



Denman Island Local Trust Committee

Special Meeting Revised Agenda

Date: January 13, 2022
Time: 7:00 pm
Location: Electronic Meeting

Pages

1. CALL TO ORDER 7:00 PM - 7:05 PM

“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”

2. COMMUNITY INFORMATION MEETING - Bylaw Nos. 241 and 242 7:05 PM - 8:45 PM

Regarding DE-RZ-2021.1 - Denman Housing Association (DHA) - Affordable Housing Project (Denman Green)

2.1. Planner Presentation

2.2. Question and Answer Session

3. NEW BUSINESS 8:45 PM - 9:00 PM

3.1. Meeting Procedures Bylaw - Staff Report - for decision

2 - 16

4. ADJOURNMENT 9:00 PM - 9:00 PM



DATE OF MEETING: January 13, 2022

TO: Denman Island Local Trust Committee

FROM: Heather Kauer, Regional Planning Manager
Northern Team

SUBJECT: Meeting Procedures Bylaw - update

RECOMMENDATION

1. That Denman Island Local Trust Committee Bylaw No. 244, cited as “Denman Island Local Trust Committee Meeting Procedures Bylaw, 2022” be read a first time.
2. That Denman Island Local Trust Committee Bylaw No. 244, cited as “Denman Island Local Trust Committee Meeting Procedures Bylaw, 2022” be read a second time.
3. That Denman Island Local Trust Committee Bylaw No. 244, cited as “Denman Island Local Trust Committee Meeting Procedures Bylaw, 2022” be read a third time.
4. That Denman Island Local Trust Committee Bylaw No. 244, cited as “Denman Island Local Trust Committee Meeting Procedures Bylaw, 2022” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.
5. That the Denman Island Local Trust Committee request that Trust Council consider adding a full time staff position to the 2022/23 Fiscal year budget for electronic meeting support.

REPORT SUMMARY

The purpose of this report is to replace the Denman Island meeting procedures bylaw to:

- incorporate provincial regulation changes permitting local government regular business electronic meetings; and
- add provisions for public participation and meeting decorum

BACKGROUND

On June 17, 2020, Ministerial Order M192 was issued by the Province, which allowed all local government meetings and public hearings to be conducted electronically during the COVID-19 pandemic. That same day, Bill 10 *Municipal Affairs Statutes Amendments Act* was approved by the Province. Bill 10 included changes that would allow permanent authority for municipal councils and “Trust Bodies” to choose, with amendments to local meeting procedures bylaws, whether to conduct regular and committee meetings electronically (in addition to special meetings already authorized).

These new rules came into force for Islands Trust via Provincial amendments to the Islands Trust Electronic Meeting Regulation on September 29, 2021 after the authority to hold electronic meetings under M192 expired on September 28, 2021.

Staff are recommending that the Denman Island Local Trust Committee amend their Meeting Procedures Bylaw to allow for electronic meetings consistent with updates to the Islands Trust Electronic Meeting

Regulation. The recommended bylaw is Attachment 1 of this report. A track changes version of the bylaw that demonstrates changes being proposed to the existing bylaw is Attachment 2 of this report.

ANALYSIS

Islands Trust Electronic Meeting Regulation

What the regulation now allows that it didn't before:

- Any and all Trustees may attend any LTC meeting electronically;

What no regulation allows:

- APCs to meet electronically.

What the regulation requires:

- There must still be a physical location where the public can physically go to see and hear the Trustees conduct the meeting for regular and special meetings. If all Trustees are attending electronically from home, this means that staff must set up and be present in a physical meeting place where the public could go to watch the electronic meeting;

What the regulation does not require:

- That the physical meeting space of an electronic meeting be on-island;
- That the public be able to speak at the meeting.

Electronic Meeting Logistics

Some things to consider for logistics:

- Whether the physical location of a meeting has to be on-island.
 - o Staff recommend keeping this flexible to minimize staff travel.

Some things to consider regarding technology and staffing:

- Islands Trust currently has the software capability of supporting electronic Town Halls, but not the staffing;
- Currently the Vice Chairs attend the physical meeting, set up and run the technology to allow streaming and staff remote attendance via Zoom;
- Streaming, recording, and posting of video of the meetings means that anyone with access to an internet connection can watch the meeting while it's occurring or at a time that works better for them;
- Town Hall could be fully accommodated electronically if one new staff person were funded to work throughout the Trust;
- No new staff position is currently in the Trust Council budget for next year.

Meeting Options Summary

Options	Physical Meeting	Chair Attendance	Trustee Attendance	Staff Attendance	Public Attendance	Pros	Cons
Option 1	On-Island	In-Person on-island	In-Person or Electronic	In-person on-island	View streaming or In-person on-island	Able to do Town Hall	Chair, Trustees, and staff must travel
Option 2	On-island	Electronic	Electronic	In-person on-island	View streaming from home or meeting hall	No Trustee or Chair travel	Staff must travel; No Town Hall*
Option 3	Gabriola or Victoria	Electronic	Electronic	Gabriola or Victoria	View streaming from home or Gabriola	No Chair, Trustee, or staff travel	No Town Hall*

*Town halls could be accommodated electronically if staff capacity was adjusted

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	January 20, 2022
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ATTACHMENTS

1. Recommended Draft bylaw 244
2. Track Changes version of Recommended bylaw 244

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DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 244, 2022

A bylaw to establish procedures for meetings of the Local Trust Committee

The Denman Island Local Trust Committee, being the local trust committee having jurisdiction in respect of the Denman Island local trust area under the *Islands Trust Act*, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw, 2022”.

MEETINGS AND NOTICE OF MEETINGS

2. The first regular meeting of the Local Trust Committee shall be held on a date to be determined by the Local Trust Committee by Resolution Without Meeting following a general local election.
3. At the first regular meeting and at the last regular meeting of the first, second, and third year following a general election, or by Resolution Without Meeting, the Local Trust Committee shall establish a schedule of the date, time and place of regular Local Trust Committee meetings for the following calendar year, of which there shall be at least two held in-person, and the schedule shall be posted on a notice board on island that is accessible to the public and in the Northern Office of the Islands Trust.
4. Public notice of the availability of the regular meeting schedule at the place specified in Section 3 shall be given at least once a year by publication in a newspaper circulating in the local trust area.
5. Advance public notice of a regular or special meeting that is to be conducted electronically shall include the way in which the meeting is to be conducted by means of electronic or other communication facilities, the place where the public may attend to hear the proceedings that are open to the public and be posted at the places specified in Section 3 and in accordance with Section 6. Notice of a special meeting which is to be conducted electronically must be delivered to the trustee in accordance with Section 7;
6. Each local trustee shall provide to the Secretary of the Islands Trust a telephone number and mailing address for the purpose of receiving notices of Local Trust Committee meetings, and notice shall be deemed to have been sufficiently given to the local trustee if the notice is delivered to the trustee’s mailing address or given to the trustee in person.
7. Any two members of the Local Trust Committee may call a special meeting by giving notice of the day, time, place and purpose of the meeting to the third member of the Committee by telephone or written notice delivered to the trustee at least 48 hours before the time of the meeting, and by posting the notice at the place specified in Section 3, except that notice to Local Trust Committee members may be waived by unanimous vote.

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8. If the Chairperson is not one of the members calling the special meeting, the members calling the special meeting shall, prior to doing so, advise the Chairperson of the calling of the meeting and consider the Chairperson's representations, if any, regarding the calling of the meeting.
9. Regular and special meetings of the Local Trust Committee shall be open to the public, except where the Committee has stated by resolution in open meeting that the meeting or portion of the meeting is to be closed to the public, and has stated the statutory basis on which it is to be closed.
10. A quorum of the Local Trust Committee is two members.
11. In the event that neither the Chairperson nor the alternate member of the Local Trust Committee appointed by the Chair of the Trust Council is present within one half hour of the scheduled time of a regular or special meeting, the Director of Local Planning Services, or his or her designate, shall call the meeting to order and the remaining trustees shall determine which of them shall act as Chairperson.

MINUTES

12. The Director of Local Planning Services or his or her designate shall legibly record the minutes of the meetings of the Local Trust Committee, and shall record any resolutions without meeting. After the minutes of a meeting have been adopted, the Director or his or her designate shall certify the minutes as correct and the Chairperson or other trustee who presided at the meeting shall sign the minutes.
13. The minutes shall record every resolution of the Committee, and the mover, including every resolution closing a meeting to the public, the reading and adoption of every bylaw, and every declaration made in relation to a conflict of interest.

MEETING PROCEDURE, RESOLUTIONS AND BYLAWS

14. Any question of meeting procedure that is not provided for in this Bylaw, the *Islands Trust Act*, the *Local Government Act*, the *Community Charter*, or regulations under either of those statutes, shall be resolved in accordance with the most current edition of *Robert's Rules of Order*.
15. Resolutions may be in writing, and may be moved by any member of the Local Trust Committee.
16. Bylaws shall be in writing, may be read by title only, provided that each member of the Local Trust Committee is in possession of a complete copy of the proposed bylaw at the meeting, and may be adopted on a motion to that effect at a regular or special meeting. Bylaws may be read a first time, and may be adopted, by resolution without meeting.
17. The Chairperson of the Local Trust Committee or other trustee who presided at the meeting at which it was adopted, and the Secretary of the Islands Trust shall sign every bylaw adopted by the Local Trust Committee, and the Secretary shall keep a certified copy of the bylaw at the principal office of the Islands Trust.

DELEGATIONS

18. A Delegation period, limited to fifteen (15) minutes in duration, may be scheduled for each

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regular meeting of the Local Trust Committee and may be extended by unanimous vote of the members present.

19. An individual, or a representative of an organization, may request the opportunity to address the Local Trust Committee as a delegation. A delegation requesting permission to appear before the Local Trust Committee shall submit a written request to address the members of the Local Trust Committee. The subject of the written request and the presentation must fall within the jurisdiction of the Local Trust Committee, or address an item within the jurisdiction of the Islands Trust Council.
20. The written request must specify the subject matter of the presentation and include either a copy of the presentation or an overview of the information to be presented. The written request must also include the name and address of the person(s) speaking.
21. All written requests to appear before the Local Trust Committee must be received by the Deputy Secretary by 12:00 noon fourteen (14) calendar days prior to the meeting.
22. Each address shall be limited to five (5) minutes unless a longer period is agreed to by unanimous vote of those Local Trust Committee members present.
23. Any video presentations used as part of a delegation's address to the Local Trust Committee will count toward the time limit permitted for the delegation.
24. In the event of a delegation presenting a petition, the petition shall contain each petitioner's signature and printed name and address.
25. Where written requests have not been received by the Deputy Secretary as prescribed in section 20, an individual may address the meeting in the Public Participation period, as outlined within this bylaw.
26. The Local Trust Committee must not permit a delegation to address a meeting of the Committee regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
27. The Deputy Secretary may schedule delegations to another Local Trust Committee meeting according to the subject matter of the delegation.
28. The Deputy Secretary may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of the Local Trust Committee or address an item within the jurisdiction of the Islands Trust Council. If the delegation wishes to appeal the Deputy Secretary's decision, the information must be distributed under separate cover to the Local Trust Committee for their consideration.

ORDER AND DECORUM

29. The Chair is to preserve order at every meeting of the Local Trust Committee 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 may deny any individual or a delegation the right to address a meeting if, in the Chair's opinion, the individual or the delegation:

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- 29.1 makes defamatory remarks about any person or speaks disrespectfully of any person;
 - 29.2 addresses issues not contained within the written application of the individual or delegation, as prescribed in sections 19 and 20; or,
 - 29.3 immoderately raises his or her voice, or uses profane, vulgar or offensive language, gestures or signs.
30. Individuals and delegations will not be heard at regular meetings of the Local Trust Committee on the following:
- 30.1 the promotion of commercial products or services which have no connection to the business of the Local Trust Committee;
 - 30.2 matters on which the Local Trust Committee has approved commencement of prosecution and on which judgment has not been rendered;
 - 30.3 publicly tendered contracts or proposal calls for the provision of goods and services for the Local Trust Committee, between the time that such contract or proposal call has been authorized and the time such contract or proposal call has been awarded, either by the Local Trust Committee or Islands Trust staff; or
 - 30.4 Topics which are normally dealt with by Islands Trust staff as a matter of routine.
31. A Local Trust Committee member may ask or answer questions of a member of the public who is addressing the Local Trust Committee. Debate with, or by any member of the Local Trust Committee or staff is not permitted.
32. The Chair or person presiding may expel and exclude a person from a meeting of the Local Trust Committee for improper conduct.

INVITED PRESENTATIONS

- 33. Members of the Denman Island Local Trust Committee may, with the Chair's approval, invite a person, persons, or organizations(s) to make a presentation to the Local Trust Committee. Time permitting, the Deputy Secretary shall include the subject of the presentation and the designated speaker on the meeting agenda.

PUBLIC PARTICIPATION

- 34. A public participation period, limited to fifteen (15) minutes in duration, may be scheduled for each regular meeting of the Local Trust Committee and may be extended by majority vote of the Local Trust Committee members present.
- 35. A member of the public may have three (3) minutes to address the Local Trust Committee during the public participation period, unless extended by unanimous vote of the Local Trust Committee members present.
- 36. Persons wishing to address the Local Trust Committee will be asked to state their name and topic involved.

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37. Subjects must relate strictly to matters under the jurisdiction of the Local Trust Committee, or items within the jurisdiction of the Islands Trust Council, unless the Local Trust Committee waives this requirement by majority consent.
38. Subjects must be on topics which are not normally dealt with by Islands Trust staff as a matter of routine.
39. Subjects must be brief and to the point.
40. The order of priority in which speakers will be heard during the duration of the public participation period will be determined as follows: first, those addressing items on the Local Trust Committee agenda; second, those addressing items within the jurisdiction of the Local Trust Committee; and third, those addressing items within the jurisdiction of the Islands Trust Council.

ELECTRONIC MEETINGS

41. Regular or special meetings of the Local Trust Committee beyond the minimum number of physical meetings identified in Section 3 may be conducted entirely by means of audio or audio and visual electronic communication facilities if a majority of the members of the Local Trust Committee have agreed by resolution that the meeting may be conducted in this way and provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.
42. An individual Local Trust Committee member who is not at the physical location of a Local Trust Committee meeting that is held in-person may choose to participate by means of audio or audio and visual electronic communication facilities, provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.
43. Not more than one Local Trust Committee member may participate by means of electronic communication facilities when the meeting has been scheduled for an in-person meeting.
44. An individual member of the Local Trust Committee may not participate by means of electronic or other communication facilities in two consecutive regular meetings of the Local Trust Committee that are held in-person.
45. The Local Trust Committee may waive the restrictions in sections 43 and 44 by unanimous resolution, provided the waiver does not conflict with provincial legislation and regulation that enables electronic meetings.
46. Local Trust Committee members who use electronic communication facilities to participate in a meeting conducted in accordance with this bylaw are deemed present at the meeting.
47. Members of the Local Trust Committee may begin participation in a meeting by electronic communication facilities after the meeting has been called to order.
48. Where members of the Local Trust Committee are 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.

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49. Where members of the Local Trust Committee are 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.
50. 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.
51. If communication is lost to one or more electronic participants during a meeting:
 - 51.1 the participant affected will attempt to reestablish the link and, in the interim, will be deemed to have left the meeting and this will be recorded in the minutes;
 - 51.2 if there is not a quorum, the Local Trust Committee Chair or person presiding will call a recess until the link is reestablished; and
 - 51.3 if, after 15 minutes, a link cannot be reestablished and there is not a quorum of Local Trust 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.

EXECUTION OF DOCUMENTS

52. The Chairperson and one other member of the Local Trust Committee may execute any document on behalf of the Local Trust Committee once the Committee has authorized the execution of the document.
53. "Denman Local Trust Committee Meeting Procedures Bylaw No. 163, 2004" is repealed.

READ A FIRST TIME THIS DAY OF , 20__

READ A SECOND TIME THIS DAY OF , 20__

READ A THIRD TIME THIS DAY OF , 20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF , 20__

ADOPTED THIS DAY OF , 20__

CHAIRPERSON

SECRETARY

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 244, 2022**

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SHORT TITLE

1. This bylaw may be cited as "Denman Island Local Trust Committee Meeting Procedure Bylaw, 2022".

MEETINGS AND NOTICE OF MEETINGS

2. The first regular meeting of the Local Trust Committee shall be held on a date to be determined by the Local Trust Committee by Resolution Without Meeting following a general local election.
3. At the first regular meeting and at the last regular meeting of the first, second, and third year following a general election, or by Resolution Without Meeting, the Local Trust Committee shall establish a schedule of the date, time and place of regular Local Trust Committee meetings for the following calendar year, of which there shall be at least two held in-person, and the schedule shall be posted on a notice board on island that is accessible to the public and in the Northern Office of the Islands Trust.
4. Public notice of the availability of the regular meeting schedule at the place specified in Section 3 shall be given at least once a year by publication in a newspaper circulating in the local trust area.
5. Advance public notice of a regular or special meeting that is to be conducted electronically shall include the way in which the meeting is to be conducted by means of electronic or other communication facilities, the place where the public may attend to hear the proceedings that are open to the public and be posted at the places specified in Section 3 and in accordance with Section 6. Notice of a special meeting which is to be conducted electronically must be delivered to the trustee in accordance with Section 7.
6. Each local trustee shall provide to the Secretary of the Islands Trust a telephone number and mailing address for the purpose of receiving notices of Local Trust Committee meetings, and notice shall be deemed to have been sufficiently given to the local trustee if the notice is delivered to the trustee's mailing address or given to the trustee in person.
7. Any two members of the Local Trust Committee may call a special meeting by giving notice of the day, time, place and purpose of the meeting to the third member of the Committee by telephone or written notice delivered to the trustee at least 48 hours before the time of the meeting, and by posting the notice at the place specified in Section 3, except that notice to Local Trust Committee members may be waived by unanimous vote.
8. If the Chairperson is not one of the members calling the special meeting, the members calling the special meeting shall, prior to doing so, advise the Chairperson of the calling of the meeting and consider the Chairperson's representations, if any, regarding the calling of the meeting.

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9. Regular and special meetings of the Local Trust Committee shall be open to the public, except where the Committee has stated by resolution in open meeting that the meeting or portion of the meeting is to be closed to the public, and has stated the statutory basis on which it is to be closed.
10. A quorum of the Local Trust Committee is two members.
11. In the event that neither the Chairperson nor the alternate member of the Local Trust Committee appointed by the Chair of the Trust Council is present within one half hour of the scheduled time of a regular or special meeting, the Director of Local Planning Services, or his or her designate, shall call the meeting to order and the remaining trustees shall determine which of them shall act as Chairperson.

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13. The minutes shall record every resolution of the Committee, and the mover, including every resolution closing a meeting to the public, the reading and adoption of every bylaw, and every declaration made in relation to a conflict of interest.

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15. Resolutions may be in writing, and may be moved by any member of the Local Trust Committee.
16. Bylaws shall be in writing, may be read by title only, provided that each member of the Local Trust Committee is in possession of a complete copy of the proposed bylaw at the meeting, and may be adopted on a motion to that effect at a regular or special meeting. Bylaws may be read a first time, and may be adopted, by resolution without meeting.
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The minutes shall record every instance when a voting member votes against a motion, or when a voting member is absent from the meeting at the time of voting on a motion.¶

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 - 30.2 matters on which the Local Trust Committee has approved commencement of prosecution and on which judgment has not been rendered;
 - 30.3 publicly tendered contracts or proposal calls for the provision of goods and services for the Local Trust Committee, between the time that such contract or proposal call has been authorized and the time such contract or proposal call has been awarded, either by the Local Trust Committee or Islands Trust staff; or
 - 30.4 Topics which are normally dealt with by Islands Trust staff as a matter of routine.
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42. An individual Local Trust Committee member who is not at the physical location of a Local Trust Committee meeting that is held in-person may choose to participate by means of audio or audio and visual electronic communication facilities, provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.
43. Not more than one Local Trust Committee member may participate by means of electronic communication facilities when the meeting has been scheduled for an in-person meeting.
44. An individual member of the Local Trust Committee may not participate by means of electronic or other communication facilities in two consecutive regular meetings of the Local Trust Committee that are held in-person.
45. The Local Trust Committee may waive the restrictions in sections 43 and 44 by unanimous resolution, provided the waiver does not conflict with provincial legislation and regulation that enables electronic meetings.
46. Local Trust Committee members who use electronic communication facilities to participate in a meeting conducted in accordance with this bylaw are deemed present at the meeting.
47. Members of the Local Trust Committee may begin participation in a meeting by electronic communication facilities after the meeting has been called to order.
48. Where members of the Local Trust Committee are 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.
49. Where members of the Local Trust Committee are 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.

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50. 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.

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

51.1 the participant affected will attempt to reestablish the link and, in the interim, will be deemed to have left the meeting and this will be recorded in the minutes;

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51.2 If there is not a quorum, the Local Trust Committee Chair or person presiding will call a recess until the link is reestablished; and

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51.3 If, after 15 minutes, a link cannot be reestablished and there is not a quorum of Local Trust 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.

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EXECUTION OF DOCUMENTS

52. The Chairperson and one other member of the Local Trust Committee may execute any document on behalf of the Local Trust Committee once the Committee has authorized the execution of the document.

~~Deleted: <#> The costs of electronic participation in a Local Trust Committee meeting will be borne by the Denman Island Local Trust Committee if the Local Trust Committee member is participating from a location within Canada or has otherwise received the approval of the majority of Local Trust Committee members."</#>~~

53. "Denman Local Trust Committee Meeting Procedures Bylaw No. 163, 2004" is repealed.

~~Deleted: <object>~~

~~Deleted: 108, 1997~~

READ A FIRST TIME THIS DAY OF , 20__

READ A SECOND TIME THIS DAY OF , 20__

READ A THIRD TIME THIS DAY OF , 20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

DAY OF , 20__

ADOPTED THIS DAY OF , 20__

CHAIRPERSON

SECRETARY

~~Deleted: 51~~