

**Constitution and By-Laws Committee**  
**Minutes of June 29, 2011**  
**CAPE National Office**  
**Boardroom**  
**1:30 p.m.**

**Present:** M. Zinck (Chair), S. Mullen, A. Picotte, P. Rosen, C. Poirier, C. Danik and D. Martin.

**Apologies:** S. Pichie.

**1. Approval of Agenda**

M. Zinck added an amendment to By-Law 14 as item 3 e) under Matters Arising.

Decision by consensus: to approve the agenda.\_

**2. Approval of Minutes**

Decision by consensus: to approve the minutes of May 25, 2011.

**3. Matters Arising**

**3 a) Framework for Local By-Laws**

- Incorporate the solemn declaration which is in the By-Laws.
- Need to have specific mandate/Term of reference for the sub-committee.
- Would the sub-committee have the authority to require Locals to make changes to their By-Laws or is this the NEC.

**Action:** Draft a resolution in order to establish a sub-committee to review the Local By-Laws and circulate the resolution electronically to the Committee for approval prior to the September NEC meeting.

**3 b) Mandate for Elections and Resolutions Committee**

**Objectives**

The objective of the ERC is to ensure an open, honest, transparent and democratic election process for the Association.

Subject to the By-Laws, the Elections and Resolutions Committee oversees all election and voting processes, with the exception of the ratification of tentative agreements. **The Elections and Resolutions Committee receives resolutions and confirms their admissibility in consultation with the President.**

## **Authority**

The ERC is a sub-committee **under clause 14 of the Constitution and By-Law # 3.** ~~of the National Executive Committee~~

## **Membership**

Membership is open to all regular, pending and retired members of the Association.

The National Executive Committee (NEC) approves the Committee membership at its regular meeting in April, **as per By-Law 3.1.** ~~May or June.~~

## **Membership restrictions**

No member of the ERC shall be eligible, in the current election year, to stand as a candidate for election to any position on the NEC, to support a candidate's nomination paper, to volunteer as a scrutineer for a candidate, or to support a candidate in any other way.

**Members of the Elections and Resolutions Committee shall not campaign in support of or against a candidate nor publicly divulge their opinion on a resolution.**

**They shall still be able to exercise their individual right to vote.**

## **Mandate**

The mandate of the ERC is to:

- Oversee all election and voting processes, except the ratification of tentative agreements.
- Confirm candidates' eligibility for elections.
- Receive resolutions and consults with the President on the admissibility. ~~except those of the NEC, are in accordance with the Constitution and By-Laws.~~
- Organize one public debate in the months of October or November of an election year.
- Tabulate or confirm the results of all voting, paper and or electronic.
- Publically announce and advise the candidates of the results of the vote.

## **Exception**

~~The ERC does not authorize resolutions of the National Executive Committee.~~

## **Number of Meetings:**

As required.

## **Term of office**

The term of office commences upon approval of the ERC membership by the NEC, normally in the April-June period, prior to an election year and ends March 31<sup>st</sup> of the year following the election year.

## **Reporting**

The ERC shall provide a written ~~post-election~~ evaluation report to the National Executive Committee by the 31st of March in the year following the ~~national~~ election **and/or a resolution process.**

**Action:** bring back for the September meeting.

### 3 c) Filling NEC vacancies

Consensus to work on the first five paragraphs - need to have dates or a chart to show the timeframes.

Table the last five paragraphs to January 2012.

### 3 d) By-Law X.XX - NEC vacancy (Elections)

This item was tabled to January 2012.

### 3 e) By-Law 14 - Suspension due to Absenteeism

The amendment was to the quorum section in the English version and it was amended in accordance with the French translation for clarity purposes.

**Action:** send to NEC for approval in June.

### 4 a) Review of clause 14.1

There has been an issue of obtaining volunteers from each bargaining unit.

14.1 The NEC shall appoint an Elections and Resolutions Committee. Membership in

the ERC should, **where possible**, consist of one Regular or Pending member from each bargaining unit. Retired members may be appointed to the ERC pursuant to By-Law 10.1.

**Action:** Send to NEC in September for approval

#### 4 b) Clause 33.6 – Financial Controls

Current:

33.6 The NEC shall designate three of its members and the Finance Officer of the Association as the signing officers of the Association. The signatures of two of these signing officers shall be sufficient to execute the financial affairs of the Association.

Proposed amendment:

33.6 The NEC shall designate three of its **directors**, the Finance Officer and one of the Executive Directors of the Association as the signing officers of the Association. The signatures of two **of these signing officers**, one of whom shall be a NEC signatory, shall be sufficient to execute the financial affairs of the Association.

**Action:** Send to NEC in September for approval

#### 5 a) Review by legal counsel

There was a consensus that we should provide legal counsel with a statement of work that we wish to have done and that we should wait until January 2012 for legal counsel to commence the review of the Constitution and By-Laws so that they will have the most recent and up to date version.

#### 6. Adjournment

The meeting adjourned at 3:00 p.m.