

Proposed Amendments to NCCYC By-laws and Rules – April 2021

The following proposed amendments start with those first proposed at the 2020 AGM and continue with additions proposed since then.

List #	Item	Proposed Text	Original Text	Rationale
1	By-law 9.5.8	Members must identify all personal property stored at NCCYC premises by labelling each item before storing it. Identification should include the member's name, and telephone number. Items not having identification particulars attached will be considered abandoned and will become the property of the Club upon resolution of the Management Committee.	None. New provision	There are many items stored on NCCYC property that belong to members or past members, but which have no identification attached to them so that the Management Committee might contact the owner to determine the owner's intention. Some items create a hazard to the health and safety of others or may be an environmental hazard. Periodically, the MC wants to "clean house" but is not able to fully do so because of the inability to identify the owner of items.
2	Rules 1.1.8	1.1.8 WATCH OUT FOR AND KEEP YOUNG CHILDREN AWAY FROM THE WINCHES, WINDLASS AND ASSOCIATED ROPES AND EQUIPMENT AT ALL TIMES	1.1.8 WATCH OUT FOR AND KEEP YOUNG CHILDREN AWAY FROM THE WINCHES, WINDLASS AND ASSOCIATES ROPES AND EQUIPMENT AT ALL TIMES	Change "ASSOCIATES" to "ASSOCIATED" to correct typo.

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3	Rules 1.5.18	1.5.18.1	1.5.18.1.1	Change subparagraph reference number to be consistent with formatting style
		1.5.18.2 If a member is unable to keep this commitment, it is that member’s responsibility to arrange for others to move the vessel off the early launch rails within the 2-week period.	New provision	While there may be personal reasons which impair a member’s ability to comply with their commitment, other members should not be inconvenienced as a result.
		1.5.18.3 Members who breach their commitment to launch within 2 weeks after official opening of the boating season will not be permitted to store their vessel on the early launch rails for a period of at least one year and are subject to a fee of under Schedule A of the By-laws	New provision	To provide a sanction for non-compliance.
		1.5.18.4 The Fleet Captain is authorized to move any vessel on the early launch rails that has not launched within 2 weeks after official opening of the boating season.	New provision	Early launch rails must be completely clear of boats and cradles after the 2-week period to allow for opening of the rail yard to other members to launch their boats. If boats are still stored on the early launch rails, it requires a great deal of jockeying of boats and cradles to let others launch with

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				corresponding wasted energy and an increased risk of damage or injury.
4	By-laws Schedule A	1.12.1	1.13	Change subparagraph reference number to be consistent with formatting style
5	1.13	1.13 FEES FOR BREACH OF PROVISIONS	New Provision	There currently is no enforcement mechanism to compel compliance with provisions except for disciplinary action under Section 9.8 of the By-laws. But that section only allows for draconian action and is cumbersome to apply for important matters that do not rise to the level requiring such action. Accordingly, the MC needs to be able to impose a fee for non-compliance.
		1.13.1 Members who do not comply with any provision of the By-laws or the Rules, Regulations, Policies and Procedures after notification by the Management Committee or its designated officer, may be assessed a fee for such non-compliance.	New Provision	

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		1.13.2 The fee imposed will be \$100.00 for each failure to comply.	New Provision	
		1.13.3 Where the breach of any provision results in the Management Committee having to engage other members to remedy the breach, then the member who has failed to comply will be assessed an additional fee of \$40.00/hour for each of the other members who are engaged.	New Provision	
		1.13.4 A member who is assessed such a fee may request review under Section 9.8.1.3 of the By-laws	New Provision	
6		1.14 End of Membership or Vessel Life Deposit	New Provision	The Club experiences too many cases in which a member or former member abandons a boat or other equipment at the Club leaving the MC to deal with it. To encourage more responsible end of tenure response, it is proposed that there be a refundable deposit paid by members to be returned to them if, at the end of membership they remove all boats and other

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				equipment from the Club or make arrangements with the MC to responsibly deal with same.
		1.14.1 To ensure that a member removes all personal items from the Club when membership is terminated, each Full Member will be assessed an annual deposit fee surcharge equal to 10% of total fees inclusive of HST until a total deposit of \$5,000 is credited to the member, following which no further deposit will be required.	New Provision	
		1.14.2 Upon termination of membership, the member will be entitled to return of the deposit without interest, if, by the end of the membership year the member has removed all equipment, vessels, cradles, and other personal items from the NCYC premises to the satisfaction of the Fleet Captain.	New Provision	
		1.14.3 If the member fails to remove all such personal items, then the deposit will be forfeited to NCYC and all remaining items will be deemed to have been transferred	New Provision	

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		or abandoned to NCYC to be disposed of as the MC deems fit.		
		1.14. Notice of forfeiture will be given to the member at the last known municipal and email address of the member following which abandonment or transfer shall be deemed to be complete.	New Provision	
7	By-laws 9.8.1.2.2.2	Impose a fee upon the member under Schedule A section 1.13	New provision	To be clear that the MC has the authority to impose a fee. Renumbering of the listed powers will be required.
8	By-laws Schedule A 1.9.7, 1.9.8, 1.9.9	<p>1.9.7 Fees are assessed annually and are not pro-rated irrespective of when a member joins the Club.</p> <p>1.9.8 New members who join after September 1st and before October 1st and decide to store their boat in the yard, they will be assessed storage fees plus initiation fee and membership fee but will not be assessed boating fees.</p> <p>1.9.9 Deleted.</p>	<p>1.9.7 Fees are assessed annually and are not pro-rated irrespective of when a member joins the Club. Boating fees can be broken into summer and winter storage fees for members and new members; [amended AGM 2015]</p> <p>1.9.8 New members who join after September 1st and before October 1st and decide to store their boat in the yard, they will be assessed winter storage fees</p>	Schedule A Section 1.8 refers to “Storage Fees”. There is no provision for “Winter” or “Summer” storage fees. The provisions in 1.9.7 through 1.9.9 have created some confusion about this and appear to contradict 1.8.2 and 1.8.3 and 1.8.4. The proposed amendments are intended to clarify this. At the 2015 AGM the amendment to refer to winter and summer storage fees was

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			<p>plus initiation fee and membership fee, but will not be assessed summer fees; [added AGM 2015]</p> <p>1.9.9 If members decide to store their boats over the winter, then those members will be charged both summer and winter storage fees even if the members do not keep their boats at the club nor have assigned mooring locations for the summer; [added AGM 2015]</p>	<p>intended to reflect what was said to be then current practice. But “Storage Fees” in 1.8.2 entitles the member to use of all facilities and equipment throughout the year. If the member stores anything at the Club [e.g. Empty cradle, dock box etc.] or makes use of any facilities such as winch, docks, launch rail then a storage fee is assessed except as waived under 1.8.4</p> <p>The reference in 1.9.7 is to “Boating fees” being broken into summer and winter storage fees, but there is a difference between Boating Fees in 1.8.1 and Storage Fees in 1.8.2</p>
9	By-laws 6.5.4	6.5.4.1 During the boating season from May 1 to October 31 in each year, membership meetings may be held at the Clubhouse at Spragge, Ontario but the Management Committee may exercise discretion to hold virtual meetings by electronic means such as Zoom or	6.5.4.1 During the boating season from May 1 to October 31 in each year, membership meetings will be held at the Clubhouse at Spragge, Ontario	To allow for virtual meetings of members. This will facilitate fuller participation by members who live some distance away from the club and for whom travel would prove a deterrent to attending.

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		<p>Skype as circumstances may suggest advisable in response to pandemic or other factors; provided that the means chosen allows for people to communicate with each other simultaneously and instantaneously.</p>		
10	<p>By-Laws 7.6.12</p>	<p>7.6.12 Email Addresses: 7.6.12.1 Management Committee members will be assigned an email address for use by the member for MC business. 7.6.12.2 Upon ceasing to be a member of the MC, the retiring member will assist with the transfer of the email address and account, including all email messages stored in the account to the new MC member and will not delete any messages except those that might be of a personal nature. 7.6.12.3 The retiring member may keep a copy of the email account for reference purposes relating to the member’s tenure on the MC.</p>	New Provisions	To recognize current practice and ensure transition of email accounts to incoming MC members and preservation of email history.
11	<p>By-laws 8.6.3.4</p>	8.6.3 Nothing prohibits an Officer, Director, or committee	8.6.3 Nothing prohibits an Officer, Director, or committee	The existing protocol is considered to be too

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	Contracting with Members for Work	<p>member from receiving reasonable remuneration and expenses for services in any other capacity and every member may contract with the Club for such services provided that:</p> <p>8.6.3.1 A written quotation for the work specifying the material terms is provided by the member to the Vice-Commodore and:</p> <p>8.6.3.2 the quotation does not include labour at a rate in excess of the current Work Party hourly rate unless approved in advance by the Management Committee; and</p> <p>8.6.3.3 the member warrants in the quotation that the member has the expertise to perform the work competently;</p> <p>8.6.3.4 The quotation is approved by the Vice-Commodore in writing</p>	<p>member from receiving reasonable remuneration and expenses for services in any other capacity and every member may contract with the Club for such services provided that:</p> <p>8.6.3.1 A written quotation for the work is provided by the member;</p>	<p>cumbersome to allow for work to be done as it is identified. The MC meets only monthly and there may or may not be quorum during the Boating Season. Some members devote an inordinate amount of time attending to work items at the expense of their personal time and relationships and they do so without compensation. To encourage these and others to devote more time to work items, it is considered appropriate to allow them to be compensated for such hours.</p> <p>The Vice-Commodore currently is responsible for overseeing employees and third-party contractors.</p> <p>The proposed amendments allow for the VC to approve work to be done by members with expectation of compensation.</p>


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		<p>subject to any amendments negotiated with the member by the Vice-Commodore; or</p> <p>8.6.3.5 A contract is first entered into with the Club which contract is in writing specifying the material terms;</p> <p>8.6.3.6 Any member who seeks approval of a quotation or contract shall declare a conflict of interest on such matter on the agenda of any meeting considering the matter and may not vote on questions related thereto, though the member, if requested, may give advice, or otherwise speak to the matter;</p> <p>8.6.3.7 Except in emergency matters, competing quotations are</p>	<p>8.6.3.2 A contract is first entered into with the Club which contract is in writing specifying the material terms;</p> <p>8.6.3.3 Any member who seeks a contract shall declare a conflict of interest on such matter on the agenda of any meeting considering the matter and may not vote on questions related thereto, though the member, if requested, may give advice, or otherwise speak to the matter;</p> <p>8.6.3.4 Except in emergency matters, competing quotations are obtained;</p>	



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		<p>obtained when the anticipated contract amount exceeds \$1,500;</p> <p>8.6.3.8 Except in emergency matters, members are not entitled to be reimbursed for time spent prior to receiving an approval or contract unless the Management Committee approves such reimbursement;</p> <p>8.6.3.9 In the discretion of the Management Committee, members may be reimbursed for expenses incurred prior to receiving a contract.</p> <p>8.6.3.10 Members may not contract with other members to perform Work Party Hours for them and Work Party Hours are not transferrable between members.</p>	<p>8.6.3.5 Except in emergency matters, members are not entitled to be reimbursed for time spent prior to receiving a contract;</p> <p>8.6.3.6 Members may be reimbursed for expenses incurred prior to receiving a contract in the discretion of the Management Committee.</p> <p>New Provision</p>	<p>This provision is included to make it clear that members may not perform work party hours for other members.</p>
12	By-laws Schedule A section 1.6.13	unchanged	1.9.11 The Management Committee has discretion to waive in whole or in part the fees or levies payable by a member	<p>1. See also Article 9.1.7</p> <p>2. At the 2017 AGM, the MC was encouraged to use this provision to allow long term</p>



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			<p>on compassionate or other grounds. If the Management Committee declines to waive a fee for a member, such decision is final and not subject to appeal to the membership at a meeting of members.</p>	<p>members who have given 15 years or more of service to the Club and who have reached 80 years of age to be exempted from future work party fees. See AGM 2017 Minutes item 6 i) c) Since then, some members who are reaching or have reached the age of 80 years have taken exception to the “ageism” that this discretion appears to promote. Rather, it is suggested that the member should be assessed like any other member and if they request exemption for work party hours, then this will automatically be allowed.</p>
		<p>1.6.13. Notwithstanding any other provision, members who have reached 80 years of age at any point in the Membership Year and who have been Full Members for at least 15 years are, upon written request delivered to the Treasurer before the end of the membership year, automatically entitled to have Work</p>	<p>New Provision</p>	<p>To give effect to the above rationale. See related Briefing Note 2020-03-15 [amended] for additional discussion points.</p> <div style="text-align: center;">  </div> <p>2020-03-15 Briefing Note re Over 80 Wo</p>

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		Party Fees reduced or eliminated for the next membership year. i.e. they are not required to contribute work party hours although they are encouraged to do so if able and they are not charged a work party fee for not contributing work party hours.		
		OR		
		1.6.13 Notwithstanding any other provision, full members who have given 30 years of service and work hours are exempt from the work hours requirement.		
13	RV Committee Suggestions	 RVPC Report to 2020 AGM.docx	9.5.6 Any member who brings a recreational vehicle (RV) to the Club must be a Full Member and own an approved yacht unless approved by the MC. [added AGM 2016]	At the 2019 AGM a committee was struck to investigate the issue of RVs at the Club and to report back to the membership.
14	Summer Dockage	Delete current provision in the Rules and replace with a new Article 3.10 as in the embedded Briefing Note	3.4 The Club may rent or lease some slips for summer dockage purposes as determined by the Management Committee from time to time. Such slips as are designated for this purpose are not to be used by members except when no other slips are	 2021-01-18 NCYC Briefing Note re Sun


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			available, and then only for short term dockage while loading or unloading their vessel. The slip locations are to be assigned by the Fleet Captain. [Amended AGM 2017]	
15	Storage Fees	9.5.6 If large items of personal property such as cargo trailers, boat trailers and RVs are left on Club premises for any period of time, a storage fee may be imposed by the Management Committee and the Club will have a lien against such property for payment of this fee in accordance with the provisions of the Repair and Storage Liens Act of Ontario.	9.5.5 If personal property is left on Club premises for 12 months or more, a storage fee may be imposed by the Management Committee and the Club will have a lien against such property for payment of this fee in accordance with the provisions of the Repair and Storage Liens Act of Ontario; [added AGM 2010]	Some members are storing larger items such as cargo trailers, boat trailers and RVs. at the club for periods of less than a year without any fee. See the embedded Briefing Note:  2021-01-19 Storage Charges Briefing No
16	Membership List	That Article 5 of By-law #1 as amended be further amended to include the following provisions: 5.6.4: Upon the happening of an event which ends the membership of a member, the Management Committee will adopt a resolution confirming that this has occurred and authorizing the Secretary to	New	To allow formal management and revision of an official membership list. See the embedded Briefing Note”  2021-02-10 Briefing Note re Membership



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		<p>amend the Membership List to reflect the change. The Secretary will then update the list and send a notice to the affected person [now a former member] advising of the change. Such notice is to be sent to the person at the last known municipal address or email address recorded in the Membership List.</p> <p>5.9.3 Upon a change in membership class being approved by the Management Committee, the Management Committee will adopt a resolution confirming that this has occurred and authorizing the Secretary to amend the Membership List to reflect the change.</p> <p>5.10 Membership List: The Secretary will maintain a Membership List in which is recorded information pertaining to current members and will amend such list from time to time upon becoming aware of changes in the recorded information, but names of</p>		

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		members will be added or removed only upon resolution of the Management Committee authorizing such changes.		
17	Mooring Inspections	<p>That Rule 1.11.12 Mooring Inspections: be amended by adding thereto the following provisions:</p> <p>1.11.12.6 Members are not permitted to launch a vessel in the year in which a mooring inspection is required until the inspection has been performed and any deficiencies are corrected.</p> <p>1.11.12.7 The Fleet Captain will advise the Secretary when a mooring inspection has been completed and the Secretary will then update the Membership List to show the year in which the next mooring inspection is required.</p> <p>1.11.12.8 The next mooring inspection year is determined by adding 3 years to the year in which</p>		<p>See the end of the embedded Briefing Note:</p>  <p>2021-02-10 Briefing Note re Membership</p>


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		the last mooring inspection was completed.		
18	Work Party Fees	Delete?	<p>1.6.12 Notwithstanding any earlier provisions, Members cannot avoid putting in any Work Party hours by simply paying the Work Party Fees but must contribute at least 5 hours of work in the following forms.</p> <p>1.6.12.1 actively participate in at least one work party;</p> <p>1.6.12.2 convene one club event;</p> <p>1.6.12.3 serve on the Management Committee; or</p> <p>1.6.12.4 work on approved club projects.</p> <p>Members who do not contribute these minimum hours of work are subject to an additional fee of \$100.00</p>	<p>See the embedded submission</p> <p> CRIME AND PUNISHMENT.pdf</p> <p>See the following version with rebuttal commentary in the margin</p> <p> CRIME AND PUNISHMENT with C</p>
19	Work Party Hours	Resolve the conflict between By-laws 9.1.7 and Schedule A	9.1.7 The Management Committee has discretion to waive in whole or in part the fees or levies payable by a member on compassionate grounds. If	9.1.7 discretion is “on compassionate grounds” ONLY.

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			<p>the Management Committee declines to waive a fee for a member, such decision is final and not subject to appeal to the membership at a meeting of members.</p> <p>Schedule A 1.9.11 The Management Committee has discretion to waive in whole or in part the fees or levies payable by a member on compassionate or other grounds. If the Management Committee declines to waive a fee for a member, such decision is final and not subject to appeal to the membership at a meeting of members.</p>	<p>1.9.11 discretion is “on compassionate or other grounds.” So the discretion is wider.</p> <p>Which one should prevail?</p>
20	<p>Roles Revisions</p> <p>Harbour Master Proposal</p>	See the wording in the embedded Briefing Note		There is overlap in the Schedule B list of duties and responsibilities for some roles which creates confusion. The duties of the Fleet Captain are considered to be too onerous

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				<p>and an unfair burden for anyone taking on that role.</p> <p>One proposal is to create a new role of “Harbour Master” to take away some of the duties of the FC.</p> <p>See this Briefing Note:</p> <div style="text-align: center;">  <p>Roles Review Briefing Note 2021-c</p> </div>
21	Fees Due Dates	<p>1.9.2 In order to exercise voting privileges, members must be in good standing and must have paid all fees due and payable to the Club prior to the meeting at which a vote is to be exercised.</p> <p>1.9.3 Except for new members, fees are due March 1st in each year, but may be paid in equal instalments on or before March 1st and May 15th;</p>	<p>1.9.2 In order to exercise voting privileges, members must be in good standing and must have paid all fees due to the Club prior to the meeting at which a vote is to be exercised.</p> <p>1.9.3 Except for new members, fees are due March 1st in each year, but may be paid in equal instalments on March 1st and May 15th;</p>	<p>There is a conflict in these provisions as to when a member ceases to be in good standing – especially if they elect to pay in two installments. The proposed text clarifies that a member who elects to pay in two installments is still in good standing if fees are paid in full by May 15th.</p>

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		<p>1.9.4 ...</p> <p>1.9.5 If fees are not paid in full by May 15th: 1.9.5.1 the member remains not in good standing until the fees are paid in full; and 1.9.5.2 interest is charged on the unpaid balance at the rate of 2% per month compounded monthly,</p>	<p>1.9.4 ...</p> <p>1.9.5 If fees are not paid in full by May 15th: 1.9.5.1 the member ceases to be in good standing until the fees are paid in full; and 1.9.5.2 interest is charged on the unpaid balance at the rate of 2% per month compounded monthly, the equivalent of 26.8% per annum;</p>	