

CONSTITUTION

&

BYLAWS



DISABLED AMERICAN VETERANS CHAPTER #17, GAINESVILLE/HALL CO, GA

AS APPROVED BY OUR MEMBERS

MARCH 2015

GAINESVILLE, GEORGIA

COMMANDER

PATRICK C. AMOS

ADJUTANT

VICTORIA P. SIEVWRIGHT

****Signatures Updated 23^d February 2018****

CONSTITUTION AND BYLAWS
OF DISABLED AMERICAN VETERANS GAINESVILLE – HALL COUNTY
CHAPTER # 17

NORTHWEST DISTRICT OF GEORGIA

Gainesville, Georgia 30504

CONSTITUTION

ARTICLE 1 – NAME

The name of this organization shall be: DISABLED AMERICAN VETERANS, GAINESVILLE – HALL COUNTY GEORGIA. CHAPTER NUMBER 17, INCORPORATED, hereafter referred to as “Chapter”

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 for membership fought; to advance in interest and work for the betterment of all wounded, gassed, chemical, injured or disabled veterans; to cooperate with the US Department of Veterans Affairs and all public and private agencies devoted to the cause of improving and advancing the condition, health and interest of all wounded, gassed, chemical, injured and disabled veterans; to stimulate a feeling of mutual devotion, helpfulness and comradeship among all wounded, gassed, injured and disabled veterans; to serve our comrades, our communities and our country; and to encourage in all people that spirit of understanding.

ARTICLE III – MEMBERSHIP

Eligibility for membership in this chapter of the Department of Georgia shall be as provided in ARTICLE III- MEMBERSHIP, of the National Bylaws as now or hereinafter amended. There shall be no associate, special or honorary memberships in this chapter.

ARTICLE IV – ADMINISTRATION

Section 4.1: The administration affairs of this Chapter shall be vested in the Chapter Executive Committee (CEC).

Section 4.2. The CEC will consist of the following elected/appointed officers:
The Chapter Commander who presides, Senior Vice Commander, Junior Vice Commander, Adjutant and Treasurer. If the Adjutant and Treasurer are the same person, that individual is entitled to only one vote. The Commander may invite any officer, member and or committeepersons as needed who will attend without vote.

Section 4.3. The Chapter Executive Committee shall be composed of at least three (3) officers who are officially voted and appointed to compose a quorum according to Roberts Rules of Order Revised.

Section 4.4. At a 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 approval of the Chapter. Neither the Commander nor the Senior 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 and or his designee.

ARTICLE VI – AUXILIARY

This Chapter recognizes the 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 the National Judge Advocate, 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. No amendment shall conflict with the National Constitution.

BYLAWS

ARTICLE 1 – ORGANIZATION

Section 1.1: This Chapter recognizes the National Organization known as 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 – section 6.4 Paragraph 5, of the National Bylaws.

Section 1.2: This Chapter or any member or members, by virtue of membership in this Chapter, shall not acquire any property rights or any present or existing right to the property, which this Chapter may now have or hereinafter acquire. This Chapter, for itself and its members, agree that upon dissolution of this Chapter, its assets remaining after payment of its indebtedness, if any, shall be reduced to cash and contributed to the to the Department of Georgia.

Section 1.3: The Governing body of this Chapter shall be the Chapter in session, except as otherwise provided in this Constitution and Bylaws.

Section 1.4: Minutes of the meeting of this 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 the authority to function and shall be displayed close to the Commander's station at regular meetings.

ARTICLE 3 – EXECUTIVE COMMITTEE

Section 3.1 The Chapter Executive Committee will consist of the following elected/appointed officers: Commander, who presides, Senior Vice Commander, Junior Vice Commander, Adjutant, Treasurer, Judge Advocate, Chaplain, and Past Commander.

Section 3.2: Meetings of the 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 3.3: Committee Chairpersons and other Chapter members may attend the Chapter Executive Committee meetings, but without the right to vote.

Section 3.3: Committee Chairpersons and other Chapter members may attend the Chapter Executive Committee meetings, but without the right to vote.

Section 3.4: Fifty percent (4) of the members of the Chapter Executive Committee shall constitute a quorum.

Section 3.5: The Chapter Executive Committee may act for the Chapter only in emergencies and at all times shall recommend courses of action to the Chapter in session.

ARTICLE 4 – OFFICERS

Section 4.1: The Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commander, and a Treasurer. Neither the Chapter Commander nor any Chapter Vice Commander may serve as Chapter Adjutant or Treasurer. Upon illness or disability an Acting Commander may be appointed by a quorum of the Executive Committee.

Section 4.2: The Commander, with approval of the Chapter, shall appoint any number of posts to include Officer of the Day, Sergeant of Arms, and Chapter Committees, with the exception of the Nominating Committee which shall be elected by the Chapter in regular session.

Section 4.3: Such other Officers as may be necessary to operate the Chapter may be appointed by the Chapter Commander or any such Acting Commander with the approval of the Chapter.

Section 4.4: A Chapter Officer report shall be submitted to the Department of Georgia and National Organization within Ten (10) days after installation of newly elected or appointed Chapter Officers, or in the event of any subsequent change in the Chapter Officers during the membership year, or when there is a change of address for the Chapter.

Section 4.5: There shall be no voting by proxy or voting by absentee ballot.

Section 4.6: 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 4.7: The Senior Vice Commander shall be the Membership Chairperson and as such is responsible for campaigns to increase membership and providing updates at regular meetings. Goals for future membership directions shall be defined by the Executive Committee.

Section 4.8: The Treasurer shall keep an accurate record of all monies received and disbursed and shall deposit any monies received as soon as possible. The Treasurer shall make a report on

Chapter finances at each meeting and records shall be open to any member when a request is made. An annual financial report, in accordance with the requirements of the National Bylaws, shall be submitted to the Department of Georgia and National Organization within Ninety (90) days after the close of the accounting year of the Chapter. Treasurer is responsible for any Corporation appointments of the Chapter.

Section 4.9: Upon election or appointment and installation of the successor to any such Chapter Officer, any and all Chapter Property in his or her predecessor's possession not withstanding perishables or timely items out of date, shall be surrendered to the newly installed Officer.

ARTICLE 5 – QUALIFICATIONS

Section 5.1: Any person, who is a member in good standing of this Chapter, shall be eligible for any elective or appointed office of the Chapter, except as otherwise provided in the Constitution and Bylaws.

Section 5.2: A member in good standing is defined as a member, whose current year dues are paid or has been confirmed as a LIFE MEMBER.

ARTICLE 6 – TENURE OF OFFICE

Section 6.1: A nominating Committee shall be elected at the regularly scheduled Chapter meeting in January. Officers for the Chapter shall be nominated during the month of February. Nominations from the floor will also be accepted. Election of nominees shall occur during the March Chapter meeting. Installation of elected Officers will occur during the April meeting.

Section 6.2: Elected and appointed Officers shall be installed within Thirty (30) days of their election or appointment as available. They shall serve for One (1) year or until newly elected or appointed officers have been installed, unless otherwise indicated by the Executive Committee.

Section 6.3: Para 1: Unexcused absents of any Officer from three (3) consecutive 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 approval of the Chapter.

Section 6.3: Para 2: 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 as outlined in Para 6.1.

Section 6.4: 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 Department or National Convention or any other meeting deemed necessary by the Department or the National Organization.

Section 6.5: The Chapter may direct that notice be sent to any elective or appointive officer who, in the opinion of the Chapter, does not appear to be fulfilling the duties of his/her office.

At any regular meeting any member in good standing may present a petition, signed by at least Seven (7) members in good standing, for recall of an elective or appointed officer to the Commander, or next officer in line of succession should the recall motion be for the Commander.

The petition must state the specific duty the officer is alleged to have failed to fulfill.

The Commander, or the next officer in line of succession should the recall motion be for the Commander, shall, upon motion by one of the petitioners, and a second, call for a vote of the membership to proceed with investigation of the allegation.

A majority of the members in good standing present shall be required to proceed with investigating the allegation(s).

The Commander, or next officer in line of succession should the recall motion be for the Commander, shall designate at least Three (3) members and not more than Five (5) members to serve as a board of inquiry.

The membership, by simple majority vote, shall be required to approve each member of the board of inquiry.

The board of inquiry shall be charged to investigate the allegation.

The accused officer shall have the right to defend him or herself before the board and shall be allowed to have such witnesses to appear in his or her defense as shall be willing to do so.

The board of inquiry, by the next regular Chapter meeting, shall report to the Chapter their recommendation to proceed or not proceed with a recall vote. Such report shall include the rationale for their recommendation.

The accused officer shall be permitted to defend him or herself before the membership prior to the vote.

A vote of at least two-thirds of those members present and voting, may declare such office vacant and such officer recalled. If an elective officer, his/her office shall be filled by nomination and election at the same meeting.

If an appointed officer, the Commander, or next officer in line of succession should the recall motion be for the Commander, shall appoint another member to fill such vacancy with the approval of the Chapter.

A vote of less than two-thirds shall be considered an exoneration of said officer, and no action or inaction alleged in connection with the motion to recall, a subsequent investigation report, or a vote to recall, should it occur, may be used in any further motion or investigation for recall of said officer.

ARTICLE 7 – MEMBERSHIP

Section 7.1: New applicants shall not be denied Chapter membership, providing he or she meets the eligibility as set forth in the National Constitution and Bylaws.

Section 7.2: Only members of the Chapter in good standing are eligible to vote on any motion or at any election.

Section 7.3: Members of another Chapter may transfer their membership to this Chapter, with approval by a quorum of the Executive Committee of this Chapter.

(Recommend retention of the SUGGESTED text and deletion of the proposed change.)

ARTICLE 8 – FINANCES

Section 8.1: The Treasurer or other designated Officer shall deposit all monies in the name of this Chapter and shall countersign with the Commander or one other designated Chapter Officer on all checks. All expenses over \$350.00 will be voted on by the Chapter membership in a regular meeting or presented in writing for approval by the Executive Committee. Except in case of emergency, the Commander shall make the decision to disperse up to \$350.00 after securing a report from the Vetting Committee.

Section 8.2: The power of this Chapter to make donations to Disabled Veterans and their families shall be vested in the Chapter Commander and/or CEC after the Vetting Committee has completed their investigation and provided recommendations to the CEC.

Section 8.4: This Chapter shall operate under a budget, which must be set up by the Budget Committee annually. The budget must be approved by majority vote of the members present and voting at a regularly scheduled meeting. Changes to the budget shall be vested in the CEC.

Section 8.5: The Treasurer or other designated Chapter Officer shall be charged with handling all finances, reporting normally at the monthly meetings.

Section 8.6: Membership dues shall be set as provided in the National Bylaws.

ARTICLE 9 – MEETINGS

Section 9.1: Regular Chapter meeting dates, time and location shall be determined by a majority vote of the Chapter in session.

Section 9.2: The Chapter must hold Four (4) regular meetings with a quorum present within the membership year.

Section 9.3: Special meetings of the Chapter may be called by the Commander whenever the Commander may deem it necessary, or when the Commander has been requested in writing to do so by Ten (10) or more Chapter members.

Section 9.4: Rules of Chapter meetings shall be as follows:

Rule 1: A quorum shall consist of Seven (7) members in good standing, of which at least Two (2) must be elected/appointed Chapter Officers.

Rule 2: Roberts Rules of Order, Revised, shall govern the Chapter in all cases to which they are applicable and 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 such matters.

Rule 4: Matters concerning only an individual member, with respect to his or her 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.

ARTICLE 10 – COMMITTEES

Section 10.1: All Chapter Committees will meet at the call of the Chairperson or Commander, or as otherwise provided in this Constitution and Bylaws by any quorum present.

Section 10.2: Committees shall consist of not less than Three (3) nor more than Five (5) members, except as may otherwise be herein provided, including the Chairperson. Committees shall be appointed by the Commander, with the approval of the Chapter, with exception of the Nominating Committee, which shall be elected by the Chapter.

Section 10.3: The Chapter shall have an audit Committee composed of at least Three (3) members of the Chapter, excluding the Commander, Senior Vice Commander, Treasurer, and Finance Committee Chairman. The Audit Committee shall conduct an annual audit in accordance with the requirements of the National Bylaws.

ARTICLE 11 – MISCELLANEOUS

Section 11.1 Para 1: These Bylaws may be amended at any Chapter meeting by 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 a meeting and that all Chapter members present at the current meeting were notified of the proposed change prior to the meeting.

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 Department of GA or the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed as to conform thereto.

ATTEST: Adopted after this second and final reading on the

3/13/2014 2014

Anne-Marie Lundy

ADJUTANT (CHAPTER 17) GAINESVILLE, GA

DATE: 3/20/2014

Paul W. Smith

COMMANDER CHAPTER 17 GAINESVILLE, GA

DATE: 03/20/2014

Jack W. Williams Jr

CHAPTER JUDGE ADVOCATE

DATE: 3/19/2014

[Signature]

DEPARTMENT JUDGE ADVOCATE

DATE: 4/15/14

Michael E. Delaney

NATIONAL JUDGE ADVOCATE

DATE: 3-20-15

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: 3-20-15

DAV National Judge Advocate

Page 10a; Constitution & Bylaws-Continued: Updated Signatures

Patrick C. Amos

PATRICK C. AMOS, COMMANDER, DAV, CHAPTER 17, GAINESVILLE/HALL CO, GA

Victoria P. Sievwright 26 February 2018

VICTORIA P. SIEVWRIGHT, ADJUTANT, DAV, CHAPTER 17, GAINESVILLE/HALL CO, GA

Jack O. Whidden, Jr.

JACK O. WHIDDEN, JR, CHAPTER JUDGE ADVOCATE, DAV, CHAPTER 17, GAINESVILLE/HALL CO, GA