

Point of Order - Breach of Continuing Nature

To the TCC Board and Delegates of member clubs. I have repeatedly tried to resolve this matter at the smallest involved level but wasn't allowed to present it.

At the last Quarterly meeting, several possible violations of the TCC Articles of Agreement and Roberts Rules of Order were witnessed.

Looking into the past two years of Quarterly meetings,
[TCC meeting minutes; January 2016 - current]

Chris "Leo" Gilbert and Chris Hoy have each acted as the delegate for two separate member clubs, simultaneously, without a written Proxy. If they voted on TCC business with more than one vote, This is a violation of the TCC Articles of Agreement and parliamentary law and procedures.

<TCC Articles of Agreement, Article X, section 4; "Roberts Rules of Order shall govern all matters not specifically covered by these Articles Of Agreement or the Procedures Manual. ">

[Robert's Rules of Order, 11th ed] Rules in the book are based on the rights of the majority, of the minority, of individual members, of absentees, and of all these together. Some **fundamental principles** upon which the book is based include: one question at a time; one person, one vote; and a vote being limited to members present.

Under the TCC Articles of Agreement; Article VI, section 2;

<"Any member club unable to have its regular delegate present at a meeting may have another member of that club represent them. A club may also present a written Proxy to have someone else represent them. The Proxy must show the meeting for which it is valid, give the name of the person approved to carry out the Proxy, and at least one officer of the club must approve the Proxy. All

Proxies must be in the hands of the Secretary for the meeting for which it is valid.">

An individual may act as the delegate for one club and submit the written Proxy of another member club. (thereby casting more than one vote)

Any previous multiple votes by a single delegate on motions or elections where the Secretary was not given a signed and dated written Proxy prior to the meeting are illegal and should be nullified and void.

When this violation was privately brought to the newly elected Chairman immediately following the quarterly meeting in which the violation was witnessed, he aggressively and derisively dismissed it out of hand with the erroneous argument that "TCC does not dictate to the member clubs who they can have as their Delegate. If two member clubs select the same delegate, that delegate has two votes." The new Chairman also confirmed that at least one delegate had cast multiple votes without a written Proxy "as having a Proxy for each meeting would be a burden on the member clubs and they chose the delegate so he has two votes"

The Chairman's statement is partially correct. TCC does not involve itself in the politics of member clubs and they are free to choose who can represent them as delegate. However, That statement of one individual without a written Proxy, acting simultaneously as two delegates has two votes is a violation of parliamentary law. <RONR 11th ed. Pg. 407 1-8; "One Person, One Vote. It is a fundamental principle of parliamentary law that each person who is a member of a deliberative assembly is entitled to one -and only one- vote on a question. This is true even if a person is elected or appointed to more than one position, each of which would entitle the holder to a vote. For example, in a convention, a person selected as

delegate by more than one constituent body may cast only one vote.">

Our newly elected Chairman was presumably aware of this parliamentary rule as under his tenure as President of The North Texas Council of Clubs, as NTXCC did not allow Proxy voting and took steps to ensure each member organization was properly represented and specifically outlined this parliamentary law in the NTXCC Bylaws, Article V, section 4;

<"An individual active / full member of multiple Member Organizations cannot represent multiple Member Organizations concurrently.">

It is one of the duties of the Vice Chair to advise the Chairman of parliamentary procedures.

<TCC Articles of Agreement, Section 3 (a); "Help the Chairman as needed, and advise the Chairman on interpretation of the Articles of Agreement and parliamentary procedures.">

This violation should have been recognized and addressed under the previous Vice Chair term.

A second attempt to have a civil conversation about this violation with the newly elected chairman on 9/2/2017 was met with the same reaction in which the Chairman adamantly refused to listen to any opposing view and angrily shouted and stormed off.

Any board member that cannot civilly listen to an opposing view and any supporting evidence, and at the least say "thank you for bringing that to my attention, I will consider it." May not be the person best suited to govern others. Shouting down, or refusing to allow opposition to voice a viewpoint is the act of a bully or a dictator regime, not a member of a fair deliberative body.

Further,..

The IRS required all 501 titled corporations to adopt several policies by June 30, 2009 in order to retain their tax status. (List of all policies available online)

<TCC Articles of Agreement; Article X, section 7; "As a fraternal corporation TCC is subject to applicable Internal Revenue Service guidelines currently in effect">

Two of those required policies were; a Code of Ethics and a Conflict of Interest Policy. (examples are included in this packet)

In addition, <RONR 11th ed. Pg 407, 21-25;

"Abstaining From Voting on a Question of Direct Personal Interest. No member should vote on a question in which he has a direct personal or pecuniary interest not common to other members of the organization.">

Under those policies;

Two or more voting delegates were in a personal relationship with one of the election candidates and they did not recuse themselves from the vote and have an alternate delegate cast the member clubs vote, nor did they abstain from the vote. That is a direct Conflict of Interest and is a blatant violation of those required policies and parliamentary procedures.

Additionally; in the positions of Land Management,

It is not the usual practice of the TCC to seek nominations for open positions and vote on those positions in the same meeting.

<TCC Articles of Agreement, Article IX Section 2, 2nd paragraph (Land Management Committee)

“TCC will open and close nominations for those vacant positions during the Fall Meeting, with members elected at the Annual Meeting in January.”>

It is also not the practice of TCC to seek further nominations at the meeting where votes are cast for any position where the serving incumbent is running unopposed. As was in the case of Earl Barr.

These voting violations could invalidate the recent election for all affected positions, *if* a complete Tellers' Report was not kept and recorded for all positions in the election.

<RONR 11th ed. Pg 416, 30-33;

"If there is evidence that any unidentifiable ballots were cast by persons not entitled to vote, and if there is any possibility that such ballots might affect the result, the entire ballot vote is null and void, and a new ballot vote must be retaken.">

The remedy available to TCC is to rescind and annul any affected motions, nominations, and elections, and for the membership to Reconsider them by motion.

Under Roberts Rules of order, only the delegates and independent members of this conference may decide this matter.

<RONR 11th ed. Pg 446, 4-7>

“Because the voting body itself is the ultimate judge of election disputes, only that body has the authority to resolve them in the absence of a bylaw or special rule of order that specifically grants another body that authority.”

How this board and Conference chooses to respond to this matter will bring credit or condemnation.

I recommend to take these violations as "lessons learned".

Let us move forward in a positive direction and take steps to resolve and prevent these issues arising again in the future. This Board and

Conference needs to act in a professional and impartial way disregarding individual private agendas, resisting aggressive emotional reactions, and to cease personal character attacks. All decisions need to be carefully considered and dissenting opinions should be considered rationally rather than immediately shouted down or dismissed out of hand just because it is not an agreeable viewpoint.

Due to the recently instituted monthly Board meetings, I would also remind the Board of TCC Article of Agreement, Article VII, Section 4;

“TCC cannot conduct business at any meeting unless at least 51% of the member delegates are present, either in person or by proxy.”

