

Proposed Changes for JRCPA Rules

Why Change Anything?

Over the initial operation of the association, the committee has noted several situations arising from the current rules which we find to be less than optimal, and frankly, not really appropriate for the way Johns River operates.

So, in order to make the rules a little more appropriate for our particular community association, we'd like to propose to the general membership the following changes.

1. When Members Call Their Own Special Meeting

What Happens Now: Sometimes members feel like their issues are not being addressed by the committee, so at least 5% of those members can call a Special General Meeting so their proposed resolution can be addressed.

Why This Should be Changed: It's great that members can do this to be sure all voices are heard, at a recent meeting, only one of the members requesting the meeting were present – all the others had left!

The Proposed Addition: Include the phrase:

“At least three-quarters of the members request the meeting must attend to propose the resolution(s), otherwise the proposal will expire and must be resubmitted according to these rules”

2. Quick Committee Meetings

What Happens Now: When the association president or any management committee member needs to quickly convene a committee meeting, it is necessary to formally notify each committee member at least 48 hours prior to the meeting.

Why This Should be Changed: This is a major pain when the committee needs to respond quickly to changing issues and requirements.

The Proposed Changes: Change rule 20 (3) and (4) to read (changes underlined):

“(3) Oral or written notice by phone, fax or e-mail of a meeting of the committee must be given by the secretary or presiding member to each member of the committee. If more than half of the committee members reply that they are unable to attend at the proposed date and time which is less than 48 hours from the time of the notice, the meeting date and time must be rescheduled by the secretary or presiding member to a date and time no sooner than 48 hours from the date of the notice.

“(4) Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting. Additional business may be transacted with majority assent of the members present.”

3. How the Committee Works Between Meetings

What Happens Now: Business is transacted (meaning that important issues are discussed and voted on) at Committee Meetings of the JRCPA. In meetings, the rules cover how the committee must agree, which is by majority vote.

But outside of these meetings, business is also transacted by each member of the Management Committee, yet there is no rule to say how consensus should be maintained.

Why This Should be Changed: Even though it is the role of the committee to manage the affairs of the association, the Management Committee must ensure each member of the committee is aware of the actions of the others between meetings, as new issues and the need for new proposed actions arise.

The Proposed Changes: To help the committee to act quickly outside of meetings, add paragraphs (5) - (7) to rule 26, “*Voting and Decisions*”:

“(5) Business transacted outside of Committee meetings which has the majority consent of the Committee members, shall have the effect of a transaction approved by the Management Committee as a whole.

“(6) Management Committee members proposing any new business (not previously approved by the committee in a meeting) must seek consent from a majority of Management Committee members prior to transacting that business.

“(7) Consent for business to be transacted may be given by a Management Committee member by any

JRCPA Proposed Rule Changes

form of communication. The nature of the business, the date, the time and the means by which that consent was made (the "Consent Record") must be recorded by the requesting committee member. The Consent Record must be forwarded to the secretary for inclusion in the next meeting minutes of the committee."

4. Additional Business at Meetings

What Happens Now: The business to be discussed at any meeting must be listed in the agenda (meeting notice) issued by the secretary (who forms the agenda from requests made by members). Nothing else can be proposed at a meeting unless it is in the Secretary's published agenda.

Why This Should be Changed: JRCPA members rather naturally assume that they have the right to discuss new issues and, if needed, to vote on those issues. We've had several occasions where members really don't understand why they can't just vote on a popular issue.

The Proposed Change: Continue to allow any member to add their business item by letter to the secretary, but also allow the membership by majority to make a proposal resolution at any general meeting. To do this, we need to change rule 26 (3) to read (changes underlined):

(3) No business other than that specified in the notice convening a general meeting (the Agenda) is to be transacted at the meeting except with the majority assent of the members present to include a new resolution in the current meeting, or, in the case of an annual general meeting, business which may be transacted under rule 24(2).

5. How We Give Notice to Members

What Happens Now: Whenever the Committee needs to communicate important meeting dates and business to the membership, it must mail the notice with stamps to each member, to be sure that "notice" is properly given.

Why This Should be Changed: This is a costly exercise for the Association, and ignores the availability of other forms of electronic communications.

The Proposed Addition : Add paragraphs (5) and (6) to rule 26:

"(5) Notice is given to all members when it is posted at two (2) publicly accessible locations within the village of Johns River and online at www.johnsriver.com.au. Notice must be clearly printed in at least A3 size and the Secretary or Media Officer must ensure these notices are checked once every 3 days for suitability of location and adequate visibility to passing village members.

"(6) Members so requesting will be notified by electronic means including but not limited to e-mail, fax, telephone, portable device, SMS, or online instant messaging services. Members not notified by electronic

means will receive one copy of a notice per unique mailing address."

6. The Website and Media Officer

What Happens Now: The Secretary is responsible for all correspondence, notices, agendas, and meeting minutes. However it is unclear as to who has responsibilities for public announcements, media releases, website and e-mail maintenance and other public image issues.

Why This Should be Changed: The Secretary's job is already full with duties, and the demands of additional media requirements may make the duties too much for one person.

The Proposed Changes: Change the definitions in rule 1 to read:

Secretary means:

(a) *the person holding office under these rules as secretary of the association, or*

(b) *if no such person holds that office – the public officer of the association.*

Media Officer means:

(a) *the person holding office under these rules as media officer of the association, or*

(b) *if no such person holds that office – the secretary or public officer of the association.*

7. The Powers of the President

What Happens Now: Much like Australia's Governor General, the actual duties of the JRCPA President are undefined, other than presiding over committee meetings. Whilst traditionally, the president is expected to take a leadership role in the formulation of policy and proposals, none of this is specified in any way in the JRCPA Rules.

Why This Should be Changed: The rules simply do not reflect the expectation of the membership for what their President is or does.

The Proposed Changes:

Further discussion with the membership at large is probably required to ensure any codification of the presidential powers is fully in-line with membership expectations. A few talking points for this may include the ability of the president have the ability to approve, modify and return to the Committee for further consideration any proposal, and the ability to monitor, approve or modify any correspondence to any outside body or individual being issued on behalf of the Association.

8. Meeting Chairperson

What Happens Now: The Committee is required to have the President, Vice-President, or to appoint

JRCPA Proposed Rule Changes

one of their members as chairperson for general meetings.

Why This Should be Changed: This is not always appropriate, particularly for Annual General Meetings and other topical community forums, where the Association may wish to bring in a guest chairperson from Council or another government body to chair meetings.

The Proposed Changes: Modify paragraphs (1) and (2) to rule 28 (changes underlined):

“(1) Any person appointed by the Management Committee may preside as chairperson at each general meeting of the association.

“(2) If a quorum of the Management Committee is not present, or the Management Committee are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.”

9. Resignations and Expulsions

What Happens Now: When someone is expelled or resigns, they can turn around and re-apply the next day, making the Management Committee deal with frivolous bother. Additionally resignations take at least a month to process.

Why This Should be Changed: There is no real penalty associated with behaviour meriting expulsion, or the intentional rejection of the Association by resignation. Resignations should take effect when the member intends.

The Proposed Changes: Add a penalty period to disallow re-application within 1 year. Add paragraph (2) to rule 4 (“*Cessation of Membership*”) as follows:

(2) Upon cessation of membership for reasons (b) or (c) in paragraph 1 above, the member may not reapply for membership for a period of one year after the date of cessation.

Delete parts of paragraph (2) to rule 6 (~~deletions struck~~) (additions/changes underlined):

(2) A member of the association ... may resign from membership of the association by ~~first~~ giving to the secretary written notice ~~of at least one month (or such other period as the committee may determine)~~ of the member's intention to resign and, ~~on the expiration of the period of notice,~~ at which time the member ceases to be a member.

10. Nominations

What Happens Now: Persons nominating a candidate for the JRCPA, Inc. Management Committee must be current members of the Association, and although it is widely assumed the candidate is also a member, this is not specifically stated.

Why This Should be Changed: Since it is assumed that candidates are members, and it is not unreasonable to prefer that a candidate has at least enough interest in the Association as to have been a member, persons who wish to hold office with the Association as a member of the Management Committee should be members in good standing of the Association for at least one (1) term prior to their candidacy.

The Proposed Changes: Add the requirement that the person must have been a member for at least the three (3) months prior to accepting a nomination as candidate. Add to paragraph (1)(a) as follows (additions underlined):

15(1)(a) The nomination must be made in writing, signed by 2 members of the association and accompanied by the consent of the candidate (also a member, which may be endorsed on the form of nomination). Only members may be nominated and only current members of the Association for at least three (3) months prior to their candidacy may be elected to the Management Committee, and

-- paragraph (15)(1)(b) follows unchanged