Treasurer or other designated Chapter officer shall be charged with handling normal finances in the operation of the Chapter.

Section 3: Membership dues shall be as provided in the National Bylaws.

Section 9: Upon election, or appointment, and installation of the successor to any such Chapter office, all Chapter property (digital and physical) in his/her predecessor's possession shall be surrendered to the newly installed officer to their position

ARTICLE 5--QUALIFICATIONS

Section 1: Any person who is a member of this Chapter shall be eligible for any elective or appointive office in this Chapter, except as otherwise provided in this Chapter, District Department, or National Constitution and Bylaws.

ARTICLE 6--TENURE OF OFFICE

Section 1: **Officers shall be nominated during the March meeting and again immediately prior to the April election meeting.**

Section 2: Elected and appointed officers shall be installed within thirty (30) days of their election or appointment. They shall serve for one (1) year or until newly elected or appointed officers have been installed.

Section 3: Unexcused absence of any officer from three (3) consecutive executive committee meetings shall be cause for removal by the Chapter, and the Commander is empowered to appoint a Chapter member to serve the unexpired term, subject to the ratification of the executive committee and of the Chapter members present at a regularly convened meeting.

Section 4: In the event the office of Commander shall be vacated for any reason, the Senior Vice Commander shall be elevated to Commander, Junior Vice Commander to Senior Vice Commander and the vacancy filled according to procedures in RRONR.

Section 5: It shall require a majority vote of those Chapter members present and voting to elect a candidate for any Chapter office. It shall also require a majority of votes cast to elect delegates or alternates to a State or National Convention.

ARTICLE 7—MEMBERSHIP

Section 1: No new applicant shall be denied Chapter membership if he or she meets the eligibility requirements as set forth in the National Constitution and Bylaws.

Section 2: Only members of the Chapter in good standing are eligible to vote on any motion or at any election.

Section 3: Members of another Chapter may secure a transfer of membership to this Chapter, with the approval of the membership of this Chapter.

ARTICLE 8—MEETINGS

Section 1: Regular **Chapter meetings** are to be **held on** the third Sunday **of each** month, and shall be **called** to order at 12:00 P.M. Should a meeting **date fall on a federal holiday, such meeting may be cancelled,** upon the approval **of the** majority of the **members** present and voting **at the meeting preceding** such holiday, or rescheduled for the following Sunday.

Section 2: **Notice for all meetings, including special meetings of the general membership and regular executive committee meetings- that will include 10 days notice by digital means.**

Section 3: Special meetings of the Chapter may be called by the Commander whenever the Commander may deem it necessary or when the Commander is requested in writing to do so by ten 5% or more Chapter members.

Section 2: The Chapter must hold at least four (4) regular meetings with a quorum present within a membership year.

Section 4: Rules of Chapter meetings shall be as follows:

Rule 1: A quorum shall consist of seven (10) members in good standing, of which at least two (3) must be elected Chapter officers.

Rule 2: Robert's Rules of Order, Newly Revised, shall govern the Chapter in all cases in which they are not inconsistent with this Constitution and Bylaws, the Department Constitution and Bylaws or the National Constitution and Bylaws.

Rule 3: Discussion of personal grievances will not be in order on the floor unless introduced by the Grievance Committee or other Committees having the authority to consider any such matters.

Rule 4: Matters concerning only an individual member, with respect to their own personal interest, shall not be in order but may be taken before the proper Committee.

Rule 5: Voting shall be by voice unless otherwise requested by at least seven (7) members. Officer elections shall be done by ballot.

ARTICLE 10—COMMITTEES

Section 1: All Chapter committees will meet at the call of the Chairman or Commander, or as otherwise provided in this Constitution and Bylaws.

Section 2: Committees shall consist of not less than three (3), but not more than seven (7) members (except as may otherwise be herein provided), including the Chairman. Committees Chairs shall be appointed by the Commander, with the ratification of the executive committee and the Chapter at a regularly scheduled meeting, with the exception of the Nominating Committee which shall be elected by the Chapter.

Section 3: The Chapter shall have an Audit Committee composed of at least three (3) members of the Chapter, excluding all elected or appointed officers of the Chapter. The Audit Committee shall conduct an annual audit in accordance with the requirements of the National Bylaws.

Section 3: The Chapter Commander shall be a non-voting member of all committees.

ARTICLE X- AMENDMENTS

Section 1, **Par. 1:** **These Bylaws may be** amended at any Chapter **meeting** by a two-thirds majority **vote of** those present and voting, subject to **approval of the** Department and National Judge Advocate, and **effective only after date of** this approval, **provided that any such amendment is read at** two meetings **and that all** Chapter members were **notified of the** proposed change prior to each of the two **meetings**.

Par. 2: A copy of this Constitution and **Bylaws shall be** properly **affixed** to the back of the framed Charter to prevent its loss and **in order that it may always be available** for reference.

Par. 3: **To the extent to which the provisions of** this Constitution and **Bylaws** are or **may at any time** become inconsistent **with the provisions of the** Constitution and **Bylaws** and lawful **mandates, decisions and** regulations of either the **State or National Departments, as now in force or as hereafter** amended or as hereafter amended or adopted, **this instrument shall be deemed amended so as** to conform thereto.

ARTICLE XI - OFFICERS AND THEIR DUTIES

Section 1: **The Adjutant, Judge Advocate, Sergeant-at-Arms and Officer of the Day shall be the appointive** officers of **this** Chapter, who **shall be appointed by the** Commander with the **approval of the Executive** Board and the **Chapter**.

Section 2: **The** Commander, or in his or her absence **the next highest officer, shall preside at all regular or special meetings of the Chapter. He or she shall** maintain order **and dispatch such business as may legally** come before him or her. **All checks or vouchers issued by the Chapter Treasurer must be countersigned by the Commander or in his or her absence, by the Senior-Vice Commander.** The **Commander shall perform all other duties that may reasonably be assumed to be incidental to his or her office,** including those set forth in **this Constitution and Bylaws** and in the Official **DAV Ritual, and such other duties as may be lawfully delegated to him or her by the Chapter.**

Section 3: **The Senior-Vice Commander, Junior-Vice Commander, and Chaplain in the order named, shall perform the duties of the Commander in the event of his or her absence. If the Commander should die, resign or be removed,** the same order of authority **would** hold until a new **Commander is elected.**

Section 4: **The Adjutant is responsible for keeping the** Chapter's records and conducting **the Chapter's official correspondence. He or she must keep detailed** records of **the Chapter's** meetings and business affairs. All motions **considered by** the Chapter should be recorded along **with names of the members,** who **make, second, or speak on** the motions. **The Adjutant is responsible for the membership records** and should **make certain that they are kept up to date.** In addition, **the Adjutant will be responsible for the publication of a four-page chapter bulletin to be issued in March, July and November. If a special meeting is called, the Adjutant must notify the Chapter membership of the time, place and reason for the meeting. At each business meeting, the Adjutant should read the minutes of the preceding meeting and make sure that a motion of acceptance or rejection is passed. At each Chapter meeting, the Adjutant should read all correspondence received between meetings and see that all matters which require action by the Chapter are properly disposed of. He or she should answer all correspondence promptly and file copies of his answers with the Chapter records. The Adjutant must work closely with the commander, Treasurer, and other Chapter officers in order to efficiently carry out his or her duties.**

Section 5: The Treasurer shall receive and immediately deposit all the money in a bank account in the name of the Chapter without any deductions or offsets. He or she shall make authorized disbursements only by check signed by him or herself and countersigned by the Commander, or in his or her absence, the Senior- Vice Commander. He or she shall keep a system of accounts and shall preserve all receipts and checks or vouchers for payments made. He or she shall render a monthly report of receipts and expenditures to the Chapter not later than the first regular Chapter meeting following the last day of the calendar month. This report shall have been annually audited and approved by the Auditing Committee. An annual financial

report shall be submitted to the State and National Organization within ninety days after the close of the accounting year of the Chapter.

Section 6: The Senior-Vice Commander shall perform the duties of his or her station as set forth in the official DAV Ritual. He or she shall encourage friendship among the members of this Organization, discourage discord, and promote harmony. Subject to the direction of the Chapter, he or she shall act as Chairperson of membership solicitation activities to the end that every eligible veteran may become a member. With approval of the Chapter, the Senior-Vice Commander may appoint one or more members to assist him or her in such membership activities.

Section 7: The Junior-Vice Commander shall perform the activities of his or her station as set forth in the Official DAV Ritual. He or she shall see that every member is given a reasonable opportunity to state his or her views on any subject under discussion in a meeting of the Chapter, not inconsistent with the Constitution and Bylaws or Robert's Rules of Order. He or she shall, at all times, encourage loyalty to the United States of America, to the DAV, and to the members of the Chapter. Subject to the direction of the Chapter, he or she shall act as Chairman of the Americanism activities of the Chapter and, with approval of the Chapter, may appoint one or more members to assist him or her as such Chairperson.

Section 8: The Chaplain shall perform the duties of his or her station as set forth in the Official DAV Ritual. He or she shall visit the sick and comfort the families of those members who pass away. He or she shall be responsible for encouraging attendance at DAV conducted funerals and the proper conduct thereof. Subject to the direction of the Chapter, he or she shall act as Hospital Visitation Chairperson and, with the approval of the Chapter, may appoint one or more members to assist him or her as such Chairperson.

Section 9: The Officer-of-the Day shall perform the duties of his or her office as set forth in the Official DAV Ritual. He or she shall welcome all visitors and see that each is properly introduced.

Section 10: The Judge Advocate shall be legal advisor to the Chapter. Upon request of the Commander, or the Chapter, The Judge Advocate shall render The Judge Advocate opinion upon all questions of parliamentary procedure, the interpretation of the Constitution of this Chapter or the Constitution or By- Laws of the state or national organization, and upon all

questions arising out of any dispute upon the floor of the assembly.

Section 11: The Sergeant-at-Arms shall attend to the door of meetings of this Chapter greeting the members and their guests. It will be the responsibility of the Sergeant-at Arms that all things are in readiness for each meeting. The Sergeant-at-Arms shall be responsible for the care of the Colors and Standards of this Chapter and that they are present at all ceremonies of this Chapter. He or she shall perform such other duties pertaining to the office or the Commander or the Executive Committee may impose as upon him or her.

Section 12: In addition to the foregoing, the respective Chapter officers shall faithfully perform and carry out other duties as may be properly assigned to them from time to time by the Chapter.

Section 13: A member can hold only one elective Chapter office at any time. A delegate to a National or Department Convention is not holding an "elective office" within the meaning of this Section. Except as otherwise provided herein, an elected officer may also hold an appointive office, and, vice versa.

Section 14: By accepting any elective or appointive office, a member agrees that his or her services shall be rendered gratuitously and that he or she shall not be entitled to reimbursement for any sums advanced, incurred or spent unless expressly authorized by the Chapter at a regular Chapter meeting. No Chairperson, Committee member, Chapter officer or other Chapter member shall have the power or authority to incur any expense or obligation or bind the Chapter, unless by prior express approval of the Chapter, evidenced by a majority vote at a regular Chapter meeting. A member, by accepting any elective or appointive office, promises and agrees to perform the duties of such office or appointment to the best of his or her ability; to act and conduct him or herself in such manner, at all times and places, as will only affect the good of the Organization; to enforce and sustain this Constitution and Bylaws, and the Constitution and Bylaws of the

National and Department organizations' and when his or her successor has been duly elected or appointed, to surrender to him or her without notice or demand all the records and other property of the Chapter or of the Organization in his or her possession or under his or her control.

ARTICLE XII - RESTRICTIONS AND MISCELLANEOUS

Section 1: The Chapter may direct that notice be sent to any elective or appointive officer who has failed to attend three consecutive meetings of the Chapter or who, in the opinion of the Chapter, does not appear to be fulfilling the duties of his or her office. Such notice should state that at the next regular meeting (giving the time and place), the matter of his or her recall from office will be considered. At the meeting set forth in such notice the Chapter, by two-third's vote, may declare such office vacant and officer recalled. If an elective officer, nomination and election at the same meeting shall fill such office. If an appointive officer, the Commander shall appoint another member to fill such vacancy with the approval of the Chapter.

Section 2: The order of business at any meeting shall be as prescribed in the Official DAV

Ritual as dictated by the needs of the Chapter.

Section 3: There shall be no voting by proxy. Only members in good standing and present shall be entitled to vote on any question.

Section 4: The presiding officer shall be entitled to vote only in case of a tie or where the voting is by written ballot.

Section 5: Each member accepting or retaining membership in the Chapter agrees to be bound by this Constitution and Bylaws and the DAV National and Department Constitution and Bylaws, now in force or hereafter adopted or amended. Each member also agrees not to bring any action in any court of law or equity relating to his or her rights or privileges as a member or officer until all remedies provided by this Chapter's Constitution and Bylaws and the State and National Constitution, Bylaws and lawful mandates have been exhausted.

Section 6: All disciplinary actions taken or commenced against members or officers shall be in accordance with Article 16 of the National Bylaws.

Section 7: Except as otherwise expressly provided in the National Bylaws, the Chapter shall not sponsor or engage in, directly or indirectly, any fund-raising or finance project without the prior approval of its State Department.

Section 8: The officer(s) having custody of the funds of the Chapter shall at all times be bonded through National Headquarters in accordance with National Bylaw provisions.

Section 9: All fund-raising activities will be conducted in accordance with Article 15 of the National Bylaws and the Regulations of the National Executive Committee. Chapters, women's auxiliaries and NOTR units shall not sponsor or conduct a lottery in the name of or using any part of the name of this Organization, except where authorized by law. The name of the Chapter or the Disabled American Veterans must not be used in connection with any political, sectarian or labor dispute nor in any matter not directly relating to wartime service-disabled veterans. Nor shall the chapter enter into or engage on such activities. However, nothing in this paragraph shall prohibit the Chapter from participating in political issues, which have a direct bearing upon the welfare of America's disabled veterans.

ARTICLE 11—MISCELLANEOUS

Section 1: These Bylaws may be amended at any Chapter meeting by a vote of two thirds of those Chapter members present and voting, subject to approval of the Department and National Judge Advocates, and effective only after date of said approval, provided that any such amendment is read at two (2) meetings and that all Chapter members were notified of the proposed change prior to each of the two (2) meetings.

Section 2: A copy of this Constitution and Bylaws shall be properly affixed to the back of the framed Charter to prevent its loss and in order that it may always be available for reference.

Section 3: To the extent to which any of the provisions of this Constitution and Bylaws are, or may at any time become, inconsistent or in conflict with the provisions of the Constitution and

Bylaws and lawful mandates, decisions and regulations of either the governing State Department or the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended so as to conform thereto.

Section 4: All disciplinary actions shall be conducted in accordance with Article 16 of the National Bylaws and applicable Regulations of the National Executive Committee.

Adopted after this second and final reading on .

CHAPTER COMMANDER CHAPTER ADJUTANT

DEPARTMENT JUDGE ADVOCATE NATIONAL JUDGE ADVOCATE