



BACKGROUND TO SURVEY

June 16, 2020

TO: BC ASSEMBLY OF FIRST NATION MEMBER DELEGATES

RE: SEEKING FEEDBACK ON 2020 ANNUAL GENERAL MEETING AND ELECTIONS

BACKGROUND

The BCAFN bylaws require that the AGM be held this year on or before December 18, 2020.

At this AGM, the terms of office of the Regional Chief, two directors, and a Female Youth Representative will expire. Elections must be held to fill each of these positions.

The BCAFN Board issued a notice to member delegates on June 1, 2020 which stated that BCAFN AGM will be rescheduled following engagement and consultation with BCAFN members.

MOVING THE AGM AND ELECTIONS ONLINE

In response to the Covid-19 pandemic, a public health order has been issued that prohibits in-person gatherings of more than 50 people.¹ The Province's "re-start plan" suggests that this prohibition will not be lifted until there is widespread vaccination, community immunity or broad successful treatments to Covid-19.² At this time, it appears that is unlikely to occur before the end of 2020 and may not occur until mid-2021 or later. **As a result, the 2020 AGM and elections will likely need to be held in a different form than the in-person assembly and election voting format used at past AGMs.**

A ministerial order has been issued that permits organizations that are required by law to hold an AGM to do so entirely online (the "Ministerial Order").³

The Ministerial Order will remain in force for as long as the Covid-19 state of emergency is in place, which means it will likely be in force when the 2020 AGM occurs.

¹ <https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/reports-publications/covid-19-pho-class-order-mass-gatherings.pdf>

² <http://www.bccdc.ca/health-info/diseases-conditions/covid-19/event-planning>.

³ Electronic Attendance at Corporate Meetings (Covid-19) Order, 2020_M116 ["Ministerial Order"].

The BCAFN Board has considered the Ministerial Order and decided to determine the date and format of the 2020 AGM and elections after consulting with members.

NEW ELECTION RULES REQUIRED

The Ministerial Order allows the BCAFN to hold the AGM using an online platform and for the Chiefs-in-Assembly to discuss and pass resolutions and conduct other meeting business. This will give the organization the ability to conduct the regular business of the AGM, with members participating online.

The Ministerial Order does not, however, provide guidance on how to conduct the kind of secret ballot voting that BCAFN uses in its elections. For instance, the bylaws require that voting is done by the members who are present or represented by proxy at the AGM, and in accordance with the rules set out in the Governance Manual.⁴ Those rules only address voting that is done by way of paper ballots being cast at physical polling stations.

As a result, new rules that provide for secure online voting during the AGM need to be developed and adopted by the members for the exceptional circumstances (Covid-19 context) that apply to the upcoming elections.

ONLINE SPECIAL CHIEFS ASSEMBLY REQUIRED TO ADOPT NEW ELECTION RULES

The bylaws require that new online election rules be implemented by way of an amendment to the Governance Manual. Amending the Governance Manual requires the members to adopt the amendments at a duly convened meeting.⁵ **As a result, the Board is planning to call an online Special Chiefs Assembly in accordance with the bylaws and the Ministerial Order, with the sole purpose of having the members consider and adopt new online election rules.**

It is important to have member engagement and attendance at the Special Chiefs Assembly so that the BCAFN can hold elections at the upcoming AGM, given the Covid-19 restrictions on gatherings.

TIMELINE FOR MEMBER ENGAGEMENT IN LEAD UP TO AGM

Working within the bylaws and the parameters of the Ministerial Order, the Board has adopted a member engagement plan to determine the date and format of the 2020 AGM and elections that includes the following steps:

1. Member survey (June) – members indicate when they would prefer to attend an online AGM, when they would prefer to have a special online meeting to adopt new online

⁴ Bylaws 5.4 and 8.3.

⁵ Bylaw 1 “ordinary resolution”; Bylaw 12.2.



election rules, and which system they wish to use to cast online votes in the Regional Chief election.

2. Board reviews survey results and develops online election rules (June – early July) – Board oversees the drafting of an addendum to the Governance Manual that contains new rules and that considers member feedback.
3. Board determines date for 2020 AGM (early July) – after a new date for AGM and elections has been set, notice of that decision will be distributed to all members
4. Notice of an online Special Chiefs Assembly (mid to late July), including draft online election rules – Board provides the members with a draft of the online election rules and notice of a special online meeting to discuss and adopt rules
5. Special Chiefs Assembly is held online (August) – members have an opportunity to discuss, propose amendments to and vote on the new online election rules – meeting will be set for approximately 90 minutes
6. Call for nominations and distribution of online election rules (September or early October, depending on date of AGM) – the Electoral Officer issues the call for nominations and distributes the newly adopted online election rules to all potential candidates.

