

## 4.1.v. Policy

# LOCAL TRUST COMMITTEE SECTION 26 RESOLUTIONS WITHOUT MEETING

Trust Council: December 5, 1992

Amended: March 11, 1995; September 27, 1996; March 8, 1997; September 9, 2014

### A. REFERENCES:

1. *Islands Trust Act*: Section 26
2. *Community Charter*; Section 100

### 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. PRINCIPLES:

1. It is preferable for most Local Trust Committee resolutions to be voted on at properly called and constituted meetings. However, where an issue is deemed to be urgent (i.e. where the issue in question requires immediate action as a result of unforeseen circumstances and must be dealt with before the next regular meeting of the Local Trust Committee) a Section 26 resolution-without-meeting may be conducted.
2. Section 26 resolutions-without-meeting are for decisions not requiring any discussion or debate by a Local Trust Committee.
3. Local Trust Committee resolutions on issues which may be considered controversial, sensitive, complex or otherwise benefitting from discussion and debate, should be voted on at a properly constituted meeting wherever possible.
4. The Section 26 resolution-without-meeting process is dependent on the timely contribution and response of Local Trustees.

### D. DEFINITIONS:

"Secretary" means the person appointed by Trust Council under Section 17(1)(a) of the *Islands Trust Act* and includes a deputy Secretary.

"telecommunication" means communication over a distance and includes electronic mail (email), telephone and facsimile.

## **E. 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 their designate) of their approval in person or by telecommunication.

### **2. ISSUES WHERE VOTING IS RESTRICTED**

- 2.1 The only specific restriction is that a Local Trust Committee cannot vote on a Section 26 resolution-without-meeting to give 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.
- 2.2 If a Trustee considers that he or she is not entitled to participate in a vote pursuant to Section 100(2) of the *Community Charter* (regarding a perceived conflict of interest), the Trustee must make a declaration using the "Section 100(2) *Community Charter* Declaration" form (attachment 3 to the Procedures for LTC Sec. 26 resolutions-without-meeting), giving the general reason(s) and must withdraw from voting. The completed declaration form must be submitted to the Secretary.

### **3. CONDUCT OF THE VOTE**

- 3.1 All members of a Local Trust Committee will be given simultaneous notice of a Section 26 resolution-without-meeting and the ability to view information on the subject of the resolution where available.
- 3.2 The Chair of a Local Trust Committee will call for the vote on a Section 26 resolution-without-meeting that has been moved and seconded, and members will be entitled to vote on the resolution.
- 3.3 The Chair should not vote on the Section 26 resolution-without-meeting prior to the "Conducting of the Vote" phase.
- 3.4 A Trustee may vote either "in favour", "opposed", or abstain from voting. Legislation regulates that an abstention vote is recorded "in favour", but a notation will be made beside the name of the Trustee who abstained.
- 3.5 Any member of a Local Trust Committee may propose to have consideration of a Section 26 resolution-without-meeting postponed until the next regular meeting or a special meeting of the Local Trust Committee where the Trustee believes that the motion requires debate and discussion.
- 3.6 Whenever possible, Local Trust Committee Chairs should allow the Local Trustees for the Local Trust Area the opportunity to move and second Section 26 resolutions-without-meeting. An exception would be where the Section 26 resolution-without-meeting is being put forward by the Chair.

**4. RESULTS OF THE VOTE**

- 4.1 Once the vote has been conducted, and the vote received by the Secretary, the Chair of the Local Trust Committee will declare the vote to have passed or failed in accordance with the results. The Local Trust Committee members are notified of the results of the vote. The vote is recorded as a Section 26 resolution-without-meeting of the applicable Local Trust Committee.
- 4.2 A report on each completed Section 26 resolution-without-meeting will be placed on the agenda of the next regular open or closed Local Trust Committee meeting and recorded in the minutes of that meeting.