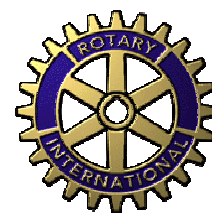


ROTARY INTERNATIONAL DISTRICT 9250



16 May 2010

Report of PDG Jan van Zyl, District Representative on the Council on Legislation: 25 - 30 April 2010, Chicago, USA

District Governor Albie van de Venter, Members of the Advisory Council of Past District Governors, Assistant Governors, and Rotary Clubs in District 9250.

Dear fellow Rotarians,

Thank you again to the District for affording me the opportunity to be its representative at the Council on Legislation (CoL). I have looked after our interests to the best of my ability. It was a hard and long week, with long sitting hours, some days from 08:00 to 19:00, and free time was scarce! It was interesting, however, to mix with Rotarians from all over the world, and to see the similarities on the one hand, and the incredible differences on the other hand. It was a tremendous honour for me to represent the District at the meeting of the CoL.

A first at the 2010 CoL was the introduction of the "historic moments" at the start of each session. Under this item there were short talks on previous CoL's where history was made. At the 1942 CoL Spanish translation with a microphone was first used. Headphones and interpretation booths were first used in 1970 and electronic voting was introduced in 2001. The proposal to include women in Rotary was first presented in 1950 and then again 13 times up till 1989. The first female delegate to the Council was in the 1998 CoL. The first time a polio policy was discussed at a Council was in 1919. Proposal 73 - 44 allowed Guatemalan Rotarians to start a polio immunization campaign and in 1979, a 3H grant resulting from a Resolution immunized 6 million children. Resolution 86 - 208 led to the confirmation that the Polio programme will become RI's primary project.

A surprising but innovative first was to give delegates a shorter day on Wednesday. This allowed delegates to visit One Rotary Centre in Evanston.

I will report on the more important matters which were considered at the CoL. Full details of the CoL sitting, will be found on the Rotary website. All items which were considered at the sitting, are reported on at the website. Members interested can visit <http://www.rotary.org> for the more detailed information. Just follow the link to the Council on Legislation.

I refer you to my previous circular dated 25 September 2009 where I have advised you of all the items which will be considered by the CoL. I left Johannesburg on 23 April, and returned on 2 May 2010.

There were 527 voting delegates out of a possible 531, as well as most of the RI Board (including the President, the President-Elect and the President-Nominee), Past Presidents of RI, members of standing committees, non-voting delegates, members-at-large, staff members, etc., which made the total attendees in the vicinity of 600. It was the most productive Council of the last decade. Although only 220 proposals were considered (considerably less than previous Councils) some 30% were approved (46 enactments and 19 resolutions) – the highest for ten years.

A feature of the 2010 Council was that 76% of the representatives were first time attendees. This tended to slow down debate on issues as inexperienced representatives introduced an inordinate number of amendments to proposals arguing over one word in many cases. At times their inexperience showed when one proposal took an hour to discuss whether the word “and” or the word “or” should be used. Apparently in the Spanish translation this makes a difference. This frequently occurred when resolutions were being debated and was unnecessary as resolutions are only proposals from the Council for the Board to consider.

It is necessary to have a balance of experienced representatives and new representatives to bring fresh ideas to the Council but I believe the balance in 2010 was skewed. One of the enactments proposed was that a representative to the Council should only be allowed to attend one Council meeting. This is the practice in some districts and countries. In my view this would be disastrous and thankfully the proposal was withdrawn. Conversely, the enactment to limit a representative’s participation to three Council terms, which I supported, was adopted. This was item 10 – 208, and it was adopted with 366 votes against 141.

The representatives from Southern Africa got on very well, and supported each other at the Council, either by voting or by speaking, and especially the five from South Africa formed a close unit. Sometimes we could grab a sandwich together in the evenings (when no food was provided), and the odd beer was always enjoyed with lively discussions on the discussions! I especially would like to thank PDG Peter Hugo (D9350) and PDG Greg Stathacopoulos (D9300) for certain portions of their report-back which I have taken over. There was no need to re-invent the wheel, and I nearly perfected copy and paste!

The President of RI, John Kenny, opened the session on the Sunday, preceding the first day of the meeting. The Chairperson of the Council was Mark Daniel Maloney, and the Vice Chair was John Boag from Tamworth North, New South Wales, Australia (John did the same job last time, and he is an exceptional good chair). It was emphasised that delegates should consider what is in the best interest of RI, and not necessary in the best interest of an individual club or District. I would just like to mention that some quality time was spent with the RI President-Elect, Ray Klinginsmith, who has a very soft spot for South Africa,

having spent some years at Cape Town University. He will be a great leader of our movement.

The Chairman of the Council, Mark Maloney, in his opening remarks raised the issue of the logistics and the cost involved in holding the Council in its present format every three years. He acknowledged that it would be simpler and cheaper to hold a ballot by mail on the proposals but pointed out that, although this may be seen to be democratic, it was not necessarily in the best interests of Rotary International. The Council meets to debate issues that can affect Rotary and Rotarians for years to come and the representatives are charged with considering the inputs of many nationalities, cultures, creeds, backgrounds and even economic circumstances of the countries we come from and all these need to be taken into account when deciding on an issue before Council. A ballot by mail can never substitute for a well considered decision by a collective body following vigorous debate. I can endorse this view.

I was disappointed in certain proposals that were put forward to afford larger Districts a bigger say in the outcome of Council deliberations. The representative from the Rotary Club of Newport North Carolina District 7730 USA aggressively put forward that his district with over 2 000 members was disadvantaged by a figure of 8 (how he got that, I never worked out) against a District of 1 200 members and he proposed that his district should have two representatives on Council. This is disturbing as nowhere does a District mandate its representatives how to vote for a particular item of legislation. The representative is given the right by his District to use his discretion in the best interests of Rotary. It is not a numbers game whereby we should be counting the votes of Rotarians in a District in coming to a conclusion but really it's a judgement call in each instance. Therefore, regardless of the size of the District the representative has the same ability to make that call as the next one. It was satisfying that the proposal to have two representatives from the larger districts on Council was soundly beaten by 418 votes to 83.

There was simultaneous translation in seven of RI's official languages, i.e. English, French, Spanish, Portuguese, Italian, Japanese and Korean. Voting took place electronically, as many resolutions to amend the constitution, needed a two-thirds majority. The number of votes cast, were known within seconds after voting, and showed on a large screen.

It was a rule that if no one appeared at the podium when the item was called, the motion was considered withdrawn. A proposer got 2 minutes and 30 seconds to put his proposal, and speakers had 1 minute and 30 seconds to speak for or against the motion. From Wednesday, the times were shortened by 30 seconds. One had to say your say (so to speak) in a precise way, with no waffling after you gave your name, district, and announcement in which language you were going to speak. This was to wake up the translators, I think! I had the opportunity to speak on three or four items.

As I have reported before, you will no doubt remember that there are two types of legislation: enactments and resolutions. An **enactment** seeks to amend the RI constitutional documents. These include the RI Constitution, the RI Bylaws and the Standard Rotary Club Constitution. A **resolution** is legislation that

does not seek to amend the constitutional documents, and is seen as a request to the RI Board from the CoL. In my opinion, it is better to propose enactments than resolutions.

Enactments accepted will amend the constitutional documents as from 1 July 2010. These amendments will appear in the new Manual of Procedure 2010. Resolutions accepted will come into effect depending on the actions and decisions of the Board.

Enactments

I quote hereunder some of the more interesting enactments which were accepted (not in any specific order) as well as some of those that were rejected.

Item 10 – 08 – To prohibit the discussion of business matters or private disagreements during club meetings. This was rejected with 408 votes against 107.

Item 10 - 11 - To amend the Standard Rotary Club Constitution to provide that the Immediate Past President must also be a member of the Board. This was adopted with 436 votes to 68. I think this was the way in most our clubs operated in any event.

Item 10 – 12 - To amend the Standard Rotary Club Constitution to provide that the President shall be elected not more than 3 years, but not less than 30 months, before taking office. This was rejected with 289 votes against 215.

Item 10 – 18 - To amend the Standard Rotary Club Constitution to provide that a make-up can be made up 30 days before or after a meeting instead of 14 days. This was rejected with 329 votes against 174.

Item 10 – 20 - To amend the Standard Rotary Club Constitution to eliminate the provision that make-ups can be made by attending community events or meetings. This was rejected with 401 votes against 105.

Item 10 – 21. This item amends the Rotary Club Constitution to provide that absences excused by a club board for good and sufficient reasons **would not extend beyond twelve months**. This was adopted by 320 votes against 189.

Item 10 – 22 - To amend the Standard Rotary Club Constitution to provide that excused members may not hold any club office. This was rejected with 323 votes against 183.

Item 10 - 23. This is a most important amendment to the Standard Rotary Club Constitution in that the so-called 85 rule for excused attendance had been amended. It used to be that when the age of a Rotarian and the years he served as a Rotarian gave an aggregate of 85 years or more, and he or she has notified the club secretary of his desire to be excused from meetings, and the board has approved, that was that. It has now been amended that it can only be allowed in cases where the member concerned is 65 years of age or above. **Most important, however, is that when this becomes effective on 1 July**

2010, all individuals that has previously qualified under the “85 rule”, have to be re-examined in terms of this amendment. This amendment was adopted by 297 votes against 208.

Item 10 – 27. This enactment would amend the Standard Rotary Club Constitution to provide that if a member’s absence is excused under subsection 3(b) or section 4 of Article 9 of the Standard Rotary Club Constitution, **but that member attends a club meeting, his or her attendance would be included in the club’s attendance calculation.** This was adopted by 310 votes against 201. I think everyone who ever served as an attendance officer, voted against it!

Item 10 – 31 - To amend the Standard Rotary Club Constitution to provide that a club must hold an ordinary meeting at least twice a month, instead of the present once per week. This was rejected with 331 votes against 178.

Item 10 – 35 - To amend the Standard Rotary Club Constitution to provide that an ordinary meeting of a club must last at least one hour. This was rejected with 415 votes against 99.

Item 10 – 40. This item precludes clubs from limiting membership based on sexual orientation. The enactment that was passed by 288 votes to 231 states that “no club ... may...limit membership in the club on the basis of gender, race, colour, creed, national origin or sexual orientation...” As the vote shows the Council was divided on this sensitive issue. The representative from Uganda remarked that the decision was going to make it difficult for some Rotarians. This shows how difficult it is to get world-wide consensus on issues covering so many cultures and nationalities as we have in Rotary. I have no doubt that if the vote had gone against the proposal, within 24 hours the press would have been trumpeting that Rotary is anti gay and anti lesbian. This is in any event the position in the constitutions of most countries.

During the debate on this proposal an amendment was proposed to also include the words “people with disabilities”. I was disappointed that this amendment was narrowly defeated by 259 votes to 249 because it would also have shown that Rotary does not discriminate against such people. I have no doubt that it will be passed in 2013.

Item 10 – 45 – To create a new category of membership: Corporate membership. This was rejected with 333 votes against 182.

Item 10 – 54 – To provide for an amendment in the number of Rotarians with the same classification in one club. This was rejected with 300 votes against 211.

Item 10 – 62 – To provide that districts shall hold a conference at least every two years. This was rejected with 327 votes against 174.

Item 10 – 66 – To amend the object of Rotary to read as follows:
Rotary and Rotarians, imbued with their ideal of service, their occupational calling their international fellowship network, share the following goals:

- Improve the quality of life in their community through educational, humanitarian, and vocational projects in their community and abroad with a special emphasis on younger generation This is to be achieved through RI and the Rotary Foundation programs as well as local initiatives and the contribution of each Rotarian's skills;
- Foster integrity, diversity and fellowship in the community and display vocational and personal leadership in their service and social activities;
- Promote through their accomplishments an ethical and cultural model to contribute to the advancement of peace and society.

This was overwhelmingly rejected with 468 votes against 41.

Item 10 - 87. This item amends the Rotary Club constitution to allow a fifth avenue of service. Added to the four avenues – Club, Community, Vocational, International - will now be added New Generations Service. The vote was 263 in favour and 250 against but regardless of the small majority the decision stands and **the fifth avenue of service will be added to give recognition to youth activities and new generations.**

Item 10 – 127 This item increases our RI dues from 2011-2012 (dues for 2010-2011 were set by the 2007 Council). In its original proposal the RI Board asked for a \$2 per capita increase per year for the three years commencing 2011-2012. On arrival in Chicago representatives received an amendment to the Board's proposal and the increase was lowered to \$1 per capita per year but they then asked for the right to increase dues by up to 2% per capita annually after 2014.

The Council appreciated the lowering of the increase to US\$1 and approved the dues for the next three years but rejected the request for the right to increase dues by 2% per annum thereafter and insisted on the Board coming to the Council in 2013 to seek approval for any dues increase at that time. This was adopted by 416 to 98 votes.

Item 10 – 150 – To increase the term of office of the District Governor from one year to two years. At some clubs where I was a speaker, I gave my opinion that any Rotarian wanting to serve a two year stint as DG must have a big problem in his mind, and I would not like to have an unbalanced Rotarian as DG! Sanity prevails, and this proposal was firmly rejected with 496 votes to 19.

Item 10 – 164A. This item was introduced by the Board because of irregularities taking place in the election of Governors in India. The enactment introduced harsh measures that can be taken by the Board against Districts and Rotarians that violate the bylaws regarding the election of RI officers. If a district's selection process results in two or more election complaints in a five year period the Board may disqualify the nominee and any and all candidates, remove from office any DG, DGE or DGN that influences the election process and declare that any current or past RI officer who interferes with an election shall no longer be permitted to hold such office. Furthermore, if a district's selection process results in three or more complaints in the five year period then the Board has the right to dissolve the district. This proposal was endorsed by the Council by 440 votes to 60.

The representative from India who spoke in favour of the proposal indicated that there had been corruption, tampering with ballots, bribery and offers of positions during some of their elections for DG. In the last five years some 51 election complaints had been lodged and one District had seven election complaints during the past nine years, at least one of which ended up in the Indian High Court. RI estimate that its staff spends 75 hours on investigating each complaint and that it costs RI well over \$100 000 per year to handle these election complaints.

To me this was a sad reflection on our organisation particularly as we subscribe to the noble sentiments expressed in our Four Way Test.

Item 10 – 167. This item allows the Board to eliminate or change the boundaries of a District if its membership falls below 1 200 Rotarians (previously 1 000) or has fewer than 33 clubs (previously 30). There is a proviso that the Board cannot merge a small District with a large District (has more than 1 200 members or 33 clubs) if the larger district does not want to merge. As expected this enactment was adopted by 302 votes to 193 but it will only come into effect on 1 July 2012. I was not in favour of this proposal.

Item 10 – 186. This item has been a point of contention for years and at last it has been resolved. The proposal was to allow two Rotarians residing at the same address to have the option of subscribing jointly to the official magazine. No longer will a husband and wife have to subscribe individually to the Rotary magazine nor will the husband have to subscribe to Rotary Africa and his wife to The Rotarian. One magazine per family will do! The proposal only just made it by 257 votes in favour to 244 against but all that was needed was a simple majority.

Item 10 – 190. This item was proposed to reduce the cost of “comfort travel” (first and business class) enjoyed by the Officers of RI and Foundation trustees. The motivation was two-fold. Firstly, the need to reduce costs. Secondly, at two previous Councils this proposal had been put to the Board as a resolution to consider and no action had been taken. Therefore, it was now proposed as an enactment to be written into the RI Bylaws.

What was agreed, by a vote of 337 in favour to 171 against, was the following;

- ∇ The RI President, President Elect, Chair of the Foundation, the General Secretary and their partners shall travel first or business class during their term of office but thereafter they will travel business or economy class.
- ∇ Serving directors and trustees shall travel at the lowest of business class or first class during their term of office.
- ∇ All other persons regardless of their office (past or present) travelling on RI or Foundation business shall travel economy class.
- ∇ The cost of any itinerary deviation to suit personal needs is for the cost of the traveller.

In my view a travel policy of this nature should not be included in the constitutional documents of the Organisation. It properly belongs in the Code of Policies and should be set and monitored by the Board of Directors. Travel policy is by its very nature volatile and needs to be changed as circumstances require, not by a vote of Council every three years. My reading of the discussion on this item and the need for it to be put on the order paper for the Council was to give the Board a “wake up call”. The Council is signalling to the Board that it is exercising its right of oversight, that there is a system of checks and balances in place and that the Board cannot act as it wishes. The Council has a responsibility to ensure good corporate governance and it is exercising that responsibility. I have no doubt that the travel policy will be deleted from the constitutional documents in 2013 and revert to its rightful place in the Code of Policies but an important relationship between the Board and the Council will have been established.

Item 10 – 206 – To amend the By-laws of Rotary International to provide that a delegate to the Council on Legislation need not to have served a term of office as District Governor. This proposal was rejected with 420 votes against 89.

Item 10 – 210 – To amend the procedure of electing a delegate to the Council on Legislation at the District Conference, by providing for a single transferable vote if there are more than two candidates, and to provide that the candidate receiving the majority votes will be the candidate, with the one receiving the second most votes, will be the alternative delegate.

Resolutions

Item 10 – 02 – To request the RI Board to consider including a provision for a spouse committee in the Recommended Rotary Club Bylaws. This was not adopted with 399 votes against 104.

Item 10 – 03 – Can you believe this one! To request the RI Board to consider encouraging clubs to place the *Manual of Procedure* next to the Rotary bell. This was not adopted with 372 votes against 138. This was, in my opinion, one of the time-wasting proposals. For goodness sake, if a club would like to do it, the club can go ahead and do it!

Item 10 – 43 - To request the RI Board to consider researching the possibility of non-Rotarian “friends of Rotary” as part of a new concept of open membership in a club. This was rejected with 277 votes against 232.

Item 10 – 64 – To request the RI Board to consider discontinuing the practice of sending president’s representatives to district conferences. This was rejected with 271 against 244.

Item 10 – 80 – To request the RI Board to consider establishing an Environment Protection Awareness Day. This was rejected with 263 votes against 251.

Item 10 -102 - This resolution has been on the order paper for Council on many occasions in the past and this time it was supported by 303 votes to 210. It is to afford Inner Wheel recognition as a viable working associate of Rotary. This is

not a move to recognise Inner Wheel as a programme or an activity of Rotary International, but to recognise them as an associate of Rotary. How the Board will resolve the method of recognition will be interesting to watch.

Item 10 – 116 and 117 – To have the RI Board consider requesting the Trustees of the Rotary Foundation to revise the existing policy by making family members of Rotarians eligible to participate in the Group Study Exchange program. These proposals were withdrawn.

Item 10 – 118 - To have the RI Board consider requesting the Trustees of the Rotary Foundation to revise the existing policy by making the age limit for members of a Group Study Exchange team 50 years instead of the present 40. This proposal was thankfully withdrawn!

Item 10 – 119 - To have the RI Board consider requesting the Trustees of the Rotary Foundation to revise the existing policy by making the age limit for members of a Group Study Exchange team 45 years instead of the present 40. This was rejected with 262 votes against 254.

Item 10 – 122 - To have the RI Board consider requesting the Trustees of the Rotary Foundation to consider providing Matching Grants for building construction and associated volunteer service. This proposal was not adopted with 309 votes against 205.

The above are some of the more important items of legislation discussed at the Council. There were many other items adopted but I have not included them in this report because they are more of a technical nature and concern the running of RI, like the enactment to reduce the number of members on the committee that nominates the RI President each year from 34 to 17.

What are probably more interesting are the enactments and resolutions that failed to be approved, like the one I mentioned in that matching grant funding for the construction of buildings should be allowed, which was defeated by 205 votes to 309. To include all the defeated proposals in this report would make it unnecessarily lengthy.

In summary the 2010 CoL was a historical one. New delegates have left the Council wiser in the procedures of the Council and the effectiveness of the Council. New adoptions of proposals will change the life of many Rotarians and the principles of the Four-way Test have been reaffirmed. The changes in legislation confirmed the RI Board's commitment to corporate governance and to transparency in what is best for Rotarians. We must remember that all legislation proposed comes from Rotarians, the Rotary clubs and endorsed by District Conference delegates. Rotary is governed from the bottom up and the CoL is Rotary's Parliament.

The experience of being a CoL delegate has been one of the highlights of my Rotary career. I must thank the Rotarians from District 9250 for affording me the privilege of representing the district at two CoL's. At both Councils I have learnt a great deal about Rotary and I hope that in a way I have made a difference to the Rotarians of the world.

It would be the best if clubs make use of the RI website to study all the proposals, if it should wish to do so. However, if clubs would like to contact me about information on any of the other proposals, please do not hesitate to do so – I shall then give you full details.

Keep well, and may Rotary goes from strength to strength!

Yours in Rotary,

A handwritten signature in cursive script that reads "Jan".

PDG JAN VAN ZYL
DISTRICT 9250 REPRESENTATIVE COUNCIL ON LEGISLATION 2010

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