

CONSTITUTION and BYLAWS



Knob Hill Chapter 26 *Disabled American* *Veterans*

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Knob Hill Chapter 26 Disabled American Veterans

CONSTITUTION

ARTICLE I

AUTHORITY: Knob Hill Chapter 26, Disabled American Veterans, 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 guard 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 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, Paragraphs 5 and 6 of the National Bylaws.”

ARTICLE IV - MEMBERSHIP

SECTION 1: Qualifications for membership in this chapter shall be those, which are now, or may hereafter be prescribed in the National Constitution of the Disabled American Veterans.

SECTION 2: Applicants for membership in this Chapter shall submit sufficient evidence to prove that they fulfill the requirement for membership as set forth by the National Constitution.

BYLAWS

ARTICLE I – MEETINGS

SECTION 1: Chapter regular 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 three (3) 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 30 days after notification has been made to the Commander. Notice of a special meeting shall be mailed to each member in good standing 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, which ever is less, of which three (3) must be elected officers.

SECTION 5: All voting shall be by voice vote or show of hands.

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 appointive Officers of this Chapter shall be as follows: 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 moral 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 shall preside at all regular and special meetings of the Chapter. He/she shall maintain order and dispatch such business as may legally come before him or her. The Commander shall open all meetings at the appointed time by calling the meeting to order; he/she shall announce in order of sequence the business that comes before the Chapter; he/she will recognize members who are entitled to the floor; he/she will state and put to vote all questions that legitimately come before the Chapter as a motion or that otherwise arise in

the course of the proceedings, and announce the results of each vote or to rule out of order any improper motion; he/she will expedite business every way compatible with the rights of the members; he/she will decide all questions of order; subject to appeal; he/she will declare the meeting adjourned when the members so vote or at the time prescribed in the program. The Commander shall appoint all Committees and all appointive offices (subject to the approval of the membership present in open meeting), except the Executive Committee, and those elected Committees as provided herein.

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, proprieties 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 Bylaws and copy of Roberts Rules of Order. He/she will have an agenda of the complete order of business and a list of all committees. 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 Chairman 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 or she shall act as the Chapter Legislative representative. Subject to the direction of the Chapter, he/she shall act as the Chairman 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 the Chapter's funds.

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 accounts approved by the Executive Committee.

c. Make authorized disbursements only by checks, which have been signed and countersigned by the Commander or the Commander's (bonded) designated representative(s) that have been approved by chapter membership in open meeting.

d. Preserve all receipts and vouchers for payments made.

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 of the previous meetings; 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 immediately 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 shall perform all duties incumbent of that office as prescribed within the Constitution, Bylaws, Regulations, and Official Rituals of the National Organization, and shall be prepared to advise the Commander on all issues and or questions of parliamentary procedures upon request of the Commander. He/she shall also advise the Commander at his or her request on all matters relating to the good of the

order of the Chapter and provide recommendations to the Commander and Grievance Committee if requested in the resolution of any grievance or charge.

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).

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, and Grievance 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 Chairman. 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 chairman, makes its official report in open meeting to the membership (i.e. bingo, constitution and bylaw, entertainment, etc.).

SECTION 4: The Executive Committee shall consist of six (6) elected officers of the Chapter and the immediate past Commander. The Chapter Adjutant shall serve as secretary (without a vote). The Executive Committee shall hold regular meetings the first Tuesday of each month at 6:00 PM. and special meetings at the call of the Commander or three (3) members of the committee. The Commander shall notify all committee members three (3) days prior to any special meeting. The Executive Committee duties shall be to make recommendations on all legislative, administrative, and general policies affecting the Chapter. No expenditures shall be voted upon or authorized by the Executive Committee in excess of Three Hundred Dollars (\$300.00) a month unless first referred to the Chapter Membership for its recommendations and approval. However the Commander is authorized to expend funds as needed in an emergency without prior approval of the Executive Committee or the Membership. Executive Committee will submit receipts of all expenditures of funds to the membership at the next regular membership meeting.

a. 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, Treasurer, Adjutant and Finance committee members. Furthermore;

- a. Upon request of the Auditing Committee, the Treasurer shall make available to the Audit Committee all financial records.
- b. The Auditing Committee shall meet within thirty 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. 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 for consultation, changes and additions and then will 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 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. Final 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 Disabled American Veterans Department Headquarters for action.

ARTICLE IV – RESTRICTIONS

SECTION 1: The Executive Committee shall declare vacant the office of any officer 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 offices 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: Roberts Rules of Order, Revised, shall govern proceedings of the Chapter.

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 Chapter #26 shall be maintained at the Chapter's office in an orderly and business manner.

SECTION 7: All requests for expenditures will 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).

ARTICLE V - NOMINATIONS AND ELECTIONS

SECTION 1: The Commander shall be responsible for notifying all 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.

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 Organization, 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 12th day of April, 2011

Leon Kerstner
CHAPTER 26 ADJUTANT

Wesley Michaels
CHAPTER 26 COMMANDER

APPROVED:

Billy Q. Hightower
DEPARTMENT JUDGE ADVOCATE
DATE SIGNED 5/11/11

Billy Q. Hightower
6/6/11

APPROVED:

Michael E. Quinn
NATIONAL JUDGE ADVOCATE
DATE SIGNED 6-27-11

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.

DATE: 6-27-11

DAV National Judge Advocate