

MEMO

DATE: April 7, 2021
TO: All Voting Members
FROM: Council
RE: Bylaw Amendments – General Items

PURSUANT TO SECTION 6 OF THE ARCHITECTS ACT AND EVERY ENABLING POWER, COUNCIL ORDERS THAT THE BYLAWS OF THE NORTHWEST TERRITORIES ASSOCIATION OF ARCHITECTS BE AMENDED AS PRESENTED IN THIS DOCUMENT.

1. Minister's Appointee

1. At bylaw **41(1)**, by deleting "...time specified by the Minister" and replacing it with "...term of three (3) years and up to a maximum of three (3) terms".

COMMENT

The Act authorizes the bylaws to define terms for the Minister's Appointee. Current bylaws then "pass the buck" back to the Act, creating a logic loop. Practice has been to suggest a 3-year term to the Minister.

2. Roles of Registrar, Secretary, Treasurer, and Executive Director

1. At bylaw **51**, by appending the following:

- (x) *present business and record proceedings at all meetings of the Association and of Council, and*
- (x) *conduct the correspondence of the Association and keep full records thereof.*

2. At bylaw **52**, by appending the following:

- (x) *maintain the books and accounts of the Association and ensure that all moneys due to the Association are collected and deposited to the funds of the Association, and*
- (x) *draw cheques against the funds of the Association to be signed by two authorities as designated by Council.*

3. At bylaw **54(1)**, by deleting the following list items:

- (a) *post a security bond, at the expense of the Association, in a sum to be fixed by Council, and receive remuneration as established by Council, and*

- (b) *be in responsible charge, under Council, of all property of the Association and shall be responsible for the work of all employees of the Association.*

4. At bylaw 54, by appending the following list item to paragraph (1):

- (x) *provide such information and reports as may be requested by Council or as deemed necessary in the interest of the Association*

and by deleting paragraph (2) entirely.

5. After bylaw 58, by inserting the following:

Executive Director

- X. (x) *Council may, at its discretion, employ an Executive Director to carry out the administrative and operational functions of the Association in accordance with the Act, these bylaws and the policies of Council.*
- (x) *Council may, at its discretion, deputize an Executive Director to assist the Secretary, Treasurer and Registrar in performing their duties and responsibilities.*

COMMENT

The Act defines the Registrar, in various sections, as the person responsible of all matters of membership and conduct, including applications, registrations, issuing stamps, and processing complaints.

Historically and currently, the Registrar is an Architect appointed by Council for extensive terms. In addition to the responsibilities in the Act, Council has considered the Registrar to be one that sustains and contributes to the Association's corporate knowledge and who provides input and advice on Council matters. More recently, Council has tasked the Registrar to be the primary representative in national affairs (ie, CALA).

The bylaws, however, portray the Registrar as an employee who, in addition to the duties set in the Act, is responsible for administrative duties, including some duties and responsibilities of the Secretary and Treasurer.

This amendment removes references of the Registrar as an employee, re-assigns duties to their rightful officers (Secretary and Treasurer), enables the employment of the Executive Director in place of the Registrar's original role, and enables Council to deputize the employee to carry out the duties of all three officers as originally tasked to the Registrar.

3. Practice Review Board

1. At bylaw **59(1)**, by deleting “(b) the Practice Review Board,”.

COMMENT

There is no requirement for the Practice Review Board in the Act, nor is there any known record of the Board being active. The reference presumably originated from Alberta legislation.

4. Register & Roll; Emails

1. At bylaws **104(1)**, **104(2)**, **105(1)** and **105(2)**, by adding list item “email address” after “business address”.
2. At bylaw **104(4)**, by deleting “..., in a separate record,...”; and
3. At bylaw **119(1)(a)**, by adding “and/or email address” after “business address”.

COMMENT

Email is the primary means of communication for the Association and in general practice. A registered email address resolves concerns regarding delivery of important notices and accessibility by the Association and the public.

5. Intern Architect

1. At bylaw **72(1)**, by deleting “(a) enroll in an internship program approved by Council”.
2. After bylaw **72(1)**, by appending the following:
 - (2) A Graduate Architect who has had their education certified by the Canadian Architectural Certification Board and is enrolled in an internship program approved by Council is entitled to use the title, and may be referred to as, “Intern Architect”.

COMMENT

The Act specifies “Graduate Architect” as a membership class, and further provides rules and restrictions regarding a Graduate Architect. However, all provincial jurisdictions refer to similar registrants as “Intern” or “Intern Architect”, and references outside of NWT but applicable and integral to NWT Graduate Architects use the term “Intern Architect” or variants. Further, the current nationally accepted “Internship in Architecture Program” requires certification by CACB for eligibility and enrollment. This bylaw intends to mend the discrepancy until such a time as the Act can be amended to use the current term.

6. Stamps

1. At bylaws **111(1)**, **112(1)** and **113(1)**, by deleting “...a rubber stamp...”.

COMMENT

The material of the stamp is not important and, with the introduction of digital signatures (or eStamps), a stamp impression can now be made either by rubber stamp or digital image.

7. Mail Vote

1. At bylaws **17**, **121**, and **123**, by deleting “mail vote” and replacing it with “mail or electronic vote” in all instances.

COMMENT

To provide the ability to vote online or by other means.

8. Amendments to Bylaws

1. At bylaw **122(2)**, by deleting “...at least forty-five (45) days...”.

COMMENT

Bylaw 121 specifies a 30-day period for presenting bylaws. Bylaw 122(3) conflicts with a 45-day period.

Motion & Instructions

These amendments are presented alongside a proposed complete revision of the Bylaws, and are designed to be reviewed and approved *following* the approval of the proposed revision at the same meeting.

Each amendment herein that may require further evaluation or that cannot otherwise be enacted should be deferred, and all other amendments should proceed to a vote.

The motion, subject to any deferred amendment as noted above, would be as follows:

- TO** amend, as presented, the revised Bylaws of the Northwest Territories pertaining to
the Minister’s Appointee,
the roles of Registrar, Secretary, Treasurer, and Executive Director,
the Practice Review Board,
the Register & Roll and email addresses,
a Graduate Architect titled an Intern Architect,
stamps,
mail votes, and
amendments to the Bylaws;
- AND TO** renumber all bylaw paragraphs, sub-paragraphs and list items as necessary.