

CONSTITUTION and BYLAWS



**FULFILLING OUR PROMISES
TO THE MEN AND WOMEN WHO SERVED**

***Knob Hill Chapter 26
Disabled American
Veterans***

4/16/2019 Jai

CONSTITUTION and BYLAWS

Knob Hill Chapter 26 Disabled American Veterans

CONSTITUTION

ARTICLE I

AUTHORITY: Knob Hill Chapter 26, Disabled American Veterans (DAV), Colorado Springs, Colorado is established under the authority of Article 6 of the National Bylaws of the Disabled American Veterans.

ARTICLE II

PURPOSE: To uphold and maintain the Constitution and Laws of the United States; to realize the true American ideals and aims for which those eligible to membership fought; to advance the interest and work for the betterment of all wounded, gassed, and injured Disabled Veterans; to cooperate with the United States Department of Veterans Affairs and all other public and private agencies devoted to the cause of improving and advancing the condition, health, and interest of all wounded, gassed and injured Disabled Veterans; to stimulate a feeling of mutual devotion, helpfulness and comradeship among all wounded, gassed, and injured Disabled Veterans; to serve our comrades, our community and country; and to encourage in all people that spirit of understanding which guards against all future wars.

ARTICLE III

ALLEGIANCE TO NATIONAL AND STATE ORGANIZATIONS: Knob Hill Chapter 26, Disabled American Veterans, is organized and exists under the provisions of Article 6 of the National Bylaws and Article VIII of the Department of Colorado Constitution of the Disabled American Veterans. Under the provisions of Article 9.1 Paragraph 2 of the National Bylaws "This Chapter recognizes the National Organization known as Disabled American Veterans, incorporated by 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, Section 6.4, Para. 5 and 6 of the National Bylaws."

ARTICLE IV - MEMBERSHIP

SECTION 1: 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 membership in this Chapter.

SECTION 2: Applicants for new membership in this Chapter shall show a copy of their Veterans Administration Disability Award Letter to either the Commander, Adjutant or Service Officer.

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.

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ARTICLE I – MEETINGS

SECTION 1: The Chapter's regular membership meeting shall be held on the second Tuesday of each month at 7:00 PM.

SECTION 2: Special meetings may be called by the Commander or shall be called by the Commander when requested in writing by a majority of the members of the Executive Committee, or ten (10) members of the Chapter in good standing. The call of such special meeting shall state specifically the purpose for which the meeting is called, and no business other than specified in the call shall be transacted at such meeting.

SECTION 3: Special meeting shall be held within thirty (30) days after notification has been made to the Commander. Notice of a special meeting shall be published at least five (5) days prior thereto, stating the time, place and purpose of the special meeting,

SECTION 4: A quorum shall consist of a majority of the members in good standing or at least ten (10) members of the Chapter, whichever is less, of which three (3) must be elected officers.

SECTION 5: All voting shall be by voice vote or show of hands unless otherwise requested by at least seven (7) members. All voting for officers shall be by written ballot, except by unanimous consent. There shall be no voting by proxy or voting by absentee ballot.

ARTICLE II - OFFICERS AND THEIR DUTIES

SECTION 1: The elected Officers of the Chapter shall be as follows: Commander, Senior Vice Commander, Junior Vice Commander, Department Executive Committee (DEC), Treasurer, Chaplain, and such other officer(s) as the membership may deem necessary.

SECTION 2: Order of succession of elected officers shall be in the order listed in Article II section 1 and in accordance with Article 7 section 7.9 of the National Constitution and Bylaws.

SECTION 3: The Commander, with the approval of the Membership, shall appoint the following Chapter Officers: Adjutant, Judge Advocate, Officer of the Day, and any other Officer(s) the Commander may deem necessary.

SECTION 4: The COMMANDER: The Commander is the Executive Officer of the Chapter. He/she is responsible for the morale and welfare of the Chapter, ensures the day to day operations and with the Executive Committee, the administration of the Chapter. He/She is ultimately responsible for ensuring and maintaining the good reputation of the DAV as well as

the security and safety of its membership. The Commander, or in his/her absence the next highest officer, shall preside at all regular or special meetings of the Chapter. He/She shall maintain order and dispatch such business as may legally come before him/her. He/She shall perform all other duties that may reasonably be assumed to be incidental to his/her office, including those set forth in this Constitution and Bylaws and in the Official DAV Ritual and such duties as may be lawfully delegated to him/her by the Chapter.

- a. The Term of Office for all appointed Officers and/or Committees shall not exceed that of the Appointing Power and may be terminated at any time by the Appointing Power. All appointees shall perform any and all duties that may reasonably be assumed to be incidental to that office, or such as are delegated to that office by the Chapter membership or Executive Committee.
- b. The Commander and the Executive Committee has the fiscal responsibility to ensure the safeguarding of all funds, properties and other assets against unauthorized loss or use; ensure all disbursements of funds are properly approved in accordance with Chapter bylaws; and to comply with the standards set forth by the National Executive Committee for audits of all Chapter activities.
- c. The Commander shall have at each meeting a copy of the Chapter, Department and National Constitution and Bylaws and a copy of *Robert's Rules of Order*. He/she will have an agenda of the complete order of business and a list of all committees.
- d. **The Commander also serves as the official spokesman for the Chapter in the community** and may not serve as Adjutant or Treasurer.

SECTION 5: The SENIOR VICE COMMANDER: The Senior Vice Commander shall perform the duties of his/her position as set forth in the Official DAV Ritual. He/she shall encourage friendship among members of the Chapter, discourage discord, and promote harmony. He/She shall act as the Chapter membership Chairperson and solicit every eligible Veteran to participate by joining the Disabled American Veterans Organization.

SECTION 6: The JUNIOR VICE COMMANDER: The Junior Vice Commander shall perform duties as set forth in the Official DAV Ritual. He/She shall, at all times, encourage loyalty to the United States of America, to the DAV, and to the members of the Chapter. He/She shall act as the Chapter Legislative representative. Subject to the direction of the Chapter, he/she shall act as the Chairperson of the Children's and Chapter Christmas activities.

SECTION 7: The DEPARTMENT EXECUTIVE COMMITTEE (DEC): The Department Executive Committee member shall attend all Department of Colorado Executive Committee meetings; shall vote in the best interests of this Chapter at such meetings; shall present to the Department Executive Committee any item(s) the membership of the Chapter dictates; and shall make a report to the Chapter membership after all Department Executive Committee meetings.

SECTION 8: The TREASURER: The Treasurer is entrusted with the custody of all the Chapter's funds (i.e. Bingo, hall rental, donations, etc.).

- a. Ensure all monies received are deposited in a bank in the name of the Chapter without any deductions or offsets.
- b. Keep a system of accounting (i.e. QuickBooks, NetSuite, Nonprofit Treasurer, etc.) approved by the Executive Committee.
- c. Make authorized disbursements by checks. Checks will be signed and countersigned by the Commander or the Commander's designated representative(s) that have been approved by chapter membership in open meeting. Receipts are required for all petty cash distributions. Petty cash fund will not exceed \$50.00.
- d. Preserve all receipts and vouchers for payments made from all chapter accounts.
- e. Provide a monthly report of receipts and expenditures of the Chapter to the Executive Committee and to the Chapter membership.
- f. File all required reports in a timely manner.

SECTION 9: The CHAPLAIN: The Chaplain is the spiritual leader of the Chapter and he/she should send sympathy cards or make visitations to members of the Chapter or to their families who are ill and perform all duties as stated in the DAV National Ritual.

SECTION 10: The ADJUTANT: The Adjutant is responsible for keeping the Chapter's official correspondence; he/she must maintain detailed records of the Chapter meetings and business affairs; record all motions considered by the membership along with the names of the members who make or second motions; he/she will read the minutes or provide copies of the previous meeting minutes before the start of the meeting; he/she shall at each Chapter meeting read all correspondence received; he/she shall make available to any member minutes and records of the Chapter upon request; he/she will furnish credentials to convention delegates; he/she will work closely with the Commander and other Staff Officers in order to more efficiently carry out his/her duties; he/she will file required Chapter Officers Report to Department and National Headquarters within established guidelines following elections or any time changes occur during the year; he/she shall maintain the membership records for the Chapter, ensuring transfers in and out of the Chapter are recorded as well as deaths, new members, change of addresses, cancelled memberships, or unclaimed memberships are recorded. All Chapter records are to be maintained for seven (7) years except for those considered permanent, i.e. Chapter Charter, tax returns, and membership meeting minutes.

SECTION 11: The JUDGE ADVOCATE: The Judge Advocate, upon request of the Commander of the Chapter, 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 this Constitution and Bylaws, or the Constitution and Bylaws of the National or Department organizations. Upon receipt of his/her opinion, the Commander (or presiding officer, if the Commander is not in the chair) shall announce his/her ruling or decision, which need not be in accordance with the opinion of the Judge Advocate. Such decision shall be final and binding upon the Chapter unless (1) overruled by a two-thirds vote of the members at the meeting during which the decision is announced or (2) reversed upon an appeal taken to the next higher governing body within thirty (30) days after such decision is made known.

SECTION 12: The OFFICER OF THE DAY:

The Officer of the Day assists the Commander in maintaining order during Chapter meetings. He/she shall maintain a list of visitors at the Chapter meetings, introduce visitors when called upon by the Commander, and escort members to the podium when directed to by the Commander. The Officer of the Day is also responsible for verifying membership of those in attendance when required to do so by the nature of business (i.e. election of officers or delegates, private matters requiring the protection of personal rights).

~~**SECTION 13: The AT LARGE Executive Committee Member:**~~

~~A member At Large fills an elected position on the Executive Committee but does not have a specific role in the Chapter's daily operation except to provide a different membership voice on the Executive Committee. A member At Large serves as a liaison to the general membership and will not hold any other elected or appointed Chapter Officer positions. The At Large member does not fall in the order of succession of elected officers. However, an At Large member can be appointed by the Commander to serve on Chapter committees. One (1) At Large members will be elected from Chapter members in good standing as above provided and in accordance with "Nominations and Elections". A different At Large committee member shall be elected thereafter at each annual Chapter election.~~

SECTION 14: In addition to the foregoing, the respective Chapter officers shall faithfully perform and carry out such other duties as may be properly assigned to them from time to time by the Chapter. A member can hold only one elective Chapter office at any one 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, except as may otherwise be provided in the National, Department or these Constitution and Bylaws.

The office of the Adjutant and Treasurer may be held by the same person. The Service Officer may hold any other elective or appointive office. Neither the Chapter Commander nor any Chapter Vice-Commander may serve as Chapter Adjutant or Treasurer.

By accepting any elective or appointive office, a member agrees that his/her services shall be rendered gratuitously and that he/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 person, 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 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/her ability; to act and conduct himself/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/her successor has been duly elected or appointed, to surrender to him/her without notice or demand all the records and other property of the Chapter or of the Organization in his/her possession or under his/her control.

ARTICLE III - COMMITTEES

SECTION 1: There shall be two (2) types of committees, standing and temporary.

SECTION 2: The Executive Committee, Auditing Committee, Finance Committee, Grievance Committee, and Bingo Committee are the standing committees.

SECTION 3: Temporary committees shall be any committee the Commander feels necessary to run the Chapter. All committees, except for the Executive Committee, shall elect their own Chairperson from the members assigned to such committee. All committee members shall be honor bound not to divulge any information gained by reason of being a member of any committee, until such time as the committee, through its chairperson, makes its official report in open meeting to the membership (i.e. parades, grounds, constitution and bylaw, entertainment, etc.).

SECTION 4: The Executive Committee shall be composed of the Commander, the Senior & Junior Vice Commanders, the Treasurer, the Immediate Past Commander, DEC, Chaplain, ~~the~~ *ME* ~~Large Executive Committee Member~~ and the Bingo Chairperson. Even though an appointed position, the Chairperson of the Bingo Committee (the Chapter's largest fundraising function) shall also be a voting member of the Executive Committee.

- a. The Executive Committee shall hold regular meetings the first Tuesday of each month at 6:00 PM. The Commander shall notify all committee members three (3) days prior to any special meeting.
- b. The Executive Committee duties shall be to make recommendations on all legislative, administrative, and general policies affecting the Chapter. 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.

- c. After an Executive Committee has been elected, and so long as it continues to function, no expenditures shall be voted upon or authorized by the Chapter in excess of three hundred dollars (\$300.00) unless first referred to the Executive Committee for its recommendations. However, this limitation can be overruled by a three-fourths Chapter vote after the membership is reminded that any major spending changes can cause issues with the approved Chapter budget. All fundraising projects and all agreements and contracts must be referred to the Executive Committee for its recommendations before being acted upon by the Chapter. The Executive Committee shall make recommendations to the Chapter, from time to time, which it believes will be of benefit to the Chapter.
- d. The Commander is authorized to expend funds as needed to resolve emergency situations to protect chapter property or the public (i.e. gas leaks, hole suddenly appears in roof, tree falls blocking access, furnace quits working in winter, etc.). The Executive Committee shall be informed as soon as possible of such expenditures and the Chapter membership shall be informed at the next regularly scheduled meeting.
- e. The Commander is authorized to call an executive session of the Executive Committee at will and as needed depending on the needs of the Chapter and membership.

SECTION 5: The Auditing Committee shall consist of three (3) elected members, with one (1) member being elected each year for a three (3) year term. Exclusions to this committee shall be the Commander, Senior Vice Commander, Junior Vice Commander, Treasurer, Adjutant and Finance committee members. Furthermore;

- a. Upon request of the Auditing Committee, the Treasurer, Bingo Committee, and Rental Hall Coordinator shall make available to the Audit Committee all financial records.
- b. The Auditing Committee shall meet within fifteen (15) days following the installation of officers.
- c. The Auditing Committee shall audit all financial records of the Chapter in the months of March and September and submit their completed report in writing, with recommendations, to the Executive Committee and Chapter membership at the regular scheduled meetings in April and October.

SECTION 6: The Finance Committee shall consist of three (3) elected members, with one (1) member being elected each year to a three (3) year term. The Finance Committee shall be given all requests for expenditures and will provide the Executive Committee their recommendations.

Additionally, they shall examine and act upon such matters of financial and property as the Chapter may direct. Following the April elections, the Finance Committee, with support from the newly elected Commander and Treasurer, shall prepare a budget for the next fiscal year. This budget will be presented to the Executive Committee by the June Executive Committee meeting date for consultation, changes and additions. The budget will then be submitted for approval to the Chapter membership in June of each year.

SECTION 7: The Grievance Committee shall consist of three (3) elected members with one (1) member being elected each year to a three (3) year term. Any grievance or charge made by a Chapter member will be in a written, dated and signed form that will describe the grievance and/or charge and provide any and all available evidence to substantiate the grievance and/or charge. This form will be presented to the Commander who will in turn present it to the grievance committee, who will begin an investigation of the grievance or charge within three (3) days of receipt. The status and/or results of the investigation will be submitted by the Grievance Committee chairperson to the Commander and then to the Executive Committee before their next scheduled Executive Board meeting. The Executive Committee will review the results of the investigation; If the complaint/charge has not been resolved by the Grievance or Executive Committee, the report will be submitted to membership with the Executive Board's recommendations and/or inputs. Results of all grievances or charges received shall be mailed to the complainant by certified mail, return receipt requested to the individual filing grievance. If the complaint or charge is not resolved by chapter membership, then it will be forwarded to DAV Department Headquarters for action.

SECTION 8: The Bingo Committee shall consist of at least three (3) members appointed by the Commander. At least one (1) but preferably most of those committee members will be a Colorado Secretary of State licensed Games Manager. The Chapter will encourage other Bingo committee members to take the Games Manager training and be current on all associated rules and/or regulations. Neither the Bingo Committee Chairperson nor the Bingo Manager have to be a licensed Games Manager. However, there will always be a licensed Games Manager on duty and present for any Chapter Bingo or Raffles.

- a. The Bingo Committee is responsible for ensuring the Chapter follows all Colorado State Bingo and Raffles rules and/or regulations. The Commander will be informed as soon as possible of any issues that might put the Chapter out of compliance with said rules and/or regulations. The Bingo Manager or their designated alternate and the On-duty Games Manager have the responsibility for the safe and legal operation of the Chapter's Bingo games. The Bingo Manager or their designated alternate will assign game workers as needed to complete this responsibility.
- b. The Bingo Manager or their designated alternate is responsible for the handling and accounting of all monies involved with the operations of the Bingo games and will work with the Chapter Treasurer to ensure the proper accounting of all monies.

- c. The Bingo Manager or their designated alternate shall receive and deposit all Bingo in a bank account in the name of the Chapter without any deductions or offsets by the next business day. He/She shall make authorized disbursements only by checks signed by the Bingo Manager and countersigned by the Commander or the Commander's designated representative(s) that have been approved by chapter membership in open meeting.
- d. The Bingo Committee will provide a monthly report of receipts and expenditures to the Treasurer, Executive Committee and to the Chapter membership.

ARTICLE IV – RESTRICTIONS

SECTION 1: The Executive Committee shall declare vacant the position of any elected member who fails, without reasonable excuse, to attend two (2) consecutive meetings thereof, or fails to attend two (2) consecutive regular membership meetings of the Chapter; at which time the members present shall, by two-thirds vote, declare the office vacant for failure of the officer in implication to perform the duties of his/her office. Such positions shall be filled in accordance with the provision of Article V, Section 5 herein.

SECTION 2: Any member of this Chapter who shall willfully violate his allegiance to the organization shall be adjudged according to the mandates of the National Constitution and Bylaws.

SECTION 3: Neither this Chapter, nor any officer thereof, shall in any official capacity take part in any political campaign or industrial disputes.

SECTION 4: The rules contained in *Robert's Rules of Order, Revised* shall govern the Chapter in all cases to which they are applicable and in which they are not inconsistent with the Constitution and Bylaws for this Chapter, for the Department or for National.

SECTION 5: Only members in good standing shall be entitled to vote on any question brought before the Chapter. There shall be no voting by proxy.

SECTION 6: All records pertaining to DAV Chapter 26 shall be maintained at the Chapter's office in an orderly and businesslike manner.

SECTION 7: All requests for expenditures should first be referred to the Finance Committee for its recommendation, and then submitted to the Executive Committee and Chapter membership, for its approval or disapproval (this restriction shall not apply to emergency situations, with the Commander's approval, except those listed in Article III Section 4 and necessary day-to-day operational expenditures). However, exceptions may be made to support

local veterans and/or veteran organizations to meet immediate needs, requiring only approval of three fourths of Chapter members present at a membership meeting.

ARTICLE V - NOMINATIONS AND ELECTIONS

SECTION 1: The Commander shall be responsible for notifying members of the time and place nominations and elections are to take place, at least two (2) weeks prior to such nominations and elections.

SECTION 2: Annual nominations, elections, and installations shall be made at the membership meeting in April.

SECTION 3: Nominations for all elective offices shall be made by members in good standing at the Chapter membership meeting in April. Before calling for nominations, the Commander must explain the duties of the office to be filled and further request any nominee who feels he/she is unable to fulfill the duties of that office to decline. The Commander shall call three (3) times for nominations before nominations are closed. Nominations shall be made in the order of the offices established by Article II, herein.

SECTION 4: It shall require a majority vote of members present to elect a candidate for any office. Delegates and alternates to a State or National convention are to be voted upon under the same provisions. If, however, there are fewer delegates and alternate candidates than the Chapter is authorized, all such candidates shall then be declared elected.

SECTION 5: In the event of a vacancy of any office, nominations from the floor and elections to fill the vacancy may be made at any regularly scheduled membership meeting.

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ARTICLE VI – AMENDMENTS

SECTION 1: The Constitution and 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.

SECTION 2: To the extent to which any of the provisions of the 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 Organizations, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended so as to conform thereto.

ATTESTED:

Adopted after this second and final reading on the 9 day of April 2019

Margaret E. Kirk
CHAPTER 26 ADJUTANT

Clinton J. Kirk
CHAPTER 26 COMMANDER

APPROVED:

[Signature]
DEPARTMENT JUDGE ADVOCATE
DATE SIGNED 6/12/2019

APPROVED:

Michael E. Dolan
NATIONAL JUDGE ADVOCATE
DATE SIGNED 7-2-19

I CERTIFY that the within constitution
and/or by-laws does not conflict with
those of the National Organization,
and to that extent, is approved subject
to my letter of

Date: 7-2-19
DAV National Judge Advocate

