



Policy:	4.1.6
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Policy Holder:	Legislative Services Manager Director of Local Planning Services

LOCAL TRUST COMMITTEE GUIDELINES FOR AUTHORIZING DECISIONS

Purpose

To provide resolution guidelines for local trust committees' compliance with Section 122 of the *Community Charter* which states that an act or proceeding of a Council is not valid unless it is authorized or adopted by bylaw or approved by resolution.

A. Policy (Guidelines)

Bylaws and Resolutions are required to authorize a decision of a Local Trust Committee.

1. Bylaws

Attachment 1 to this Policy lists the instances where a **bylaw** is required to authorize a decision of a local trust committee.

2. Resolutions

Attachment 2 to this Policy lists the instances where a **resolution** is required to authorize a decision of a local trust committee.

There are two ways that a local trust committee (LTC) resolution may be conducted:

2.1 At a properly called and constituted meeting

LTC members conduct business by passing resolutions at properly called and constituted LTC meetings. Generally, a resolution is Carried when a motion is Moved, Seconded, and voted in the affirmative (ie. "In Favour") by a majority (2 members) of a LTC.

2.2 By Section 26 Resolutions Without Meeting

LTC resolutions are usually made at LTC meetings. However, Section 26 of the *Islands Trust Act* establishes provision for LTC's to conduct resolutions in the absence of holding a meeting. A resolution approved under Section 26 is as valid as if it had been voted on and passed at a properly called and duly constituted meeting of a LTC.

It is desirable for all LTC resolutions to be voted on at properly called and constituted meetings. However, where an issue is deemed to be urgent (i.e. when the issue in question is requiring immediate action as a result of unforeseen circumstances), or when an issue must be dealt with before the next regular meeting of the LTC, a Section 26 resolution without meeting (RWM) may be conducted.

The *Islands Trust Act* regulates that a resolution giving 2nd or 3rd Readings to a bylaw MUST be passed at a properly called and constituted meeting. A Section 26 RWM vote must never be conducted to give 2nd or 3rd Readings to bylaws.

Please consult the Local Trust Committee Section 26 Resolution Without Meeting Policy and Procedure for more details.

3. Replacement Resolutions

A replacement resolution must identify by substance and by date and must rescind the previous resolution as part of the replacement resolution.

example: Resolution Number ____, giving first reading to Bylaw No. 2 passed on June 2, 1994 is rescinded and replaced with the following:

B. Legislated References

1. *Community Charter*: Section 122
2. *Islands Trust Act*: Section 26(1.2)
3. Policy and Procedures Manual: Local Trust Committee Section 26 Resolutions Without Meeting Policy and Procedure (4.1.5)

C. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

Attachment 1 - Bylaws Required

Attachment 2 - Resolutions Required

Attachment 1: Bylaws Required

Attachment 1 outlines the instances where a decision must be made by LTC bylaw (i.e., the LTC must establish a separate bylaw or include a provision in an existing bylaw - for example, a Land Use Bylaw - in order to carry out a particular action).

1. Procedure Bylaw (ITA 26(1), LGA 225, CC 124)
2. Establishing Fines, Penalties (ITA 28, LGA 413)
3. Authorizing Inspection of Property (ITA 28)
4. Ticket Information System (ITA 28, LGA 415)
5. Trailers and Campgrounds (ITA 30, LGA 298(1))
6. Soil Removal and Deposit (ITA 30, LGA 327, CC 195)
7. Requiring Siting and Use Permits (ITA 31)
8. Community Plan (LGA 472)
9. Rural Land Use Bylaw (LGA 457)
10. Establishing Bylaw Application Procedures (LGA 460)
11. Advisory Planning Commission (LGA 461)
12. Specifying Area for Public Hearing Notices (LGA 466)
13. Requiring Posting of Public Hearing Notices (LGA 466)
14. Establish Board of Variance (LGA 536)
15. Zoning Bylaw (LGA 479)
16. Parking and Loading Bylaw (LGA 525)
17. Subdivision Servicing Bylaw (LGA 506)
18. Sign Bylaw (LGA 526)
19. Screening Bylaw (LGA 527)
20. Designation of Flood Plain (LGA 524)
21. Issuing Temporary Commercial or Industrial Use Permit (LGA 493)
22. Tree Cutting Bylaw (LGA 500)
23. Permit Procedure Bylaw (LGA 501)
24. Amendment of Land Use Contracts (ITA 55, LGA 546)
25. Fee Bylaw (LGA 462)
27. Minimum Parcel Size for Family Subdivisions (514)
28. Any amendment or repeal of a bylaw must be by bylaw

Note: ITA = *Islands Trust Act*
LGA = *Local Government Act*
CC = *Community Charter*
(number is section number)

Attachment 2: Resolutions

Attachment 2 outlines the instances when a decision must be made by LTC resolution:

RESOLUTIONS REQUIRED

1. Enforcing Bylaws (ITA 24, 28)
2. Decision to Refer Bylaw to Trust Council (ITA 27(3))
3. Decision to Proceed with Injunction (ITA 28, CC 274)
4. Strata Conversions (ITA 29(1)(c), SPA 242)
5. Advising Regional District of Proposed Bylaw (ITA 39)
6. Decision to Hold a Public Hearing (LGA 464(1))
7. Delegating a Public Hearing (LGA 464, CC 155)
8. Waiving Public Hearing (LGA 464(2))
9. Issuing a Development Variance Permit (LGA 498)
10. Issuing a Development Permit (LGA 489)
11. Approval of Covenants and Designating Signatory for Covenant (LTA 218, 219)
12. Responses to referrals from
 - Agricultural Land Commission referrals to exclude land from the reserve if in conflict with LTC bylaws (ALCA 30(4)(b) for use other than farm use if in conflict with LTC bylaws (ALCA(25(3)))
13. Issuing or amending a Temporary Commercial and Industrial Use Permit (LGA 493(1))
14. Amendment of Land Use Contract (LGA 546(2)(c))
15. 10% Highway Frontage Exemption (LGA 512)
16. Giving First Reading and Final Adoption to Bylaws (CC 135)
17. Give Second Reading and Third Reading to Bylaws (CC 135)
18. Submitting Bylaws for Approval (ITA 24, 27)
19. Referring OCP Bylaws for comment to (1) regional district and/or municipality if the OCP affects an area of the adjoining regional district and/or municipality, (2) Agricultural Land Commission if the OCP applies to land in the reserve. (LGA 475(2)(b) & (4) and 477 (3)(b))
20. When referring Bylaws/Applications to APC for Comment (LGA 461 and APC Bylaws)
21. Publishing, Delivering, Posting Notices, Advertising for Public Hearings (LGA 466)
22. Releasing Legal Opinions (Use of Legal Advice Policy)
23. Notice of a Special Local Trust Committee Meeting (LGA 219, CC 90 & 92)
24. APC Appointments (LGA 461 and APC Bylaws)

Note: *ITA = Islands Trust Act*

LGA = Local Government Act

LTA = Land Title Act

CC = Community Charter

ALCA = Agricultural Land Commission Act

(number is section number)