

CONSTITUTION

Preamble

For God and Nation, and for our commonwealth, we former members of the Armed Forces of the United States having aided in maintaining the honor, integrity, and supremacy of our Country, holding in remembrance the sacrifices in common made and drawn together by strong bonds of respect and mutual suffering, solemnly and firmly associate ourselves together in creating the Disabled American Veterans, the principals and purposed of which shall be the supreme allegiance to the United States of America; fidelity to its Constitution and laws; to hold aloft the torch of true patriotism; to strive for a better understanding between nations that peace and good prevail; to cherish and preserve the memories of our military associations; and to aid and assist worthy disabled veterans, their widows, their orphans, and their dependents.

ARTICLE I - NAME

SECTION 1. Under the authority of the National Constitution and By-Laws of the Disabled American Veterans, there has been, and is hereby established the Disabled American Veterans, Prescott Chapter 16, Inc., located in Prescott, Arizona.

SECTION 2. Disabled American Veterans, Prescott Chapter 16, Inc., acknowledges its allegiance to, and affiliation with, the National Organization and the Department of Arizona of the Disabled American Veterans and

subscribes to the jurisdiction thereof, as provided by the Constitution and By-Laws, as now in force or hereafter amended.

ARTICLE II – PURPOSE

The purpose of the Disabled American Veterans, Prescott Chapter 16, Inc., shall be to uphold and maintain the constitution and the 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, injured, and disabled veterans; to cooperate with the 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, injured, and disabled veterans; to stimulate a feeling of mutual devotion, helpfulness, and comradeship among all wounded, gassed, injured, and disabled; to serve our comrades, our communities, and our country; and to encourage in all people that spirit of understanding which will guard against future wars.

ARTICLE III – MEMBERSHIP

Eligibility for membership in this chapter is provided for in the National Constitution and By-Laws of the Disabled American Veterans.

ARTICLE IV – POWERS

Disabled American Veterans, Prescott Chapter 16, Inc., reserved the right to have perpetual succession, so long as the Charter has not been revoked by the National Executive Committee, with power to sue and be sued in courts and equity; to receive, hold, own, use and dispose of such real estate and personal property as shall be necessary or advisable for its corporate purposes; to adopt a Constitution and By-Laws and Regulations to carry on its purposes, not inconsistent with the laws of the United States, any State or City; and in compliance with State and National Constitutions and by By-Laws to use, in carrying out the purposes of the Corporation; to establish and maintain an office for the conduct of its business; to publish a bulleting or other publications devoted to the purposes of the Corporation and generally to do any and all such things and acts as may be necessary and proper in carrying into effect the purposes of the Corporation.

ARTICLE V – ADMINISTRATION

SECTION 1. The Administrative affairs of the Chapter shall be vested in the Chapter's Executive Committee with final determinations made by the membership at its regular monthly meeting.

SECTION 2. The Executive power of the Chapter shall be vested in the Chapter Commander.

SECTION 3. The Supreme Legislative power of this Chapter shall be vested in the regular Chapter meeting.

ARTICLE VI – AUXILIARIES

This organization recognizes an Auxiliary of the Disabled American Veterans and the National Order of Trench Rats as auxiliary units of the Disabled American Veterans subject to its supervision and recommendations.

ARTICLE VII – AMENDMENTS

SECTION 1. This Constitution and By-Laws and Regulations may be amended at any regular meeting of this Chapter by a two-thirds (2/3) vote of the members present and voting thereat providing the amendment was presented and read in its entirety at the previous regular meeting. The Adjutant shall notify all members in good standing by Email, at their last known contact address, of the amendment to be voted on. After such amendment has been voted on, the same or similar amendment shall not be reintroduced for consideration within six (6) months.

SECTION 2. All amendments to this Constitution and By-Laws and Regulations approved by the Chapter must be submitted immediately to the Department and National Judge Advocate for their approval.

SECTION 3. No amendment to this Constitution and By-Laws and Regulations shall become effective until approved in writing by the Department and National Judge Advocate.

SECTION 4. Disapproval by the Department or National Judge Advocate of any article, section of article or parts thereof shall not negate this Constitution and By-Laws and Regulation in its' entirety. Disapproval by the Department or National Judge Advocate shall only pertain to the objectionable article, section of article, or parts thereof. The Chapter shall review the portions that were disapproved and amend or delete, as appropriate, to comply with Department or National requirements.

BY- LAWS

ARTICLE I – ORGANIZATION

SECTION 1. The governing bodies of this Chapter shall be the Chapter Executive Committee, the Chapter Commander and the regular Chapter meeting.

SECTION 2. A record of proceedings at all Executive committee meetings and Chapter meetings shall be kept in the Chapter 16 office for a period of five (5) years. These minutes shall be open for inspection to all members in good standing.

ARTICLE II - POLICY

SECTION 1. This Chapter shall be non-political and non-sectarian and the names of the organization or name of any unit thereof shall not be used in representing the desires or wishes of its membership in any political, sectarian or labor dispute except as hereafter provided, and provided that the foregoing

shall not prevent the Chapter from participating in any political issues which have a direct bearing upon the welfare of America's Disabled Veterans.

SECTION 2. No member shall appear before any Legislative body speaking in the name of the organization contrary to any resolution of the organization then in effect.

ARTICLE III – CHAPTER MEETINGS

SECTION 1. Regular Chapter meetings are held monthly, except July and August, at the Chapter 16 Resource Center, at a time designated by the Chapter membership. Monthly Executive Board meetings are to be held at the discretion of the Executive Board members, except as otherwise mandated by the Chapter membership.

SECTION 2. A special meeting of the Chapter may be called at the discretion of the Chapter Commander or a majority of the Chapter Executive Committee. Notification of General Membership is required.

SECTION 3. A quorum for Chapter meeting shall exist when there are five (5) members in good standing present; one (1) of which must be the Commander, the Senior Vice Commander, or the Junior Vice Commander.

SECTION 4. DAV, Prescott Chapter 16's Constitution and By-Laws, along with Department and National By-Laws, Roberts's Rules of Order, most recently revised, shall govern all Chapter meetings and all Chapter committee meetings.

ARTICLE VI – OFFICERS

ARTICLE IV – MEMBERSHIP

SECTION 1. There shall be no form or class of membership except as an active membership as herein provided. Honorary memberships are prohibited.

SECTION 2. A membership transfer may be made from another Chapter to this Chapter 16 by completion of a transfer application. Upon acceptance by this Chapter, documentation shall be forwarded to National Headquarters with notification that the transfer has been accepted by Chapter 16.

SECTION 3. Dues payable by Life Members shall be governed by the National By-Laws. All membership dues will be applied toward becoming a member for life and will be submitted with proper documentation to the National Headquarters.

SECTION 4. No Officer or member of this Chapter shall acquire any property rights to property which this Chapter owns or may hereafter acquire.

ARTICLE V – POWERS

All legislative, administrative, and executive matters shall be covered by the provisions of the Constitution, By-Laws, and Regulations of this Chapter. The Chapter may adopt regulations and statements of policy to effectuate both the intent of its determinations and the of these By-Laws.

Specific job descriptions are provided in the DAV Chapter Officers Guide provided by DAV National. Please refer to that publication in addition to guidance provided herein.

SECTION 1. The elective Officers of this Chapter are: Commander, Senior Vice Commander, Junior Vice Commander, Chaplain, State Executive Committeeman, and Alternate State Executive Committeeman.

SECTION 2. Officers shall be elected for a term of one (1) year or until their successors are duly elected and installed, except as otherwise provided for in these By-Laws. During the election process, the Sergeant at Arms will insure all present in the room for the vote have a valid DAV Chapter 16 membership card or copy of that card on file with the Adjutant. Those without a valid Chapter 16 membership will not be allowed into the room for the voting process.

SECTION 3. No elected Officer shall hold more than one (1) elected office within the Chapter with the exception of the State Executive Committeeman or the Alternate Executive Committeeman. No paid employee of the Chapter (including the Thrift Store) may serve as an elected officer of Chapter 16.

SECTION 4. The Commander, upon being elected, shall appoint an Adjutant, a Treasurer, one or more Service Officers, a Sergeant at Arms, an Officer of the Day, a Chief of Staff, a Court Liaison, and any other officers deemed necessary to continue the affairs of the Chapter. In addition to the aforementioned Officers, the Commander shall appoint Committee Chairmen. Officers and

Chairmen shall serve at the pleasure and convenience of the Commander. All appointees' terms of office shall be coterminous with that of the Commander who appointed them. The Chapter shall also have, as delegated Officers, a Board of three (3) Trustees who shall be appointed by the Commander. The Commander shall also designate which Trustee is to serve as Chairperson for the Audit Committee.

SECTION 5. If a vacancy occurs in an elective office, that vacancy shall be filled by appointment by the Commander until an election can be held at the next regular Chapter meeting. In case of a vacancy in the Office of Commander, the Senior Vice Commander shall become the Commander and the Junior Vice Commander shall become the Senior Vice Commander. The Junior Vice Commander vacancy shall be filled by an election at the next regular Chapter meeting.

SECTION 6. A vacancy in an elective office shall exist when an Officer is absent from their post for three (3) consecutive meetings without proper excuse from the Commander.

SECTION 7. Vacancies in appointed or delegated positions shall be filled within thirty (30) days after a resignation or a declared vacancy due to non-performance.

SECTION 8. In addition to the other duties and powers set forth in this Constitution and By-Laws, the Commander shall be the Presiding Officer for Chapter meetings and other committee meetings as authorized by a Chapter meeting or by the Executive Committee. No other meetings of Chapter

personnel shall be recognized as official Chapter meetings except those authorized by a Chapter meeting or an Executive Committee meeting.

SECTION 9. The ruling of a Chapter Commander (or presiding officer) on a point of order is final and binding upon the Chapter unless overruled by a majority vote of the Chapter members present. That vote requires approval of the Commander to be held. The Commander's decision on a point of order can always be overruled by appeal to higher authority.

SECTION 10. The Senior Vice Commander shall assume the duties of the Commander in the absence or disability of the Commander. Additional duties of the Senior Vice Commander shall be as delegated by the Commander.

SECTION 11. The Junior Vice Commander shall assume the duties of the Senior Vice Commander in the absence or disability of the Senior Vice Commander, or when called upon by the Commander. The Junior Vice Commander is responsible for the legislative agenda. Additional duties of the Junior Vice Commander shall be delegated by the Commander

SECTION 12. The duties of the Adjutant shall be to take charge of and keep a full and correct record of all proceedings of all meetings, keep such records as are required by the Department and National organizations, and under the direction of the Commander, handle all correspondence of the Chapter. The Adjutant is responsible for all correspondence, electronic and written of the Chapter, keeping the minutes of all meetings where required, letting members know about meetings and things of interest that may aid in our mission. The position of Chapter 16 Adjutant will be a paid position.

SECTION 13. The duty of the Treasurer is to take charge of all incoming monies of the Chapter and see that they are promptly deposited in a local bank. The Treasurer shall report to the Chapter at regular meetings on the financial condition of the Chapter, at least through the end of the preceding month. The Treasurer shall offer such recommendations as may be deemed expedient or necessary for the financial betterment of the Chapter. The Treasurer is also responsible for presenting a new budget to the Chapter during the June Chapter meeting. The Treasurer is also responsible for the Annual Financial Review, and the monthly accounting statements for the Chapter. The Treasurer is also responsible for tracking of all "bounced" checks and attempting to make these checks good. The Treasurer will notify the Adjutant when donations are received so the Chapter can insure a "Thank You" letter is forwarded to the donating person.

SECTION 13a. All Chapter checks for payments of indebtedness or for service functions will be signed by two of the so designated Officers authorized by the Chapter.

SECTION 13b. The Commander and the Treasurer are the two primary Officers for the signing of checks. In their absence, The Senior Vice Commander, Junior Vice Commander, and/or the Adjutant may sign the checks.

SECTION 14. The Chapter Service Officer(s) shall aid and assist all veterans, their widows, widowers, orphans, and dependents in the obtaining of benefits due them. All Chapter Service Officers must attend yearly training by Department and are expected to spend at least two (2) hours per week at the Chapter office taking phone calls and helping Veterans and their families that need assistance.

SECTION 15. The Chaplain shall perform such duties as prescribed in the official ritual of the National Organization. The Chaplain shall attend and when so requested, officiate at the funerals of deceased comrades. The Chaplain shall render other services as might be incumbent upon their office.

SECTION 16. The Sergeant at Arms shall be responsible for those present in the meetings as to their eligibility to participate therein and shall report to the Commander any visitors present. The Sergeant at Arms shall allow no one to enter or depart during the opening, closing, or Memorial Ceremonies.

SECTION 17. The Veterans Administration Volunteer Service (VAVS) Liaison Officer, a DAV National position, shall coordinate with the Chapter for all monies the Chapter donates to support veterans at the Veterans Administration. It is the VAVS' duty to submit a report to the Chapter, on a monthly basis, on where and how the money the Chapter spend was utilized. The VAVS will also be responsible to give the Chapter recommendations for future expenditures. The VAVS will be involved in the annual budget process to insure their area of expertise is properly funded.

SECTION 18. The State Executive Committeeman and Alternate State Executive Committeeman shall be elected during the annual election of Chapter officers, however they will not assume their duties until they are installed during the next Department Convention or at a special installation conducted by Department.

SECTION 19. The Alternate State Executive Committeeman shall represent the Chapter at all Department Executive Committee meetings that the SEC is unable to attend. Responsibility to report to the Chapter shall be the same as for the

SEC. It is the responsibility of both the SEC and Alternate SEC to attend the Annual Department Convention and the Department Mid-Term Conference.

SECTION 20. Department often utilizes the SEC, and in their absence the Alternate SEC, for emergency phone votes concerning Department affairs. In these situations, and where possible, the SEC or Alternate SEC will contact the Commander for guidance on these votes. Where not possible the SEC or Alternate SEC can vote as they see fit. In all cases the vote, as required will be brought to the attention of the Chapter as soon as possible following that vote.

SECTION 21. The Trustees (3) shall comprise the Audit Committee. It is their duty to conduct audits as required by National and submit an Annual Financial Report to the Department and to the National organization.

SECTION 22. Delegates and Alternates to a Department or National Convention shall be elected by the Chapter at a regular meeting of the Chapter to be held at least sixty (60) days prior that convention. Reimbursement for expenses incurred at convention will be decided at the time elections are held.

SECTION 23. Due to a high potential of a "conflict of interest", the Commander of Chapter 16 cannot concurrently hold the position of VAVS Liaison Officer at the Northern Arizona Veterans Administration Health Care System (NAVAHCS).

ARTICLE VII – FINANCE

SECTION 1. The Chapter year shall commence on July first (1) and end at midnight of the following year on June thirty (30).

SECTION 2. The revenue of this Chapter shall be derived from disbursements from the National organization, contributions, bequeaths, Department grants, and from the thrift store owned by the Chapter. Sources of revenue have to be approved by the Department as fundraising request. An annual fundraising request is required for the operation of the thrift store owned by the Chapter. This request goes to Department on a special Department form. This fundraising request is due to Department 30 days following the annual Department Convention.

SECTION 3. No one is allowed to borrow money from the Chapter.

SECTION 4. The Chapter shall maintain two checking accounts and a ledger for each. One account is for service/fraternal expenses and the other will be used for the thrift store expenses.

SECTION 5. All Chapter funds shall be deposited in federally insured local financial institutions selected by the Commander and the Treasurer. No withdrawals shall be made except with checks properly signed by those officers authorized to sign the Chapter checks.

SECTION 6. No one is permitted to spend Chapter money without prior approval of the general membership of the Chapter, or the Executive Board when in session. This includes requests for reimbursement for money spent by anyone,

as without prior approval reimbursement will not be granted. The Chapter Commander is permitted to spend a nominal amount of money the Commander deems necessary for the fulfillment of our mission, without prior approval, provided the Commander presents this expenditure to the Chapter at the next Chapter meeting. The nominal amount will not exceed \$500 in all cases.

ARTICLE VIII – RESOLUTIONS

All resolutions of State or National scope presented to the Chapter by a member, or reported to this Chapter by a committee, shall merely embody the opinion of this Chapter on the subject. No action will be taken, other than at a regular Chapter meeting. If approved by the Chapter, a resolution will be prepared and presented as prescribed by current Department By-Laws. No action or publicity will be given until the resolutions are approved by Department.

ARTICLE IX- RULES OF ORDER

All manner of procedure not otherwise provided for in these By-Laws, Department By-Laws, or National By-Laws shall be governed by Robert’s Rules of Order, most recently revised.

ARTICLE X – LIMITATIONS OF LIABILITIES

This Chapter shall not incur, or cause to be incurred, any liability or obligations which shall subject to liability or obligation, any other Chapter, subordinate group, member of the DAV, or other groups, individuals, corporations, or organizations.

ARTICLE XI – CHAPTER ADDRESS

The Chapter address for USPS mail is: 337 Rush Street, Prescott, Arizona 86301. The Email address is: davchapter16@gmail.com The Chapter phone number is: 928-756-2780. The official website is: <http://www.davchapter16.org>

ARTICLE XII – NOMENCLATURE CORPORATE OFFICERS

The office of Commander is comparable to that of a Corporate President; a Vice Commander to that of a Vice President; and Adjutant to that of a Secretary; and the Executive Committee to that of a Corporate Board of Directors.

ARTICLE XIII – CORPORATE SEAL

The seal of this Corporation shall consist of two (2) concentric circles, between which the name of the Corporation, and in the center shall be inscribed; “Incorporated by the Arizona Corporate Commission”, with the date of the incorporation.

INSERT PICTURE OF SEAL HEARE

ARTICLE XIV- AMENDMENTS TO ARTICLES OF INCORPORATION

The Articles of Incorporation for disabled American Veterans, Prescott Chapter 16, Inc., may be amended at a regular Chapter meeting by a two-thirds (2/3) vote of the Chapter members present and voting thereat, providing the amendments were presented and read at the previous regular meeting. The Adjutant shall contact all members in good standing of the amendments to be voted on. After the amendments have been voted on, the same or similar amendments shall not be reintroduced for consideration until six (6) months have passed. Any changes require final approval of the Department Judge Advocate and National Judge Advocate as per Article XVII, Section 17.2 of the National By-Laws.

ARTICLE XV – AMENDMENTS TO BY-LAWS

SECTION 1. This Constitution and By-Laws for Disabled American Veterans, Prescott Chapter 16, Inc., may be amended at a regular Chapter meeting by a two-thirds (2/3) vote of the Chapter members present and voting thereat, providing the amendments were presented and read at the previous regular meeting. The Adjutant shall contact all members in good standing of the amendments to be voted on. After the amendments have been voted on, the same or similar amendments shall not be reintroduced for consideration until six (6) months have passed.

SECTION 2. All amendments to this Constitution and By-Laws and Regulations approved by the Chapter must be submitted to the Department and National Judge Advocates for their approval. No amendments to these Constitution and By-Laws and Regulations shall be effective until approved in writing by the Department and National Judge Advocates.

SECTION 3. Disapproval by the Department or National Judge Advocate of any article, section of an article, or parts thereof shall not negate these By-Laws in their entirety. Disapproval by the Department or National Judge Advocate shall pertain only to the objectional Article, section of an Article, or parts thereof.

REGULATIONS

The following Regulations have been adopted by the Chapter membership under the authority given by Article VI of the Chapter By-Laws.

REGULATION – I COMMITTEE DUTIES

REGULATION Ia. The Executive Committee shall consist of all elected officers of the Chapter, all past Commanders, all the Trustees, the Treasurer and the Adjutant. The Commander shall serve as Chairman and vote only to resolve a tie. A quorum for the Executive Committee shall be five (5), one of which must be the Commander, the Senior Vice Commander, or the Junior Vice Commander.

REGULATION Ib. The Finance and Budget Committee shall prepare an annual budget for the following fiscal year, make recommendations for fund raising activities using Department and National guidelines and set the financial policy of the Chapter. The Commander and the Treasurer shall be members of this committee. Other members will be assigned by the Commander as requested by the Treasurer.

REGULATION Ic. The Audit Committee shall have charge of the administration of the financial policy, supervision of receiving, disbursing and accounting of all Chapter funds. The Audit Committee is responsible for the Annual Financial Review of the Chapter as required by National the Audit Committee shall consist of three (3) Trustees, with the chairman appointed by the Commander.

REGULATION Id. The Constitution and By-Laws Committee shall update and revise the Chapter Constitution and By-Laws and Regulations using the current National and Department guidelines, as well as considering the growth and needs of the Chapter. The Commander shall be the Chairman of the Constitution and By-Laws Committee with other members assigned by the Commander.

ENDORSEMENT

CHAPTER ENDORSEMENT

This Constitution and By-Law change was revised/amended through proper resolution and presented to a regular convened general membership of Chapter 16 on September....., and, at which time, was approved.

Commander:

Chapter Adjutant:

?

DEPARTMENT ENDORSEMENT:

Upon review of this Constitution and By-Law I believe there does not exist any conflict with the Constitution and By-Laws of the Department of Arizona.

Department Judge Advocate: (name)_____

Department Commander: (name)_____

Department Adjutant: (name)_____

I CERTIFY that the Constitution and/or By-Laws change does not conflict with those of the National Organization, and to that extent is approved.

National Judge Advocate: (name)_____