

**THE AMERICAN LEGION
DEPARTMENT OF MARYLAND, Inc.
The War Memorial Building
Baltimore, Maryland 21202**

RULES OF THE DEPARTMENT EXECUTIVE COMMITTEE

Prepared and published by The American Legion, Department of Maryland, Inc., Internal Affairs Commission after review by The American Legion, Department of Maryland, Department Executive Committee

INTERNAL AFFAIRS COMMISSION

David Heredia
Chairman

Vincentas T. Dulys

Robert Effler

Ralph King

John R Countryman Jr

Eric Warthen

George Remhof

Stanley Shaw

Charee Reckner

Gary Vogt, Consultant

as Amended November 15, 2020

RULES OF THE DEC

RULE 1 Self Governing..... 3

RULE 2 Officers..... 3

RULE 3 Duties and Powers.. 3-4

RULE 4 Decorum.... 4

RULE 5 Order of Business... 5

RULE 6 Fiscal Policy... 5

RULE 7 Procedures... 5-11

- Procedures for Handling Letters and Correspondence 5
- Procedures for Reports to the DEC 6-7
- Post Charter Revocation, Cancellation or Suspension 7-10
- Post / Member Charging / Hearing and Requirements 11
- Post Loan / Acquisition Procedures 11

RULE 8 Form of Resolution..... 11

RULE 9 Transaction of Business by Mail, Telegraph or by Telephone... 12

RULE 10 Procedure for meeting by Use of Internet or Video Conferencing...12-13

RULE 11 Suspension of Rule... 13

RULE 12 Robert's Rules of Order to Govern.. 13

RULE 13 Amendments 13

RULES OF THE D.E.C.

RULE 1 SELF-GOVERNING

The Department Executive Committee of The American Legion, Department of Maryland (“DEC”); as defined in the Constitution and Bylaws of the Department of Maryland, 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 Department of Maryland and resolutions of the Department Conventions and DEC Meetings.

RULE 2 OFFICERS

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

RULE 3 DUTIES AND POWERS

The DEC is specifically empowered to exercise the following powers and rights, and may delegate to the appropriate Department Commission or Committee authority to investigate and report back to the DEC on any of the following powers and rights:

- A. To make decisions on all matters, executive or administrative: provided, however, that the said action so taken shall not be contrary to, nor in derogation of, actions of the Department Convention. Any resolution adopted by Department Convention action shall be a mandate during the year following its adoption and thereafter shall continue as Department policy unless changed by subsequent Convention action or by action of the Executive Committee, except that mandates pertaining to legislative action by the Maryland State General Assembly shall be effective only to the date of final adjournment of the General Assembly the year following the convention during which such resolutions were passed or the Executive Committee meeting preceding the convening of a new session of the General Assembly shall be effective until the adjournment of such new session.
- B. To determine the number of members of all Commissions and Committees of the Department created by the Department Commander not in conflict with the Department Constitution and Bylaws or the Executive Committee and to ratify the appointments made by the Department Commander. Such Commissions and Committees shall receive full instructions from the DEC by resolution, or via the Manual of Membership and Purpose, specifying their purpose, scope, function, and authority. Each Commission and Committee which has met since the last DEC meeting and prior to the next ensuing meeting of the DEC shall prepare preliminary reports for submission to the Department Adjutant who shall include copies of said reports in the minutes of the DEC meeting. All reports by District Commanders shall be in writing. All meetings of Commissions and Committees shall end at least thirty (30) minutes prior to the beginning of a DEC meeting.
- C. The receiving, accepting or approval of any report; made to the DEC by any Commission or Committee, containing any recommendation as to future conduct, or as to future policy or matters within their scope shall not mean the adoption of such recommendation and each specific recommendation as to future conduct or as to future policy shall be embodied in a resolution for the consideration and action of the DEC.
- D. To make decisions when necessary, relative to expenditures for which appropriations have been made by the DEC and to make emergency appropriations necessary to implement action by the DEC.
- E. To make appropriations, from funds not otherwise appropriated, of such additional amounts as may be recognized as emergency requirements.
- F. To explore matters requiring the attention of the DEC and offer recommendations thereon to the DEC.
- G. To advise the Department Officers, Commissions, and Committees with regard to problems arising in the performance of their duties or functions.
- H. In general, to perform between Department Conventions, any, and all, actions necessary and consistent with the exercise of administrative authority by the DEC.

RULE 4
DECORUM

- A. When a member desires to speak he/she shall rise, wait to be recognized, give their name and address the Chair.
- B. No member shall speak more than once on any question without leave of the DEC, except the Chairperson of the Commission or Committee involved, who may conclude the debate on any question.
- C. While the Commander is reporting, the DEC is debating, or action on a question is ongoing, none shall entertain private discourse, nor walk into, out of, or across the meeting room.
- D. The question shall be debated until it has been propounded by the Chair, and then the mover shall have the right to explain their views, in preference to any other member.
- E. While the commander is putting the question, (determining those for or against the passage of the motion; and those abstaining), any member who has not spoken before to the matter may speak on the question before the negative is put (before the calling for those against the passage of the motion).
- F. No debate shall extend more than 15 minutes on any matter. At the end of 15 minutes (or sooner) the Commander shall call for the vote.
- G. Whenever a division of vote is to be determined on any question before the DEC, the Presiding Officer may determine the division by:
 - 1. Viva Voce 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 rising vote with recourse to a roll call vote as hereinafter provided.
 - 3. A roll call vote may be directed by the Presiding Officer to determine a division of vote on any question. A roll call vote shall be taken upon the request of one voting member from three (3) different districts.
 - 4. On any Viva Voce vote, or teller vote, any member of the DEC shall have their vote recorded upon their request.
 - 5. If the meeting is held under Rule 13, the electronic method so used by the meeting service, or an alternative software platform, may also be used.
- H. If there is no division of vote on a question and or objection to a motion before the DEC, the Presiding Officer may pass the matter by unanimous consent.
- I. All requests to speak by a nonmember of the DEC shall be referred to a Department Vice Commander, who if he deems the request to be justified shall move for permission for the nonmember to speak.
- J. Fund raising outside the District in which the Post or District raising funds is located shall require approval by the DEC. Requests for such fundraising shall be referred to the Third Vice Commander who shall call a meeting of, the Fund Raising Screening Committee (consisting of Third Vice Commander, serving as Chairperson, and the District Commanders) to consider the request. The recommendation of the Fundraising Screening Committee shall be placed on the floor by motion for action by the Executive Committee. Such requests include requests for donations or grants from statewide sources, including the State of Maryland, or any source outside the District boundaries. No approval for fundraising outside the Department of Maryland Boundaries is in order, unless the permission of every other Department in which the funds are being collected has given permission.
- K. All disciplinary matters shall be considered by a Committee under the Chairmanship of the Judge Advocate. The Committee which shall be appointed by the Commander is to include no less than three (3) Members. The recommendation of the Committee shall be presented to the DEC for final action.

RULE 5
ORDER OF BUSINESS

1. Posting of Colors and Pledge of Allegiance
2. The Invocation
3. Roll Call
4. Approve minutes of previous meeting
5. Received reports from Department Officers
6. Receive reports from Commission and Committees
7. Receive resolutions
8. Unfinished business
9. Correspondence
10. New business
11. Good of The American Legion
12. Benediction
13. Retirement of the Colors

RULE 6
FISCAL POLICY

- A. All matters of business affecting the fiscal policy of The American Legion, Department of Maryland, 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 one hour intervening.
- B. All requests for funds shall be referred to the Finance Commission. Written requests received by the Finance Commission at least ten (10) days prior to the DEC meeting shall be considered by the Finance Commission and the Chairperson (Department Treasurer) shall place a motion on the floor to approve or disapprove the request. After a second reading of the request, a two-thirds affirmative vote is required for approval. If the request is not made in writing at least ten (10) days prior to the DEC meeting, unanimous approval shall be required (after the second reading).
- C. Final action on all fiscal matters shall be taken only upon the second reading thereof, provided, however, that the annual budget and regular financial reports (copies of which shall have been made available to all members of the DEC), upon recommendation for immediate action by the Finance Commission may be considered at the conclusion of the report by the Finance Commission. Financial matters of an emergency nature which require the action by the DEC under RULE 9 contained herein shall suspend the procedures as contain in RULE 6 herein, provided the Finance Commission shall vote on the emergency issue and the results of such vote shall be the recommendation presented to the DEC for consideration under RULE 9.

RULE 7
PROCEDURES

- A. Letters and communications addressed to the DEC, the Department Commander, the Department Adjutant or any other Department Officer and by them referred to the DEC shall be read (or published to-the members, as determined by the Department Commander) by the Adjutant. Such letters and/or communications shall be disposed of in one of the following ways:
 1. By motion to accept. Such acceptance motion shall have the effect of approving the subject matter and should include specific instruction, if necessary, for further disposition; i.e., by directions to the Department Commander, Department Adjutant or other appropriate officer; by reference to an appropriate Commission or Committee; or any other proper instructions.
 2. By 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 Officers or others beyond a formal reply should such be required as determined by the Department Commander.
 3. By motion to reject or decline. Such a motion shall mean disapproval and should include specific instructions for further disposition as contemplated in Rule 7, Subsection A(1.) above.

- B. Reports of Officers shall be acted upon directly by the DEC, except that by direction of the DEC a report of any Officer may be referred to an appropriate Commission or Committee for study and report thereon. Reports of Officers shall not be altered or amended by the DEC nor may any such report be rejected. In the event that the DEC shall not agree with the report or any statement therein contained, then, and in such event, if the presiding officer or the DEC so determines, a separate memorandum shall be prepared setting forth the objections. If said memorandum is approved by the DEC it shall be filed with the report. Any such memorandum, when submitted, is 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 a memorandum setting forth the objections to such report shall have been adopted.
 3. To receive and file the report. Such action shall constitute only a routine disposition of the report.
 4. A negative vote on motions # 1 or #2 shall automatically cause the report to be received and filed.
- C. Reports of Commissions and Committees shall be received and shall then be subject to disposition on the following motions:
1. To approve the report. Such actions shall constitute approval of the statements made in the report subject to the procedure outlined in Rule 3, paragraph C of the Rules of the DEC.
 2. To receive and file the report. Such action shall constitute only a routine disposition of the report.
 3. To re-commit the report. Such action shall return the report to the Commission or Committee of origin for further study and report and may be accompanied by specific instructions.
 4. To commit the report to a special committee. Such action shall contemplate specific study and such committee shall return the report with recommendation.
 5. A negative vote on motion #1 shall automatically cause the report to be received and filed.
- D. Any member of the DEC shall be privileged to present a resolution in their 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 New Business
 3. Upon unanimous consent of the DEC during any meeting of the DEC, at an appropriate interval in the order of business.
 4. Under suspension of the rules.
- E. All Commissions and Committees 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 DEC take action as contemplated in Rule 3, paragraph C.
- F. Matters emanating from Posts or other sources, including from The American Legion Auxiliary shall be defined and classified as:
1. Legion Sponsored Matters.
 - a. Resolutions by properly constituted American Legion organizations, to wit: Posts and intermediate bodies (which have been approved by Department Convention or the Department DEC), Department Convention, Department DEC, or resolutions submitted by any Department Commission, or Department Committee.
 - b. Resolutions emanating from The American Legion Auxiliary, Department of Maryland or any official component thereof.
 - c. Official communications or directives of the Department Commander.
 - d. Official communications of Department Officers

2. Official Matters.

Official matters are those which originate with the Officers or officials such as Commanders or other officers of Posts, intermediate bodies or the President of The American Legion Auxiliary, Department of Maryland.

3. General Matters.

General matters are those which originate with individual members of The American Legion, individual citizens or as a result of communications with Organizations or their officials not affiliated with The American Legion or from agencies of Government. Such matters shall be disposed of as follows: Communications or matters received at Department Headquarters are to be analyzed by the Adjutant who shall take action in one or more of the following ways:

- a. The Department Adjutant shall determine, in accordance with their best judgment, whether or not such communication or matter is basically administrative in nature, and if so, refer the matter to the appropriate Officer for disposition.
- b. If in the judgment of the Adjutant the subject matter be of primary concern to or related to a program or function of one of the Commissions or Committees, the same shall be referred to the appropriate Commission or Committee for action or for consideration by that group for possible presentation to the DEC.
- c. Matters which do not fall within the above classifications or which in the opinion of the Commander or Adjutant involve questions of organizational policy of sufficient importance to be considered by the DEC shall be referred to the appropriate Commission or Committee for disposition.
- d. The DEC, with the exception of the latitude in paragraph c above, will directly consider only matters which bear the prior approval of a District, County or Area, or referred to it by the Department Convention or which may be recommended to it by the Commander, or be presented to it by the governing body of the Department of Maryland Auxiliary. All other matters, as herein before defined, which do not have the sponsorship specified in this paragraph may become eligible for consideration by the DEC only in the event that they have been recommended for approval by a Commission or Committee.
- e. The Adjutant shall keep and maintain a register of all matters officially received from a District, County, or Area or sponsored by a DEC member, referred to Commission, or Committee, and shall report these referrals to the DEC.
- f. Commissions and Committees when submitting their reports to the DEC shall include therein a record of the disposition of all matters previously referred to them.

G. POST CHARTER REVOCATION, CANCELLATION, OR SUSPENSION

1. Charges
 - a. A charge that any Post should, for any good and sufficient cause, have its charter cancelled, suspended or revoked may be initiated by the Department of Maryland Executive Committee or a subcommittee thereof, or the Post itself. A charge may be withdrawn only with the written consent of the Department Commander.
 - b. Such charge shall be filed with the Department Commander or the Department Adjutant at Department Headquarters.
 - c. Such charge shall be in writing, and signed by the Department Commander, the Post Commander, the respective Adjutants, or the members of a Department Subcommittee, as the case may be, and sworn to before any officer authorized to administer oaths.
 - d. Three additional copies of such charge shall be filed with the original. The Department Commander shall forthwith cause one copy of such charge to be served on the defendant Post by delivering a true copy thereof to the Adjutant of said Post, as hereinafter provided.
 - e. Such charge shall include the following:
 - f. A certified or attested copy of the resolution authorizing the filing of such charge.
 - g. The full name and address of the Post against which the charge is made, as well as the full name and address of the Commander and Adjutant of such Post.
 - h. A clear, concise and detailed statement of the facts upon which the charge is based.
 - i. The section or sections of the National and Department Constitutions and By-Laws alleged to have been violated.
 - j. Affidavits or documents substantiating the charge may be attached.
 - k. After a charge has been filed, the Department Commander shall forthwith cause a full investigation of the facts to be made. After such investigation, the Department Commander shall file a report and recommendation with the DEC for its action thereon at its next meeting.
 - l. Proceedings relating to the cancellation, suspension, or revocation of a Post charter may also originate with either the Department Commander or the DEC.
2. Resolution of DEC
 - a. Should the DEC determine by a majority vote that the Post should surrender its charter, the DEC shall direct the defendant Post to surrender its charter for cancellation, and shall pass a resolution that unless the charter is so surrendered, prior to the date therein specified, a hearing and trial be held to determine whether the Post charter should be cancelled, suspended or revoked, and said resolution shall include the following:
 - i. A statement that the DEC has determined that a hearing and trial is warranted.
 - ii. Authorization and direction to the Department Commander and Department Adjutant to sign a formal complaint.
 - iii. The names and addresses of the members of the subcommittee before which the hearing and the trial is to be held.
 - iv. The name and address of the Department Judge Advocate or special acting Department Judge Advocate who is to assist the committee.
 - v. Authorization to the subcommittee to hire such stenographic or other help as may be necessary and to incur such expense as may be necessary. Said expense, including the cost of stenographic report of the trial when ordered to be transcribed by the subcommittee or the DEC, shall be charged as costs against the complainants, defendant Post, or the Department in such manner and amount as the DEC shall prescribe.
 - vi. That the subcommittee shall report its written findings of fact and recommendation to the DEC at its next meeting, provided, however, that if the hearing or trial is not completed, a partial report shall be made.

3. Complaint

- a. In all cases, a formal complaint, in triplicate, shall be drawn by the Department Judge Advocate and signed by the Department Commander, Department Judge Advocate, and Department Adjutant, setting forth the following:
 - b. A clear and concise statement of the facts upon which the charges are predicated.
 - c. The origin of the charges.
 - d. A copy of the resolution of the DEC appointing the subcommittee and its assistants.
 - e. A copy of the Uniform Code of Procedure for the Revocation, Cancellation or Suspension of Post Charters.
 - f. The time within which an appearance or answer shall be filed by the Post, which shall be not less than 20 or more than 60 days from the date of the service of a copy of the complaint.
 - g. The time and place for the hearing and trial, which shall not be more than 30 days after the date of the expiration of the time for the filing of the answer.
 - h. Any such complaint may be amended by the subcommittee of the DEC in its discretion at any time upon such terms as may be deemed just in the opinion of the said subcommittee.

4. Service

- a. The subcommittee shall cause a true copy of the complaint to be served on the defendant Post.
- b. All complaints, orders, and other process and papers of the subcommittee or the Department organization of The American Legion may be served personally, or by registered mail, or by leaving a copy thereof at the principle office or Headquarters of the intermediate body or Post, or place of residence of the person or officer to be served. The verified return by the individual serving the same showing service thereof in the manner herein provided, or the registry return receipt shall be proof of service.
- c. All notices, orders, papers or other process which are to be served on the Department Headquarters of The American Legion, or the subcommittee appointed to conduct the trial, shall be deemed served if they are served on the Department Adjutant at Department Headquarters, said service to be made as herein above provided.
- d. Witnesses may be summoned by a notice signed by either the special acting Department Judge Advocate, the Department Judge Advocate, or by a member of the subcommittee.

5. Answer

- a. The defendant Post shall file an answer to said complaint with the Department Judge Advocate at Department Headquarters within the time specified in the complaint. The answer shall contain a clear and concise statement of the facts which constitute its defense. Any charge or specification in the complaint which is not expressly denied or explained in the answer shall be deemed to be admitted.
- b. In the event that the complaint is amended during the course of the hearing or trial, the defendant shall be furnished with a copy of such amendment, and may file an amended answer to the said amended complaint within five days thereafter.

6. Subcommittee

- a. The subcommittee to hear, try, and make written findings of fact and recommendations with reference to the matter of the cancellation, suspension or revocation of the Post charter shall be appointed by the DEC and shall consist of not less than three (3) members of the DEC. No member of the Post under investigation shall be a member of such subcommittee.
- b. Should no member of the subcommittee be a lawyer, opinions on questions of law may be obtained from the Department Judge Advocate.
- c. A majority of the members of the subcommittee shall constitute a quorum. If for any reason there is less than a quorum, the hearing shall be adjourned until a quorum is present.
- d. The duties of the Department Judge Advocate or special acting Department Judge Advocate shall be to see that the trial is prompt, complete and thorough, make all arrangements for the hearings, the summoning of all witnesses and the production of all papers. He shall see that all the orders of the

subcommittee shall be carried out. The Department Judge Advocate shall examine and cross-examine all witnesses.

7. Hearing and Trial

- a. The subcommittee shall decide all questions arising as to relevancy of the evidence and the regularity of the proceedings. **The rules of evidence prevailing in courts of law and equity shall not be controlling.**
- b. The subcommittee may hold its hearings in closed sessions or may open them to the public. The subcommittee shall hear witnesses on oath or affirmation.
- c. Any party to the proceeding shall have the right to appear at such hearing in person, by counsel or otherwise, subject to such reasonable restrictions as may be placed on this right by the subcommittee, and to examine and cross-examine witnesses and to introduce documentary or other evidence.
- d. Stipulations of fact may be introduced in evidence with respect to any issues.
- e. Objection to the conduct of the hearing shall be stated orally together with a short statement of the grounds of such objection and included in the stenographic report of the hearing.
- f. Any party to the proceedings shall be entitled to a reasonable period at the close of the hearing for oral argument, which shall not be included in the stenographic report of the hearing. Briefs may be filed by the parties within the time fixed by the subcommittee.
- g. In the discretion of the subcommittee, the hearings may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the chairperson or vice-chairperson of the subcommittee or by other appropriate notices.
- h. A stenographic report of the trial shall be made.

8. Report of Subcommittee

- a. The subcommittee, after it has completed its hearings, shall file the complete report of the proceedings had upon the trial, together with its written findings of fact and recommendations with reference thereto with the Department Adjutant not less than five (5) days before the next meeting of the DEC, all of which shall be open to the inspection of all members of the DEC, as well as a representative or representatives of the defendant Post.
- b. The DEC shall consider said report and act thereon.
- c. At the DEC meeting at which the report of the said subcommittee is to be considered, one representative of the defendant Post may, within the discretion of the DEC, be given the privilege of the floor for not more than one hour.
- d. Should the subcommittee's report be a partial report, the DEC may continue the committee and authorize it to hold further hearings and present its final report at the next meeting of the DEC.

9. Appeal

- a. Should the DEC refuse to cancel, suspend or revoke the charter of the Post, such decision shall be final and no appeal can be taken therefrom.
- b. Should the DEC, upon a report of its subcommittee, cancel, suspend or revoke the charter of the defendant Post, the defendant Post and the National Adjutant shall be notified by the Department Adjutant of the decision of the DEC, which notice shall be mailed within five (5) business days after such decision has been rendered. Should the defendant Post desire to appeal from the decision of the DEC, it shall serve its notice of appeal, signed by the Post Commander and Post Adjutant, on the Department Adjutant at Department Headquarters within thirty (30) days from the date of said suspension, cancellation or revocation.
- c. Upon receipt of said notice of appeal, the Department Commander shall immediately notify the National Commander or National Adjutant of such appeal and shall cause the Department Judge Advocate, or acting Department Judge Advocate, and the subcommittee to submit all the papers and the complete record of the hearings to the National Commander or National Adjutant.

H. Hearings. Rules Governing Post Disciplinary Hearings under Article XIII, Sections 1-8 of the Constitution and ByLaws of the Department of Maryland.

All trials or hearings held by any Post to discipline any Post member shall conform to Article XIII, of The American Legion, Department of Maryland, Inc., Bylaws, and The American Legion, Department of Maryland, Inc., Uniform Code for Discipline of Post Members then in force.

I. Post Loan Acquisition / Property Disposal / Lease Procedures

Article III Section 4 of the Department Constitution states:

“Section 4. No real estate or leasehold property belonging to The American Legion, Department of Maryland, Inc., or one of its subordinate organizations shall be sold or disposed of in any way or have its title encumbered in any manner without the Post notifying the consent of the Department Executive Committee of The American Legion, Department of Maryland, Inc.”

The Uniform Code for Post Loan Acquisition / Property Disposal / Lease Procedures/Encumbrance of Post Property then in force must be adhered to by a Post, or intermediate bodies of The American Legion, Department of Maryland, when seeking permission from a County / Area Council, District Council, and the Department Executive Committee to borrow funds, sell or otherwise encumber The American Legion or American Legion property, These procedures and requirements also apply when a post is seeking permission to establish a contractual lease agreement for the usage of post real estate., For example; leasing post property to be used for a cell tower location or any other purpose. Further, the same procedures and requirements must be followed when a post is seeking to establish an agreement lease or rent property for the purpose of using the property as a post home:

RULE 8
FORM OF RESOLUTION

Resolutions which shall be offered as the direct action of the DEC shall be prepared in appropriate form containing such informative preamble in the form of "Whereas" followed by statements of fact and shall conclude with a Resolving clause or clauses which shall specifically set forth what statement or declaration is to receive action of the DEC. Such Resolving clause or clauses shall contain the following leading language: "RESOLVED, By the Department Executive Committee of The American Legion, Department of Maryland in regular. (or special) meeting assembled at (place), on(date) That, etc...and be it further "RESOLVED, That, etc.

Resolutions by Posts, intermediate bodies or other officially constituted subordinate organizations which shall have received favorable action by their respective organizations and which shall have an appropriate endorsement thereof in resolution form shall be acted upon by the Executive Committee in the form of a final Resolving clause in the following leading language: "And be it finally Resolved, By the Department Executive Committee in regular (or special) meeting assembled at (place), on (date), That, etc... ."

RULE 9
TRANSACTION OF BUSINESS BY
MAIL, TELEGRAPH, TELEPHONE, ONLINE MEETING, OR EMAIL

The Executive Committee, without physically meeting together, may transact official business by mail, telephone, e-mail, video conference or by any other such means available on a matter of urgency, or matters of business scheduled for a meeting that was not possible due to emergency or restriction by a government, as determined by the Department Commander, by voting upon proposed resolutions mailed, telephoned, e-mailed, or provided by video conference or by any other such means available to them by the Department Adjutant, with the approval of the Department Commander.

In the case of mail, telephone, e-mail voting, Ten (10) days shall be allowed for the return, by mail or telegraph or telephone, or e-mail of the votes thereon to the Adjutant. The voting shall be considered closed at the end of the ten (10) days: Provided, that three-fourths of the members of the DEC have returned their votes, or it shall be closed at any time prior thereto if and when all the members shall 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 telephone, or by e-mail 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 DEC of the action taken.

RULE 10
PROCEDURES FOR MEETING BY USE OF THE INTERNET OR VIDEO CONFERENCING

In accordance with the laws of the State of Maryland, meetings conducted utilizing this rule shall be considered in person meetings, and the location shall be designated as the location of the Chairperson for the meeting. All Commissions and Committees of the DEC are permitted to conduct their meetings utilizing this rule.

A. The Secretary shall send by e-mail notice to every Committee Member at least seventy-two (72) hours prior to any internet or video conference meeting ("Meeting"): (i) the Meeting(s) day and time; (ii) the Meeting(s) connection URL and code(s); and, (iii) as an alternative and backup to the audio/video connection included within the e-mail notice, a phone number and access code(s) the Committee Member may need to participate in the Meeting by telephone. The Secretary shall also include a link to the Rules with this e-mail notice.

B. The Secretary shall schedule the Meeting sign-on service availability for all DEC Members beginning at least 30 minutes before the Meeting scheduled start time.

C. Upon signing into the meeting all DEC Members shall be identified/authenticated and shall consistently maintain internet and/or audio access throughout the Meeting.

D. The Meeting quorum number is determined based upon the Department Constitution and By-Law requirements. Thereafter, the continued presence of a quorum attendance is determined by the online list of DEC Members, unless a DEC Member demands a quorum count by an audible roll call. Such a demand may only be made following any vote for which the announced totals add to less than a required quorum.

E. Each DEC Member is responsible for his or her audio and internet connections as no action shall be invalidated on the grounds that the loss of, or poor quality of, a DEC Member's individual connection prevented participation in the Meeting.

F. DEC members are required to maintain the muting of their microphones by themselves, unless speaking, to avoid disruptions of the meeting.

G. The Chair may cause or direct the disconnection or muting of a DEC Member's connection to the Meeting. The Chair's decision to disconnect a member's connection shall be announced during the meeting and recorded in the Meeting minutes.

H. To seek recognition by the Chair, a DEC Member shall raise his or her hand, or utilize the method within the internet meeting service being used.

I. A DEC Member intending to make a motion, or request, shall raise his or her hand, or utilize the method with the internet meeting service being used, and shall thereafter wait a reasonable time for the Chair's instructions before attempting to interrupt the speaker by voice.

J. A DEC Member intending to make a motion or offer an amendment not previously provided to all DEC Members, shall, before or after being recognized, transmit the motion, or amendment, in writing by email or other such means designated by the Secretary for this purpose, along with the DEC Member's name and Post. The use of e-mail or such other means designed for this purpose by the Secretary shall be restricted to posting the text of intended motions or amendments.

K. The Secretary shall designate an online area exclusively for the display of an immediately pending motion/question and other relevant pending question(s) (such as the main motion when an amendment is immediately pending); and, to the extent possible, the Secretary, or an appointed assistant, shall cause such question(s) to be displayed therein until disposed of by the Committee.

L. DEC Member votes shall be taken by the voting feature of the internet meeting service, unless a different method is ordered by the Chair. When ordered other permissible methods of voting are by electronic poll to determine acclimation, electronic roll call or by audible roll call. The Chair's announcement of the voting result may include the number of members voting on each side of the question. All Meeting business brought forth may also be conducted by unanimous consent.

M. The Secretary, or his or her assistant(s), will display a video of the Chair, while at the podium, throughout the Meeting and may also display the video, and/or photo, of the Committee Member, or individual, currently speaking.

N. If a Committee Member needs any sort of technical assistance he or she must request such assistance from the Secretary at least 24 hours prior to the scheduled meeting time.

RULE 11
SUSPENSION OF RULE

No standing rule or order of the Executive Committee shall be suspended without ten (10) minutes notice being given of the motion therefore, and no rule shall be suspended except by a vote of two thirds of all the members present.

RULE 12
ROBERT'S RULES OF ORDER TO GOVERN

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

RULE 13
AMENDMENTS

This amendment contains minor administrative changes and adds procedures for conducting online meetings of the DEC and its Commissions and Committees.. These revised and updated Rules were adopted by the Department Executive Committee in regular meeting on November 15, 2020 at Edwin C. Creeger Post 168, Thurmont, Maryland and are effective henceforth, until changed or modified by the Department Executive Committee.

Commander

Adjutant