

COMMITTEE on CONSTITUTION and BYLAWS ACS

Final Report of the Committee on Constitution and Bylaws RED RIVER VALLEY SECTION

The Committee on Constitution and Bylaws has examined the amendments to the bylaws of the Red River Valley Section and finds them to be legal and consistent with other provisions of the Society's documents.

Reference is made to the letter 16 February, 1989, from Harmon B Abrahamson.

Comments on Amendment.

The amendment has been approved by your members and is approved by the Committee on Constitution and Bylaws, acting for the Council.

Editorial Changes Made By This Committee.

To conform to SOCIETY documents the following changes have been made editorially by this Committee:

1. References to the AMERICAN CHEMICAL SOCIETY and the single word SOCIETY have been changed to upper case.
2. "National Society" has been changed to SOCIETY.
3. The first letters in Local Section Affiliates, Councilors, and Alternate Councilors have been capitalized.
4. References to SOCIETY Bylaws have a capital B while references to Local Section bylaws have a lower case b.

Suggestions for Further Changes.

5. Nowhere in the bylaws is mention made of the procedure for selecting members-at-large of the Executive Committee. An added Section of bylaw VI would seem to be called for. How long is the term of office of a member-at-large? Is provision to be made for staggering the terms? Who determines the number of members-at-large and how are the selected?
6. The change could increase the size of the Executive Committee from 13 to between 13 and 16, assuming the Section has only a single Councilor, as at present. This is getting rather large. Is the Section sure it wants such a large Executive Committee?
7. **Bylaw IX, Section 5** specifies that a quorum for the Executive Committee shall consist of "at least five members". When this was adopted, the Executive Committee has 11 members. Perhaps the Section would now want to increase this number. In any event the words "at least" are superfluous, in view of the definition of "quorum".
8. **Bylaw V, Section 4:** The last phrase would read better as ". . . shall be chosen from among the MEMBERS."
9. **Bylaw VI, Section 4, line 9:** Suggest insertion of "mailing," so that the latter part of the

line reads: “The ballot mailing shall include . . .” The present wording literally requires that the ballot itself bear the biographical sketches, surely not what is desired.

10. **Bylaw VII** does not include paragraph (*sic*) on the duties of the Treasurer, though all others are spelled out in detail.
11. **Bylaw VIII, Section 1:** It is unusual to include a Nominating Committee as a “standing” Committee, as it is usually appointed only shortly before elections are to be held. Inclusion here would mean that the incoming Chair would have to appoint the Nominating Committee (according to bylaw VII, section 2).
12. **Bylaw VIII, Section 4:** The word “institution” in line 3 has not previously been introduced, hence it is not clear to what it refers. I presume it means academic or industrial institutions to which members may belong. Does this mean that retired MEMBERS cannot be members of this committee? The word group or something similar would permit more flexibility.
13. **Bylaw IX, Section 3:** Does the Section find that a quorum of 25% of the membership is commonly attainable? Few Sections can routinely get that great a turnout. We would suggest a fixed attainable number of perhaps 10%.
14. **Bylaw X, Sections 1 and 2:** It is not legal to require or “assess” dues for a local Section. This is because all members and National Affiliates of the SOCIETY are assigned to Local Sections, contrasting with Divisions, where membership is optional. It is permissible to ask for contributions, but a member cannot be denied privileges in a Section because of non-payment. Se suggest inclusion of the work “voluntary” so it reads “may be assessed such voluntary Local Section dues . . .”
15. **Bylaw VI, Section 3:** In line 5, “member” should be changed to “MEMBER” to be consistent with Bylaw V, Section 4.
16. **Bylaw XII:** The wording here is not identical with that suggested by the Council, which reads:

“Upon the dissolution of the Local Section, any assets of the Section remaining thereafter shall be conveyed to such organization then existent, within or without the territory of the Local Section, as is dedicated to the perpetuation of objects similar to those of the AMERICAN CHEMICAL SOCIETY, or to the AMERICAN CHEMICAL SOCIETY, so long as whichever organization is selected by the governing body of the Local Section at the time of dissolution shall be exempt under Section 501(c)(3) of the Internal Revenue Code of 1954 as amended or under such successor provision of the Code as may be in effect at the time of the Section’s dissolution.”

~~Carl~~ Birch
Chairman