

2.2.iv. Bylaw

MEETING PROCEDURES BYLAW NO. 101

Trust Council: March 11, 2004

A: ATTACHMENTS:

1. Attachment 1.: BYLAW 101: MEETING PROCEDURES

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This copy is consolidated for convenience only and is amended by the
following:

Bylaw No.	Amendment No.	Adoption Date
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ISLANDS TRUST COUNCIL

BYLAW NO. 101

A Bylaw to Regulate the Meetings of the Islands Trust Council, Committees of Council and the Islands Trust Executive Committee

The Islands Trust Council, having jurisdiction in respect of the Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

PART 1 - INTERPRETATION

Definitions

1.1 In this bylaw

"Act" means the *Islands Trust Act*;

"Chair" means the Chair of the Islands Trust Council;

"Committee" means the Executive Committee, or a standing committee, select committee, or other committee of Council and includes sub-committees;

"Committee Chair" means the Chair of a Committee;

"Council" means the governing and executive body of the Islands Trust constituted as the Islands Trust Council as provided in Section 5 of the Act;

"Executive Committee" means the Islands Trust Executive Committee as provided in Section 20 of the Act;

"improper conduct" includes conduct which obstructs the deliberations of the Council, or statements considered by the Chair or person presiding as defamatory or profane;

"meeting" means the assembly of trustees as duly constituted under Parts 2 and 3 and called to order by the Chair in accordance with Part 6;

"resolution without meeting" means a Council resolution passed under Section 11 (2) to (4) inclusive of the Act;

"point of order" means an interruption of the debate or proceedings, during a meeting of Council, with an inquiry whether something being said or done is in or out of order according to a statute, this bylaw or rules referred to in this bylaw;

"point of privilege" means an interruption of the debate or proceedings, during a meeting of Council, with an inquiry respecting privilege under Section 7.5 of this bylaw or under the rules of order referred to in Section 7.6 of this bylaw;

"quorum" means at least one half of the number of Trustees provided for by the Act;

"Secretary" means the Islands Trust employee appointed and acting as Secretary to the Council or committee and includes, for the purposes of the provisions of this bylaw dealing with minutes, an employee designated by the Secretary for that purpose; and

"trustee's address" means the address given to the Secretary by each trustee.

Incorporation of Act's Definitions

1.2 Any term defined in the Act and used in this bylaw has the meaning given to it in the Act as of the date of adoption of this bylaw.

Interpretation of Bylaw

1.3 Nothing in this bylaw, and no failure to comply with this bylaw, affects the validity of an act of Council.

Application of Rules of Procedure

1.4 The provisions of this bylaw govern the proceedings of Council and of all committees, as applicable.

Severability

1.5 If any section or lesser portion of this bylaw is held invalid by a Court of competent jurisdiction, the invalid portion shall be severed from the bylaw without affecting the validity of the remainder.

Citing this Bylaw

1.6 This bylaw is to be cited as "Islands Trust Council Meeting Procedures Bylaw, 2004".

PART 2 – REGULAR MEETINGS

Schedule and Notice of Regular Meetings

2.1 The first regular meeting of the Council shall be held on the first Wednesday of December following a general local election.

2.2 At the first regular meeting, and the first meeting in December of each of the subsequent two years, the Council shall establish the schedule of the date, time and place of regular Council meetings for the following calendar year, one of

which shall be in each of the months of March, June, September, and December, and the meeting schedule and any revision to the schedule shall be posted at the places specified in Part 10 of this bylaw.

Quorum

2.3 Once the meeting is called to order, the Chair is responsible to ensure a quorum is maintained for the purposes of conducting the meeting.

Postponement if no Quorum

2.4 If there is no quorum of trustees at the meeting within three hours of the time set for the beginning of the meeting:

- (a) the regular meeting is cancelled;
- (b) all business on the agenda for that regular meeting is cancelled; and
- (c) all business on the agenda for that regular meeting must be dealt with at the next regular meeting or a special meeting.

PART 3 - SPECIAL MEETINGS

Calling a Special Meeting

- 3.1 (a) The Chair or Executive Committee, or three trustees, may direct the Secretary to conduct a vote by resolution without meeting for the purposes of Trust Council calling a special meeting. Within seven (7) days, the Secretary shall conduct a vote on whether Council should hold a special meeting for a specified purpose at a specified time and place.
- (b) In the event the resolution without meeting referred to in Section 3.1(a) or (c) is passed by a majority of trustees, the Secretary shall give notice of the special meeting to every trustee in writing at the place to which the trustee has directed that notices be sent, and to the public by posting a copy of the notice at places specified in Section 10, at least 48 hours before the time of the meeting. The notice will indicate the day, hour, place and purpose of the special meeting.
- (c) In the event that three trustees have directed the Secretary to conduct a vote by resolution without meeting to call a special meeting the Secretary shall notify the Executive Committee within 48 hours of receipt of this request. As per Section 3.1 (b), the Secretary will give notice of the special meeting with Executive Committee recommendations if available.

Postponement if no Quorum

3.2 Section 2.4 applies to special meetings.

PART 4 - OTHER MATTERS REGARDING MEETINGS

Recessing and Reconvening a Meeting

- 4.1 Council may by resolution adjourn any special or regular meeting for purposes of reconvening on a date and at a time and location specified in the resolution.

Cancellation of Regular Meetings

- 4.2 Council may by resolution at a regular or special meeting or by resolution without meeting cancel any regular meeting by causing the Secretary to provide:
- a) written notice to trustees confirming cancellation of the meeting 48 hours before the scheduled start of the meeting, using procedures stated in Section 3.1 (b) and (c); and
 - b) public notice of the cancellation of the regular meeting by posting notice of the cancellation at the regular meeting location and the places specified in Part 10 of this bylaw.

Cancellation of Special Meetings

- 4.3 The Chair, and/or the Executive Committee, and/or any three Trustees may request a cancellation of a special meeting of Council following the procedures outlined in Section 4.3

PART 5 - PROCEDURE FOR COUNCIL MEETINGS

Chair to Open Meetings

- 5.1 If there is a quorum of Council, the Chair must call the meeting to order. If there is a quorum of Council but the Chair is not present within 15 minutes of the scheduled meeting starting, a Vice Chair must take the chair and call the meeting to order.

Appointment of Acting Chair

- 5.2 If there is a quorum of Council but neither the Chair nor a Vice Chair is present within 15 minutes of the scheduled meeting starting time, the Secretary must call the meeting to order and by resolution the Council must appoint a trustee to act as Chair for that meeting until the Chair or a Vice Chair arrives. The Acting Chair of a meeting has the powers and duties of the Chair in respect of that meeting until the Chair or a Vice Chair arrives.

Regular Meeting Agenda

- 5.3 The Council may by resolution adopt a standard agenda format.
- 5.4 The Secretary must prepare an agenda for each regular meeting, which must:
- (a) be consistent with any standard agenda format as determined in Section 5.3;
 - (b) state the general nature of each business item to be dealt with at the regular meeting; and
 - (c) be sent to each trustee's address at least seven (7) days before the scheduled meeting date.
- 5.5 Any trustee, Trust Committee, Council Committee or the Chief Administrative Officer may propose an item of business for the agenda of a regular meeting by giving written notice of the item, in reasonable detail, to the Secretary three (3) weeks prior to the meeting, for agenda consideration by the Executive Committee.

Special Meeting Agenda

- 5.6 The Chair, Executive Committee or both shall provide the trustees with an agenda stating the specific items of business to be considered at a special meeting.

Addition of Agenda Items

- 5.7 Council may by resolution place urgent items on the agenda at the beginning of the meeting during agenda adoption.

Notice to Secretary of Petitions and Delegations

- 5.8 A person who wishes to present a petition to, or a delegation who wants to appear before Council at a regular meeting of Council shall, at least three weeks prior to the meeting, deliver the request in writing to the Secretary. The request shall include the name of each petitioner with his or her residential address and the subject of the petition or delegation.
- 5.9 At the discretion of the Executive Committee, the petitioner or delegation may be given a space on the agenda.
- 5.10 No petition may be presented to, nor delegation appear before Trust Council unless Section 5.8 and 5.9 has been complied with unless otherwise agreed to by resolution of the Executive Committee before the meeting or of Trust Council at the meeting.

Correspondence

- 5.11 Anyone who wishes correspondence to be considered at a meeting of Council shall, at least three weeks prior to the meeting, deliver the correspondence to the Secretary. At the discretion of the Executive Committee, the correspondence shall be attached to the agenda or where it deems it appropriate, the correspondence shall be identified on the agenda and copies made available to Trustees who request it at the meeting.

Time Allowed for Petitions and Delegations

- 5.12 The maximum time for presentation of a petition or appearance of a delegation before Council is ten (10) minutes unless otherwise approved by resolution of the Executive Committee before the meeting or by resolution of Trust Council at the meeting.

Confidential Resolutions Without Meeting

- 5.13 The Chair or the Executive Committee may direct the Secretary to conduct a resolution without meeting in a confidential manner where the matter to be considered comes within the scope of s.90 of the *Community Charter*, and to record the resolution without meeting in a minute book to which the public may not have access.

Minutes

- 5.14 The Secretary shall keep legible minutes of every regular and special meeting of the Council and shall record any declarations made in relation to a conflict of interest and any resolutions closing a meeting to the public.
- 5.15 The minutes of every meeting must be adopted by resolution of Council. If each trustee has received a copy of the minutes of a meeting, those minutes may be adopted by resolution of Council. Any changes to the minutes as stipulated by Council resolution must first be made by the Secretary before adoption. All approved Council minutes shall be distributed to all Trustees.

Inspection and Copying of Council Approved Minutes

- 5.16 The minutes for every Council meeting are open for inspection by any person. Any person may make copies of minutes at reasonable times. This Section does not apply to a meeting from which the public has been excluded or a resolution without meeting that has been recorded in the manner specified in Section 5.12.

PART 6 - RULES OF CONDUCT

Recognition of Speakers

- 6.1 A trustee may speak in a meeting after the trustee has raised his or her hand and the Chair has recognized the trustee. If two or more trustees wish to speak, the Chair may designate the order in which each is to speak. If the Chair wishes to speak in a meeting, the Chair need only address the meeting.

Rules Regarding Trustees When Speaking

- 6.2 Except as otherwise resolved by Council, a trustee may:
- (a) speak only to a matter being debated by Council;
 - (b) speak only to a motion that has been moved and seconded;
 - (c) not speak to a matter already resolved by Council and;
 - (d) not speak when called to order by the Chair.

Enquiries by Guests of Council and Members of the Public Attending the Meeting

- 6.3 At the discretion of the Chair, or by resolution of Trust Council, any person attending a meeting may address the Council to enquire about any item of business on the agenda in the manner set out in Section 6.2.

PART 7 - POINTS OF ORDER AND PRIVILEGE

No Interruption of Speaker or Meetings

- 7.1 No trustee may interrupt another trustee who is speaking except to raise a point of order.

Chair to Keep Order

- 7.2 The Chair is to preserve order at every meeting of Council and has the power to make such rulings as are necessary to do so, including the power to rule on all points of order and expel a trustee for improper conduct.

Chair to Give Basis for Rulings

- 7.3 At the time any ruling is made by the Chair on a point of order, the Chair must inform the Council of the ground upon which the ruling is made.

Appeal to Council on Point of Order

7.4 A trustee may appeal any ruling of the Chair on a point of order to Council. The Chair must put to Council the question "Should the ruling of the Chair be sustained?". The question must be put to the meeting at once by the Chair and the question must be immediately voted upon by Council without debate. If the votes for and against the question are equal, the chair is sustained. The Chair is governed by the vote of the trustees on the question.

Points of Privilege

7.5 A trustee may:

- (a) require that a motion being debated be read for the trustee's information, but may not interrupt another trustee who is speaking unless that other trustee consents;
- (b) require the Chair to state the reasons for the Chair's ruling on a point of order, which the Chair must do at once without debate; and
- (c) put a question to the Chair regarding any matter connected to the affairs of Council, which the Chair may require be put in writing.

Robert's Rules of Order Apply

7.6 All matters of order or privilege not provided for in this bylaw are governed by the rules in the current edition of *Robert's Rules of Order*.

PART 8 - RESOLUTIONS

Resolutions and Bylaws

- 8.1
- (a) Resolutions, a reading of a Council bylaw and adoption of a bylaw may be passed on a motion moved by a trustee and seconded by another trustee.
 - (b) Resolutions for consideration at a Trust Council meeting must be received in writing by the Secretary for consideration by Council.

Effect of Question Under Consideration

- 8.2 When a question is under consideration, no motion may be made except a motion to:
- (a) call the question;
 - (b) postpone the question indefinitely;

- (c) table or postpone the question for a specified time;
- (d) amend the question;
- (e) refer the question to a committee;
- (f) limit or extend debate on the question; or
- (g) put a previous question to the vote.

Motion to Table

8.3 A trustee may make a motion to table a matter at any time unless a motion to adjourn has already been made. Council may debate the motion to table, but may not debate the matter which is the subject of the motion to table.

Motion to Adjourn

8.4 A trustee may make a motion to adjourn a meeting at any time. The motion must be put to a vote at once without debate. If a motion to adjourn is defeated, no further motion to adjourn may be made unless some business or another matter intervenes between the defeat of the first motion to adjourn and the further motion.

Motion to Postpone a Question

8.5 A trustee may make a motion to postpone consideration of a question until later in the same meeting, to another meeting, or indefinitely. A motion to postpone until later in the same meeting must be put to a vote without debate. A motion to postpone until another meeting or indefinitely may be debated and, if that motion is passed, the question which is postponed may not be considered again during that meeting.

Inadmissible Motion

8.6 If the Chair or a Trustee considers that a motion is contrary to a bylaw or the Act, the Chair must inform Council at once and may refuse to put the question to a vote. The Chair must give reasons for any such refusal at once.

Recording and Reading of Motions

8.7 The Secretary must record in the minutes the text of every motion. After a motion has been recorded and seconded by another trustee, the Secretary, if requested by a trustee, must read the motion aloud to the meeting before the motion is debated or put to the vote by the Chair. A motion may not be withdrawn after it has been voted on by Council at that meeting.

Amendment of Motions

- 8.8 (a) A trustee may move to amend a motion being considered by Council, but the amendment must be seconded before further consideration. That trustee may not move any further amendments to that motion. A trustee may move to amend an amendment already moved, but only one motion to amend an amendment may be made.
- (b) No motion to amend a motion may be made if the amendment negates the motion which would be amended. If any trustee asserts that a proposed amendment to a motion would negate that motion, the Chair must at once rule whether that would be the case. That ruling may be appealed to Council as a ruling on a point of order.

Effect of Motion to Amend

- 8.9 If a motion to amend a motion is:
- (a) carried, the motion is to be voted on as amended; or
 - (b) defeated, the motion is to be voted on unamended.
- 8.10 A motion to amend must either be withdrawn, with the permission of the seconder, or voted on before the motion which would be amended may be voted on.

Question to be Put After Debate

- 8.11 The Chair must put every question to a vote immediately after debate on that question is closed. Where the votes of the trustees, including the vote of the chair or other person presiding, are equal for and against a question, the motion shall fail, and it shall be the duty of the Chair or other presiding person to so declare.

Voting by Show of Hands

- 8.12 Each trustee voting on a question must do so by raising his or her hand.

Recording of Votes

- 8.13 A trustee may require his or her vote on any question to be recorded by the Secretary. The Secretary in such case must record in the meeting minutes the name of the trustee and which way the trustee voted.

Recording Abstentions

- 8.14 When a member abstains from voting on any question, he or she shall be regarded as having voted in the affirmative and at the request of the member abstaining, or the Chair, the abstention must be recorded in the minutes of the meeting. When a member leaves the meeting temporarily after declaring a conflict of interest, the member shall not be regarded as having abstained.

Resolutions Without Meeting

- 8.15 (a) Trustees moving or seconding a motion to be considered as a resolution without meeting shall inform the Chair, or in the absence of the Chair, a Vice Chair, in writing or by telephone.
- (b) The Chair shall direct the Secretary to conduct the vote, which the Secretary or his/her delegate may then conduct in writing or by telephone by providing trustees with a copy of the resolution in accordance with Section 3.1 (d).
- (c) The Secretary or his/her delegate shall record the results of the resolution without meeting vote.

PART 9 - ADOPTION OF BYLAWS

Proposing Bylaws

- 9.1 Unless Council otherwise resolves, Council may not consider a proposed bylaw unless:
- (a) the Secretary has given a copy of it to each trustee; and
- (b) it is on the agenda for the meeting.

Adoption of Bylaws

- 9.2 A bylaw has been enacted by Council once:
- (a) all approvals, procedures and other requirements imposed by statute have been fulfilled;
- (b) Council has given first, second and third readings to the bylaw by title only; and
- (c) Council has reconsidered and finally adopted the bylaw.

PART 10 - PUBLIC ACCESS

Open to the Public

- 10.1 Regular and special meetings of Council will be open to the public, and no person may be excluded except when the Council resolves to exclude members of the public in accordance with Section 90 of the *Community Charter*.

Public Notice

- 10.2 Notices of the meetings of the Council and of other Council business shall be posted at the principal office of the Islands Trust in Victoria and on the Islands Trust website.
- 10.3 The Secretary shall provide public notice, through media releases, of the time, location and agenda highlights of a regular meeting of the Council at least two weeks before the meeting. Agendas will be made readily available upon request.
- 10.4 Public notice of the availability of the meeting schedule at the places specified in Section 10.2 shall be given at least once a year by publication in a newspaper or newspapers circulating in the trust area.

PART 11 –COMMITTEE MEETINGS

Duties of the Executive Committee

- 11.1 The Executive Committee must carry out the responsibilities assigned to it in Part 3 of the Act, carry out any duties delegated to it by Trust Council and follow the terms of reference established for it by Trust Council.

Duties of Standing Committees

- 11.2 Standing committees of Council must follow the terms of reference established for them by Council in terms of membership and responsibilities.

Duties of Select Committees

- 11.3 Select committees must consider, inquire into, report and make recommendations to Council about the matters referred to them by Council within the period specified by Council.

Schedule of Committee Meetings

- 11.4 (a) At its first meeting after its establishment, and at least annually after that, a committee must establish a regular schedule of meetings, consistent with the terms of reference established by Council.

- (b) The Committee Chair may cancel a meeting, or may call a special meeting of the committee in addition to the scheduled regular meetings, subject to approved budgets for meeting costs and staff resources.

Notice of Committee Meetings

- 11.5 (a) Subject to subsection (c), after a committee has established the regular schedule of committee meetings, including the times, dates and places of committee meetings, notice of the schedule must be given by:
- (i) posting a copy of the schedule at the principal office of the Islands Trust in Victoria and on the Islands Trust website
 - (ii) providing a copy of the schedule to each member of the committee.
- (b) Where either a regular or special committee meeting is conducted entirely through electronic communication facilities under section 11.10 (a), the meeting notice must include notice of the way the meeting is to be conducted and the place(s) where the public may attend to hear, or watch and hear, the part of the proceedings that is open to the public.
- (c) Where revisions are necessary to the annual schedule of committee meetings, the Secretary must, as soon as possible, post a notice at the principal office of the Islands Trust in Victoria and on the Islands Trust website.
- (d) The Committee Chair must cause a notice of the day, time and place of a meeting called under section 11.4(b) to be posted at the principal office of the Islands Trust in Victoria and on the Islands Trust website and to be given to all members of the committee at least 10 days before the scheduled start of a Council Committee meeting and at least 5 days before the scheduled start of an Executive Committee meeting.
- (e) The Committee Chair must cause a notice of the day, time and place of a meeting cancelled under section 11.4(b) to be posted at the principal office of the Islands Trust in Victoria and on the Islands Trust website and to be given to all members of the committee at least 48 hours before the scheduled start of the meeting.

Attendance at Committee Meetings

- 11.6 Council members who are not members of a committee may attend open meetings of a committee, but may only attend closed meetings if permitted by resolution of the committee.

Minutes of Committee Meetings

- 11.7 The Secretary shall keep legible minutes of every regular and special meeting of a committee.

11.8 The Committee Chair or member presiding at the meeting must sign committee minutes.

Quorum

11.9 The quorum of a Council committee is a majority of all of its members and the quorum of the Executive Committee is three.

Conduct and Debate

- 11.10 (a) The rules of Council procedure must be observed during committee meetings, so far as is possible and unless otherwise provided in this bylaw.
- (b) If Council members attend a meeting of a committee of which they are not a member, they may participate in the discussion only with the permission of the majority of the committee members present and must not vote on a question.

Electronic Meetings

- 11.11 (a) A regular or special meeting of a Council committee or a special meeting of the Executive Committee may be conducted entirely by means of audio or audio and visual electronic communication facilities if a majority of the members of the committee have agreed by resolution that the meeting may be conducted in this way and provided the Secretary has received sufficient notice and can make the necessary arrangements.
- (b) An individual committee member who is not at the physical location of a Council committee meeting or of a regular Executive Committee meeting may choose to participate by means of audio or audio and visual electronic communication facilities, provided the Secretary has received sufficient notice and can make the necessary arrangements.
- (c) At a regular Executive Committee meeting, no more than two members, excluding the person presiding, may participate by means of electronic communication facilities and in the event that more than two members wish to do so, the first two members to notify the Secretary will be those eligible to participate through electronic communication facilities.
- (d) An individual member of the Executive Committee may not participate by means of electronic communication facilities in:
- i. two consecutive regular meetings of the Executive Committee, or
 - ii. more than half the regular meetings of the Executive Committee in any one calendar year.

- (e) The Executive Committee may waive the restrictions in 11.11 (c) and (d) by unanimous resolution, provided the waiver does not conflict with provincial legislation and regulation that enables electronic meetings.
- (f) Committee members who use electronic communication facilities to participate in a meeting conducted in accordance with this bylaw are deemed present at the meeting.
- (g) A member of a committee may begin participation in a meeting by electronic communication facilities after the meeting has been called to order.
- (h) Where any meeting participant is participating in a meeting through electronic communication facilities, the facilities must enable all meeting participants to hear, or watch and hear, each other and must provide notice when participants join or leave the meeting.
- (i) Where any meeting participant is participating in a meeting through electronic communication facilities, the facilities must enable the public to hear, or watch and hear, all meeting participants at a place specified in the meeting notice, unless the meeting has been properly closed to the public.
- (j) For the duration of an electronic meeting that is open to the public, a designated staff member must attend at the place specified in the meeting notice for the public to hear or watch and hear the participants.

11.12 Cell phone or satellite connections may be used for open committee meetings. A land line connection must be used for closed committee meetings.

11.13 If communication is lost to one or more electronic participants during a meeting:

- (a) the participant affected will attempt to reestablish the link and in the interim, will be deemed to have left the meeting and the Secretary will record this in the minutes.
- (b) if there is not a quorum, the Committee Chair or person presiding will call a recess until the link is reestablished.
- (c) if after 10 minutes, a link cannot be reestablished and there is not a quorum of committee members, the meeting will be deemed adjourned and the item under discussion at the time of loss of communication will be added to the next agenda.

11.14 The costs of electronic participation in a committee meeting will be borne by the Islands Trust Council, if the committee member is participating from a location within Canada or has received the approval of the majority of committee members.

PART 12 -- REPEAL

12.1 Bylaw No. 21, being "Islands Trust Council Meeting Procedures Bylaw No. 21, 1994 is repealed in its entirety.

READ A FIRST TIME THIS	11 TH	DAY OF	MARCH	, 2004
READ A SECOND TIME THIS	11 TH	DAY OF	MARCH	, 2004
READ A THIRD TIME THIS	11 TH	DAY OF	MARCH	, 2004
ADOPTED THIS	27 TH	DAY OF	APRIL	, 2004

 SECRETARY

 CHAIR

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