

Comments on the 31 Proposed SCV TX Div Constitutional changes for 2018

#1 - Proposed Amendment change 7.2 by David McMahon

VOTE NO!

Why: Special Called Meetings are usually for items that cannot wait for a Quarterly Meeting to roll around. They are time sensitive. A Registered certified letter with return receipt can take 17 to 21 days if no one comes to the post office to claim it, USPS then marks it 'Unclaimed' and the letter is returned to the sender. That can take another 5-7 days. IF the letter is picked up by Commander and receipt returned, which could add 5-7 days to the 21days, bringing it to 27 days. Then 14 days added to the 27 for the meeting to be called and you have made a time sensitive meeting wait 41 days to be heard. In this age of electronics, e-mail and/or text can make for near instant communication.

The use of Certified return/receipt mail allows the person who does not want the meeting to evade the issue and avoid a prompt response. In the current constitution: when petitioned by 5 members with a suggested time and place to hold the meeting, the Division Commander can change the time and place but it must be held within 14 days, NOT 41.

#2 - Proposed Amendment change 7.7.3 by David McMahon

VOTE NO!

Why: This goes along with changes on 7.2 : THERE IS NOTHING TO ENSURE THAT THE PROPOSED RECEPIENT WILL PICK UP THE LETTER IN A TIMELY FASHION OR AT ALL. Justice delayed is Justice denied. This is a legal motto meaning not coming forth in a timely fashion and the same as having NO RECOURSE!

#3 - Proposed Amendment change 7.7.4 by David McMahon

VOTE NO!

Why: Goes along with the #1 and #2 proposals which are delaying tactics. Return receipt requested Certified US Mail , so it is sent and no one picks it up from the post office. What is the recourse? Send another and take another 41 days.

#4- Proposed Amendment change 7.7.4 by David McMahon

VOTE NO!

Why: Goes with 1, 2 and 3 and is just another delaying tactic, we have no assurance that the Commander will return the receipt. It seems the Commander can make a snap decision and cancel a regularly scheduled quarterly meeting when more than 50 members are already there and a meeting place is available but he cannot schedule a special meeting in a timely fashion?

5 - Proposed Amendment Change 13.4.6 by David McMahon

VOTE NO!

Why: The Commander wants to make this a simple majority of the votes cast. This makes it a lot easier to convict members of alleged wrongdoing. Think of it like this if you are the accused do you want 80% to decide your fate or would you be happy with only 50% +1 deciding your fate? The way the vote is stacked by adding the last three Division Commanders to vote and appointed officers (appointed by the Commander) to vote, you see how much power the "leadership" gives itself. LET'S KEEP THE CURRENT RULE: A member accused of Disciplinary Violations requires a 4/5ths vote to uphold the charges. 2/3 to expel is the minimum required by Robert's Rules 11th Edition not a maximum.

Notes concerning #6 and #7: *The push back some have heard at Camp meetings is that no one is going to pay to become a Parliamentarian. Most of what I'm hearing is related to no understanding of what we're going through behind closed doors and at DEC Meetings. The men who have spoken against these two, I've never seen at a DEC Meeting. Another stated, "it sounds to me like the Vindicators are working the back door and that's not going to happen".*

In regards to paying to become a parliamentarian, the amendment specifically stipulates that the cost will be paid by the Division. There is no way the Commander and Chief of Staff can properly perform their duties if they don't know how.

*The only definition I have for "Vindicator" is that of Gen. Stephen Dill Lee in the "Charge" that most Camps quote at the beginning of every meeting. All good SCV members are charged to vindicate the honor of our **Confederate** Ancestors.*

#6 - Proposed Amendment change 6.4.1.1.2 by Jack Dyess

VOTE YES!

Why: Anyone running a meeting as the Commander is required to do according to his duties description, should know Robert's Rules of Order. If he doesn't know the rules how can he conduct a fair and impartial meeting, protecting all members.

#7 - Proposed Amendment Change 6.4.1.3 by Jack Dyess

VOTE YES!

Why: Anyone taking minutes and fulfilling other requirements of the job, Chief of Staff, should know Robert's Rules of Order.

#8 - Proposed Amendment Change 7.6 Meetings by Jack Dyess

VOTE YES!

Why: We need some stability in planning the meetings. Our DEC Quarterly meetings were changed at the whim of the Commander causing disruption and anger over wasted time, money and effort to participate in a very fluid DEC schedule.

#9 - Proposed Amendment Change 7.7.2.1 Retaliation for Special Called Meeting by Jack Dyess

VOTE YES!

Why: Members should not be penalized nor retaliated against for following the Constitution.

#10 - Proposed Amendment Change 7.10 Electronic Meetings by Jack Dyess

VOTE YES!

Why: If even a single member cannot hear well enough to participate in the phone-call meeting, the phone conference meeting should be immediately canceled. Additionally, large groups are not very good for this type of meeting.

#11 - Proposed Amendment Change 7.11 Minutes by Jack Dyess

VOTE YES!

Why: The IRS and Texas Section 3.151 of the Texas Business Code REQUIRE that nonprofit corporations keep copies of their business meetings. If you are audited the IRS or a state agency that audits your organization may ask to see your minutes, including Board minutes. The SCV Texas Division would have a difficult time coming up with this information.

#12 - Proposed Change 7.12 Read motion before entered in minutes by Jack Dyess

VOTE YES!

Why: Helps clarify the motion and lets members know exactly what is in the motion.

#13 - Proposed Amendment Change 7.14 Executive Session by Jack Dyess

VOTE YES!

Why: Executive Session has been grossly and unnecessarily overused in DEC Meetings. Brigade Commanders return home with little information for their camps due to excessive use of executive session which makes the meetings secret.

#14 - Proposed Amendment Change 8.4 Amendments submitted and distributed by Jack Dyess

CAUTION:

Why: the amendment does not accomplish the rationale. It appears “not submitted in time” was intended to be struck. Was not. NEED CLARIFACATION.

#15 - Proposed Amendment Change 8.9.8.1. Convention Minutes by Jack Dyess

VOTE YES!

Why: Same as regular minutes, required by IRS and Texas Business Law.

#16 - Proposed Amendment Changes 8.9.8.2 Motion read for members by Jack Dyess

VOTE YES!

Why: Members should have the opportunity to understand motion before they vote

#17 - Proposed Amendments Change 8.10 and 8.10.1 First meeting – Convention Minutes by Jack Dyess

VOTE YES!

Why: IRS and State would be very interested in seeing this if auditing. Shows non-profit implementing decisions of assembly.

#18 - Proposed Amendment Changes 8.10.2 At Second Meeting- Convention Minutes by Jack Dyess

VOTE YES!

Why: IRS and State would be very interested in seeing this if auditing. Shows non-profit implementing decisions of assembly.

#19 - Proposed Amendment Changes 8.10.3 At Third meeting - Convention Minutes by Jack Dyess

VOTE YES!

Why: IRS and State would be very interested in seeing this if auditing. REPORT also given to each member at the next Annual meeting showing, the implementation of the decisions of the assembly.

#20 - Proposed Amendment Change 13.1 Form Committee after charges proffered by Jack Dyess

VOTE YES!

Why: This makes it clear that the investigating committee is formed only AFTER the DEC or the CONVENTION has proffered charges

#21 - Proposed Amendment Change 13.4.7 Disciplinary action at DEC Level by Dustin Seiler
VOTE NO - YES, if Amended

Why: The Texas Constitution already provides for Camps, Brigades, Divisions, or by action of the DEC or by action of the Convention to proffer charges against any member of the SCV. The Disciplinary decisions would be removed from the Disciplinary Committee and given to the DEC which is not authorized in our present Constitutions. **This needs more work, a DEC member should not be allowed to vote on a case he is involved in, as has happened in the past because there is no rule for them to be recused.**

#22 - Proposed Amendment Change 6.4.8 Member cannot hold two voting offices by Frank Bussey
VOTE YES!

Why: An example in real life, a certain SCV member held the office of Brigade Commander and Division Adjutant at the same time. This kept another member off the DEC. When a Brigade Commander who is a voting member of the DEC is APPOINTED a board position that also allows him to vote on DEC issues, he should resign one of the positions and allow another member to step in. Because, if he holds two voting positions, he doesn't get two votes BUT he keeps someone else from voting and offering a broader input of ideas.

#23 - Proposed Amendment Changes 13.2 by Rocky Sprott
VOTE YES!

Why: Before a vote to proffer charges is taken by DEC, the accused member has an in-person opportunity to confront his accusers. Accused may waive this right in writing.

#24 - Proposed Amendment Change 13.4.6 Officers vote on the charges by Benjamin W. Bonney
VOTE YES!

Why: Only elected officers votes may be counted toward 4/5's on the charges. Reason: their votes belong to members who elected them, appointed officers vote to please those who appointed them.

#25 - Proposed Amendment Change 6.1 by Benjamin W. Bonney
VOTE YES!

Why: This helps ensure that qualified individuals are selected for appointment. All Division Commander appointees must be with the advice and consent of the DEC.

#26 - Proposed Amendment Change 13.4.5 by Benjamin W. Bonney
VOTE YES!

Why: Any member should have the right to defend himself when accused. This allows the accused to attend the hearing, speak in his own behalf, present witnesses and evidence.

#27 - Proposed Amendment Change 5.3 by Kyle Sims
VOTE YES!

Why: Allows the Brigade members to choose the manner in which the election of their Brigade Officers is held.

#28 - Proposed Amendment Change 6.4.3 by Kyle Sims
VOTE YES!

Why: Clarifies that the Division Chief of Staff takes the minutes, not the Adjutant, as

unconstitutionally stated in the proposed rules.

#29 - Proposed Amendment Change 6.5 by Kyle Sims

VOTE YES!

Why: This is the same requirement the Leadership places on Camp Officers, leadership should also be required to know and follow the Constitutions. Extremely important to OBEY the Constitutions and comply and enforce the provisions.

#30 - Proposed Amendment Change 7.1 by Kyle Sims

VOTE YES!

Why: Only the immediate Past Commander will be allowed to vote. There is no reason that two unelected past commanders should have voting rights on the current DEC. Let them seek office if they wish to continue to serve on the DEC.

#31 - Proposed Amendment Change 7.4 by Kyle Sims

VOTE YES!

Why: This stops past Commanders and appointed officers from having an unelected vote on the DEC. These individuals have not been elected... only appointed or used as consultants.