



Policy:	4.1.5
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Policy Holder:	Legislative Services Manager

LOCAL TRUST COMMITTEE SECTION 26 RESOLUTIONS-WITHOUT-MEETING

Background

Section 26 of the *Islands Trust Act* allows local trust committees (LTC) to pass or defeat resolutions on LTC 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 LTC.

Principles

1. It is preferable for most LTC 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 LTC) a Section 26 Resolution Without Meeting (RWM) may be conducted.
2. Section 26 RWM's are for decisions not requiring any discussion or debate by a LTC.
3. LTC 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 RWM process is dependent on the timely contribution and response of local trustees.

A. 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.

B. Policy

1. Legislative Requirements

- 1.1 Approval of a Section 26 RWM is given where a majority of the members of the LTC 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 LTC cannot vote on a Section 26 RWM to give a bylaw second or third reading. A properly called and constituted meeting of the LTC must occur to give a LTC 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 Local Trust Committee Section 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 LTC will be given simultaneous notice of a Section 26 RWM and the ability to view information on the subject of the resolution where available.
- 3.2 The Chair of a LTC will call for the vote on a Section 26 RWM 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 RWM 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 LTC may propose to have consideration of a Section 26 RWM postponed until the next regular meeting or a special meeting of the LTC where the trustee believes that the motion requires debate and discussion.
- 3.6 Whenever possible, LTC Chairs should allow the local trustees for the Local Trust Area the opportunity to move and second Section 26 RWM’s. An exception would be where the Section 26 RWM 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 LTC will declare the vote to have passed or failed in accordance with the results. The LTC members are notified of the results of the vote. The vote is recorded as a Section 26 RWM of the applicable LTC.
- 4.2 A report on each completed Section 26 RWM will be placed on the agenda of the next regular open or closed LTC meeting and recorded in the minutes of that meeting.

C. Legislated References

Islands Trust Act: Section 26

Community Charter; Section 100

D. Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

n/a