

DRAFT CHARTER RESOLUTION
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AFN Annual General Assembly, July 9-11, 2024, Montreal, QC

TITLE: Clarifying Rules and Procedures for Establishing Quorum at AFN Assemblies

SUBJECT: Charter Renewal

MOVED BY: Chief Sidney Peters, Glooscap First Nation, NS

SECONDED BY: Chief Matt Pasco, Oregon Jack Creek Band, BC

WHEREAS:

- A. It is essential that the rules and procedures for establishing, maintaining and questioning quorum at Assembly of First Nations (AFN) Assemblies are made clear, transparent, and practical to enforce.
- B. Questions pertaining to quorum at AFN Assemblies are frequent, contentious, and encroach on the limited and valuable time available for First Nations-in-Assembly to provide direction to the AFN.
- C. Prior to the July 2021 AFN Annual General Assembly (AGA) in Ottawa (virtual), the Rules of Procedure for AFN Assemblies contained an explanation of the process by which quorum is established and maintained through the full duration of an Assembly. This longstanding process was consistent with the Charter of the Assembly of First Nations (the Charter) provisions on quorum.
- D. AFN Resolution 03/2021, *Clarification of Designated Representative and Proxy* mandated a change to the Charter and the Rules of Procedure introducing a new description of quorum intended to prevent misunderstandings. However, this change presented new challenges and misunderstandings by:
 - i. Being insufficiently detailed;
 - ii. Removing description of the quorum process from the AFN Rules of Procedure;
 - iii. Introducing a description of quorum that is arguably inconsistent with those longstanding processes; and
 - iv. Being impractical to uphold through the full duration of an Assembly in a manner that is consistent, transparent, accurate, and time efficient.
- E. Neither the current nor previous versions of the Charter properly accounted for the fact that Assemblies are now often held remotely or in hybrid, and that Chiefs and Proxy Representatives participating virtually must also be counted as “present” on the Assembly floor. The new proposed description for quorum should clearly account for virtual participation.
- F. In the current version of the Charter, under the heading of Decision Making, Article 8 (1) describes the rules for both quorum and voting for the First Nations-in-Assembly. For increased clarity, it is proposed that the new Charter description for quorum be provided in an amended Article 8 (1), and the rules for voting be retained separately as new Article 8 (2).

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- G.** This resolution seeks to replace AFN Resolution 03/2021, *Clarification of Designated Representatives and Proxy*.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Direct that Article 8 (1) of the Charter of the Assembly of First Nations (AFN) be amended to read, "Quorum for Assemblies will be established as follows:
 - a) On each day of the Assembly, a count will be conducted of Chiefs and Proxy Representatives present on the floor of the Assembly room, including those who are present in the designated virtual Assembly room.
 - b) On each day of the Assembly, a quorum will then be maintained so long as the number of Chiefs and Proxy Representatives present on the floor of the Assembly room (including those attending virtually) is equal to at least 51% of that initial count for that day.
 - c) On each day of the Assembly, quorum must be established prior to decision-making by the First Nations-in-Assembly."
2. Direct that a new Article 8(3) be inserted, and reads as, "Decisions of the First Nations-in-Assembly shall be made as far as possible by consensus or general agreement. When all efforts at achieving a consensus have been exhausted without success, a positive vote of 60% of the Chiefs and Proxy Representatives of First Nations present in the Assembly room shall be sufficient to constitute a decision."