



2020-01-06

Dear Jen and Council members,

On 19th December this club requested more time for clubs to consider the New Constitution, in view of the big changes in content, format and length of the document. So far there has been no response to that request from Council.

The format and contents do not form a finished document, as there are many **omissions**, **errors**, and a **lack of consistency** throughout. It appears to be a draft in an unchecked state and needs a great deal more work to bring it up to the standards normally expected of the MYA.

The following is not comprehensive and is a limited selection of relevant points.

Henry Farley's helpful comparison of the current and new constitutions published on the Forum raises a lot of questions, which haven't yet been answered and needn't have been asked if Council had explained in an introduction what the objectives and ideas are for this New Constitution. Presented without any explanation and reasoning for the many detailed changes it is difficult for members to properly comment on the document. One thing that is clear, is that the 7 pages of the current Constitution are easily readable, whereas the 22 pages is longer and more difficult to read with the new constitution draft split up into 9 separate documents on 22 pages and lots of cross-references.

What is confusing, not only to the reader, but seemingly also to those who actually drafted or checked the document, are the new definitions of club and member changed from Affiliated club, meaning a group of people and Affiliated member, implying a single person to **Member** and **Affiliate**. Whilst the former description is obvious, the latter needs interpretation and cross-referencing back to the definitions. Even more confusing is that the new terms are not used consistently throughout the document; more often than not 'member' is replaced by 'member club' which just adds to the confusion now and will do in the future.

Is this confusion really necessary when the existing constitution descriptions are quite clear?

Still on the first page there is a new abbreviation MYANC, which is only used twice on that same page in the definitions. Using the words MYA National Class would have been clearer and without any need to cross-reference.

In the definition of Officer, the word officer is used in the definition and so doesn't define it!

Voting officer is incorrectly defined in this section, because although it may apply to voting in Council, it does **not** apply where this definition is used in the section 'Voting at an AGM'.

Going on to page 2 there is an important omission from the objectives. The basic objective in all the previous MYA constitutions includes *"2.1 To encourage and promote model yachting in all its branches and to act as the national body for the organisation of the sport."* This covers the creative side of the sport in designing and building and not just racing.

Another important omission is the removal of numbered clauses and the substitution of bullet points. This applies throughout, making this an uncoordinated document. Numbering to the sub-clauses is essential in a document where you may need to refer to a specific clause and have to read through several bullet point clauses to find the specific reference.

In Article 9 there are omissions from the list of Officers, where there is clearly a need, as identified in the existing Constitution and by affiliated members at the recent AGM. The fact that currently there may not be anyone in these posts is irrelevant. The omitted officers include publicity, newsletter (acquaint) editor, membership secretary, league secretary, personal numbers secretary and archivist.

Before the last AGM, Council considered that Vice President's and Officer's votes, could count provided that the vote for these individuals reduced the votes for their club by one. This was a good democratic idea, but it has been not been developed in the New Constitution draft.

Why in 'Voting at an AGM' are there still **separate** votes for these individuals?

This may cause confusion again and could be removed altogether, making it simply 'one man one vote' via their club. This is not even following the bullet point clause in this section "no one shall have more than one vote". Clearly, the intent and wording needs more thought.

Limiting officers' eligibility for re-election to 5 years seems unnecessary, when several officers' posts are already not filled. Also limiting the term for the President to 5 years is not explained by Council.

In the Finance Article 10, there appears to be a mistake/misunderstanding about Affiliated Classes joining the MYA in the autumn period of the year. Affiliated Classes themselves **do not pay** membership fees like ordinary affiliated members. These classes become affiliated by the MYA with the one-time mutual signing of a document, by the MYA and the affiliated class, via a Memorandum of Understanding or similar title.

A big change is that membership subscriptions, which are normally set by Council, **will not be a motion at the AGM to be ratified by affiliated members** except to limit how much they might go up: subscriptions are bound to go up, but this should not be the only option. History shows that membership subscriptions have gone both up and down to suit circumstances. At the last 2 AGMs some clubs have been concerned about the MYA bank balance increasing, **without there are being a plan for the Council's future year and a proposed budget to relate to it.** Had there been such a plan in the AGM agenda for spending affiliated members' money, the membership would no doubt have approved. Affiliated **Members should have a say in subscriptions levels.**

For example, the automatic raising of fees doesn't cover the situation where an ambitious spending plan initiated by Council is then abandoned for whatever reason, so that the money in the bank builds up at the end of the year. This proposal in the New Constitution also does not cover a situation where a generous donor gives money to the MYA specifically to reduce

the fees to encourage greater membership. In either of these cases the membership fees may need to come down to avoid an unreasonable buildup of affiliate members' money in MYA funds.

On the question of bad behaviour, the 5 pages in Appendix 3 is way over the top, unnecessarily long, repetitive and badly written; in the final 2 pages and elsewhere, the word 'you' is used instead of using an impersonal statement, as is usual in a legal document.

Just a simple reference to the guidance given in the RYA Racing Charter would have been more understandable and probably sufficient,

This Appendix refers to unspecific documents like 'MYA's policies or guidelines', which presumably means Appendix 8 although title is written differently, 'MYA Policies and Guidance'. This in turn takes you nowhere specifically in that Appendix except to the website link, which only brings up "Error 404 - Page not found".

When you read a bit more of Appendix 3 it does not appear to cover the problem caused by a race official failing to do his duty on the day and complaining about competitors several weeks later, beyond the two-week complaint deadline set in the SSI's and FSYRR, after which "no further action will be taken by the MYA Racing Officer or MYA Council."

Finally, on page 7 of the New Constitution, Article 18 lists what matters the MYA shall keep and update from time to time. Apart from the confusing introductory sentence, there are 7 documents **incorrectly titled**.

As this New Constitution document is clearly not finished, we would advise Council to cancel the EGM. This would avoid a membership vote '**against**'.

Wouldn't it be better to spend the time creating an improved version in good time for the 2020 AGM?

Preferably the existing Constitution needs to be **evolved**, not revolutionised, to iron out all the existing problems, maybe with the addition of a **single** related Regulation document.

First of all and as soon as possible, the Council **must** set out its reasoning and publish the ideas and objectives that created this New Constitution, as these should help to bring the membership on board and **perhaps their input might help the final documents**.

Roger Stollery on behalf of Guildford Model Yacht Club 2020-01-06