



Date: May 11, 2020
From: UNA Constitution Working Group
Re: Proposed UNA Constitution

Recommendation:

That the Board

- (a) approve for consultation the report dated May 11, 2020, titled “Proposed UNA Constitution”;
- (b) direct staff to include a link to the report in the next two UNA newsletter emails and invite comments from residents by June 5, 2020; and
- (c) authorize the UNA Constitution Working Group to provide a copy of the report to UBC with a request for confirmation by June 5, 2020 that the proposed UNA Constitution complies with section 3.1 of the Neighbours’ Agreement 2015.

Background:

The formation of the UNA Constitution Working Group and its terms of reference were approved by the Board at its meeting on April 21, 2020. The reasons for the formation of the Working Group are set out in the briefing note to the Board dated April 7, 2020, and included with the agenda package for the open session of the Board’s April 21, 2020 meeting.

The UNA’s Constitution sets out the purposes of the UNA as a society. A society’s purposes state, in general terms, what the society has been established to do and delimit the activities that the society can undertake. Amendments to the Constitution require the approval of UNA members in a general meeting. Currently, the threshold for approval is 75% of the votes cast.

Pursuant to the Neighbours’ Agreement 2015 (NA 2015) – an agreement between the UNA and UBC – the UNA has agreed that its Constitution will include specified purposes. However, NA 2015 does not have the effect of making those purposes the purposes of the UNA. The UNA’s only purposes are those set out in its Constitution.

The starting point for the Working Group was the proposed Constitution (the “SGM Constitution”) approved by the Board at its March 2020 meeting for a vote by UNA members (along with the proposed UNA Bylaws). The SGM Constitution is substantially the same as the current Constitution. The only material change is the inclusion of references to Designated Buildings in the UNA’s purposes.

Attachments to Report

This report includes the following attachments:

Attachment 1: The SGM Constitution.

Attachment 2: The Constitution proposed by the Working Group.



Attachment 3: A table showing the purposes in the SGM Constitution, the changes proposed by the Working Group to that version of the Constitution, and the purposes required by NA 2015.

Attachment 4: A table showing the purposes that the Working Group proposes be added to the Constitution.

Amendments to the Constitution Proposed by the Working Group

Attachment 3 shows the amendments proposed by the Working Group to the purposes in the SGM Constitution. For the most part, these are minor changes to bring the purposes into better alignment with NA 2015.

Attachment 4 shows the new purposes that the Working Group proposes be added to the Constitution. These include:

- The provision of municipal-like services. It is rather surprising that, although this is a major function of the UNA pursuant to NA 2015, it is not currently one of the purposes in the UNA's Constitution.
- The representation of the interests of residents generally. This is a purpose required by NA 2015.
- Taking positions on matters relating to land use and development on the UBC campus, and presenting those positions to UBC and other entities. While this purpose is included in the representation of the interests of residents generally, it is desirable to make it explicit.

Next Steps

Since the UNA Constitution is a document that “belongs to” all UNA members, members should be given an opportunity to comment on the proposed Constitution. Given the limited nature of this project, the time allowed for consultation can be short.

UBC should be given an opportunity to confirm that the proposed Constitution complies with the requirement in NA 2015 that the Constitution include specified purposes.

The Working Group recommends that the final version of the proposed Constitution be submitted for a vote of members at the special general meeting to be held later this year. This vote would be independent of, and would follow, the vote on the proposed SGM Constitution and Bylaws approved at the March 2020 Board meeting. This timeline may require that the proposed Constitution be approved at the June Board meeting for submission to a vote of members.

Attachment 1

CONSTITUTION

1. The name of the Society is the UNIVERSITY NEIGHBOURHOODS ASSOCIATION (the "*Association*").
2. The purposes of the Association are:
 - (a) To promote a distinctive "university-town" community that will support and enhance The University of British Columbia's ("UBC") academic mission particularly for the common good of those residents within the Local Areas and Designated Buildings, as defined in the Bylaws;
 - (b) To promote, develop and deliver services, amenities and facilities which better provide for the development of good neighbourhoods within the Local Areas and Designated Buildings, particularly for residents with respect to community health, safety, education, culture, recreation, comfort or convenience;
 - (c) To operate and maintain, or provide for the operation and maintenance, of any properties which may from time to time be designated, leased, licenced or otherwise conveyed to the Association for operation and maintenance as areas serving the general well-being of the residents with regard to community health, safety, education, culture, recreation, comfort or convenience of the residents;
 - (d) To receive funds from UBC, the residents and others, and to use such amounts for the fulfilment of any and all of the purposes set out above in any lawful manner as determined by the board of directors of the Association; and
 - (e) To promote, in the conduct of business and work of the Association, qualities of good neighbours, including civility, fairness, good faith, respect and understanding, all in the context of being a unique part of the UBC community, particularly through work to:
 - (i) establish, advance and perpetuate information management and liaison systems; and
 - (ii) provide timely input with respect to enhancing the quality of life in the public realm of the neighbourhoods,for the ongoing development of a community for living, working and learning in a creative, healthy, safe, enjoyable, and interactive environment.

Attachment 2

UNA CONSTITUTION PROPOSED BY WORKING GROUP

1. The name of the Society is the UNIVERSITY NEIGHBOURHOODS ASSOCIATION (the "Association").
2. The purposes of the Association are:
 - (a) To promote a university-town community that supports and enhances the academic mission of The University of British Columbia ("UBC");
 - (b) To undertake community-building measures to develop a healthy and vibrant community
 - (c) To provide services for the Local Areas and Designated Buildings (as defined in the Bylaws) similar to the services provided by a municipality;
 - (d) To provide services, amenities and facilities that assist in the development of good neighbourhoods within the Local Areas and Designated Buildings, and that promote health, safety, sustainability, communication, interaction, culture, recreation, comfort, and convenience;
 - (e) To operate and maintain property which is designated, leased, licensed or otherwise conveyed to the Association for the well-being of residents with regard to health, safety, sustainability, communication, culture, recreation, comfort, and convenience;
 - (f) To represent the interests of residents generally, including, for greater certainty, with respect to UBC, the BC Government, Metro Vancouver, Vancouver, and any other public or private entity or any individual;
 - (g) To take positions on matters relating to land use and development on the UBC campus that the UNA considers to be in the best interests of residents of the Local Areas and Designated Buildings and to present those positions to UBC and other entities;
 - (h) At the request of the UBC Board of Governors, to act as an advisory board pursuant to section 34 of the University Act;
 - (i) To foster interaction between residents and the UBC academic community, to assist in enabling such interaction, and to facilitate access by residents to UBC academic programs;
 - (j) To receive funds from UBC, the residents and others, and to use the funds for the Association's purposes; and
 - (k) To promote, in the conduct of business and work of the Association, qualities of good neighbours, including civility, fairness, good faith, respect and understanding, all in the context of being a unique part of the UBC community

Attachment 3

UNA Constitution Working Group Proposed Changes to UNA Purposes

#	NA 2015 Required Purposes (Section 3.1)	Purposes in SGM Constitution	Comments and Proposed Purposes
1.	(a) the promotion of a distinctive university town community that will support and enhance UBC's academic mission particularly for the common good of the Residents, and undertaking community-building measures to develop a healthy and vibrant community	(a) To promote a distinctive "university-town" community that will support and enhance The University of British Columbia's ("UBC") academic mission particularly for the common good of those residents within the Local Areas and Designated Buildings, as defined in the Bylaws	<p>Minor changes to better align with NA 2015; deletion of the portion starting "particularly for the common good", which makes no sense; and addition of the second part of the NA2015 purpose as a separate purpose:</p> <p>(a1) To promote a university-town community that supports and enhances the academic mission of The University of British Columbia ("UBC")</p> <p>(a2) To undertake community-building measures to develop a healthy and vibrant community</p>
2.	(b) the provision of services, amenities and facilities for the development of good neighbourhoods within the Neighbourhood Housing Areas, and which promote community health, safety, sustainability, communication, interaction, culture, recreation, comfort or convenience for the Residents	(b) To promote, develop and deliver services, amenities and facilities which better provide for the development of good neighbourhoods within the Local Areas and Designated Buildings, particularly for residents with respect to community health, safety, education, culture, recreation, comfort or convenience	<p>Minor changes to better align with NA 2015 and proposed NA 2020 (which includes a reference to Designated Buildings):</p> <p>(b) To provide services, amenities and facilities that assist in the development of good neighbourhoods within the Local Areas and Designated Buildings (as defined in the Bylaws), and that promote health, safety, sustainability, communication, interaction, culture, recreation, comfort,</p>

#	NA 2015 Required Purposes (Section 3.1)	Purposes in SGM Constitution	Comments and Proposed Purposes
			and convenience
3.	(c) the operation and maintenance of any part or parts of Neighbourhood Housing Areas which may from time to time be designated, leased, licensed or otherwise conveyed to the UNA for the general well-being of the Residents with regard to health, safety, sustainability, communication, culture, recreation, comfort or convenience of the Residents	(c) To operate and maintain, or provide for the operation and maintenance, of any properties which may from time to time be designated, leased, licenced or otherwise conveyed to the Association for operation and maintenance as areas serving the general well-being of the residents with regard to community health, safety, education, culture, recreation, comfort or convenience of the residents	Minor changes to better align with NA 2015: (c) To operate and maintain property which is designated, leased, licensed or otherwise conveyed to the Association for the well-being of residents with regard to health, safety, sustainability, communication, culture, recreation, comfort, and convenience
4.	(d) the management of funds collected by UBC and deposited in the Neighbours' Fund pursuant to this Agreement	Not included	UBC has not given the UNA the power to manage funds deposited in the Neighbours' Fund and is unlikely to do so. Hence, it is not proposed to add this purpose.
5.	(e) the collection of funds from Residents and others pursuant to Article 8.5	See purpose (d)	Purpose (d) below is broader.
6.	(f) the use of the funds referred to in subparagraphs (d) and (e) but only for the fulfilment of the purposes set out in this Agreement and any other applicable agreements between UBC and the UNA	(d) To receive funds from UBC, the residents and others, and to use such amounts for the fulfilment of any and all of the purposes set out above [i.e., (a) to (c)] in any lawful manner as determined by the board of directors of the Association	Allow funds to be used for all UNA purposes. Any restrictions should be in the NA. (d) To receive funds from UBC, the residents and others, and to use the funds for the Association's purposes
7.	(g) the representation of the interests of the Residents generally and as regards to the collection, management and spending of the	Not included	The purposes proposed to be added to the UNA's Constitution (see separate table) include the representation of the interests

#	NA 2015 Required Purposes (Section 3.1)	Purposes in SGM Constitution	Comments and Proposed Purposes
	Neighbourhood Levy and Community Amenity Charges		<p>of residents generally.</p> <p>The UNA has no role with respect to the collection and management of the Neighbourhood Levy and Community Amenity Charges. As for representing the interests of residents with respect to the spending of these amounts, the purpose of representing the interests of residents generally includes representation with respect to this specific matter.</p>
8.	(h) the promotion, in the conduct of business and work of the UNA, of the qualities of good neighbours, including civility, fairness, good faith, respect and understanding, all in the context of being a unique part of the UBC community	<p>(e) To promote, in the conduct of business and work of the Association, qualities of good neighbours, including civility, fairness, good faith, respect and understanding, all in the context of being a unique part of the UBC community, particularly through work to:</p> <ul style="list-style-type: none"> (i) establish, advance and perpetuate information management and liaison systems; and (ii) provide timely input with respect to enhancing the quality of life in the public realm of the neighbourhoods, <p>for the ongoing development of a community for living, working and learning in a creative, healthy, safe, enjoyable, and interactive environment</p>	<p>Limit to the purpose required by NA 2015. The rest of purpose (e) is inappropriate because (i) it does not fit with the first part; (ii) the reference to information management and liaison systems does not belong in the purposes: and (iii) it adds nothing to the other purposes.</p> <p>(e) To promote, in the conduct of business and work of the Association, qualities of good neighbours, including civility, fairness, good faith, respect and understanding, all in the context of being a unique part of the UBC community</p>

Attachment 4

UNA Constitution Working Group Proposed Additions to UNA Purposes

#	Proposed Purpose	Comments
1.	To provide services for the Local Areas and Designated Buildings similar to the services provided by a municipality	Surprisingly, this is not included in the UNA's Constitution even though it is one of the main roles delegated to the UNA under NA 2015. While purpose (b) of the Constitution may include a few of these services, it is nowhere near broad enough.
2.	To represent the interests of residents generally, including, for greater certainty, with respect to UBC, the BC Government, Metro Vancouver, Vancouver, and any other public or private entity or any individual	The first part of this purpose is required by s. 3.1(g) of NA 2015 and should already be in the Constitution. S. 3.1(g) of NA 2015 reads: (g) the representation of the interests of the Residents generally and as regards to the collection, management and spending of the Neighbourhood Levy and Community Amenity Charges
3.	To take positions on matters relating to land use and development on the UBC campus that the UNA considers to be in the best interests of residents of the Local Areas and Designated Buildings and to present those positions to UBC and other entities	The previous purpose encompasses this purpose. However, including it as an explicit purpose ensures that there is no doubt.
4.	At the request of the UBC Board of Governors, to act as an advisory board pursuant to section 34 of the University Act	As noted in section 3.4 of NA 2015, the Board of Governors has requested, and the UNA has agreed, that the UNA Board will act as an advisory board. However, this is not included as one of the UNA's purposes. Section 34 of the University Act allows the UBC Board of Governors to appoint advisory boards and to refer any subject or matter to an advisory board.

#	Proposed Purpose	Comments
5.	To foster interaction between residents and the UBC academic community, to assist in enabling such interaction, and to facilitate access by residents to UBC academic programs.	This could include obtaining greater access for residents to university lectures, courses, programs and related activities. It could also include assisting with the development of joint initiatives involving residents and members of the academic community.