

4.1.v. Policy & Procedure

LOCAL TRUST COMMITTEE SECTION 26 RESOLUTIONS WITHOUT MEETING

Trust Council: December 5, 1992
(Amended March 11, 1995)
(Amended: September 27, 1996)
(Amended: March 8, 1997)

A: REFERENCES:

1. *Islands Trust Act: Section 26*

B: BACKGROUND:

1. Section 26 of the *Islands Trust Act* allows local trust committees to pass or defeat resolutions on local trust committee issues without the necessity of holding a regular or special meeting. A resolution approved in accordance with Section 26 is as valid as if it had been voted on and passed at a properly called and constituted meeting of a local trust committee.

C: POLICY:

1. LEGISLATIVE REQUIREMENTS

- 1.1. Approval of a Section 26 resolution without meeting is given where a majority of the members of the local trust committee entitled to vote on the resolution inform the Secretary or designate of their approval in person, or by telephone, or by other means of telecommunication. A trustee may vote either "in favour", "opposed", or abstain from voting. Legislation regulates that an abstention vote is recorded "in favour", but there is also a notation of the name of the trustee who abstained. A trustee may also withdraw from voting.
- 1.2. Once the vote has been conducted, and the Secretary or designate receives the vote, the local trust committee members are notified of the results of the vote by the Planning Clerk.

2. ISSUES WHERE VOTING IS RESTRICTED

The only specific restriction is that a local trust committee cannot vote on a Section 26 resolution without meeting giving a bylaw second and third reading. A properly called and constituted meeting of the local trust committee must occur to give a local trust committee bylaw second or third readings.

D: PROCEDURE:

1. AUTHORIZATION TO RECEIVE A SECTION 26 RESOLUTION WITHOUT MEETING VOTE

1.1. The Secretary of the Islands Trust or his/her designate shall receive votes for local trust committee Section 26 resolutions without meeting.

2. BACKGROUND MATERIAL

2.1. Any local trust committee member may, before a Section 26 resolution without meeting vote is received, request relevant background information on the issue either by mail, by telephone, or by facsimile.

3. HOW THE SECTION 26 RESOLUTION WITHOUT MEETING IS CONDUCTED

The process includes the three elements of passing a resolution at a regular meeting, being: 1. calling for a vote; 2. conducting a vote; and 3. recording the vote. The procedure is described as follows:

3.1 When a Section 26 resolution without meeting is required, a trustee will contact the Planner (or in some cases, the Planner will contact trustees), and the Planner will draft a motion on the "Calling for a Vote" form (Attachment 1).

3.2. The Planner will fax the motion to the local trust committee members, requesting the trustee initiating the motion to sign as the "MOVER", and requesting a second trustee to sign as the "SECONDER". The Planner will send a copy of the Call for the Vote to the Planning Clerk.

3.3. Once Planning Clerk receives verification of the MOVER and the SECONDER, the Planning Clerk will notify the Chairperson, informing him or her of the call for vote.

- 3.4. The Chairperson will instruct the Planning Clerk, by either fax or telephone, to conduct the vote by distributing the "Conducting of the Vote" form (attachment 2) to all members of the local trust committee.
- 3.5. Once the local trust committee members fax back their forms to the Planning Clerk and the vote is complete, the Planning Clerk will complete the "Recording of the Vote" area of the form.
- 3.6. The Recording of the Vote is received by the Islands Trust Secretary or his/her designate.
- 3.7. The Planning Clerk will fax the completed "Recording of the Vote" form to the local trust committee members informing them of the results of the vote.
- 3.8. The completed forms used for a Section 26 resolution without meeting shall be logged and numbered, and placed in the local trust committee minutes file (09).
- 3.9. Copies of completed Section 26 resolution without meeting forms shall be forwarded to the appropriate planner who ensures that these are recorded in the minutes of the next regular meeting of the local trust committee.

E: ATTACHMENT:

1. Attachment 1.: "Calling for a Vote" form
2. Attachment 2.: "Conducting of the Vote" and "Recording of the Vote" Form

ATTACHMENT 1

() Island Local Trust Committee

CALLING FOR A VOTE

FOR A

SECTION 26 RESOLUTION WITHOUT MEETING

It was MOVED and SECONDED

THAT

MOVER's Signature or
Phone Approval

SECONDER's Signature or
Phone Approval

Date

Date

(Please sign and fax the Call for Vote Form - Attention: Planning Clerk)

THE CHAIRPERSON DIRECTS STAFF TO CONDUCT A VOTE ON THE ABOVE NOTED RESOLUTION.

DATE

CHAIRPERSON'S SIGNATURE OR PHONE APPROVAL

SIGNATURE OF RECORDING STAFF (If Applicable)

ATTACHMENT 2

() Island Local Trust Committee
CONDUCTING OF THE VOTE
for a

SECTION 26 RESOLUTION WITHOUT MEETING

SECTION 26 RESOLUTION WITHOUT MEETING NO. _____

(Staff to complete)

Date Calling of the Vote Received (Staff to complete)

It was MOVED and SECONDED **THAT** _____

All members of the local trust committee informed of motion _____

(Date faxed to trustees)

Please vote on the above motion by completing the ballots below:

IN FAVOUR

IN FAVOUR

IN FAVOUR

OPPOSED

OPPOSED

OPPOSED

Signature/Phone Approval

Signature/Phone Approval

Signature/Phone Approval

Date

Date

Date

Signature of Staff Recording Vote (if applicable)

RECORDING OF THE VOTE

for a

SECTION 26 RESOLUTION WITHOUT MEETING

1. RECEIVED BY ISLANDS TRUST SECRETARY THIS _____ DAY OF _____, _____

SECRETARY'S SIGNATURE

2. LOCAL TRUST COMMITTEE MEMBERS NOTIFIED THIS _____ DAY OF _____, _____

PLANNING CLERK'S SIGNATURE