

# Klondike Cruisers Director Eligibility

## Overview

Under the Societies Act, there are requirements that you legally must meet to be a director.

The Klondike Cruisers asks anyone, who is considering becoming a director, to initial and sign this statement as a self-nomination.

The completed, initialed, and signed form must be received by the Klondike Cruisers prior to the election at the Annual General Meeting. Pages 1 and 2 of the Form can be emailed to [KlondikeCruisers@gmail.com](mailto:KlondikeCruisers@gmail.com) or submitted at the AGM. **If the Form is emailed it must be received before 6:00 P.M. one (1) day prior to the AGM.**

This form also includes your commitment to adhering to all Klondike Cruisers bylaws and policies which can be found at <https://klondikecruisers.ca/bylaws-and-constitution/>.

When you initial and sign this statement, it is your promise that you meet all the legal requirements to become a director with us.

#3 in this declaration is concerned with any criminal activity related to financial matters, such as fraud or theft, that are less than five years old.

Even if you have never had any convictions, offenses, fines, etc. you still need to initial and sign this form.

If you have specific questions about this form, please contact the President or Secretary.

The specific sections (46 to 48) of the Societies Act are provided below. If you want to access the entire Act you can find it here:

[https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2018/2018-0015/2018-0015\\_1.pdf](https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2018/2018-0015/2018-0015_1.pdf)

**By submitting the completed and signed Director Eligibility Form it is acknowledged and agreed that you are standing as a nominated candidate for Klondike Cruiser Director.**

Intentionally Blank

## **Declaration of Eligibility and Directors' Agreement for Potential Board Directors**

**Please initial and sign where indicated and return this form (Pages 1 and 2) to the Klondike Cruisers Association at [KlondikeCruisers@gmail.com](mailto:KlondikeCruisers@gmail.com) before 6:00 P.M. one (1) day prior to the AGM or submit it at the AGM.**

**If you have questions about this, please contact the President or Secretary.**

1. I, \_\_\_\_\_ (put your full name here), declare that I meet the Qualifications for Directors legal requirements as identified under the Societies Act section 46 to 48, as follows:

2. I am:

\_\_\_\_\_ (initial) 19 yrs of age or older

\_\_\_\_\_ (initial) do not have status of bankrupt

\_\_\_\_\_ (initial) not under the legal guardianship of anyone for legal or financial matters, i.e. I am legally able to make my own decisions when it comes to money, bank accounts and the like and can sign my own contracts, leases, rental agreements, etc. There is currently no one who must co-sign or give permission for me to do those things.

\_\_\_\_\_ (initial) am not under an Enduring Power of Attorney for legal or financial affairs, i.e. I am legally able to make my own decisions when it comes to money, bank accounts and the like and can sign my own contracts, leases, rental agreements, etc. There is no one doing that on my behalf because I am currently unable, due to disability or incapacitation, to do that on my own.

This next section (3) contains legal language. In summary, the law says that you cannot be a director if you have been convicted of anything involving fraud or theft (embezzlement, writing bad cheques, taking money from an employer, other types of theft, as just some examples) in the last five years or if you have declared bankruptcy.

BUT if there have been special orders from the court related to these charges, you may still not be eligible to be a director after five years (for e.g., the court may have said you can never have financial responsibility in an organization).

To clarify, five years must have elapsed since you have had a conviction related to fraud or theft, a sentence has been issued (including any period of a suspended sentence), left prison, had a fine related to a conviction, or concluded a probationary period. If you've had a pardon for such a conviction, that is OK, UNLESS the pardon was revoked or for some other reason, is no longer in effect.

You need not tell anyone the nature of any convictions or offenses, prison terms or probations, if it was more than five years ago AND there have been no further conditions added to your situation. You need only confirm by initialling and signing this form that this is the case.

**3.** I confirm I meet the Qualification of Director Section 47 (g) of Societies Act specifically:

\_\_\_\_\_ (initial) I have not been convicted, in Yukon or anywhere else, of any offence involving fraud or theft, and

(i) unless the court orders otherwise,

(ii) five years have elapsed since the last to occur of

(A) the end of the period set for suspension of the passing of sentence without a sentence having been passed,

(B) the imposition of a fine,

(C) the conclusion of the term of any imprisonment, and

(D) the conclusion of the term of any probation imposed.

(iii) a pardon has been granted or issued, or a record suspension has been ordered, under the Criminal Records Act (Canada), in respect of the offence and the pardon or record suspension has not been revoked or ceased to have effect.

**4.** I confirm \_\_\_\_\_ (initial) I have let the president know about any current conflict of interest with the Klondike Cruisers that I am aware of.

**5.** I pledge \_\_\_\_\_ (initial) to follow and uphold the bylaws and polices of the Klondike Cruisers.

**6.** I consent \_\_\_\_\_ (initial) to providing the specific personal information needed (see above) as part of my nomination and service as a director to the Klondike Cruisers Board of Directors .

**7.** I understand \_\_\_\_\_ (initial) that this information will be kept in strictest confidence and that I can withdraw my application to become a director at any time during the process.

**8.** I \_\_\_\_\_ (initial) hereby stand as a nominee for Director of the Klondike Cruisers Association.

Signed,

\_\_\_\_\_

Candidate Signature

\_\_\_\_\_

Printed Name

\_\_\_\_\_

Date

# **SOCIETIES ACT**

## **SY 2018, c.15; amended by SY 2020, c.10**

### **Sections 46, 47, and 48**

#### **Directors must be qualified**

46 A person must not be a director of a society if the person is not qualified under either section 47 or the bylaws to be a director.

#### **Qualifications of directors**

47 (1) The following persons are not qualified to be a director of a society:

- (a) a person who is under the age of majority;
- (b) a person who is not an individual;
- (c) a person for whom a guardian is appointed under the Adult Protection and Decision Making Act to manage all or part of their legal matters or financial affairs;
- (d) a person who is found to be mentally incompetent or incapable of managing all or part of their legal matters or financial affairs by a court elsewhere than in Yukon;
- (e) a person for whom an enduring power of attorney, within the meaning of the Enduring Power of Attorney Act, has come into effect on the occurrence of their mental incapacity or infirmity;
- (f) a person who has the status of bankrupt;  
or
- (g) a person who has been convicted, in Yukon or elsewhere than in Yukon, of an offence involving fraud or theft, unless
  - (i) the court orders otherwise,
  - (ii) five years have elapsed since the last to occur of
    - (A) the end of the period set for suspension of the passing of sentence without a sentence having been passed,
    - (B) the imposition of a fine,
    - (C) the conclusion of the term of any imprisonment, and

- (D) the conclusion of the term of any probation imposed, or
  - (iii) a pardon has been granted or issued, or a record suspension has been ordered, under the Criminal Records Act (Canada), in respect of the offence and the pardon or record suspension has not been revoked or ceased to have effect.
- (1.01) For greater certainty, if a court subsequently finds that a person referred to in paragraph (1)(c) or (d) has capacity to manage their legal matters and financial affairs, the person is no longer disqualified under those paragraphs from being a director of a society.
- (2) Unless the bylaws provide otherwise, a director of a society is not required to be a member of the society. S.Y. 2020, c.10, s.14

### **Additional qualifications of directors**

48 Without limiting section 47, the bylaws of a society may set out requirements that an individual must meet in order to be qualified to be a director.