Council Minutes November 2007

A Motion from Council Member David Sprague (as per Regulation 9.2.3)

Motion:
The Minutes of the Council meeting held in November 2007 shall be corrected to reflect the fact that Submission 183-07 was erroneously declared passed. There shall also be a correction noted to the May 2008 minutes where the Secretary General stated that he had checked the vote in 2007 and that the “minutes correctly stated the decision of council” when that statement was incorrect and that in fact the minutes were in error.

The minutes of the November council meeting of 2007 on page 31 currently state;

183-07 Racing Rules of Sailing – RRS 17.2

Decision
Council approved Submission 183-07 to delete RRS 17.2. (16 in favour, 15 against, 2 abstain)

And

Submissions 172-07 through 266-07 (except 183-07)

Decision
Council approved the recommendations of the Racing Rules Committee on Submissions 172-07 through 266-07 (except 183-07) as follows: (33 in favour, 0 against, 2 abstain)

The ISAF Constitution states that changes to the RRS require a majority of 2/3rds to be approved which Submissions 172-07 through 266-07 (except 183-07) did. However it is clear from the recorded vote that submission 183-07 Racing Rules of Sailing – RRS 17.2 did not get the required 2/3rds majority. It in fact only received 16 of 33 votes recorded and consequently the Council did not in fact approve submission 183-07 as is stated in the minute.

The relevant wording from the Constitution is as below;

1. Decisions of the Council shall be taken by a simple majority of votes cast with the following exceptions:
   (a) Decisions requiring a two-thirds vote cast in favour of a resolution are:
       (i) an amendment to the Racing Rules of Sailing; however, this provision shall not apply to Regulations incorporated by reference into the Racing Rules of Sailing.

The minutes of the May 2008 Council meeting state on page 4;

Council member David Sprague raised a question regarding Council approval of Submission 183-07 in November 2007, which he felt should be reviewed as there may have been confusion at the time of voting. The Secretary General confirmed that the matter had been looked into and there was no indication of any confusion at the time of the decision and the minutes accurately reflected the Council decision.

The 2007 and 2008 minutes currently state an incorrect declaration that the deletion of RRs 17.2 was approved by council when it in fact was not approved.
The rule book for 2009-2010 has been published with RRS 17.2 deleted although that deletion did not achieve the required votes to have a 2/3rds passage and was not properly authorized by Council.

The Constitution is clear that the minutes of the ISAF must truly reflect what occurs at the Council and states in;

Article 62. The Council shall cause proper minutes to be made of all appointments made by the Council and of the proceedings of all meetings of the Federation and of the Council and of committees of the Council. All business transacted at such meetings, and any such minutes of any meeting, if purporting to be approved by the members of such meeting as detailed in Article 63, including the Chairman, shall be enough evidence without any further proof of the facts as written. Where Council or a committee later hold a different view to the minutes because of a change to policy or to a decision, this shall be recorded in the minutes of the meeting at which the change is considered; in this case, the original documents shall not be changed. Where minutes of meetings are proven incorrect (e.g. misspelling or incorrect reference), the formal documents of that meeting shall be changed.

The minutes of Council are the legal recording of the proceedings of council. As an organization we are obligated to record correctly and accurately the proceedings of the council. When these minutes are not accurate we are failing at our duty to administer our organization properly.

Consequently the original minutes of November 2007 and May 2008 should have a note inserted in to them clarifying the errors recorded and stating what the actual decision was. The minutes of the Council meeting where this is discussed should also include these discussions and the decision.

This motion is submitted as per Regulation 9.2.3