

Condo Smarts May 5, 2020

Electronic Meetings Under Emergency Orders

Dear Tony: What happens when an electronic meeting has to adjourn as a result of technical problems and voting problems? We held our annual meeting last week via a zoom conference. The meeting was confusing from the beginning. No one had planned how the registration was going to take place, how voting cards were going to be issued and how the voting was to be conducted. At one point everyone was unmuted and arguing and for 56 participants online and by phone it was a gong show. We had to adjourn the meeting and reschedule for 2 weeks later to get assistance on process. The question came up at the meeting as to whether we had to re-issue notice because we adjourned the meeting? Our property manager advised that we could adjourn the meeting and simply issue a new date and time for owners to participate. Hopefully you have had some recent experience that would be helpful for owners. Napur D.

Dear Napur: While electronic meetings are now permitted under emergency orders in BC, it is not a quick fix solution. The duties of creating a proper notice package complete with instructions on how the meeting will be conducted, the correct proxy and/or ballot form to go with the notice, and the procedures at the meeting will consume substantially greater amounts of time. At the minimum you should have someone to chair the meeting, someone to act as the registrar to identify all the parties who have registered on your platform such as Zoom, those participating by phone, and someone to receive and calculate all of the votes that instructed on the proxy or at the time the votes are taken. Allow for at least twice as much time for the meeting procedures to be conducted, and don't limit the time of your Zoom meeting as you may be required to open a voting window and calculate votes before the meeting is terminated. If you have problems with your meeting, you will be required to terminate the meeting and issue new notice. The only time a meeting is adjourned is when the quorum requirements are not met. Whatever method your strata corporation chooses to use, everyone must have the same opportunities to participate. You cannot permit some participants physically at a meeting and insist others have to issue a proxy or attend online. Zoom, Google meet, are all easy platforms and permit entry by both online access and phone. Make sure you have provided a local Canadian phone number for the same event. The essence of electronic meetings is that you require a method where participants must be able to communicate. Hear and be heard when required. When a strata corporation has over 50 units and participants this can be daunting to say the least. Don't expect your property manager to simply manage the meeting without significant demand on their time, and additional staff to assist with the process. A procedural plan will help you manage your meeting effectively.

1. The notice package requires detailed instructions identifying how the registration and the meeting will be conducted and if it will be recorded.
2. Include a restricted proxy with the proposed resolutions for those owners who wish to ensure their voting is protected
3. Include a voting ballot with the same information as the proxy, that can be used during the meeting when the vote is taken.
4. Advance poll your owners for possible council nominees before you send out the notice package or in advance of the meeting so they may be added to the nomination list.
5. Issue your notice by paper/email to your owners list at least 20 days in advance of the meeting.
6. Hold a shorter information session the week before to help your council, manager and owners prepare for the meeting.
7. When the meeting is called to order, one person will be required to screen the waiting room and identify who each of the eligible voters attending will be, this will establish your quorum. If there is any confusion, you may be required to call the roll of all strata lots at the beginning to establish who is on the meeting.
8. Require all participants, except the chairperson to be muted if possible. Identify how they can "raise their hand" to ask a question regarding a resolution or make a motion to amend a resolution. Because of the complications associated with amendments, avoid amendments to 3 / 4 vote, 80% vote and unanimous vote resolutions unless absolutely necessary.
9. Set a time when voting will be open. To save time you could discuss all the resolutions and

nominations first and then open a voting window where each owner participating can submit their vote by email to be calculated along with any restricted proxies that were issued. For example, the meeting can be called to order at 4:00pm with a set voting time for the resolutions announced once the discussion is over. Eligible voters vote between (4:30 and 5:00pm) by emailing their completed voting card, identifying their name, unit number/strata lot number to the designated email provided. The votes are calculated along with the proxies and voting results are announced and the meeting is terminated. Anonymous voting cannot be audited so secret ballots are unlikely; however, the strata corporation retains the ballots and proxies as evidence of the procedures, and only reports the total voting results in the minutes unless a poll is required.

Launching May 12 to August 11 at noon Tuesdays, CHOA is hosting open public lunch and learn zoom webinars with over 14 speakers on key strata issues on meetings, management, operations and financial reporting requirements. For more information go to www.choa.bc.ca or email info@choa.bc.ca

Tony Gioventu, Executive Director CHOA

As a precautionary measure to prevent the spread of COVID-19 and support the safety of strata owners and employees CHOA Staff will be working remotely and our offices will be temporarily closed.

During this period our advisors are online and available by phone and email to assist you with general meetings and insurance updates and we are equipped to assist your council and owners with prescheduled conference calls.

Please stay safe and healthy. Thank you

Kindly note, CHOA has made the decision to postpone the spring seminar season to the fall. CHOA's Conference 2020 has also been postponed till September 26th, subject to improving conditions.