

**Document #3 «Lettre au DG AL-Anon Ric Buchanan(janvier 2013) et réponse à notre lettre (février 2013)-Traduction française en bleu de ses réponses.**

Hi Ric,

The Quebec East area is presently in the process of becoming a non profit organization and the reasons that brought us to make that decision are the following:

- Make sure that our website has a name recognized legally
- Meeting room at an affordable price

A little while ago, we received an email from Ann Cochrane, our Regional Trustee, inviting us to communicate with you if we had any questions. So there are:

1-First of all, is there other Canadian area that is a non profit organization? If so, did they express, by any chance, the advantages and the disadvantages by becoming one? The example of the advantages that was given to us was a tax exemption on renting room for meeting, buying furniture equipment and service contract (ex: printer), is it right? And is there more that we should know about? Is the tax exemption, if it happens to be true, is calculate from the time that we sign the contract or is it on the final billing? Given the right to tax exemption, does this apply only to the non profit organization's board of directors or could all groups and all committees be able to get tax exemption?

I am not certain about other Canadian Areas incorporating and if so, whether they became a registered charity under Canadian law. Primary reasons for incorporating are: to protect officers and the Area from individual liability in the event of a lawsuit or the inappropriate actions of one individual or the Assembly, for example slandering someone or someone falling at an Assembly and being injured. You would also be able to issue tax receipts to individuals who make donations to the Corporation. This would not exempt the corporation but limit a suit to the corporation and not individual members. How the law applies to when deductions are made would have to be determined by a Canadian attorney as I am not familiar enough with Canadian law on those points. You can only exempt the corporation as it explained in the *Service Manual* p. 110. In Al-Anon, our groups and service arms like districts and the Assembly do not exist in law the same of the

Conference is not legal. The Corporation should be kept separate from the spiritual arms of Al-Anon's decision-making. The Assembly could function as the Conference in giving traditional approval to the officers and members of the Board but not actually electing them. The Board would give periodic reports to the Assembly for approval but would technically self-elect its officers and only the trustees of the Corporation would be members of the registered charity.

Je ne suis pas au courant si d'autres Circonscriptions Canadiennes se sont enregistrées et si elles se sont enregistrées comme OBNL sous la loi Canadienne. Les raisons premières de s'incorporer sont : pour protéger les Officiels et la Circonscription d'une responsabilité individuelle en cas d'une poursuite ou d'actions inappropriées d'un individu ou de L'Assemblée, comme faire du commérage sur une personne ou quelqu'un tombant à une Assemblée et se blessant. Vous pourriez aussi émettre des reçus à des individus qui feraient des dons à la Corporation..Ceci n'exempterait pas la Corporation mais limiterait la poursuite à la Corporation et non un membre individuel..Comment la loi s'applique à savoir quand les déductions sont appliquées ,cela devrait être déterminé par un avocat Canadien, comme je ne suis pas familier avec les lois canadiennes sur ce point. Vous ne pouvez exempter la Corporation comme il est expliqué dans le Manuel de Service p.110. Dans Al-Anon ,nos groupes et tous nos bras de service comme les Districts et L'Assemblée n'existe pas selon la loi et comme la Conférence ne sont pas légal. La Corporation devrait être gardée séparée des bras spirituel d'Al-Anon pour toute décision. L'Assemblée pourrait comme la Conférence donner une approbation traditionnelle aux officiers et membres du CA mais ne devrait pas les élire. Les membres du CA devaient donner des rapports périodiques à l'Assemblée, pour approbation mais devraient élire leur membres du CA et seulement les administrateurs de la Corporation seraient membres de L'OBNL.

2-We got informed that we should provide a financial report with original receipts, does that mean that we require the help of an accountant or is it optional?

You will have to file tax returns annually and be subject to inspection of Canada Revenue although this usually would not be an annual occurrence. Whether you hire an accountant or have someone capable to prepare the returns is a annual question for the Board to address. You must also

maintain an address where books and copies of tax receipts issued can be viewed by Canada Revenue.

Vous devrez faire des rapports d'impôt annuellement et être sujet à une inspection de Revenu Canada, mais par contre cette inspection ne serait pas annuellement. Décider, si vous engagez un comptable ou non pour préparer les rapports d'impôt, est une décision qui relève des administrateurs. Vous devez aussi conserver une adresse où les livres et les rapports d'impôt et reçus de taxes émis peuvent être vérifiés par Revenu Canada.

3-Should we have two different boards of directors meaning one for the non profit organization and one for the Area World Service Committee? If that's the case, wouldn't you be worried that Al-Anon loses its own identity and that the non profit organization's board of directors takes over? Can the Area Service Chairperson fill the same position for the non profit organization?

There should be a separation between the officers of the Assembly and the Corporation. The Area officers could also be trustees of the Corporation but perhaps three at-large Trustees could also be elected to separate the spiritual arm (AWSC and Assembly) for the registered charity Board. Each entity would maintain separate minutes so the Board would usually meet after an Assembly or AWSC meeting depending on frequency desired. This would help to minimize expenses

Il devrait exister une séparation entre les Officiels de L'Assemblée et la Corporation. Les Officiels pourraient aussi être des administrateurs de la Corporation mais sûrement 3 administrateurs extérieurs au Comité des Officiels, pourraient être élus afin de séparer le caractère spirituel (CSM et l'Assemblée) de l'OBNL. Chaque entité doit faire des PV séparés et le CA pourrait se rencontrer après une Assemblée de la Circonscription ou le CSM dépendamment de la fréquence des rencontres. Ceci minimiserait les dépenses.

4-If we form a non profit organization, do all the administrators of our Service Area Committee become automatically administrators of the non profit organization or can we just name a few?

Yes, see above response. You should limit the Board to 5 to 7 members in order to create a separation of the two entities.

Oui regardez la réponse ci-haut. Vous devriez limiter le CA à 5 à 7 membres afin de créer une séparation des 2 entités.

5-In order for us to obtain a price reduction on room's rental, the reservation would have to be made by the non profit organization's board of directors since they would have their registration number. What happen then to the group autonomy?

The Board would only reserve meetings for the Assembly and the AWSC. Individual groups would not qualify for the exemption or reduction in cost.

Le CA pourrait seulement réserver les locaux pour l'Assemblée de la circonscription et les 2 CSM. Les groups individuels ne seraient pas éligibles.

6-Does the non profit organization's board of directors has to get some kind of insurance policy? Should we or should we not, that is the question. We would like to hear both sides.

Most Boards do have a policy to protect the officers of the Corporation and the Corporation itself. That would include a liability policy to protect against someone getting injured during or at an Assembly, AWSC, or Board meeting. Major negative is probably cost but usually Corporations of this size would be fairly cheap

La plupart des membres du CA ont une politique pour protéger les administrateurs de la Corporation et la Corporation. Ceci inclurait une protection si quelqu'un se blessait à l'Assemblée, au CSM ou aux réunions du CA. Ceci devrait être peu couteux.

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7-Who becomes the non profit organization? Is it the Area Service Committee members or the Area itself?

Neither. It should be a distinctly separate entity with overlap as I described above in # 3.

Aucun. Ce devrait être une entité complètement séparée avec le chevauchement tel que décrit au # 3.

8-We have been told not to use an address with a Post Office box, if we want to become a non profit organization, can we use an Al-Anon member's address instead?

No, it would be better to use a business address. An attorney or accountant can sometimes offer this feature as minimum cost. This is where all of the Corporation's financial documents, tax receipts, reimbursement copies, etc would reside.

Non. Ce serait préférable d'utiliser une adresse d'affaire .Un avocat ou un comptable peut des fois offrir ce service à un coût minimal..Ceci serait l'endroit où tous les documents financiers, les retours de taxes, les copies de remboursement seraient conservés.

9-As our new website's name we picked «Groupes Familiaux Al-Anon/Alateen du Québec-Est,» is it appropriate ?

Yes, but the registering of the Web site name and the Corporation are distinctly separate issues. They don't have to match and you may or may not want the Corporation to be liable for what happens on the Web site unless the Board exercises direct oversight by setting and maintaining policies and procedures for compliance. A Web site name is registered by paying a fee to one of the domain licensors.

Oui, mais l'inscription du site internet et la Corporation sont deux entités distinctes. Ils n'ont pas à s'apparenter et vous pouvez ou ne pouvez pas décider que la Corporation est responsable pour ce qui arrive au site internet à moins que Le CA exerce une main mise en définissant et maintenant les politiques par utilité.

I would really like to receive the answer by email, if possible, it will be easier to share the answers with the Area Service Committee members.

I hope I have answered all of your questions fully. Please feel free to contact me for further clarity. I apologize for the delay in responding.

J'espère avoir répondu à toutes vos questions .Sentez-vous à l'aise de communiquer avec moi pur plus de précision. Je m'excuse du retard à répondre.

Ric

Thank you very much for all your help, it is appreciated.

In service  
Thérèse Samsom  
Chairperson's substitute  
Quebec East Area