

**CAPE Executive Committee
Minutes of October 29, 2008
CAPE National Office
Boardroom
5:45 p.m.**

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

Apologies: J -R. Benoit, J. Horvath, S. Spano.

Guests : B. Donvez
C. Poirier

1 a) Approval of Agenda

The agenda was amended to add the following items

Under items for Approval - 1 e) Approval of YMAC member

Under items for Approval - 1 f) Pension Sub-Committee report

Under matters arising - Item 2 g) – Atlantic Forum was moved as item 2 a) i

Under matters arising – add item 2 g) Behaviour of NEC members at the September 24, 2008 meeting.

Motion: It was moved by M. Zinck, seconded by A. Picotte, that the agenda be approved, as amended.

In favour = 11, Opposed = 0, Abstention = 1. **Motion Carried.**

Conflict of interest items

L. Perrin explained that there are two items on the agenda as follows;

1. Constitution and By-Law Amendments
2. Future President's employment contract

These two items could be considered a conflict of interest for all candidates that are running in the current elections for President. He further mentioned that they could participate in the discussions on the items but that they should not vote on any decisions pertaining to these items.

1 b) Approval of September 24, 2008 minutes

It was mentioned that the minutes should be noted as Part 1 as the meeting continued on October 1, 2008 and those minutes should be included as Part 2.

Motion: It was moved by M. Zinck, seconded by A. Picotte, that the minutes be approved, as amended.

In favour = 10, Opposed = 0, Abstention = 3. **Motion Carried.**

1 c) Approval of Audited Financial Statements

Motion: It was moved by A. Picotte, seconded by C. Therrien, that NEC recommends that the Audited Financial Statements for 2007 to be sent to the membership for approval. **Motion carried unanimously.**

Motion: It was moved by A. Picotte, seconded by M. Zinck, that NEC authorize the Finance Committee Chairperson to verify the invoices of the Association on a weekly basis for a 6 month period or in the absence of the Chair, his or her authorized delegate. **Motion carried unanimously.**

1 d) Constitution and By-Law Amendments

There were concerns raised with Clauses 6.6, 6.12, 6.13 and 17.10.

It was agreed to change the words "Canadian and provincial laws" to read "Federal and provincial law" through out the proposed amendments.

It was agreed to amend 6.13 as follows below:

6.13 Refer to legal counsel Constitutional, By-Law, or other legal matters. Any communications, **except in matters that pertain to Labour Relations representation**, containing a legal opinion or legal advice transmitted to CAPE by legal counsel shall be conveyed to the NEC upon receipt.

Verify the French version of 6.15 to ensure it is translated correctly.

Motion: It was moved by A. Sipos, seconded by C. Lakaski, that the NEC recommends the Constitution and By-Law Amendments (see appendix A) to the membership for approval, as amended.

A. Sipos requested a recorded vote.

J. Aggrey = Opposed, C. Lakaski = In favour, L. Perrin = In favour,
M. Zinck = In favour, M. Holyk = In favour, S. Spak = Opposed,
A. Picotte = In favour, C. Card = Opposed, B. McVicar = Opposed,

C. Therrien = In favour, M. Mascaro = In favour, G. Dussault = In favour, A. Sipos = In favour, M. Korol = Opposed.

In favour = 9, Opposed = 5, Abstention = 0. **Motion defeated as a 2/3 majority was not reached.**

A discussion ensued as to what constitutes a 2/3 majority of 14. Do you round up or not. It was agreed to seek a legal opinion on this issue.

1 e) Approval of YMAC member

Motion: It was moved by M. Zinck, seconded by M. Korol, that Myka Pappas-Beckers be approved as a new member of the Young Members Advisory Committee.

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

1 f) Pension Sub-Committee

L. Perrin provided the NEC with an update on the work of the Committee and requested an extension until November to present the Committee report to the NEC. The NEC agreed to the request for an extension.

2 a) Final Invoice for President's training

Motion: It was moved by M. Mascaro, seconded by M. Holyk,

Whereas the President, J. Aggrey, contracted for his own training course,

Whereas the NEC recognizes J. Aggrey's conflict of interest,

Whereas the training course is purported to develop leadership skills,

Whereas the term "Leadership" can be defined as a critical management skill involving the ability to motivate a group of people toward a common goal;

Whereas about 1/4 of the curriculum of the training course may be related to the development of leadership skills,

Whereas a request for related leaves of absence was never submitted to or approved by the NEC,

Therefore, the NEC seeks reimbursement from J. Aggrey for 3/4 of the value of the \$15,000 contract + GST.

M. Mascaro requested a recorded vote.

J. Aggrey = Opposed, C. Lakaski = In favour, L. Perrin = In Favour,
M. Zinck = Opposed, M. Holyk = In favour, S. Spak = Opposed,
A. Picotte = Abstention, C. Card = Opposed, B. McVicar = Opposed,
M. Mascaro = In favour, G. Dussault = In favour, A. Sipos = In favour.

In favour = 6, Opposed = 5, Abstention = 1. **Motion Carried.**

J. Aggrey stated that he will be seeking advice from his legal counsel on this matter.

2 a i) Atlantic Forum

M. Mascaro asked the following questions regarding the Atlantic Forum;

1. Why a non unionized hotel was selected?
2. Why did the event proceed when the NEC motion was contingent upon the budget being approved by the membership?
3. Who authorized the event to proceed?

M. Zinck mentioned that the hotel would have been selected by the Chair of the event and that a budget for the event was submitted by B. Black. J. Aggrey would have spoken to B. Black and conveyed approval in principal. M. Zinck said that he could not provide any further information than this.

M. Mascaro wanted to know who she would speak with in order to get the answers to her questions.

J. Aggrey will forward her questions to Ben Black.

Adjournment

Motion: It was moved by L. Perrin, seconded by G. Dussault, that the meeting be adjourned at 11.35 p.m. **Motion carried unanimously.**