

**Conference for Food Protection
Executive Board Meeting Committee Report**

COMMITTEE NAME: Constitution and Bylaws Committee

COUNCIL (I, II, or III): Standing Committee - Executive Board

DATE OF REPORT: March 19, 2015

SUBMITTED BY: Lee M. Cornman, Chair

COMMITTEE CHARGE(S):

Constitutional Charges, as stated in Article XV, Section 3 of the Constitution:

1. Submit recommendations to improve Conference administrative functions through proposals to amend the Constitution and Bylaws.
2. Review proposed memorandums of understanding and ensure consistency among the memorandums of understanding, the Conference Procedures manual, the Constitution and Bylaws and other working documents.
3. Report all recommendations to the Board prior to Council II deliberations.
4. Follow the direction of the Board.

Charges Established by Issues 2014 II-018:

2014 II-018 The Conference recommends that the Constitution, Bylaws and Procedures Committee continue work on assigned charges to:

1. Review the Conference for Food Protection governing documents (Conference for Food Protection Constitution and Bylaws, Conference Procedures, Conference Biennial Meeting Manual, position descriptions, conference policies, etc.) to facilitate a merger and conformance of these documents into a comprehensive "Conference for Food Protection Manual." (originally assigned via Issues 2012 II-001 and 2012 II-004)
2. Review the CFP Commercialism Policy to discern whether it is sufficient to apply to situations where the CFP name or logo is used in an unsanctioned manner by entities other than the CFP. (originally assigned at the August 2012 Executive Board Meeting).
3. Report back to the Executive Board; and submit recommendations as Issues at the 2016 Biennial Meeting.

Executive Board Charges: Action Item to review Biennial Meeting / Conference Procedures to identify any locations in document using term "ad hoc committee" and recommend change to "council committee".

COMMITTEE'S REQUESTED ACTION FOR BOARD (If Applicable):

1. Review and approval of recommended language to address previously instituted changes in Biennial Meeting / Conference Procedures relative to the Committee Sign-Up process. The recommended language change to Section VIII. Committees, subsection I. provided below was submitted during the August 2014 meeting. In approving the language submitted, a motion was made by Donna Garren (August 2014 meeting minutes) as follows:

“Dr. Garren proposed amending her motion to change the language in the procedures to state that the term “Ad hoc committee” with respect to council committees be removed and changed to state “council committees” so as to clarify that a council committee not be confused with the general term Ad hoc committees and to give Ms. Cornman time to come back with further edits to change all references in the procedures to read “council committees”. A vote was taken on the motion as amended and the motion carried. The language provided below was amended and added to the current Biennial Meeting / Conference Procedures document.

I. Biennial Meeting Committee Selection Sign-Up

Conference members interested in working on Council and Standing committees will be offered the opportunity to sign up for those committees after the completion of each biennial meeting. Biennial Meeting Committee Selection Sign Up will be facilitated through the Conference for Food Protection web page at www.foodprotect.org and will be posted and available within two weeks of completion of the biennial meeting. An email notice will be sent to all current Conference members notifying of the committees available and the opening and closing dates for committee sign up online. The committee sign up opportunity shall be available for 30 calendar days.

A further review of the full procedures document found one other location, at the beginning of the Committees subsection, where the term “Ad-Hoc” committees was used. If it is the will of the Board, this location will be changed as well to coordinate.

VIII. Committees

A. Council Ad-Hoc Committees

1. Committees shall be created based on recommendations from Council and approved by the Delegates. Council Chairs shall submit for the Board approval the names of the Committee Chairs and membership of all the Committees assigned to the Council by the Executive Board meeting following the CFP Biennial Meeting.

PROGRESS REPORT / COMMITTEE ACTIVITIES WITH ACTIVITY DATES:

Chair received a request from a committee member to discuss issues identified below. These will be a part of the next meeting agenda for this committee along with the existing charges:

Proposed changes to the CFP Constitution and Bylaws.

1. The exact same issue should not be allowed to be submitted for two consecutive CFP's without new science, new information or a change in the recommended solution. Recently this practice has become more common. Once an issue has been deliberated and voted No Action by the Council and then accepted by the Assembly of Delegates the exact same issue should not be allowed to be resubmitted without changes for the next CFP. Simply waiting 2 years and hoping for a change in Council membership and a different outcome circumvents the spirit of the CFP and should not be allowed.
2. Prohibit forming a committee as the recommended solution to an issue. For years Council Chairs were instructed to try their best to gain consensus on every issue and only as a last resort allow an amendment which recommended as a solution, the formation of a committee. Now we have issues where the recommended solution is to form a committee. This should not be allowed. The submitter should provide a solution to the issue they submit. An exemption can be made for existing committees who have good reasons to continue with a new charge.

3. Amend Issue 2014 II-024. This issue described a method of resolution for the Board regarding extracted No Action issues. Personally I feel it shouldn't be allowed to extract a No Action issue because it then undermines the CFP process and Council deliberations. But if it is going to be allowed then strict procedures should be in place to make it difficult to change the will of the Council. Issue 024 did a good job addressing this situation. But I believe some minor changes to the issue are warranted. The issue is a little passive when it states; "The Executive Board shall deliberate the extracted "No Action" Issue with the option to form a small ad hoc committee". I suggest eliminating (the option) and stating the Board shall form an ad hoc committee.

The issue also recommended having the person who submitted the issue and a state delegate who voted to reject the No Action on the ad hoc committee. Obviously both would be strongly in favor of overturning the No Action decision of the Council. So to balance those two I would recommend adding two members who were on the Council and actively supported No Action to the committee. The Chair or Vice Chair could substitute for one Council member. Having members of the Council perspective would be valuable.

4. Consider defining Industry as it applies to the makeup of Council 1, Laws & Regulations, as the Food Regulated Industry. Since Council I directly impacts potential changes in the Food Code which regulates the food industry the makeup should be more defined and include food companies who are regulated and directly impacted by the Food Code. The regulatory makeup of Council I stipulates 10 members from FOOD REGULATORY AGENCIES, including federal, state, local and territories whose jurisdiction is to regulate commercial or institutional operations. The Industry members are only defined as having at least 1 food processor, 2 food service, 2 retail stores, and 1 vending. That leaves 4 industry spots left which could be filled by industry folks classified in the "other" category. That category is increasing each CFP and is made up of equipment, software, chemical, training, testing and pest control companies, as well as consultants, 3rd party auditors and a wide range of non food regulated industry companies. I would suggest defining Industry members for Council 1 as consisting of the FOOD REGULATED INDUSTRY (including food trade associations), same as the government folks who all have to be from a food regulatory agencies.

Respectfully submitted by: Lee M. Cornman, Chair