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September 7, 2016

Mr. James F. Toye, Treasurer
Frenchtown Newport Chapter #137
Disabled American Veterans
25 John Drive
Monroe, MI 48162

SEP 18 2016
RECEIVED

Dear Mr. Toye:

The Constitution and Bylaws for Frenchtown Newport Chapter #137, Department of Michigan, is hereby approved as of this date.

A copy of this document is being returned to Frenchtown Newport Chapter #137, 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,

MICHAEL E. DOBMEIER
National Judge Advocate

MED:kgb
Enclosure

c: Department of Michigan

Constitution and Bylaws of Chapter# 137

Monroe MI

Constitution

Article I- Name

The name of this Chapter shall be Frenchtown Newport Chapter#137, Department of Michigan, DAV (Disabled American Veterans).

Article II- Purpose

The purpose of this Chapter is to fulfill our promises to the men and woman who served, and, in furtherance of that purpose, 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- Administration

Section 1: The administration 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 other 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). Such other officers as may be necessary to operate the Chapter may be appointed by the Commander, with approval of the Chapter. Neither the Chapter Commander nor any 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 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 presents 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 I- 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 the regulations promulgated pursuant thereto. Upon dissolution of the Chapter, the assets remaining after payment of its debt 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 meeting of the Chapter, including the Chapter Executive Committee, shall be kept and be available for inspection by any Chapter member, to include Department of Michigan Commander, Adjutant and Executive Committee.

Article II- 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 III- Executive Committee

Section 1: The Chapter Executive Committee shall be composed of the Commander, Senior Vice Commander, Junior Vice Commander(s), Adjutant/Treasurer, any other elected Chapter officers, and two (2) members at large to be elected during annual Chapter elections.

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 officers, committee chairmen and the 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.

Section 6: Minutes of Executive Committee are to be read at next scheduled Chapter meeting.

Article IV- Officers

Section 1- The Chapter shall elect annually a Commander, Senior Vice Commander, Junior Vice Commander(s). Neither the Chapter Commander nor any other Chapter Vice Commander may serve as Chapter Adjutant or treasurer.

Section 2- the Commander, with the approval of the Chapter, shall appoint the Adjutant and Treasurer and Chapter Committees, with the exception of 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 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 office 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. She/he shall make authorized disbursements only by checks or vouchers signed by the treasurer and counter signed by the Commander. She/he shall keep a system of account approved by the chapter and shall preserve all receipts and check and vouchers for payments made. She/he 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 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.

Section 10: The Commander, or in his/her absence the next highest officer, shall preside at all regular or special meeting of the Chapter. He/She shall maintain order and dispatch such business as may legally come before him/her. He/She shall perform all other duties that may reasonably be assumed to be incidental to his/her office, including those set forth in this Constitution and Bylaws and in the Official DAV Ritual and such other duties as may be lawfully delegated to him/her by the Chapter

The Senior Vice Commander and Junior Vice Commander(s), in the order named shall perform the duties of the Commander in the event of his/her absence. If the Commander should die, resign or be removed, the same order of authority would be in effect until a new Commander is elected. Additionally in the absence of Commander and/or the Treasurer are authorized to counter sign checks.

The Adjutant is responsible for keeping the Chapters records and conducting the Chapters official correspondence. He/She must keep detailed records of the Chapters meetings and business affairs. All motions considered by the Chapter should be recorded along with the names of the members who make, second or speak on motions. The adjutant is responsible for the membership records and should make certain they are kept up to date. At each business meeting, the Adjutant should read the minutes of the preceding meeting and make sure that a motion of approval or rejection passed.

At each Chapter meeting, the Adjutant should read all correspondence received between meetings and see that all matters which require action by the chapter are properly disposed of. He/She should answer all correspondence promptly and file copies of his/her responses with the Chapter records.

The Adjutant shall work closely with the Commander, Treasurer and other Chapter Officers in order to efficiently carry out the duties of his/her office.

The Senior Vice Commander shall perform the duties of his/her station as set forth in the Official DAV Ritual. He/She shall encourage friendship among the members of this Organization, discourage discord and promote harmony. Subject to the direction of the Chapter, he/she shall act as Chairman of membership solicitation activities to the end that every eligible veteran may become a member. With the approval of the Chapter, The Senior Vice Commander may appoint one or more members to assist him/her in such membership activities.

The Junior Vice Commander(s) shall perform the duties of his/her station as set forth in the Official DAV Ritual. He/She shall see that every member is given a reasonable opportunity to state his/her views on any subject under discussion in a meeting of the Chapter, not inconsistent with this Constitution and Bylaws or Robert's Rules of Order, Revised. He/She shall, at all times, encourage loyalty to the United States Of America, to the DAV and to the members of the Chapter. Subject to the direction of the Chapter, he/she shall act as Chairman of the Americanism activities of the Chapter and, with the approval of the Chapter, may appoint one or more members to assist him/her as such Chairman.

The Chaplain shall perform the duties of his/her station as set forth in the Official DAV Ritual. He/She shall visit the sick and comfort the families of those members who pass away. He/She shall be responsible for encouraging attendance at DAV conducted funerals and the proper conduct thereof. Subject to the direction of the Chapter, he/she shall act as Hospital Visitation Chairman and, with the approval of the Chapter, may appoint one or more members to assist him/her as such Chairman.

The Historian shall keep a brief history of the activities of the Chapter during his/her term in office, to be kept as a permanent record of the Chapter. He/She shall also act as publicity Officer of the Chapter and regularly furnish proper publicity materials to local newspapers, radio stations and television outlets, as well as Official DAV National and Department publications, with the approval of the Commander and Executive Committee. No other member shall cause any publicity to be given to any Chapter activity, or concerning the Chapter, without the approval of the Chapter.

The Service Officer shall advise and assist veterans disabled in the line of duty during time of war, and their dependents, in the preparation and processing of their claims for benefits from any governmental agency. He/She shall also assist them in securing suitable, gainful employment.

The Judge Advocate, upon the request of the Commander of the Chapter, shall render an opinion upon all parliamentary questions, upon any question arising out of any dispute upon the floor of the assembly, or concerning the interpretation of this Constitution and Bylaws, or by the Constitution or Bylaws of the national or Department organizations. Upon receipt of his/her opinion, the Commander (or presiding officer, if the Commander is not in the chair) shall announce his/her ruling or decision, which need not be in accordance with the opinion of the Judge Advocate. Such decision shall be final and binding upon the Chapter unless(1) overruled by a two-thirds vote of the members at the meeting during which the decision is announced or (2) revised upon an appeal take to the next higher governing body within thirty (30) day after such decision is made known

The Officer-of-the-Day shall perform the duties of his/her office as set forth in the Official DAV Ritual. He/She shall welcome all visitors and see that each is properly introduced.

The Sergeant-at-Arms and the Color Guards shall perform the duties of their respective offices as set forth in the Official DAV Ritual.

In addition to foregoing, the respective Chapter officers shall faithfully perform and carry out such other duties as may be properly assigned to them from time to time by the Chapter.

A member can hold only one elective Chapter office at any one time. A delegate to a national or Department Convention is not holding a "elective office" with the meaning of this section, except as otherwise provided herein. An elected office may also hold an appointive office, and vice versa, except as may otherwise be provided in the National Department or these Constitution and Bylaws.

The office of the Adjutant and Treasurer may be held by the same person. The Service Officer may hold any other elective or appointive office. Neither the Chapter Commander nor any Chapter Vice-Commander may serve as Chapter Adjutant or Treasurer.

By accepting any elective or appointive office, a member agrees the 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 members shall have the power or authority to incur any expense or obligation or bind the Chapter, unless by prior express approval of the Chapter, evidence by a majority vote at a regular meeting. A member, by accepting an 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 a 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.

Article 5- Qualifications

Section 1: Any person who is a member of this Chapter shall be eligible to any elective or appointive office in the Chapter, except as otherwise provided in the Constitution and Bylaws.

Article 6-Tenure of Office

Section 1: Officers for the Chapter shall be nominated during the April meeting and again immediately prior to the May election 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 from three (3) consecutive meetings may be cause for removal by the Chapter, and the Commander is empowered to appoint a Chapter member to serve the unexpired term, subject to approval from 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 Paragraph one(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 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 member of the Chapter in good standings 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 memberships 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 one 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 officers 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.

Section 4: All Expenditures shall be approved by a majority vote of members present at the general meeting.

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 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 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 any such matter.

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.

Section 5: There will be no use of alcohol permitted during Chapter meetings.

Section 6: Adherence to the Official DAV Rituals is not a requirement.

Section 7: There shall be no voting by proxy or by absentee ballot. Only members in good standing and present shall be entitled to vote on any question or at any election. The presiding officer shall be entitled to vote only in case of a tie or where the voting is written ballot

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 appointing 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, adjutant and Finance Committee Chairman. The Audit Committee shall conduct an annual in accordance with the requirements of the National Bylaws.

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 action shall be conducted in accordance with Article 16 of the National Bylaws and applicable Regulations of the National Executive Committee.

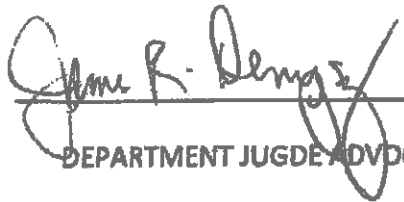
Adopted after this second and final reading on 2-15-16



CHAPTER COMMANDER



CHAPTER ADJUTANT



DEPARTMENT JUDGE ADVOCATE



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: 9-7-16
DAV National Judge Advocate