



OPERATING RULES OF THE DEPARTMENT OF CALIFORNIA EXECUTIVE COMMITTEE

Rule 1 Self-Governing

The Department Executive Committee of the American Legion Department of California, as provided by the Department Constitution of The American Legion, shall be a self governing committee and transact business in accordance with the rules hereinafter set forth, subject only to the Constitution and By-Laws of the American Legion and mandates of the Department Conventions.

Rule 2 Officers

The Department Commander shall be the Chairman of the Department Executive Committee, and the Department Adjutant shall serve as Secretary. Any temporary vacancies, in such offices of Chairman and Secretary, shall be filled by action of the Committee for the respective meeting in which the vacancy occurs.

Rule 3 Duties and Powers

The Department Executive Committee is specifically empowered to exercise the following powers and rights, and may delegate to any subcommittee composed of members of the Department Executive Committee authority to investigate and report back to the Committee on any of the following powers and rights:

- a. To make decisions on all matters, executive or administrative; provided, however, that said action so taken shall not be contrary to, nor in derogation of, actions of the Department Convention.
- b. Upon any report made to the Department Executive Committee by any Department Commission, Department Committee, Board of Subcommittee of the Department Executive Committee and containing any recommendation as approval of such report shall not mean the adoption of such recommendations and each specific recommendation as to future conduct or as to future policy shall be embodied in a separate motion or resolution for the consideration and action of the Department Executive Committee.

- c. To make decision when necessary relative to expenditures which appropriations have been made by the Department Convention, subject to the right of the Finance Commission to first pass upon all such appropriations necessary to implement action of the Department Executive Committee according to the provisions of the Department Constitution and By-Laws.
- d. To explore matters requiring the attention of the Department Executive Committee and offer recommendations thereon to the Department Executive Committee.
- e. To advise the officers or Department Commissions with regard to problems arising in the performance of their duties or functions.
- f. In general, to perform between Department Conventions any and all actions necessary and consistent with the exercise of administrative power by the Department Executive Committee.

Rule 4
Powers of the Committee Over Its Members

- a. If a quorum is not present, the Department Commander may order a call of the Department Executive Committee and send for the absentees.
- b. In case a fewer number than a quorum of the Department Executive Committee shall convene, those present are hereby authorized to send the Sergeant-at-Arms, or other person or persons be they authorized, for any and all absent members present within the city where the meeting is being held. This rule shall apply, as well to the first meeting of the Department Executive Committee at the legal time of meeting, as to each day of the session, after the hour has arrived, to which the Department Executive Committee stood adjourned.

Rule 5
Decorum

- a. No member of the Department Executive Committee or other person except their assistants shall visit or remain by the Adjutant or Stenographer when the yeas and nays are being called or counted.
- b. No member shall speak more than twice upon the same subject without leave of the Department Executive Committee; or more than once until every member choosing to speak shall have spoken.
- c. While the Commander is reporting or putting a question, no one shall entertain private discourse, read, stand up, walk into, out of, or across the Department Executive Committee room.
- d. No question shall be debated until it has been propounded by the Chair, and then the mover shall have the right to explain his views, in preference to any other member.

- e. While the Commander is putting the question, any member who has not spoken before to the matter may speak to the question before the negative is put.
- f. During any debate, any Department Executive Committeeman, though he has spoken to the matter, may rise and speak to the orders of the Department Executive Committee, if they be transgressed, in case the Commander does not; but if the Commander stands up at any time, he is the first to be heard.
- g. Whenever, the Department Executive Committeeman and the Alternate Department Executive Committeeman from any District shall be absent from any meeting or session of the Department Executive Committee, the courtesy of the floor may be granted to an accredited representative of the District not represented; provided however, that the right to vote shall not be transferred or delegated.
- h. Whenever a division of vote is to be determined on any question before the Department Executive Committee, the Presiding Officer may determine division by:
 - 1. Viva Voice Vote, with right of recourse to a "teller vote" or "roll call vote" as hereinafter provided.
 - 2. A teller vote whereby the yeas and nays may be counted by a rising vote with recourse to a roll call vote as hereinafter provided.
 - 3. A roll call vote may be directed by the Presiding Officer.

Rule 6

Order of Business

The order of business of the Department Executive Committee shall generally be:

- 1. Posting of the Colors.
- 2. The Invocation
- 3. Call the roll
- 4. Read the minutes of the former meeting.
- 5. Dispose of letters or communications.
- 6. Receive reports from Department Officers of The American Legion.
- 7. Receive reports from Department Commissions, Department Committees, Boards and Subcommittees of the Department executive Committee.
- 8. Receive resolutions, motions and petitions.
- 9. Act upon unfinished business of the preceding day and resolution lying over from the previous day.
- 10. Miscellaneous business.
- 11. Retirement of the Colors.

Rule 7

Fiscal Policy

All matters of business affecting the fiscal policy of The American Legion, or financial matters outside the scope of mandates of the Department Convention including the making, cancellation, abrogation or modification of any contract to which the Department Organization is a party, shall be considered under a first and second reading with not less than four hours intervening. The second reading of the said matter so presented shall be held not less than four hours after the first reading of the matter under submission, and it shall be required that the subject matter, i.e. the motion or resolution or report be printed, typewritten or photocopied and a copy thereof placed on the desk of each Department Executive Committeeman attending said meeting at the time of the first reading of the purpose of consideration of such motion, resolution, or report between the first and second reading. Final action shall be taken only upon the second reading thereof; provided, however, that matters and resolutions approved by and contained in the report of the Department Finance Commission with favorable recommendation for immediate action may be considered at the time of the report of said Department Finance Commission.

Rule 8

Procedure

Letters, resolutions and communications addressed to the Department Executive Committee or to the Department Commander, the Department Adjutant or any other Department Officer and by them referred to the Department Executive Committee shall be read (or published to the members, if such be of import) by the Department Adjutant. Such letters or communications shall be disposed of in one of the following ways:

1. By a motion to accept. Such a motion shall have the effect of approving the subject matter and should include specific instructions for further disposition to the Department Commander, Department Adjutant or other proper officers; or by reference to an appropriate Commission or Committee or other proper instruction.
2. By a motion to receive and file. Such a motion shall denote neither approval nor disapproval of the subject matter and shall require no action on the part of the Department Officers or others beyond a formal reply should such be required.
3. By a motion to reject or decline. Such a motion shall mean disapproval and should include specific instructions for further disposition as contemplated in paragraph 1 above.
4. The Department Executive Committee may receive and act upon Resolutions presented to it unless said Resolution(s) concern changes in the Bylaws of The Department of California or, in the opinion of the Department Commander (the Adjutant and/or Judge Advocate concurring) would be most appropriately reviewed by a Convention Committee or Commission for presentation to the Delegates of the annual convention of The Department of California

Reports of officers shall be acted upon directly by the Department Executive Committee, except that by direction of the Department Executive Committee a report of any officer may be referred to

a Subcommittee of the Department Executive Committee for study and report thereon; provided however, that such reference shall not continue beyond the meeting of the Department Executive Committee to which such officer's report is first submitted.

Reports of officers shall not be altered or amended by the Department Executive Committee nor may any such report be rejected. In the event that the Department Executive Committee shall not agree with the report or any statement therein contained, then, and in such event, if the presiding officer of the Executive Committee so determines, a separate memorandum shall be prepared setting forth the objections which such memorandum, if approved by the Department Executive Committee, shall be filed with the report. Any such memorandum, when submitted, shall be subject to amendment.

Reports of officers shall be disposed by motion as follows:

1. To approve the report. Such action shall constitute approval of the statements made in the report.
2. To disapprove the report. Such motion shall have the effect of disapproving any or all Statements in the report, but such motion shall prevail only in the event that the memorandum setting forth the objections to such a report shall have been adopted.
3. To receive and file the report. Such action shall constitute only a routine disposition of the report. A negative vote on motions 1 or 2 shall automatically cause the report to be received and filed.

Any member of the Department Executive Committee shall be privileged to present a resolution in his/her own right in any of the following ways:

1. Under a proper order of business, in which case the subject matter thereof shall be germane.
2. Under miscellaneous business.
3. Upon unanimous consent of the Committee at any session of the Department Executive Committee, at an appropriate interval in the order of business.
4. Under a suspension of the rules.

All Department Commissions, Department Committees, Boards or Subcommittees of the Department Executive Committee shall be required to present in resolution form all recommendations as to their future conduct or future policy as to matters within their scope and functions upon which it is desired or required that the Department Executive Committee take action as contemplated in Rule 3, Paragraph c.

Rule 9
Form of Resolutions

Resolutions which shall be offered shall be prepared in the appropriate form containing such informative preamble in the form of "Whereas" followed by statements of fact and shall conclude with a Resolving clause of clauses which shall specifically set forth what statement or declaration is to receive action of the Department Executive Committee. Such Resolving clause or clauses shall contain the following leading language:

RESOLVED, By the Department Executive Committee of The American Legion Department of California in regular (or special) meeting assembled in (City), California, on (date or dates) that --- and be it further
"RESOLVED, That,"

Rule 10
Transaction of Business
By Mail, E-mail, Fax or by Telephone

The Department Executive Committee, without meeting together, may transact business by mail or by E-mail, Fax, or by Telephone on a matter of extreme urgency not involving the establishment of any new policy and on which action cannot be delayed to the next regular meeting, by voting upon proposed resolution mailed or telegraphed or Faxed or telephoned to them by the Department Adjutant, with the approval of the Department Commander. Thirty days shall be allowed for the return, by mail or by telegraph, Fax, or by telephone of the votes thereon to the Department Adjutant. The voting shall be considered closed at the end of the thirty days: provided, that three-fourths of the members of the Department Executive Committee have returned their votes: provided further, that in the event one-third of the committee in writing, objects to the ballot by mail or by telegraph or by Fax or by telephone, the matter shall not be decided and will be considered as the first order of business at the next regular or special meeting: provided, further, that thereafter the Department Adjutant shall notify the committee of the action taken.

Rule 11
Suspension of Rule

No standing rule or order of the Department Executive Committee shall be suspended without one hour's notice being given of the motion therefore, and no rule shall be suspended except by a vote of two-thirds of all members present.

Ruler 12
Robert's Rules of Order to Govern

Except as otherwise herein specifically provided, Robert's Rules of Order (Newly Revised), shall govern.