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April 29, 2025

Ms. Kathleen F. Kaberides, Adjutant
Alamo Chapter #5
Disabled American Veterans
6401 Wenzel Rd.
San Antonio, TX 78233

EIN: 74-6066630

Dear Adjutant Kaberides:

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,

Michael E. Dobmeier
National Judge Advocate

MED:js
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(s), Treasurer and any elected 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 Executive Committee shall be composed of the Commander, the Vice Commanders, the Treasurer and four (4) Chapter Executive Committee Members, the latter to be elected from Chapter members in good standing as above provided and in accordance with "Nominations and Elections." Four (4) such committee members shall be elected thereafter at each annual Chapter election. The Committee shall elect its own Chairman from its

membership, who shall not be the Commander. None of the four (4) Chapter Executive Committee Members shall hold any other elective office in this Chapter

Section 2: The minutes of each meeting of the Executive Committee shall be read at the next following regular Chapter meeting by the Adjutant. The approval of the minutes by the Chapter shall constitute an approval of the recommendations and actions taken by the Executive Committee as reported in such minutes. When the minutes are read, any Chapter member may request that any part thereof be discussed or voted upon separately. The Executive Committee shall hold one regular meeting each month on the (example: "first Tuesday") at (time) and may hold special meetings upon the call of the Chairman or the Commander, or any three (3) members of the Committee who may request the same in writing. Notice of the time and place of each special meeting shall be given in writing to each member of the Committee not less than forty eight (48) hours prior to the holding thereof, except with the unanimous consent of all members of the Committee. A majority of the members of the Committee shall constitute a quorum.

Section 3: 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 \$50.00 unless first referred to the Executive Committee for its recommendations, except by a three-fourths Chapter vote. 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.

Section 4: The Committee shall also act as a Resolution Committee, and no resolution shall be adopted by the Chapter unless first submitted to the Executive Committee for its recommendations, except by a three-fourths affirmative Chapter vote.

SECTION 5: The purpose for the creation and continuance of the Executive Committee shall be to provide a means for the consideration and discussion of routine or other business affairs of the Chapter and to make recommendations to the Chapter of desired action. This will serve to reduce the time which might otherwise be consumed during Chapter meetings, streamlining Chapter meetings to provide for earlier adjournment and time for entertainment and social activities. However, the sole power to approve or disapprove such recommendations or to act, in whole or in part, contrary thereto, shall remain in the hands of the Chapter.

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. 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.

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: 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.

SECTION 10: 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 chairman, committeeman, 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.

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.

Section 6: In the event of a vacancy of any elective office, nominations and election to fill such vacancy may be made at the same meeting.

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, and Treasurer. 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.

ARTICLE 12- RESTRICTIONS

Section 1: The Chapter may direct that notice be sent to any elective or appointive officer who has failed to attend three (3) consecutive meetings of the Chapter or who, in the opinion of the Chapter, does not appear to be fulfilling the duties of his/her office, stating that at the next regular meeting (giving the time and place), the matter of his/her recall from office will be considered. At the meeting set forth in such notice, the Chapter, by a vote of two-thirds of

those Chapter 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 appointive officer, the Commander shall appoint another member to fill such vacancy with the approval of the Chapter.

Section 2: 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 this Constitution and Bylaws, the Department Constitution and Bylaws or the National Constitution and Bylaws.

Section 3: Each member accepting or retaining membership in the Chapter agrees to be bound by this Constitution and Bylaws and the DAV National and Department Constitution and Bylaws, now in force or hereafter adopted or amended.

Section 4: The name of this Chapter or of the Disabled American Veterans must not be used in connection with any political, sectarian or labor dispute, or in any matter not directly related to wartime service-disabled veterans. Nor shall the Chapter enter into or engage in any such activities. However, nothing in this paragraph shall prohibit the Chapter from participating in political issues which have a direct bearing upon the welfare of America's disabled veterans.

Section 5: Except as otherwise expressly provided in the National Bylaws, the Chapter shall not sponsor or engage in, directly or indirectly, any fundraising project without the prior approval of the governing State Department or National Executive Committee, where required by the National Bylaws. All fundraising activities will be conducted in accordance with Article 15 of the National Bylaws and the Regulations of the National Executive Committee.

Adopted after this second and final reading on March 15, 2025.



JOSEPH HARRISON, JR
CHAPTER COMMANDER



KATHLEEN KABERIDES
CHAPTER ADJUTANT

 4-22-2025

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: 4.29.2025
DAV National Judge Advocate