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September 20, 2023

Ms. Donna L. Nious, Adjutant  
Alamo Chapter #5  
Disabled American Veterans  
6401 Wenzel Road  
San Antonio, TX 78233

EIN: 74-6066630

Dear Adjutant Nious:

The Constitution and Bylaws for Alamo Chapter #5, Department of Texas, is hereby approved as of this date.

A copy of this document is being returned to Chapter #5 along with a copy to the Department. A copy is also being retained in our permanent files here at National Headquarters for future reference.

Sincerely,

A handwritten signature in black ink that reads 'Michael E. Dobmeier'.

Michael E. Dobmeier  
National Judge Advocate

MED:cmb  
Enclosure

c: Department of Texas

**CONSTITUTION AND BYLAWS  
OF  
ALAMO CHAPTER #5, DEPARTMENT OF TEXAS  
SAN ANTONIO, TX**

**CONSTITUTION**

**ARTICLE I--NAME**

The name of this Chapter shall be **ALAMO Chapter # 5, Department of TEXAS.**

**ARTICLE II--PURPOSE**

The purpose of this Chapter is to support the programs of the Disabled American Veterans as provided in the National Constitution and Bylaws and Regulations of the National Executive Committee.

**ARTICLE III--MEMBERSHIP**

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

**ARTICLE IV--ADMINISTRATION**

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

**Section 2:** The Chapter Executive Committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commander, Treasurer, and any elected/appointed Chapter officers.

**Section 3:** At the time specified in the Chapter Bylaws, the Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commander(s) and a Treasurer. Such other officers as may be necessary to operate the Chapter may be appointed by the Commander, with the approval of the Chapter. Neither the Chapter Commander nor any Chapter Vice Commander may serve as Chapter Adjutant or Treasurer.

**ARTICLE V--EXECUTIVE**

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

**ARTICLE VI--AUXILIARY**

This Chapter recognizes a DAV Auxiliary, subject to such supervision, as conforms with National, Department of Texas, and Alamo Chapter 5 Constitution and Bylaws.

## **ARTICLE VII—AMENDMENTS**

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

## **BYLAWS**

### **ARTICLE 1—ORGANIZATION**

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

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

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

### **ARTICLE 2—CHARTER**

The Charter of this Chapter, issued by the National Executive Committee, is its authority to function and shall be displayed behind the Commander's station at all regular meetings.

### **ARTICLE 3 - EXECUTIVE COMMITTEE**

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

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

**Section 3:** Appointed officer, committee chairs and other Chapter members may attend the Chapter Executive Committee meetings, but without the right to vote.

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

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

#### **ARTICLE 4 –OFFICERS**

**Section 1:** The Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commander(s), and a Treasurer. Neither the Chapter Commander nor any Chapter Vice Commander may serve as Chapter Adjutant or Treasurer.

**Section 2:** The Commander, with the approval of the Chapter, shall appoint Chapter Committees, at his/her discretion, except for the Nominating Committee, which shall be elected by the Chapter.

**Section 3:** Such other officers as may be necessary to operate the Chapter may be appointed by the Commander, with the approval of the Chapter.

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

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

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

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

**Section 8:** The **Treasurer** shall receive and immediately deposit all Chapter funds in a bank account in the name of the Chapter without any deductions or offsets. He/She shall make authorized disbursements only by checks signed by the Treasurer and countersigned by the Commander or other designated Chapter officer. He/She shall keep a system of accounts and vouchers approved by the Chapter and shall preserve all receipts and checks or vouchers for payments made. He/She shall render a monthly report of receipts and expenditures to the Chapter not later than the first regular Chapter meeting following the last day of each calendar month. An annual financial report, audited and approved by the Chapter Audit Committee, shall be submitted to the State Department and National Organization within ninety (90) days after the close of the accounting year of the Chapter, as required by the National Bylaws.

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

## **ARTICLE 5—QUALIFICATIONS**

Any person who is a member of this Chapter shall be eligible to take any elective or appointive office in this Chapter, except as otherwise provided in this Constitution and Bylaws.

## **ARTICLE 6 –TENURE OF OFFICE**

**Section 1:** Officers for the Chapter shall be nominated during the April Chapter meeting and again immediately prior to the May meeting.

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

**Section 3:** Unexcused absence of any officer, past or present, 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 4:** In the event the office of Commander shall be vacated for any reason, the Senior Vice Commander shall be elevated to Commander, Junior Vice Commander to Senior Vice Commander and the vacancy filled as outlined in Para. 1 of this Section.

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

## **ARTICLE 7 – MEMBERSHIP**

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

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

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

## **ARTICLE 8—FINANCES**

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

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

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

#### **ARTICLE 9 –MEETINGS**

**Section 1:** Regular Chapter meeting dates, time and location shall be determined by majority vote of the Chapter in session.

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

**Section 3:** Special meetings of the Chapter may be called by the Commander whenever the Commander may deem it necessary or when the Commander is requested in writing to do so by ten (10) or more Chapter members.

**Section 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 Chapter officers.

**Rule 2:** Robert’s Rules of Order, revised shall govern the Chapter in all cases to which they are applicable and in which they are not consistent with this Constitution and Bylaws, the Department Constitution and Bylaws or the National Constitution and Bylaws.

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

**Rule 4:** Matters concerning only an individual member, with respect to 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 1:** All Chapter committees will meet at the call of the Chairman or Commander, or as otherwise provided in this Constitution and Bylaws.

**Section 2:** Committees shall consist of not less than three (3), but not more than seven (7) members (except as may otherwise be herein provided), including the Chairman. Committees shall be appointed by the Commander, with the approval of the Chapter, with the exception of the Nominating Committee, which shall be elected by the Chapter.

**Section 3:**

The Chapter shall have an Audit Committee composed of at least three (3) members of the Chapter, excluding the Commander, Senior Vice Commander, Treasurer, and Adjutant. The

Audit Committee shall conduct an annual audit in accordance with the requirements of the National Bylaws.

**ARTICLE 11 – MISCELLANEOUS**

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

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


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

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

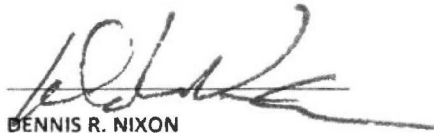
Adopted after this fourth and final reading on (date) April 22, 2023.



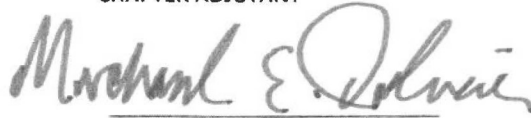
**KATHLEEN KABERIDES**  
CHAPTER COMMANDER



**DONNA NIOUS**  
CHAPTER ADJUTANT



**DENNIS R. NIXON**  
DEPARTMENT JUDGE ADVOCATE



**MICHAEL E. DOBMEIER**  
NATIONAL JUDGE ADVOCATE

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: 9/20/23  
DAV National Judge Advocate