



Proposed Changes to Bylaw 9.15 – Term of Office

Proposed May 2018

To provide for better governance of the College and succession planning of Council members, changes are being proposed to the Term of Office section of the ACSLPA Bylaws.

Background

- Current situation
 - In 2015 ACSLPA revised its Bylaws to shorten the council member terms of office to two years from three.
 - Two-year terms have the benefits of;
 - making the Council more accessible to potential candidates by shortening the time commitment,
 - ensuring a steady supply of new perspectives on Council and decreasing the effects of orthodoxy.
 - There is currently a limit of three consecutive terms, after which a member of Council would have to take at least a one-year break from Council before they would be eligible to run again.
 - Term limits have the benefits of;
 - ensuring that vacancies arise on Council, which allows interested members the opportunity to contribute to the governance of the College,
 - ensuring a steady supply of new perspectives on Council and decreasing the effects of orthodoxy.
- Issues to be addressed:
 - Since the two-year terms came into effect in 2015, Council members have observed the following issues that they would like to address;
 - the terms are too short for Council members to feel effective; it seems to take about one year to get up to speed on the business of Council which leaves Council members only one year of feeling effective and confident in their position before their term runs out

- the two-year terms make it very difficult to have a planned succession for the President/Chair (if the member becomes president in the first year of their term, they have no opportunity to shadow the outgoing president/if the member becomes president in the second year of their term, they have no opportunity to mentor the incoming president)
 - a third year would allow members of council an opportunity to contribute with confidence and experience, as well as provide leadership and mentorship to incoming members of council.
 - there is the potential for a high turnover, with roughly 50% of council member terms expiring in any given year, which puts some significant limits on stability, experience, and historical perspective.
 - moving to three-year terms will allow the Council to establish, through policy, a planned rotation where 1/3 of terms will expire in any given year, which will allow for improvements in succession planning, orientation, mentorship, and knowledge retention.
 - there is a high cost in terms of time and resources to keep training new members of council and, unless some members seek and achieve re-election, there can be a shortage of experienced members to mentor new members of council.
 - the lack of experience and historical perspectives on Council can concentrate a lot of decision-making power in the hands of the Registrar/CEO.
 - any changes to the terms of office should continue to balance the need for new perspectives on Council with the need for experience and historical perspectives.
 - any changes to the terms of office must take into consideration what to do with the existing members of council who were elected under the existing rules.
- Legislative Authority:
 - The Council may make bylaws respecting the terms of office of the members of council (HPA Section 132(1)(c)).
 - The Bylaws of the College authorize the Council to add to, amend or repeal, in whole or in part, the Bylaws after it has considered recommendations for changes and has considered feedback from the membership, such feedback to be solicited in any manner that the Council sees fit (Bylaws, 17.2)

Proposed Bylaw Change

- It is recommended that Section 9.15 of the bylaws, titled “Term of Office” be repealed in its entirety.
- It is recommended the term of office for members of council be set at three years, with a limit of two consecutive terms.
- It is recommended that transitional provisions be added to the bylaws to address sitting members of council who were elected under the current rules.
- It is recommended that a provision be added that would allow a person to be appointed to council without regard for the limit on consecutive terms in the event that a shortage of council members can only be resolved by having a member continue on Council.

Effect of the Proposed Bylaw Change

- This change should allow for a better balance between experience and new perspectives on Council and allow for more effective succession planning.

Recommended Amendment to the Bylaws:

- That section 9.15 of the Bylaws be repealed in its entirety as follows:

9.15 — Term of Office

~~9.15.1 The term of office for an elected Councillor is two years.~~

~~9.15.2 The term of office for an appointed public member is three years, unless otherwise directed by the Lieutenant Governor in Council in the Alberta Legislature.~~

~~9.15.3 An elected Councillor is eligible for election for a maximum of three (3) consecutive terms.~~

~~9.15.4 The newly elected Councillors shall take office at the commencement of the next fiscal year and shall hold office until the expiry of their term.~~

Proposed wording for the Bylaws:

The amended section of the Bylaw would read, in its entirety as follows:

9.15 Term of Office

- 9.15.1 The term of office for members of council is three (3) years.
- 9.15.2 A member of council is eligible for a maximum of two (2) consecutive terms.
- 9.15.3 Newly-elected, acclaimed, or appointed members of council shall take office at the commencement of the next fiscal year and shall hold office until the expiry of their term.
- 9.15.4 The term limit described in subsection 9.15.3 does not apply to a member appointed by Council due to a shortage of council members in accordance with Section 9.14.
- 9.15.5 Elections shall be conducted so that as close as possible to 1/3 of the positions come up for election each year.
- 9.15.6 Nothing in this section shall apply to members of the public appointed to Council by the Lieutenant Governor in Council. The terms of office for public members are specified by Orders in Council and by applicable legislation.

Transitional

- 9.15.7 On the coming into force of Section 9.15, the sitting members of the Council
 - a) who were elected to a two (2) year term may choose to extend their current term to three (3) years by providing notice to the chair of the Nominations Committee, and
 - b) who were eligible to run for three (3) consecutive terms when they were first elected may be nominated for to a third term on Council, notwithstanding subsection 9.15.2.