



This Resolution was properly presented to the Department Resolutions Committee prior to the 2021 Department of California Convention held virtually in Sanger, CA on 26-27. This is the result of the Resolution:

Resolution Number: 2021-001

Title of Resolution: Past Department Commanders/Alt. NEC DEC Status

Subject Matter: Change to the 2021 DOC Proposed Bylaws revision in Article X, Department Executive Committee, Section 1, subparagraph b, to better define the status of the Past Department Commanders and Alt NEC Representative's status withing the Department Executive Committee.

Convention Standing Committee Assignment: Constitution and Bylaws

Committee Recommendations: The Constitution and Bylaws Committee recommended that the Resolution be added to the revision of the Department Bylaws for consideration.

Action on the Floor: When the Department Bylaws Revision was presented for adoption, at the appropriate time, the floor of the Convention was notified of the change this resolution was seeking. No objections were raised, and the Resolution passed on the floor as a part on the Adopted Bylaw Revision.

THE AMERICAN LEGION
DEPARTMENT OF CALIFORNIA
1601 7TH STREET
SANGER, CA 93657-2801
102nd Annual Department Convention
June 26-27, 2021

Resolution No. 2021-001

Subject: PAST DEPARTMENT COMMANDERS / ALI-NEC DEC STATUS

RESOLUTION

WHEREAS, The Department of California Constitution and Bylaws, ARTICLE X – DEPARTMENT EXECUTIVE COMMITTEE, Section 1, subparagraph (b), states, “...shall have voice with no vote.” regarding the Department Executive Committee and Past Department Commanders; and

WHEREAS, Robert’s Rules of Order Newly Revised, 12th Edition, paragraph 1:4, gives members, “...the right to attend meetings, to make motions, to speak in debate, and to vote.”; and

WHEREAS, “voice” is not a defined right under Robert’s Rules Newly Revised, 12th Edition; and

WHEREAS, Past Department Commanders have been denied the right to make motions at the Department Executive Committee meeting in the past; and

WHEREAS, Robert’s Rules of Order Newly Revised, 12th Edition, paragraph 56:68, subparagraph 6), states, “A prohibition or limitation prohibits everything greater than what is prohibited, or that goes beyond the limitation; but it permits what is less than the limitation, and also **permits things of the same class that are not mentioned in the prohibition or limitation and that are not evidently improper.**”; and

WHEREAS, The Department of California Constitution and Bylaws specifically deny **only** “the vote” to Past Department Commanders; now therefore, be it

RESOLVED, that The Department of California hereby recognizes, in accordance with Robert’s Rules of Order, Newly Revised, the right of Past Department Commanders to

attend, to make motions, and to take part in debate at meetings of the Department Executive Committee; and therefore, be it finally

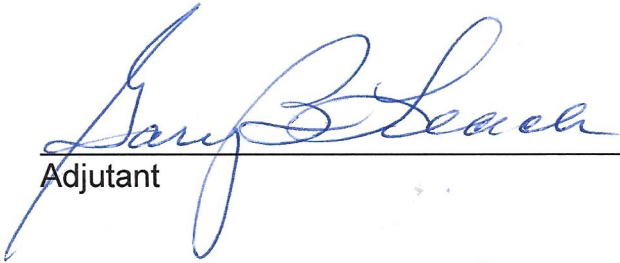
RESOLVED, that The Department of California substitute the proposed amendment to ARTICLE X – DEPARTMENT EXECUTIVE COMMITTEE, Section 1, subparagraph (b) of proposed revision to The Department of California Bylaws as follows:

“(b) Department Commander, Junior Past Department Commander, Department Vice Commanders, Department Sergeant at Arms, National Executive Committee Member, District Commanders, and any Past National Commander from California shall have full membership rights. The Department Adjutant, Judge Advocate, Parliamentarian, Service Officer, Chaplain, and Historian shall not have membership rights, but at the discretion of the Department Commander, appointed officers may have a clarifying voice on matters concerning their office or function. The Alternate National Executive Committee Member and Past Department Commanders, with the exception of the Junior Past Department Commander, shall have full membership rights with the exception of the right to vote.”



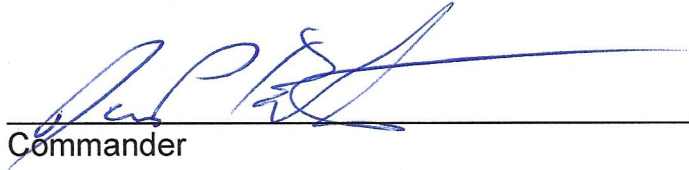
Commander

Post: 77



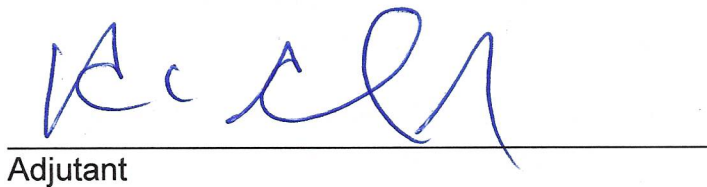
Adjutant

Date: 3/24/21



Commander

District: 6



Adjutant

Date: 3/28/2021