

**Constitution for the
Empire State Capital Area Chapter,
American Society for Public Administration**
(Adopted in July 1977; revised in April and August, 1989; January 1991,
November 2000)

Article 1: Name and Purposes

Section A.

Effective July 1, 1989, the name of the Chapter shall be the Empire State Capital Area Chapter, of the American Society for Public Administration hereinafter referred to as national ASPA.

Section B.

The Chapter is organized for the professional and equational purposes of exclusively charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as now in effect or as may hereafter be amended ("Code"). Without limiting the generality of the foregoing, such purposes include the following:

1. Advancing the science, processes, and art of public administration.
2. Advancing the equality of opportunity of all persons through public administration.

In furtherance of its exclusively charitable and educational purposes, the Chapter shall have all general powers of an unincorporated association under the law of the state of New York as now in effect or as may hereafter be amended, together with the power to solicit and accept grants and contributions for such purposes.

Section C.

Goals to achieve these purposes

1. Upholding the integrity, ethic and reputation of the nation's career public service;
2. Facilitating the continuing exchange of knowledge and results of experience among persons engaged in or otherwise interested in the field of public administration;

3. Encouraging the collection, compilation and dissemination of information on matters relating to effective practice of public administration;
4. Providing a rostrum for the timely recognition of exemplary individual achievement and accomplishment in the field of public administration by such means as the granting of awards.

Article II.: Membership

Section A.

Chapter membership shall be limited to persons holding membership in national ASPA who have elected to affiliate with the Chapter.

Section B.

Chapter members shall have the right to vote for elective members of the Chapter's governing Council, which is established by Article IV of this Constitution, and to participate in all Chapter activities.

Section C.

Chapter membership shall terminate automatically for Chapter members who are dropped from membership in national ASPA by action of the national ASPA Council pursuant to its governing procedures.

Article III.: Membership Fees and Other Chapter Funds

Section A.

All members of this Chapter shall be assessed an annual membership fee to cover the necessary expenses of the Chapter. That portion of the national membership dues designated for rebate to the Chapter shall constitute the fee for Chapter membership when received by the Chapter's Treasurer.

Section B.

The additional cost, if any, of participating in particular programs or activities sponsored by the Chapter shall be determined by its governing Council, which is established by Article IV of this Constitution. The Council may delegate its authority for establishing participatory fees or charges as it deems appropriate.

Section C.

If the Chapter is disestablished, either by act of its own governing body with

approval of an amendment to this Chapter Constitution for that purpose by a simple majority vote of those of the then Chapter membership voting on the issue, or by act of the National Council of national ASPA, ownership of any Chapter funds and obligations shall be transferred to National ASPA by the act of disestablishment of the Chapter. However, the Chapter governing body and the membership of the Chapter are hereby prohibited from disestablishing the Chapter so long as the Chapter has any unsatisfied obligations.

Article IV: Officers and Governing Body

Section A.

The officers of this Chapter shall be a President, a President-elect, a Secretary and a Treasurer. The offices of President and President-elect are both elective, as the elected President-elect automatically succeeds to the position of President, as provided for in Article VI of this Constitution. The offices of Secretary and Treasurer are appointive positions, as provided for in Section C of this Article. The duties of these four Chapter officers shall be those customarily performed by such officers, as further specified in this Constitution and in the Chapter Bylaws authorized by Article V hereof.

Section B.

The governing body of the Chapter shall be the Chapter Council. The Chapter Council shall consist of thirteen (13) voting members, including the four (4) Chapter officers (both elective and appointive), the immediate Past President, and eight (8) Council members, four (4) to be elected each year for two-year terms, as provided for in Article VI of this Constitution. The Council shall supervise and control the affairs of the Chapter, in accord with the provisions of this Constitution and the Bylaws adopted to implement it pursuant to Article V hereof, and its actions shall follow the general policies of national ASPA. The President shall serve as presiding officer of the Council. In the absence of the President, the President-elect shall preside; in the absence of both officials, the immediate Past President may preside.

Any officer of the governing body of national ASPA who is a Chapter member while holding such shall serve as an exofficio, non voting member of the council.

Section C.

The Secretary and the Treasurer shall be appointed by the President and shall serve at the President's pleasure. The Treasurer shall be responsible for preparing an annual financial report to be distributed to the membership by the

Secretary. The Secretary shall be responsible for preparing an annual report of activities and for distributing copies of that report and of the Treasurer's financial report to all members of the Chapter.

Section D.

Beginning in 1990, officers and Council members shall serve until their terms of office expire and they are replaced by newly installed successors as provided for in Article VI, Section A. If any of the eight Council member positions should fall vacant before the expiration of the term of the incumbent, the President, with the approval of the Council, shall fill the vacancy until the next regular election of officers. Any interim appointee to the Chapter Council shall then stand for election for the remainder of the unexpired term.

Section E.

If the office of President becomes vacant, the President-elect shall succeed to the office immediately and fill the unexpired portion of the term and shall also serve as President for the term to which the President-elect automatically would have succeeded had a vacancy not occurred in the office of President. Should a vacancy arise in the office of President-elect, either by succession to the office of President because of a vacancy in that office or by the inability of the President-elect to continue to serve, the office shall remain vacant and an election for the office of President shall be held at the next regular election.

Section F.

A Quorum of the Chapter Council shall consist of seven (7) of its thirteen (13) voting members, including the President or the President-elect and at least one other Chapter officer.

Section G.

All persons composing the governing body shall be members of national ASPA or shall become members within thirty (30) days after election or appointment and shall be Chapter members.

Article V: Chapter Bylaws

Section A.

The Chapter Council may, by a vote of all members present and voting at any duly convened meeting, adopt and from time to time amend Chapter Bylaws to implement this Constitution and provide more specifically for the internal governance of the Chapter, provided such Bylaws are consistent with the requirements of this Constitution and the policies of national ASPA.

Section B.

Such Bylaws may:

1. prescribe the duties of Chapter officers and other Council members;
2. determine the frequency of Council meetings;
3. prescribe advance written notice to Council members of the time and place for such meetings, and of the scheduled business to be considered;
4. prescribe parliamentary rules for the governance of Chapter meetings and Council meetings;
5. establish a program year for the Chapter,
6. establish a fiscal year for the Chapter, which need not coincide with the program year;
7. establish accounting policies and procedures for handling the Chapter's finances;
8. establish procedures and timetables for the submission of independent nominating petitions and for the conduct of mail ballots used in the election of Chapter officers pursuant to Article VI of this Constitution and for the amendment of this Constitution pursuant to Article XI;
9. establish the selection criteria for Chapter awards authorized by Article VII of this Constitution; and
10. specify any other internal administrative procedures that are not inconsistent with this Constitution or the policies of national ASPA.

Article VI: Nominations and Elections

Section A.

The terms of office of the President and of the President-elect shall be one year, with the President-elect automatically succeeding to the office of President upon completion of the President's term. The eight (8) elected Council members shall each serve for a term of two years, four (4) members to be

elected each year. Beginning in 1990, officers and Council members shall take office on May 1 of the year in which they are elected.

Section B.

Those who are nominated for President-elect shall have a history of involvement in the activities of the Chapter.

Section C.

Each year, by a date to be determined in the Chapter Bylaws authorized by Article V of this Constitution, a Nominating Committee appointed by the President shall present nominations to the Council for election to the office of President-elect and for the election of four (4) Council members. The Committee shall not nominate candidates from among its members. At least eight (8) nominations shall be presented for the four (4) Council seats, including if possible at least one person who is under the age of 30 years at the time of election and one person who is not an employee of the State of New York.

Section D.

The Council shall act to formally accept, or to amend, the slate of candidates presented by the Nominating Committee. The Secretary shall thereafter notify the members in writing of the slate approved by the council and of the procedures as set forth in the Chapter Bylaws for submitting independent nominating petitions. Such independent nominating petitions shall be signed by not less than twenty (20) Chapter members and shall be filed with the Chairperson of the Nominating Committee for presentation to the Council in accord with the procedures and timetable set forth in the Chapter Bylaws.

Section E.

The President Elect and four (4) Council Members shall be elected annually by a mail ballot, in accord with the procedures and timetable set forth in the Chapter Bylaws. A majority of the Chapter members voting shall decide all elections. In the event of a tie vote for any elective office, the Chapter Council shall determine the winner. In the event of a tie vote by the Council members present and voting, the President shall cast the deciding ballot.

Article VII: Awards

Section A.

The Council may authorize periodic awards to recognize outstanding public

service by deserving individuals based upon criteria established by the Chapter Bylaws adopted pursuant to Article V of this Constitution.

Section B.

The Chapter Awards Committee to be created pursuant to Article VIII of this Constitution shall follow procedures to be established by the Council as it may direct in the Chapter Bylaws.

Article VIII: Committees

Section A.

Generally. In addition to the Awards Committee authorized by section B of this Article, the Nominating Committee prescribed by Section C of Article VI, and any ad hoc Public Policy Issues Committee that may be established pursuant to Section E of Article XI of this Constitution, the Council may establish committees for various purposes. The President shall appoint the Chairpersons of all committees and, in the case of the Awards Committee and the Nominating Committee, all of the committee members. The President shall serve as an ex officio member of all Chapter committees except the Awards Committee. Unless reappointed by the incoming President, all Chapter committees shall terminate as provided for in the Chapter Bylaws, except that the Awards Committee shall be governed by the following section of this article.

Section B.

Awards Committee. The Chapter Awards Committee shall consist of nine members. Each member shall be appointed for a three year term, with three members appointed annually. The President shall designate a Chairperson, who shall serve one year in that capacity, at a time to be provided for in the Chapter Bylaws. No member of the Awards Committee shall be eligible to receive a Chapter Award during such member's term on this committee. A member of the Awards Committee who is nominated for a Chapter Award shall have the option to resign from the Awards Committee and have the nomination considered by the Committee, or to reject being considered for the Award. If the latter option is selected, the Committee member can continue to serve the remainder of such individual's term on the Awards Committee.

Article IX: Chapter Position on Public Policy Questions

Section A.

The Chapter consists of members who have a professional identification with, or interest in, the public service and who share a strong desire to bring about a general improvement in public administration. The Chapter considers its membership as representing a reservoir of expertise in matters affecting public administration. It is the Chapters avowed intent to bring this expertise to bear as effectively as possible upon those problems coming under the Chapters scrutiny.

Section B.

In keeping with its stated objectives, the Chapter encourages its members to be fully informed on all public policy issues affecting the quality of public administration at all levels of government and deems it appropriate to facilitate and coordinate the individual efforts of its members to evaluate alternative solutions to current questions of public policy.

Section C.

The Chapter acknowledges that many issues affecting public administration transcend the scope of individual action and therefore affirms both a right and a responsibility to act as a corporate body in developing and advocating specific courses of action, particularly where failure to act may be considered adversely and may ultimately detract from the realization of the Chapter's purposes, as identified in Article I, Section B of this Constitution.

Section D.

The Chapter Council may adopt, by a two thirds vote of those present and voting, positions on public policy issues affecting public administration. The Council shall establish procedures to assure that the maximum feasible opportunity for membership input is provided before formal adoption of public policy positions.

Section E.

The Council may establish one or more ad hoc committees on public policy issues affecting public administration as necessary and desired to effectuate the purposes of this Article.

Section F.

Notwithstanding any other provisions of this Constitution, no substantial part of the activities of the Chapter shall consist of carrying propaganda or otherwise attempting to influence legislation nor shall it participate or intervene in any matter, or to any extent, in any political campaign on behalf of any candidate

for public office, whether by publishing or distributing statements or otherwise.

Article X: Relationships with Other Organizations, Including the State Academy for Public Administration

Section A.

The Chapter is primarily a generalist organization in the field of public administration, whose purpose is to stimulate and encourage communication and exchange of views among public administrators, educators and researchers, practitioners working at all levels of government, and other individuals in the nonprofit and private sectors who are interested in public administration.

Section B.

The Chapter's generalist orientation does not preclude co-sponsorship of activities with other professional organizations. The Chapter may also interact with any of the sections chartered by national ASPA.

Section C.

In 1974, the Chapter encouraged the establishment of a State Academy for Public Administration, whose objectives are similar to those of the Chapter and of national ASPA, and which provides a mechanism for making available the public administration skills of Chapter members and others to nonprofit organizations and to federal, state and local governmental entities. The Chapter recognizes the State Academy as an independent organization. However, it encourages both organizations to cooperate in furthering the interests of public administration at all levels of government and in the nonprofit sector within the area served by the Chapter.

Article XI: Amendment

Section A.

Amendments to this Constitution may be proposed by any member of the Chapter Council or by a petition signed by twenty-five (25) or more members of the Chapter.

Section B.

Any proposed amendment to this Constitution shall be approved by a majority vote of the Chapter Council prior to being submitted to the membership at large, as provided for in Section C, below.

Section C.

Any proposed amendment to this Constitution shall be submitted to the Chapter members for their approval by a mail ballot in a special election called by the Chapter Council for the express purpose of voting on proposed amendments to this Constitution. The procedures and timetable for conducting such a mail ballot shall be specified in the Chapter Bylaws.

Section D.

Amendments shall become effective when approved by a majority vote of Chapter members voting. In case of a tie ballot, the President shall cast the deciding ballot.

Section E.

Consistent with inclusion of this Chapter in the group federal income tax exemption ruling of the American Society for Public Administration (identified by the Internal Revenue Service as Group Exemption Number 3155), all amendments to the Chapter Constitution which may be made from time to time shall be submitted to the American Society for Public Administration for its approval.

Article XII: Filing

Section A.

A copy of this Constitution shall be filed with national ASPA.

Section B.

Copies of any approved amendments to this Constitution and of the subsequently revised text of the Constitution shall also be filed with national ASPA.

Article XIII: Miscellaneous Provisions

Section A.

No part of the net earnings of the Chapter shall inure to the benefit of, or be distributable to any director or officer of the Chapter, or any other private person, except that the Chapter shall be authorized and empowered to pay reasonable compensation for services rendered to or for the Chapter and to make payments and distributions in furtherance of the purposes set forth hereinabove.

Section B.

No substantial part of the activities of the Chapter shall be the carrying on of propaganda, or otherwise attempting to influence legislation (except as otherwise permitted by Section 501(h) of the Code, and the Chapter shall not participate in, or intervene in (including the publishing or distribution of statements concerning) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the Chapter shall not carry on any other activities not permitted to be carried on

1. by an organization exempt from federal income tax under Section 501(c)(3) of the Code, or
2. by an organization, contributions to which are deductible under Section 170(c)(2) of the Code.

Section C.

In the event of dissolution or final liquidation of the Chapter, after paying or making provision for the payment of all of the liabilities and obligations of the Chapter and for necessary expenses thereof, all of the remaining assets and property of the Chapter shall be distributed to the American Society for Public Administration provided it remains organized and operated exclusively for charitable or educational purposes as shall at the time qualify as an exempt organization under Section 501(c)(3) of the Code, and if not, to an organization which does so qualify. In no event shall any of such assets or property be distributed to any director or officer or to any private individual.

Section D.

The fiscal year of the Chapter shall commence on March 1 end on the last day of February. The employer identification number [i.e., “EIN” or “TIN” - taxpayer identification number] assigned by the Internal Revenue Service to this Chapter is: __ - __ __