

CAPE Special Executive Committee

Minutes of December 12, 2007

CAPE National Office

Boardroom

5:45 p.m.

Present: J. Aggrey (Chair), J-R. Benoit, C. Card, G. Dussault, M. Holyk, M. Korol, C. Lakaski, R. McVicar, L. Perrin, A. Picotte, S. Spak, S. Spano (late arrival), C. Therrien, M. Zinck, C. Danik J. Ouellette, D. Martin.

Apologies: A. Sipos.

The meeting was called in order to review two legal opinions that were received. One opinion was on the matter of By-Law 5.3, as requested by L. Perrin and the second opinion was on the matter of reducing the President's Salary, obtained by C. Danik.

J. Aggrey called the meeting to order at 5:45 p.m. He then stated that he would absent himself from the meeting in order to avoid any perceptions of conflict of interest. He then departed the meeting.

C. Danik then stated that a Chair needed to be designated.

L. Perrin agreed to Chair the meeting at this point. There was unanimous consent.

L. Perrin requested to set the agenda as there were additional items presented and so that we could proceed in an orderly fashion.

Approval of Agenda

Motion: L. Perrin moved, A. Picotte seconded, that the agenda be set as follows:

1. Legal Opinion on By-Law 5.3
 - Motions presented by C. Therrien
2. C. Therrien Complaint
3. Deadline for Sub-Committee investigating complaints
4. Legal opinion on Reducing President's Salary

C. Card requested a point of order to clarify if additional item were allowed to be introduced at Special meeting as she understood that Special meetings were only to discuss the issues on which the meeting was called for. Other members concurred with this point. Therefore,

Motion: M. Korol moved, B. McVicar seconded, that items 2 and 3 be deleted.

In favour = 8, Opposed = 3, Abstention = 1. **Motion carried.**

Motion: L. Perrin moved, C. Card seconded, that the agenda be approved, as amended.

In favour = 9, Opposed = 0, Abstention = 3. **Motion carried.**

Legal Opinion on By-Law 5.3

C. Danik provided a summary of the opinion.

Motion: C. Card moved, M. Korol seconded, that the National Executive Committee support the legal opinion and proceed accordingly.

In favour = 10, Opposed = 0, Abstention = 2. **Motion carried.**

C. Lakaski mentioned that perhaps the complainants should also be absent from taking part in any meetings in the future.

Motion: L. Perrin moved, that the complainants be absent from any meetings that deal with complaints.

A discussion on the motion took place and it was mentioned that if members feel that they are in a conflict of interest situation they can ask to absent themselves at any time. Therefore, L. Perrin **withdrew** his motion.

Motions

C. Therrien submitted the following motions below for consideration.

Motion: To correct the error in By-law 5.3, delete “3” in “Section 3” and replace with “9” to read “Section 9”.

Motion: To determine the status of the President of CAPE with reference to Article 5.3 of the By-laws and its reference to Section 3 [sic] 9 of the Constitution:

Whereas it would be a clear conflict of interest for José Aggrey to act as President to “Interpret the Constitution” according to Article 9.3 referring to By-laws 5.3 and in it referring to Section 3 [sic] 9 of the Constitution, the assembled members of the National Executive Committee delegate or take upon themselves the responsibility to interpret the meaning of the By-laws and Constitution and therefore the status of the position of the

President of the Canadian Association of Professional Employees (CAPE).

Motion: It is the determination of the assembled members of the National Executive Committee that José Aggrey ceased his duties as President of the Canadian Association of Professional Employees (CAPE) upon utterance of the words, "I abdicate the Chair", and in accordance with By-law 5.3 and the corrected reference to Section 9 in-its-entirety of the Constitution; and this cessation continued thereafter, upon the creation of the investigative sub-committee created to investigate the activities related to the complaints filed by Carl Lakaski and Anna Sipos against José Aggrey, the creation of which took place on or about 22:00 November 14, 2007 at a National Executive Committee meeting at the National Office boardroom, and therefore all authority of the President according to Section 9 is the subject of delegation.

Motion: We, the assembled members of the National Executive Committee (NEC) delegate all duties and authorities granted to the position of the National President by the Constitution and By-laws of the Canadian Association of Professional Employees or conferred by any other legal and relevant source to _____.

It was noted that the first motion deals with amending the By-Laws and that this was not the procedure to follow.

After consideration, C. Therrien **withdrew** all of the above motions as they were submitted as one package.

Legal opinion on Reducing President's Salary

C. Danik provided a summary of the legal opinion and explained the timeframe for the National Executive Committee to propose a change in the President's Salary.

Motion: C. Card moved, A. Picotte seconded, that the legal opinion be accepted.

In favour = 12, Opposed = 0, Abstention = 1. **Motion carried.**

Adjournment

Motion: B. McVicar moved, S. Spak seconded, that the meeting be adjourned at 8:06 p.m. **Carried unanimously.**