

COVID 19 and Annual General Meetings

UPATES as of September 18th, 2020

In April of this year when the Covid-19 pandemic began, under the authority of the Public Health Act, Service Alberta issued a Ministerial Order for nonprofits governed by Alberta law. For the duration of the Public Health Emergency (lifted June 15) and for 60 days after, nonprofits were permitted to hold their AGMs remotely, or postpone them for 3+months despite any provision in their articles, bylaws, rules or memorandums.

It is important for non-profits to be aware that effective August 15th this ministerial order is no longer in effect.

What does this mean for your organization?

- **As of August 15th**, requirements for organizations governed by both the Companies Act and Societies Act, for holding AGMs resumes according to the schedule that was in place before the ministerial order took effect.
ACTION - Organizations that opted to postpone their meetings should plan to hold their AGMs in person as soon as reasonably possible.
- **As of August 15th**, annual return filing timelines for organizations governed by both the Companies Act and Societies Act have been reinstated.
ACTION - Organizations who have delayed filing their annual returns must file promptly after their AGM. **If you do not file the annual return, your society may be dissolved.**
- **As of August 15th**, provisions that require access to physical documents at offices or at AGMs resume for organizations governed by both the Companies Act and Societies Act.

Looking Ahead

Even though the ministerial order has now lapsed, organizations can still work towards joining the virtual AGM world in future. If you want the option for virtual meetings and voting to continue to be part of you organization's reality, start by familiarizing yourself with the legislation under which your organization is incorporated – either the Societies Act or Part 9 of the Companies Act. Next, take a good look at your governing bylaws or articles. Note which sections would need to be updated or changed to permit your organization to facilitate virtual meetings and/or voting in future -- even in the absence of legislative reform.

Are you still feeling unclear? We're here to help!

Any questions or requests for support can be directed to Shannon Rex - Coordinator, Strategic Learning and Innovation at shannon.rex@fusesocial.ca

Sources:

<https://www.alberta.ca/assets/documents/sa-temporary-changes-timelines-distance.pdf>

<https://www.alberta.ca/corporations-cooperatives-organizations-annual-returns.aspxf>

<https://integralorg.ca/blogs/posts/alberta-nonprofits-and-agms-flexibility-for-some-nonprofits-to-d/>