

Braithwaite Estates

From: McCabe, Kate MAH:EX <Kate.McCabe@gov.bc.ca>
Sent: March-27-20 1:02 PM
To: McCabe, Kate MAH:EX
Cc: Wilkins, Christina MAH:EX
Subject: Improvement Districts to postpone AGMs

This message is being forwarded to you on behalf of Tara Faganello, Assistant Deputy Minister of the Local Government Division, Ministry of Municipal Affairs and Housing

Dear Improvement District Trustees and Administrators,

The purpose of this email is to address the requirements of holding **annual general meetings** (AGM) from January through May and, acknowledging the risks and issues associated with the COVID-19 pandemic, we are requesting that improvement districts:

- **postpone your AGM and elections**
- **if a board meeting is required to proceed with decision making that is critical to the operation of the improvement district, such as passing a annual taxation bylaw, ensure that the meeting is not open to the public**
- **submit to the Ministry two signed and sealed copies of annual taxation bylaws (two copies) that require Inspector of Municipalities registration to become effective**

COVID-19 is an unprecedented situation, resulting in the declaration of a provincial state of emergency (March 18, 2020), a public health emergency declared (March 17, 2020) and public health orders issued by the Provincial Health Officer, Dr. Bonnie Henry. Many different questions have been raised, including how improvement districts should handle upcoming AGMs and/or elections. Thank you for your patience while we developed guidance on how to approach this complex and rapidly-evolving situation.

The Local Government Act and improvement district letters patent require improvement districts to hold **AGMs and elections** each year, typically between January 1st to May 1st. On March 16, 2020 the Provincial Health Officer, Dr. Henry prohibited gatherings of more than 50 people, and recommended that people engage in physical distancing, which improvement district administrators and trustees have indicated will make it impossible to hold AGMs and elections.

On March 19, 2020 Dr. Henry stated "I would appeal to businesses to do the right thing. If you can't keep the distance, close for the protection of your family and the community." This rationale may also apply to improvement districts with regards to open meetings, AGMs and elections.

Dr. Henry also stated: "Particularly with people who have underlying illnesses, who have disabilities, people who are older and are more vulnerable to having severe illness with this - we want you to stay home and we, as a community, need to support people to do that."

Physical distancing is a way that we can slow the spread of COVID-19 by limiting close contact with others. Everyone, even individuals who are not sick should keep about two meters (six feet) or the length of a queen-sized bed from one another when outside our homes.

There are many ways to practice physical distancing:

- Limit activities outside your home
- If you are out in public, try to keep 2 metres between yourself and others

- Keep your hands at your side when possible
- Stay home when you are sick
- Cough into your elbow or sleeve
- Avoid social activities in large gatherings

It is unlikely that improvement districts will be able to achieve the recommended physical distancing for their AGMs and/or elections. And Landowners over 60 years old or individuals with underlying health conditions would be put in the uncomfortable position of having to choose between attending the AGM, voting in the election and putting their health at risk, should AGMs and elections continue as planned.

It is recommended that **all improvement districts postpone their AGMs and elections** until the Provincial Health Officer gives advice that the COVID-19 pandemic no longer poses a threat to public health.

To provide continuity, it is recommended that trustees whose positions are expiring continue to hold their trustee position until an election can safely be held. It is recommended that the board of trustees proactively communicate with their communities (e.g. email, website) and share the Ministry's advice on postponing their AGMs and elections.

The **annual financial statements** of an improvement district must be presented by the financial officer to the improvement district board for their review and acceptance. To ensure compliance with the public health order, the trustees may wish to convene regular board meetings that are not open to the public in order to adopt important bylaws for annual taxation, and to approve financial statements and other key activities of staff. These meetings must conform to the Provincial Health Officer's physical distancing and good hygiene recommendations, for example regular hand washing and spacing chairs 2 metres apart. In addition, you may wish to hold meetings outside. We encourage the staff and trustees to keep these meetings to **essential business** and be as **transparent** as possible with property owners during this time and provide communication around meetings and copies of meeting minutes.

At this time the Ministry's priority is reviewing and registering bylaws that are **critical** to improvement district operations. Please **continue to submit to the Ministry** two signed and sealed copies of important bylaws, such as those for **annual taxation** (two copies) that require Inspector of Municipalities registration to become effective.

The prior year audited financial statements of an improvement district are required by legislation to be submitted to the Inspector by May 15th each year. If the financial statements of the improvement district are available by that date, please submit them. However, there is no penalty if the financial statements are submitted when available at a later date. The first priority of the improvement district is the safety of staff, trustees and the public and the second priority is to produce reliable and relevant financial statements that can be used by the staff, trustees and property owners to be informed about the financial status of the improvement district.

Improvement districts that postpone their AGM may submit financial statements, trustees list, statistics and AGM minutes when they are available after the rescheduled AGM has been held.

For questions regarding improvement district finance please contact your Financial Officer or LGIF@gov.bc.ca. For questions regarding governance and meetings please contact lggovernance@gov.bc.ca.

Sincerely,

Tara Faganello, CPA CGA BA Ec.
Assistant Deputy Minister
Local Government Division
Ministry of Municipal Affairs and Housing
and Inspector of Municipalities