

CANADIAN UNION OF PUBLIC EMPLOYEES METROPOLITAN VANCOUVER DISTRICT COUNCIL CONSTITUTION AND BY-LAWS

Amended & Approved November 2019

ARTICLE ONE NAME AND JURISDICTION

Section 1

This organization shall be known as the Canadian Union of Public Employees Metropolitan Vancouver District Council and shall be chartered by the Canadian Union of Public Employees.

Section 2

The jurisdictional area of this District Council shall be the geographical region within the lower mainland of British Columbia, lying north of the main arm of the Fraser River and west of the Pitt River. This section shall not prevent the jurisdiction of this District Council extending the adjacent areas with the consent of the District Council of that area and the approval of the CUPE National Executive Committee in accordance with the provisions of the CUPE Constitution.

Section 3

Any Local Union chartered by the Canadian Union of Public Employees located within the geographical region described in Section, 2 shall be eligible to apply for membership in this Council.

Section 4

Application to affiliate to the District Council shall be made in writing to the Recording Secretary of the Council and election to membership shall be by majority vote.

ARTICLE TWO OBJECTIVES

Section 1

The objective of this District Council shall be:

1. To promote the organization of workers generally and of public employees in particular.
2. To advance the social, economic and general welfare of such public employees.
3. To bring into closer relationship local organizations of public employees in order to foster cooperation.
4. To support the objects of the Canadian Union of Public Employees as set out in Article II of the CUPE Constitution.

ARTICLE THREE REPRESENTATION

Section 1

Representation on this Council shall be on the following basis:

- Local Unions with 100 members or less - 2 voting delegates
- Local Unions with 101 to 300 members - 3 voting delegates
- Local Unions with 301 - 500 members - 4 voting delegates
- For each additional 250 members or a major fraction thereof - 1 additional delegate

Section 2

Delegates and alternate delegates to this Council shall present credentials duly signed by the President and Secretary of the Local Union they represent and shall bear its official seal.

Section 3

Delegate entitlements shall be determined by the number of members in December of the previous year, as reported to the National Union.

Credentials for each delegate an affiliate is entitled to, shall be sent out in January of each year. Section 4

If there is a change in the names of the delegates, the Local shall notify, in writing, the Recording Secretary who will send out replacement credentials.

Section 5

New affiliates of the Council shall be entitled to delegates based upon their membership report to the National Union the previous December.

Section 6

All pronouns shall be they/their throughout.

ARTICLE FOUR REVENUE

Section 1

The revenue of this District Council shall be derived from a percent per capita tax on the total membership of the member Local. The percent per capita tax, established from time to time by this District Council, shall be payable quarterly.

Section 2

The procedure for establishing the rate of percent per capita tax shall be:

1. By consideration of the trustees' recommendations at the Annual Meeting, or
2. By "Notice of Motion" submitted to a meeting of this Council and circulated, in writing, to all member Locals of this Council as soon after the meeting as practicable and then voted on at the next meeting of this Council, where it shall require a two third majority vote of those delegates present and voting, to pass.

Section 3

Any affiliated Local, in arrears in payment of percent per capita tax for a period of six (6) months, may be expelled from membership in this District Council and this fact, together with explanatory data, shall be submitted to the Canadian Union of Public Employees.

ARTICLE FIVE OFFICERS

Section 1

The Officers of this District Council shall be:

- President
 - Vice President
 - Recording Secretary
 - Treasurer
 - Executive Members (4)
 - Communications officer
 - Trustees (3)
 - Sergeant-at-Arms (1)
- 2 yr term - even year
 - 2 yr term - odd year
 - 2 yr term - even year
 - 2 yr term - odd year
 - 2 yr term - odd year
 - 2 yr term - odd year
 - 3 yr term
 - 2 yr term - odd year

Section 2

The above-named officers, with the exception of the three Trustees, and Sergeant-at-Arms, shall constitute the Executive Board of this District Council.

ARTICLE SIX DUTIES OF OFFICERS

All Officers must give all properties, assets, funds and all records of the District Council to their successors at the end of their term in office.

All signing Officers of the Metropolitan Vancouver District Council shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.

Section 1 - President

The President shall function as the chief officer of this Council. They shall sign all official documents; preside at all meetings - regular, special and executive. They shall see that other officers of the District Council carry out their duties. They shall have power to call meetings of the Council or the Executive Board. They or their designate shall attend all conventions and conferences on behalf of the council. They shall be empowered, with the approval of the Executive Board, to hire necessary clerical assistance which will be paid for out of the Council's funds.

Section 2 - Vice President

The Vice-President shall, in the absence of the President, preside over the meetings of the District Council and assume all the duties and obligations of the President.

Section 3 - Recording Secretary

The Recording Secretary shall:

- Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustees' reports.
- Be responsible for correspondence, documents and communication to delegates pertaining to the Council's business.

Section 4 - Secretary-Treasurer

The Secretary-Treasurer shall:

- Sign all cheques and ensure that the District Council's funds are used only as authorized or directed by the National Constitution, District Council bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing Officer during prolonged absences.
- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the District Council.
- Make a written financial report to each regular membership meeting, detailing income and expenditures for the period.
- Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.

Section 5 - Signing Authority

Expenditures of the Council shall be for the purposes of the Council only and, in all cases, shall be made by cheque, signed by the Secretary-Treasurer and President. In the event the Secretary-Treasurer or President is unable to sign, then the Recording Secretary or the Vice President of the Council shall be an authorized signing officer.

Section 6 - Audit by Trustees

The Treasurer shall prepare a financial statement of the accounts of the Council at least once a year. This statement shall be audited by the Trustees and submitted to the Annual General Meeting before the election of officers for the following year.

Section 7 - Trustees

Each year one Trustee shall be elected for a three year period. In the case of a vacancy occurring, a Trustee shall be elected to the unexpired term in order to preserve overlapping terms of office.

The Trustees shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the committees at least once every calendar year.
- Make a written report of their findings to the annual general meeting of the district council.
- Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the District Council's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner.
- Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization and documentation.
- Ensure that proper financial reports have been given to the membership.
- Audit the record of attendance.
- Inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the District Council, and report their findings to the membership.
- Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
 - i. Completed Trustee Audit Program
 - ii. Completed Trustees' Report
 - iii. Secretary-Treasurer Report to the Trustees
 - iv. Recommendations made to the President and Secretary-Treasurer of the District Council
 - v. Secretary-Treasurer's response to recommendations
 - vi. Concerns that have not been addressed by the District Council Executive Board

Section 8 - Sergeant-at-Arms

It shall be the duty of the Sergeant-at-Arms to guard the inner door and to admit no one but members in good standing or officers and officials of the Canadian Union of Public Employees, except on the order of the President and the consent of the members present.

The Sergeant-at-Arms shall not permit any member to retire from the meeting without permission of the President. They shall assist the Recording Secretary in maintaining the record of membership attendance at meetings of the Council on the official record kept in the charge of the Secretary-Treasurer. They shall perform such other duties as may be assigned by the President from time to time.

Section 9 - Communications Officer

The Communications Officer shall be responsible for maintaining and publicizing the website; shall be responsible for assisting with membership engagement; shall be responsible for ensuring that the website, email list, and all social media are current and used to serve the objectives of the Council, for the good of the Union, and for regular communication among the Executive Committee and delegates; and shall assist the other officers in the carrying out of their duties where required. The Communications Officer shall provide regular reports at meetings.

Section 10

The Executive Board shall be the governing body of the Council between meetings. It shall take such action as may be necessary to carry out the instructions of the general and special meetings of the Council and enforce provisions of its By-laws and of the Constitution. It shall prepare plans for carrying out the objectives and policies of the Council and generally manage its affairs in the interests of its affiliates.

The Executive Board shall meet prior to each regular meeting of the Council, at least eight (8) times a year.

Section 11

The Executive members shall serve as a Chairperson of a standing committee of the Council as decided by the Executive annually.

The Executive standing committees of the council will be:

1. Constitution and By-law's committee
2. Resolution's Committee

Metro District Council will hold biennial elections for election of Metro Delegates for appointment to CUPE BC committees and working groups.

Elected delegates to CUPE BC committees and working groups will provide a report or update at the Metro District Council meetings.

Section 12

In the event of any officer failing to answer the roll-call for

- Three consecutive regular meetings, or

- Three consecutive executive meetings

without having an acceptable reason to offer for their absence, their office may then be filled at the next regular meeting. Nomination, eligibility for nomination and voting shall be in accord with the provisions of this Constitution.

ARTICLE SEVEN MEETINGS

Section 1

Regular District Council meetings shall be held on the second Thursday in the months of January, February, March, April, May, September, October and November.

Section 2

The Annual Meeting shall be held on the second Thursday of the month of May in each year at a time and place as set by the Executive Board. A social will be held after the general meeting.

Section 3 - Quorum

- The minimum number of delegates required to be in attendance for the transaction of business at any regular or special meeting shall be 25 members, representing at least 5 locals, including at least 4 members of the Executive Board.
- A Quorum of the Executive Board shall be five (5) Executive Board members.

Section 4

Each Delegate, on entering the Council Chamber, shall record their name in the official register provided for that purpose.

Section 5 - Special Meetings

Special meetings of the Metropolitan Vancouver District Council may be required, and shall be called by the Executive Board or may be requested in writing by no fewer than 20 delegates from at least 5 locals. The President shall immediately advise delegates when a special meeting is called, and ensure that all delegates receive at least twenty-four (24) hours' notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

ARTICLE EIGHT ELECTION OF OFFICERS

Section 1

The election of officers shall be held at the Annual General Meeting of each year.

Section 2 - Eligibility

To be eligible for nomination for any office, the nominee must be a duly accredited delegate from a Local Union and have attended not less than fifty percent (50%) of the Regular Meetings of the Council held during the preceding twelve months.

If a Local Union has not been affiliated to the Council for twelve months, the accredited delegate(s) from such Local Union shall be eligible for nomination, if the delegate has attended at least 3 of the regular meetings of the Council in the previous 12 months since the Local Union affiliated.

For the purposes of this section, the interpretation of delegate shall be:

"A member duly appointed as a delegate from a Local Union to Metro District Council, or his/her duly appointed successor, during the twelve months period."

Section 3

A delegate may be nominated for more than one office but shall hold only one office.

No more than 1 delegate per affiliated local should be represented on the Metro Executive Board.

If an elected officer is no longer an accredited delegate from an affiliated local union, their position will be declared vacant and be filled through by-election.

Section 4 - Nominations

Nominations will be received at the Annual General Meeting held in the month of May. They will be accepted from delegates in attendance at the meeting, or in writing or electronically by the start of the meeting.

A member may accept nomination for a position while holding office in any position. If successful in the election, their resignation from their current position will take effect at that time.

Section 5 - Elections

The president of the council will appoint an Election Officer.

The Election Officer will be responsible for issuing, collecting, and counting ballots. The Election Officer must be fair and impartial and see that all arrangements are unquestionably democratic.

Voting to fill one office will be conducted and completed, and recounts dealt with before balloting may begin to fill another office.

A majority of votes cast will be required before any candidate can be declared elected, and second and subsequent ballots will be taken if necessary to obtain a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot will be dropped.

In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next meeting.

When two or more nominees are to be elected to any office by ballot, each delegate voting will be required to vote for the full number of candidates to be elected or the delegate's ballot will be declared spoiled.

Any delegate may request a recount of the votes for any election and a recount will be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a meeting as set out in Section 7(3).

All election complaints by members will be submitted in writing to the assigned National Representative as soon as possible but in no circumstances will a complaint be valid if it is filed later than seven days after the election. The National Representative will investigate the complaint and issue a ruling as soon as practical and report the ruling to the very next regular meeting.

Section 6 - By-elections

Should an office fall vacant for any reason, the resulting by-election should be conducted as closely as possible in conformity with this section. **The term of office for any position filled through a by-election will be the term that the vacated position was initially elected to fulfill.**

ARTICLE NINE INSTALLATION OF OFFICERS

Section 1

The Oath of Office to be read by the newly-elected Officers is:

“I, _____, promise to perform the duties of my office, as set out in the Constitution and laws of the Canadian Union of Public Employees, faithfully and to the best of my ability for my term of office. As an Officer of the Council, I will always promote the harmony and dignity of the sessions by counsel and example. I also promise to turn over all property of the Council to my successor at the end of my term.”

ARTICLE TEN

EXPENSES

Section 1 - Meetings

Elected Officers and Executive committee members shall have expenses paid for Executive and Committee meetings as follows:

1. Car mileage - same rate as CUPE BC
2. Any out-of-pocket expenses (i.e. meals) shall be covered by receipt only.

Section 2 - Per Diems

1. Conventions/conferences - same rates as CUPE BC
2. Per diem when meals are supplied (i.e. Harrison School) - same rate as CUPE BC
3. Any officer authorized by Council to attend to business of the Council shall be paid loss of wages at cost.

Section 3 - Conventions and Conferences

Delegates authorized by Metropolitan Vancouver District Council to attend conventions and/or conferences on behalf of Metro District Council shall have expenses paid as follows:

1. Travel Expenses:
 - (a) Air fare (Economy class if possible)
 - (b) Bus fare (whenever possible)
 - (c) Car mileage as per Section 1 (1)
 - (d) Travel expected to be the most convenient and economical means with the maximum mileage not to exceed airfare.
 - (e) Parking cost when receipt provided and when on CUPE Metro business. Taxi or airport shuttle from airport to hotel to meeting place upon submission of receipts.
2. Hotel Expenses
3. Traveling Per Diem - If a delegate is required to travel the day before and/or the day after they shall be compensated as per Section 2 (1) and Section 3 (2) plus wages where applicable.

Section 4 - Honorariums

President:	\$60.00 per month
Vice President:	\$60.00 per month
Recording Secretary:	\$60.00 per month
Treasurer:	\$60.00 per month
Trustees:	\$40.00 per audit

Section 5 – Donations

1. All requests for donations are forwarded to the Executive Board for recommendation.
2. Donations at regular scheduled meetings shall not exceed:
 - a) Two Hundred Fifty Dollars (\$250) to charitable organizations.
 - b) One Thousand Dollars (\$1000) to Unions on strike or for strike aversion.
3. All expenditures, other than those recommended by the Executive Board or covered by the by-laws shall be by Notice of Motion. With the exception of time sensitive donations which will be approved by a majority vote of the delegates in attendance or a majority vote of the executive board.

ARTICLE ELEVEN CHARGES

All charges against delegates or officers must be made in writing and dealt with in accordance with the Trial Procedure provisions of the National Constitution.

ARTICLE TWELVE AMENDMENTS TO CONSTITUTION

Section 1 - CUPE Constitution

This Constitution and any amendments or additions will be subordinate to and not conflict with the CUPE Constitution.

Section 2 - Additional Bylaws

- Amendments or additions are approved by 2/3 majority vote at a regular meeting or at a special meeting called for that purpose.
- Notice of the intention to propose amended or additional bylaws will be given at least seven days before at a meeting or 60 days before in writing.

Section 3 - Effective Date of Amended or Additional Bylaws

Amended or additional bylaws do not come into effect until they have been approved in writing by the National President. The National President will decide whether to approve

the amended or additional bylaws within 90 days of receiving them and will withhold approval only where they conflict with the CUPE Constitution.

ARTICLE THIRTEEN DISSOLUTION

Section 1

There shall be no dissolution of the District Council as long as five (5) affiliated organizations dissent.

ARTICLE FOURTEEN ORDER OF BUSINESS

The Order of Business shall be as follows:

1. Territorial Acknowledgement
2. Reading of the Equality Statement
3. Roll Call of Officers
4. Applications for Affiliations
5. Reading of the Minutes
6. Matters arising out of the Minutes
7. Treasurer's Report
8. Communications and Bills
9. Reports of Committees and Delegates
10. Nomination, Election and Installation of Officers
11. Unfinished Business
12. New Business
13. Good and Welfare
14. Adjourn

APPENDIX - RULES OF ORDER

1. The President, or in their absence the Vice-President, shall take the chair at all meetings. In the absence of both the President and Vice-President, the Secretary Treasurer shall act as Chair. In the absence of the above three Officers, the Recording Secretary shall act as Chair.
2. No delegate, except a member of a Committee making a report, or the mover of a resolution, shall speak more than five minutes, or more than once on the same question, without the consent of the meeting, or until all who wish to speak have had an opportunity. Chairs and movers of a resolution shall be limited to fifteen minutes, except with the consent of the meeting.
3. The Presiding Officer shall state every question coming before the Council, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: Are you ready for the question? Should no member rise to speak, the question shall then be put.
4. A motion to be entertained by the Presiding Officer must be moved and seconded; both mover and seconder must be recognized by the Chair.
5. A motion to amend, or to amend an amendment, shall be in order but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
6. On motion, the regular order of business may be suspended by a two-thirds vote of those present, to deal with any urgent business.
7. All resolutions and motions other than those named in rule 17, or those to accept or adopt the report of a committee, shall, if requested by the Presiding Officer, be presented in writing before being put to the delegates.
8. At the request of any delegate, and upon a majority vote of those present, a question may be divided when the sense will allow it.
9. Any delegate having made a motion can withdraw it with the consent of the seconder, except that any motion once debated, cannot be withdrawn except by a majority vote of those present.
10. When a delegate wishes to speak on a question or to make a motion, the delegate shall rise and respectfully address the Presiding Officer, but except to state that they rise to a point of order or on a question of privilege, shall not proceed further until recognized by the Chair.

11. When two or more delegates rise to speak at the same time, the Presiding Officer shall decide which one is entitled to the floor.
12. Every delegate, while speaking, shall adhere to the question under debate and avoid all personal, indecorous or offensive language, as well as any poor reflection on the Council or delegate thereof.
13. If a delegate, while speaking, is called to order, they shall cease speaking until the point is determined; if it is decided they are in order, they may again proceed.
15. No religious discussion shall be permitted.
16. The Chair shall take no part in debate while presiding, but may yield the Chair in order to speak on any question before the Council, or to introduce a new question.
17. The Presiding Officer shall have the same rights as other members to vote on any question. In case of a tie vote, the Chair may cast the deciding vote if they have not already voted. If they choose to refrain from breaking the tie, the motion is Lost.
18. When a motion is before the Council, no other motion shall be in order except:
 1. to adjourn
 2. to put the previous question
 3. to lay on the table
 4. to postpone for an indefinite time
 5. to refer
 6. to divide or amendwhich motions shall have precedence in the order named. The first three shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: Shall the main question now be put? If it is adopted, the Chair shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Council.
19. A motion to adjourn is in order except when a delegate has the floor or when delegates are voting. A motion to adjourn having been put and lost, shall not be in order again, if there is further business before the Council, until fifteen minutes have elapsed.
20. After the Presiding Officer declares the vote on a question and before the Council proceeds to another order of business, any delegate may ask for a vote verification. A standing vote shall then be taken and the Secretary Treasurer shall count same.
21. If any delegate wishes to challenge (appeal) a decision of the chair, the delegate must do so at the time the decision is made. If the challenge is seconded, the delegate

shall be asked to state briefly the basis for the challenge. The Chair may then state briefly the basis for the decision, following which the Chair shall

immediately and without debate put the question: "Shall the decision of the Chair be sustained?" A majority vote shall decide, except that in the case of a tie, the Chair is sustained.

22. After a question has been decided, any two delegates who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
23. No delegate shall enter or leave a meeting during the initiation of new members, the installation of officers, or the taking of a vote.
24. The Council's business and proceedings of meetings are not to be divulged to any persons outside the Council or the Canadian Union of Public Employees.

In situations not covered by such Rules of Order, the National Constitution may provide guidance, but if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.