



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: May 1, 2020
Time: 10:30 am
Location: South Pender Fire Hall - Parking Lot
8961 Gowlland Point Road, South Pender Island, BC

Pages

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. BUSINESS ITEMS
 - 3.1 Bylaw No. 118 – South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 93, 2004, Amendment No. 1, 2020 2 - 11
4. UPCOMING MEETINGS
 - 4.1 Next Regular Meeting Scheduled for September 4, 2020 at the South Pender Fire Hall, Pender Island
5. ADJOURNMENT

DATE OF MEETING: May 1, 2020 File No: 3038-20 LTC Open Meetings –
General & X-ref 3900-03

TO: South Pender Island Local Trust Committee

FROM: Jas Chonk, Legislative Clerk

SUBJECT **Bylaw No. 118 – South Pender Island Local Trust Committee Meeting Procedure
Bylaw No. 93, 2004, Amendment No. 1, 2020**

RECOMMENDATION

1. That South Pender Island Local Trust Committee Bylaw No. 118, cited as “South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 93, 2004, Amendment No. 1, 2020”, be read a first time.
2. That South Pender Island Local Trust Committee Bylaw No. 118, cited as “South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 93, 2004, Amendment No. 1, 2020”, be read a second time.
3. That South Pender Island Local Trust Committee Bylaw No. 118, cited as “South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 93, 2004, Amendment No. 1, 2020”, be read a third time.
4. That South Pender Island Local Trust Committee Bylaw No. 118, cited as “South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 93, 2004, Amendment No. 1, 2020”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The South Pender Island Local Trust Committee (LTC) is asked to consider giving readings to Bylaw No. 118, cited as “South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 93, 2004, Amendment No. 1, 2020”, and subsequently to forward the bylaw to the Executive Committee for approval, prior to consideration of adoption.

BACKGROUND

At the January 31, 2020 meeting, the LTC directed staff to prepare a draft electronic meeting bylaw based upon the Lasqueti model for the review and discussion of the LTC.

Draft Bylaw No. 118 is included as Attachment 1, and for comparison, current Meeting Procedure Bylaw No. 93 is included as Attachment 2. In accordance with the Islands Trust Electronic Meetings Regulation, provisions in the proposed amendment bylaw include:

1. The ability of all LTC members to participate electronically at a special meeting (s. 17);
2. The ability of not more than one member of the LTC to participate electronically at a regular meeting; *note that this member could be the Chair* (s. 19);

3. An individual member of the LTC cannot participate by electronic means in two consecutive regular LTC meetings (s. 20);
4. The restrictions regarding 1) the number of LTC members that may participate electronically at a regular meeting, and 2) participation in two consecutive regular meetings, may be waived by unanimous resolution of the LTC (s. 21);
5. Where any LTC member is participating in an open meeting through electronic communication facilities, the facilities must enable all meeting participants and the public to hear, or watch and hear, all meeting participants and must provide notice when participants join or leave the meeting (s. 25 and 26);
6. During an electronic meeting that is open to the public, a designated staff member must physically attend at the meeting location specified in the notice of meeting (s. 26); for clarification "a designated staff member" could be the contract minute taker; and
7. Notice of a special electronic meeting must include notice of the way in which the meeting is to be conducted and the place where the public may attend to hear, or watch and hear the proceedings.

The draft bylaw also clarifies who can chair a meeting, including an electronic meeting. There is currently no mention in the procedure bylaw about the alternate chair. Advice was received that section 10 of Bylaw 93 (and all LTC procedure bylaws) should cover all possibilities and amendment was recommended to clarify who can chair and what happens when both the chair and alternate chair are absent.

ANALYSIS

Policy/Regulatory

1. ISLANDS TRUST ELECTRONIC MEETINGS REGULATION

The Regulation confirms that:

- a) a "trust body" includes a local trust committee;
- b) a special meeting of a local trust committee may be conducted entirely by means of electronic or other communication facilities, or
a member of a local trust committee who is unable to attend at a meeting may participate in the meeting by means of electronic or other communication facilities;
- c) members of a local trust committee who are participating in a meeting conducted in accordance with the Regulation are deemed to be present at the meeting; and
- d) amendment of the LTC procedure bylaw is required to authorize electronic meetings or electronic participation in meetings.

2. LOCAL GOVERNMENT ACT

Sections 225 (1) and (2) establish general requirements for what must be included in procedure bylaws and states that at least 5 days' notice in advance of a meeting must be given to trustees where a procedure bylaw amendment is being introduced.

3. COMMUNITY CHARTER

Section 127(2) sets out how notice of special meeting must be given and applies to notice of special *electronic* meetings as well. Sections 6 and 7 of Bylaw No. 93 provide details on how such notice must be given and a sample notice of electronic meeting is included as Attachment 3.

Issues and Opportunities

Adoption of a meeting procedure bylaw amendment provides the South Pender Island Local Trustees the opportunity to participate in committee meetings electronically and clarifies who can chair an LTC meeting in the event that the Chair is not present.

Statutory Requirements

LTC administrative bylaws are required to be approved by the Executive Committee prior to adoption. No public hearing is required.

Rationale for Recommendation

Staff is of the opinion that Bylaw No. 118 will provide the LTC with flexibility to conduct business electronically when deemed necessary. The staff recommendation is outlined on page 1 of the report.

NEXT STEPS

Assuming concurrence with the recommended resolutions, Bylaw No. 118 would be forwarded to the Executive Committee for consideration. Once approved by the Executive Committee, staff would recommend that Bylaw No. 118 be adopted at the following LTC Meeting.

Submitted By:	Jas Chonk, Legislative Clerk	April 2, 2020
Concurred By:	Robert Kojima, Regional Planning Manager	April 3, 2020

ATTACHMENTS:

1. Draft Bylaw No. 118
2. Current Meeting Procedure Bylaw No. 93
3. Sample Notice of Special Electronic Meeting

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 118**

**A Bylaw to Amend the South Pender Island Local Trust Committee
Meeting Procedure Bylaw**

The South Pender Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the South Pender Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 93, 2004, is amended as follows:

- 1.1 By deleting section 10 in its entirety and replacing it with the following:

"10. 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."

- 1.2 By adding the following new sections after section 16, and by renumbering section 17 and section 18 to become section 30 and section 31 respectively:

"ELECTRONIC MEETINGS

17. A special meeting of the Local Trust Committee to deal with urgent new business 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.
18. An individual Local Trust Committee member who is not at the physical location of a special Local Trust Committee meeting or a regular Local Trust Committee meeting 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.
19. At a regular Local Trust Committee meeting, not more than one Local Trust Committee member may participate by means of electronic communication facilities.
20. An individual member of the Local Trust Committee may not participate by means of electronic communication facilities in two consecutive regular meetings of the Local Trust Committee nor more than three regular meetings in any calendar year.
21. The Local Trust Committee may waive the restrictions in sections 19 and 20 by unanimous resolution, provided the waiver does not conflict with provincial legislation and regulation that enables electronic meetings.

22. 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.
23. A member of the Local Trust Committee may begin participation in a meeting by electronic communication facilities after the meeting has been called to order.
24. Where a member of the Local Trust Committee 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.
25. Where a member of the Local Trust Committee 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 the place specified in the meeting notice, unless the meeting has been properly closed to the public.
26. 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.
27. Cell phone or satellite connections may be used for open Local Trust Committee meetings.
28. If communication is lost to one or more electronic participants during a meeting:
 - 28.1 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;
 - 28.2 if there is not a quorum, the Local Trust Committee Chair or person presiding will call a recess until the link is reestablished; and
 - 28.3 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.
29. Any costs of electronic participation in a Local Trust Committee meeting will be borne by the South Pender Island Local Trust Committee."

2. This bylaw may be cited as “South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 93, 2004, Amendment No. 1, 2020”.

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

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 93, 2004**

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

The South Pender Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the South Pender Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as "South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 93, 2004".

MEETINGS AND NOTICE OF MEETINGS

2. The first regular meeting of the Local Trust Committee shall be held on a date to determined by the Chair of the Local Trust Committee following a general local election, unless a special meeting is first held in accordance with Section 6 of this bylaw, in which case the requirements of Section 3 of this bylaw shall apply for the purposes of establishing a schedule.
3. At the first regular meeting and at the last regular meeting of the first and second 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, and the schedule shall be posted on a bulletin board on island that is accessible to the public and in the Victoria 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. 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.
6. 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.
7. 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.
8. 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.

9. A quorum of the Local Trust Committee is two members.
10. In the event that the Chairperson is not 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

11. 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.
12. The minutes shall record every resolution of the Committee 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

13. 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*.
14. Resolutions may be in writing, may be moved by any member of the Local Trust Committee, and need only be seconded if requested by the Chair.
15. 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.
16. 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.

EXECUTION OF DOCUMENTS

17. The Chairperson, or any other member of the Local Trust Committee, as designated by resolution may execute any document on behalf of the Local Trust Committee once the Local Trust Committee has authorized the execution of the document.
18. "South Pender Local Trust Committee Meeting Procedures Bylaw No. 88, 2001" is repealed.

READ A FIRST TIME THIS	26TH	DAY OF	FEBRUARY	, 2004.
READ A SECOND TIME THIS	26TH	DAY OF	FEBRUARY	, 2004.
READ A THIRD TIME THIS	26TH	DAY OF	FEBRUARY	, 2004.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	10TH	DAY OF	MARCH	, 2004
ADOPTED THIS	15TH	DAY OF	APRIL	, 2004.

CHAIRPERSON

SECRETARY

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S A M P L E

South Pender Island Local Trust Committee Notice of Special Electronic Meeting [Insert Title of Agenda Item]

Notice is hereby given that the South Pender Island Local Trust Committee will hold a special electronic meeting to consider [insert title of agenda item].

Members of the South Pender Island Local Trust Committee will participate in the meeting by means of a teleconference call which will occur on [insert day, date and time of meeting].

Members of the public who wish to listen to the electronic committee meeting may do so by attending the [insert address of physical meeting location] at the time noted above.

For further information on the meeting, please contact _____ at [insert phone no.].

Signed by the Chair or Deputy Secretary