

July 14, 2010

Ms. Carol M. Gernand, Adjutant  
Port Huron Chapter #12  
Disabled American Veterans  
7477 River Road  
Cottrellville, MI 48039

Dear Ms. Gernand:

The Constitution and Bylaws for Port Huron Chapter #12, Department of Michigan, is hereby approved as of this date, with the following exception:

Delete Article 3, Section 5 of the Chapter's Constitution in its entirety. This provision conflicts with *Article 11, Section 11.9, Para. 1 – National Bylaws*. Annual membership dues are not permitted.

A copy of this document is being returned to Port Huron Chapter #12, a copy is being sent to the Department of Michigan, and a copy is being retained in our permanent files here at National Headquarters for future reference.

Sincerely,

**COPY**

MICHAEL E. DOBMEIER  
National Judge Advocate

MED:as  
Enclosure

c: Department of Michigan ✓

RECEIVED

JUL 20 2010

CHAPTER CONSTITUTION AND BY-LAWS

PORT HURON CHAPTER #12

DISAABLE AMERICAN VETERANS

PORT HURON, MICHIGAN

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PREAMBLE

For God and Nation, and for our commonwealth, we former members of the armed forces of the UNITED STATES OF AMERICA, holding in remembrance the sacrifices in common made and drawn together by strong bonds of respect and mental suffering, solemnly and firmly associate ourselves together in creating the DISABLED AMERICAN VETERANS, the principles and purpose of which shall be 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 will may prevail; to cherish and preserve the memories of our military associations; and to aid and assist worthy war-time disabled veterans, their wives, widows and orphans.

ARTICLE I

NAME

Section 1. The name of this Chapter is and shall be "PORT HURON CHAPTER #12, THE DISABLED AMERICAN VETERANS", located in the City of Port Huron or County of St. Clair, State of Michigan.

Section 2. This Chapter shall be under and subject to the jurisdiction of the State and National organization of the Disabled American Veterans.

ARTICLE II

PURPOSE

Section 1. The purpose of the Disable American Veterans shall be to uphold and maintain the Constitution and Laws of the United States; to realize the true American ideals and aims for which we fought; to protect and to advance the interests and welfare of all wounded, injured and disabled

veterans of all United States wars; to co-operate with all other services organizations and with all other public and private agencies devoted to the cause of improving and advancing the physical, mental and financial well being of all wounded, injured or disabled veterans; to stimulate a feeling of mutual devotion, helpfulness and comradeship among all wounded, injured or disabled veterans, and to encourage in all people the spirit of understanding which will guard against future wars.

### ARTICLE III

#### MEMBERSHIP

Section 1. To comply with the Disabled American Veterans National and Department Constitutions and By-Laws.

Section 2. All members who joined the Chapter on or before May 28th, 1930, shall be known as charter members.

Section 3. There shall be no form of class membership, except as active membership as herein provided.

Section 4. Charges and Trials shall be governed by the National By-Laws.

Section 5. The annual dues (if not a life member) of the Chapter shall be \$40.00 per annum beginning with the Disable American Veterans year 2010-11.

### ARTICLE IV

#### MEETINGS

Section 1. The regular meeting of this Chapter shall be held the second Monday evening of each month at 7:00 PM. Social hour will be held on the same night starting at 6:00 PM.

Section 2. Special meeting may be called by the Commander when ever he may deem it necessary, or when requested in writing to do so by five members of this Chapter in good standing.

Section 3. The call of any such special meeting shall state specifically the purpose for which it is called and no

other business than that specified in the call shall be transacted at such meeting.

Section 4. Notices of any such special meetings, the Chapter Executive Committee will be notify by phone or E-Mail.

Section 5. A quorum shall consist of seven (7) members in good standing.

## ARTICLE V

### OFFICERS AND THEIR DUTIES

Section 1. (a) The elective officers of this Chapter shall consist of a Commander, a Senior Vice Commander, a Junior Vice Commander, a Treasurer, who shall be elected annually, and who shall also serve as members of the Chapter Executive Committee together.

(b) Appointed a State Executive Committee person and Alternate shall be in accordance with the constitution of the State Department.

(c) Delegates to Allied Veteran Council of St. Clair County shall be appointed in accordance with the constitution of the Allied Veterans Council of St. Clair County.

(d) Any elective officer of this shall service in the same office for no more than two consecutive terms of one year duration. A full one year term must expire prior to the previously elected individual re-establishing eligibility for the office held the previous year. This does not restrict the individual from running for an office not previously held, at any election. Refer to Robert's Rule of Order.

Section 2. The appointive officers of this Chapter shall consist of an Adjutant, Chaplain, Assist Chaplain, State Executive Committee person, Alternate Executive Committee person, Historian, Sergeant of Arms, Service Officers, Judge Advocate, and three Trustees (Audit Committee), also any others deemed necessary to satisfactorily conduct the business of the Chapter. All appointed officers must be members in good standing of the Disabled American Veterans Department of Michigan during the term of their appointment.

Section 3. The Commander is the Executive Officer of this Chapter. He/she, or in his or her absence, the next highest officer shall preside at all regular or special meetings of the Chapter. He/she shall maintain order and dispatch such business as may legally come before him/her. All checks or vouchers issued by the Chapter Treasurer must be countersigned. He/she shall perform all other duties that may reasonable be assumed to be incidental to his/her office or Chapter Executive Committee.

Section 4. The Senior Vice Commander, and the Junior Vice Commander in the order named, shall in the absence, death, resignation or the removal of the Commander, perform the duties of the Commander, until the Commander returns, or until a new Commander is elected in his or her place.

Section 5. The Treasurer shall receive and deposit all the monies for the Chapter, shall make disbursements only by checks, which are countersigned by the Commander or Sr Vice Commander. They shall keep a system of accounts approved by the Executive Committee and shall preserve all receipts and vouchers for payments made. They shall render a monthly report on receipts and disbursements to the Chapter. All monies shall be turned in within 24 hours after a fund raising event by the Chairman of that event.

Section 6. The Adjutant shall keep a true and complete record of all business conducted by the Chapter and its Executive Committee. He or she shall conduct all necessary correspondence; carry into effect the motions, orders and resolutions of the Chapter and of the Executive Committee not otherwise assigned; keep membership lists and lists of all eligible to member together with names, addresses, and telephone numbers. Receive and act upon all applications for membership, subject to review of copies of official records. Collect dues and turn them over to Chapter Treasury. Promptly send it to National DAV Membership committee. Together with complete card that is required by such departments. Officially shall notify members of their appointment to a committee. And in addition to other duties specifically assigned to him/her by the Chapter, or by the Executive Committee, shall do things incidental and necessary to increase the membership, activities, services and effectiveness of the Disabled American Veterans.

Section 7. The Chaplain and/or Assist of the Chapter shall perform such duties as are prescribed in the Official

Ritual of the National Constitution; shall attend and when desired, officiate at the funeral of deceased Comrades and all such other duties as might be incumbent upon his/her office.

Section 8. The Sergeant at Arms shall be responsible for those present in the meeting as to their eligibility for participation therein and shall report to the Commander on any visitors present. He or she shall obey and enforce the orders of the Commander in preserving order at the meeting and shall allow no one to enter or depart during the opening ceremonies nor during the initiation of applicants. The Officer of the Day and Color Guards shall perform such duties as are prescribed in the Official Ritual of the National Organization.

Section 9. The Historian shall be the publicity officer of the Chapter and regularly furnish proper publicity matters for the local newspaper and for the National and State Departments, with the approval of the Chapter Commander.

Section 10. (a) The Judge Advocate shall, upon request of the Chapter Commander, the Chapter Executive Committee, or any member of the Chapter, render his opinion upon all existing and proposed parts of questions or parliamentary procedure, and upon all questions arising out of Chapter disputes.

(b) Upon receiving the opinion of the Judge Advocate or any such questions the Chapter Commander shall render a decision which shall be subject to appeal, in this order, the Chapter Executive Committee, the State Judge Advocate, and the National Judge Advocate, provided that notice of intention to appeal is given in writing to the Chapter within 15 days after the decision of the Commander is made known. In all cases of an appeal, the decision of the National Judge Advocate shall be FINAL.

## ARTICLE VI

### EXECUTIVE COMMITTEE

Section 1. The Executive Committee shall consist of all elective officers and the available past Commander. A quorum shall consist of four members. The Adjutant shall act as its secretary.

Section 2. The Executive Committee shall determine all legislation, administrative and Chapter business not otherwise specifically provided for herein.

Section 3. The Executive Committee shall pass on all contracts affecting the Chapter and all expenditures to be made on behalf of the Chapter and is empowered to exercise finances and property of the Chapter.

Section 4. The Chapter shall act on all reports and recommendations of the Executive Committee, and the Chapters action shall be final.

Section 5. The Executive Committee, plus the Trustee will comprise the Board of Directors for the Holding Corporation.

## ARTICLE VII

### COMMITTEES

Section 1. The Standing Committee of this Chapter shall be:

- (a) Executive Committee
- (b) Welfare Committee
- (c) Auditing Committee (Trustee)
- (d) Entertainment Committee
- (e) Membership Committee
- (f) Building Committee

The Commander shall have the authority to appoint any special committee/all above.

Section 2. The Welfare Committee shall conduct investigations and make such visits to sick and needy veterans or their families as might be necessary to determine the justification for dispensing such emergency relief as may be requested.

In no instance shall the amount of relief disbursed to any one person or family exceed Five hundred (\$500.00) Dollars in cost without the prior approval of the entire Executive Committee or the Chapter Membership in session. A complete record shall kept of all expenditures made, together with the receipts for bills incurred.

Section 3. The three trustees shall act as a Auditing Committee and shall audit the records and accounts of the

Treasurer every quarter and following such audit render a written/verbal report thereof to the Chapter.

Section 4. The Membership Committee shall determine the eligibility for membership of any applicant under such rules as may be determined by the National Department Constitution and By-Laws as to eligibility. The Senior Vice Commander shall be the Chair person of this committee.

Section 5. The Entertainment Committee shall perform such duties as its name implies and as may be directed by the Commander, the Chapter or the Executive committee it shall not incur any expenses except with the prior approval of the Chapter. The Junior Vice Commander shall be the Chairman of this committee.

Section 6. The Commander shall serve as ex-official Chairman of all committees appointed by him or her.

#### ARTICLE VIII

#### RESTRICTIONS

Section 1. The supreme power of action shall rest with the Chapter when in regular session. The Executive Committee to be the governing body between regular sessions of the Chapter.

Section 2. No member not in good standing may be a candidate for any office or as a department, or national convention delegate for this Chapter; nor shall any member not in good standing be permitted to vote at any election for officers or delegates.

Section 3. No members or officers of the Chapter shall take any part in any official capacity, representing the Chapter, in any partisan, political or sectarian question.

Section 4. The rules contained in Robert's Rules of Order, Revised, shall govern this Chapter in all cases to which they are applicable and in which they are not inconsistent with the Constitution.

Section 5. The order of any regular meeting shall be as prescribed in the Official Ritual of the National Organization and as the needs of the Chapter may necessitate.



Section 6. There shall be no voting by proxy. Each member shall be entitled to only one vote.

Section 7. The Commander/Chair person shall be entitled to vote only in case of a tie, or where the voting is by written ballot.

Section 8. Any officer who absents theirself from three consecutive Chapter meetings will be automatically removed from office and a successor elected to take his/her place at the meeting that the office is declared vacant. Unless he/she shall have a legitimate excuse acceptable to the Chapter.

## ARTICLE IX

### NOMINATIONS AND ELECTIONS

Section 1. The regular election of officers shall be held at the first meeting of April of each year.

Section 2. All voting for officers shall be by written ballot, except by unanimous consent.

Section 3. It shall require a majority of votes cast to elect a candidate for any Chapter office. It shall require a majority of votes cast to elect State or National Convention delegates and alternates, provided however, that if there are less candidates nominated for delegate and alternate than the number allowed the Chapter, then all candidates nominated will be declared elected.

Section 4. In the event of the vacancy of any office, nominations and election to fill such vacancy shall be made at the meeting, when the office is declared vacant.

Section 5. All nominations for either State or National Convention delegates shall be made at the meeting at which they are to be elected. The outgoing Commander shall be delegated to the State Convention.

Section 6. Installation of officers elected at the regular monthly meeting shall be installed in the first two weeks of May.

7. Any member coming late will not be admitted during the opening ceremony, but just wait in the ante-room until the Colors have been placed.

8. He must proceed to the Alter, give the proper sign and be recognized by the Commander before taking a seat.

9. In the event of visits of National Officers at a meeting of the Chapter, the Sergeant at Arms shall conduct such officer to the Altar, instruct him or her to give the proper sign, and then he or her shall announce to the Commander thus: "Comrade Commander, the National Commander (or whatever his or her title may be) honors us with his or her presence". The Commander recognizes the visiting officer and calls the Chapter to its feet. The Sergeant of Arms then proceeds to the Altar to conduct the officer to a seat at the right of the Commander.

10. Visiting Chapter Officers shall be given seats to the left or rear of the Commander during the meeting.

11. No members shall, during the meeting, cross the hall between the Altar and the Commander. If he wishes to move from one side of the hall to the other, he shall pass to the rear of the Altar.

12. Any member desiring to leave the hall during the meeting will proceed to the Altar and receive recognition from the chair as he leaves. If the Commander is speaking, he will receive the recognition from the Senior Vice Commander.

13. Visiting members shall be accorded all privileges of the meeting except voting.

14. Robert's Rules of Order, Revised, shall govern on all points of Parliamentary Law not contained in these rules of order, and a copy of Robert's Rules of Order, Revised, shall be on the Commander's desk at every meeting.

15. These rules shall not conflict with the State of Michigan Constitution or By-Laws.

16. Any member coming or leaving in front of the altar, they must stop and salute the flag.

## ARTICLE X

### AMENDMENTS

Section 1. This Constitution may be amended at any regular meeting of the Chapter upon the vote of two-thirds (2/3) of the members present, provided that the proposed amendment shall have been read at the two previous meetings. Or, be passed out for members to take home to read, at least two previous meeting before voting on.

Section 2. This Constitution shall become in full force and effect on and after its approval and adoption by the Chapter and State Department and National Headquarters, Disable American Veterans.

Section 3. Be it further provided that, if the amendment affects the duties of any officer or trustee, the officer or trustee must have been notified one week in advance by the Adjutant.

### RULE OF ORDER

1. Every member, when he speaks or offers a motion, shall be standing, shall address the chair as "Comrade Commander", and when finished speaking shall resume his or her seat; while speaking he or she shall confine himself or herself to the question under debate.

2. Should two or more members arise to speak at the same time, the chair shall determine which is entitled to the floor.

3. If a member, while speaking, should be called to order, he or she shall cease speaking until the question of order is determined, then if permitted, he or she may proceed.

4. No member shall speak more than twice on the same question without permission from the chair.

5. Debate of any question shall be limited to ten minutes by any one member at one time.

6. All members shall be spoken of or to as "Comrade, last name or title", and no other titles shall be used.

First Reading - March 9, 2010

Second Reading - April 12, 2010

Third Reading/Approved - May 10, 2010

  
ROBERT E DURKEE, Commander

  
CAROL M GERNAND, Adjutant

  
State Judge Advocate

6-20-2010  
Date

  
National Judge Advocate

7-14-10  
Date

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 July 14, 2010*  
DATE: 7-14-10

DAV National Judge Advocate