

# **GABRIOLA COMMONS FOUNDATION**

## **TRUSTEES' HANDBOOK**

(LAST REVISED MAY 2012)

*This handbook contains information for Trustees of the Gabriola Commons Foundation to guide their deliberations. All of the information contained herein is public information and most of it appears online at [www.gabriolacommons.ca](http://www.gabriolacommons.ca). This handbook is revised annually by the Trustees.*

## TABLE OF CONTENTS

List of Trustees .....	2
Board Meeting Invitation .....	3
Guiding Principles for Trustees .....	3
Board Goals and Priority Activities .....	3
Gabriola Commons Charter .....	4
Overview of Gabriola Commons .....	5
Business Plan (TBA).....	9
Memorandum of Understanding – AGES/GCF.....	10
Constitution and Bylaws .....	13
GCF Policies – Definitions .....	23
• Purpose and Operation of Gabriola Commons Foundation.....	24
• Position Description – Trustee .....	25
• Position Description – Chair (Co-Chair) .....	26
• Position Description – Secretary .....	27
• Position Description – Treasurer and Finance Assistant .....	28
• Recruitment of Trustees.....	29
• Membership.....	30
• Charitable Responsibilities .....	31
• Privacy .....	32
• Volunteer and Paid Work.....	34
• Consensus Decision Making .....	35
• Financial Management.....	36

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**Appendix 1:** GCF Forms .....

*[available but not included here]*

- Membership/Participation
- Donation
- Expenditure Report & Cheque Requisition (4 forms)
- Deposit Form for Money Received
- Receipt
- Charitable Tax Receipts (cash & noncash, no advantage)

**Appendix 2:** Current Financial Statement *[see website under Governance, Foundation]*

## Current Trustees (as of Sept 17, 2011)

Name (Board Position)	Teams	Phone	Email Address	Term Ends
Hans van Kessel	COM, FIN, INF, LOT	247-0062	hvankessel@shaw.ca	2012
Doug McKnight	COM, SCT, LOT	713-8834	comcom@shaw.ca	2012
Christine Gagnon (Finance Assistant)	PMT, FIN	247-0153	yewtree@shaw.ca	2012
Christine Purfield (Secretary/Treasurer)	FIN	247-8659	cpurfield@shaw.ca	2013
Shelagh Huston	EEV	247-9927	shelaghuston@shaw.ca	2013
Victor Anthony (Chair)	FMT, GBP, TAGS		victorsez@gmail.com	2013
Rebecca Furnell	SCR	247-8086	furnellr@gmail.com	2014
Jinny Hayes	COM, COV	247-8898	Vhayes@uvic.ca	2014
George Szanto (Privacy Officer)	GWT, COV	247-8113	gszanto@aol.com	2014

### Previous Trustees:

Ken Gurr (2008)  
 Deborah Ferens (2008)  
 Yetta Lees Strasdine (2008)  
 Ken Capon (2008-10)  
 George Szanto (2008-10)  
 Bill Pope (2009-11)  
 Linda St. Clair (2008, 2010-11)

Bob Andrew (2008-11)  
 Judith Roux (2008-11)

## Board Meeting Invitation

The Board of Trustees meets monthly. Guests are welcome to attend. Attendance is by invitation from the Trustees or by request from the public. Requests to attend meetings must be made in advance by contacting the Chair.

[GC Foundation Meeting, April 23, 2008]

## Guiding Principles for Trustees

The following principles will guide the Trustees in all of their proceedings:

- a. *Public Trust*: The assets, including the natural and community resources of the Gabriola Commons, exist in perpetuity for the ongoing benefit of the people of Gabriola, including generations yet to come, not favouring one generation over another.
- b. *Ecological Sustainability*: The assets and the land of the Gabriola Commons are used only in ways that respect its ecology.
- c. *Social Sustainability*: The Gabriola Commons sustains and nourishes the fabric of the community for generations yet to come.
- d. *Local Democracy*: The Gabriola Commons stewardship is democratic, equitable and local.
- e. *Community Service*: The Gabriola Commons is a community legacy, serving community needs.

[GC Foundation Bylaws, Part 1, 3]

## Board Goals and Priority Activities

- Hold title to the Gabriola Commons property
- Ensure the paydown of the mortgage on the Gabriola Commons property
- Uphold the vision of the Gabriola Commons and adherence to the Gabriola Commons Charter
- Ensure that the two year Business/Financial Plan is implemented
- Focus on the drafting and registration of a Commons covenant with TLC

# Gabriola Commons Charter

## 1. The Gabriola Commons

The Gabriola Commons is a source of ecological and community well-being that exists in perpetuity for the benefit of the people of Gabriola Island.

As a source of well-being, the Gabriola Commons contributes to our sense of community, of belonging, and of our bonds to one another. It is a magnet that draws the community in, and brings members of the community closer to each other. It is a space for human creativity and social justice, for art and learning, and for fairness and openness.

The Gabriola Commons demonstrates local community actions which enhance sustainability, preserves ecosystems and biodiversity, and contribute to the promotion of equity both on this island and the larger world.

The land includes a number of significant natural gifts and community amenities in one contiguous property: rich wildlife habitats; a pond and wetland area; open vistas and meadows; cedar groves and forests; age-old pathways linking neighbourhoods; a rural agricultural heritage and landscape for farming and gardening; indoor gathering places for community celebrations and events, for solitude and sanctuary, performance and festivity.

The property of the Gabriola Commons is a gift from an earlier generation which we in turn must pass on, undiminished and enriched, to those who follow us, as others will pass it on in perpetuity.

[May 21, 2008]

## 2. Guiding Principles for the Gabriola Commons

- *Public Trust:* The assets, including the natural and community resources of the Gabriola Commons, exist in perpetuity for the ongoing benefit of the people of Gabriola, including generations yet to come, not favouring one generation over another.
- *Ecological Sustainability:* The assets and the land of the Gabriola Commons are used only in ways that respect its ecology.
- *Social Sustainability:* The Gabriola Commons sustains and nourishes the fabric of the community for generations yet to come.
- *Local Democracy:* The Gabriola Commons stewardship is democratic, equitable and local.
- *Community Service:* The Gabriola Commons is a community legacy, serving community needs.

[GC Foundation Bylaws, Part 1, 3]

## Overview of Gabriola Commons

In the heart of the village centre on Gabriola Island, lies a 26 acre piece of property - a significant neighbourhood green space for all island residents and visitors to enjoy in a variety of ways with its:

- natural landforms, native plants, wildlife habitats
- rich wildlife around the pond,
- cedar groves and forested areas,
- age old pathways through the Commons linking with the surrounding village centre
- agricultural benefits and food production
- peace & tranquility as a green space in the heart of the village core.
- natural gathering spots for community celebrations and occasions

The Gabriola Commons is ideally suited to respond to a wide range of community interests: space for outdoor recreation & exercise, open-air celebrations and cultural events, programs and activities that enhance health and well-being, abundant harvests and food production, a sanctuary in the midst of commercial and institutional “busy-ness”.

The property is in the Agricultural Land Reserve. The agricultural capacity of the property is of central importance and projects essentially agricultural in nature are woven throughout the vision. Agricultural projects will be developed experimentally, modeling methods of farming uniquely suited to the bedrock of Gabriola. Land use systems will be designed on sustainable and environmentally sound principles.

The **Gabriola Commons Foundation**, a registered non-profit society, was established in March 2008 (S-53431) with the purpose of holding the land in trust for the community as legal owner. By June 9, 2008 charitable status was accorded "because the Gabriola Commons Foundation benefits the community by holding, protecting and stewarding the property ... as a public amenity, with green spaces, hiking trails, and public exhibition, performance and meeting spaces for the use and enjoyment of the public in perpetuity, by preserving the ecological qualities of the Gabriola Commons, and by promoting sustainable agricultural practices."

### A Brief History

As far back as the 1970s, islanders had spoken of acquiring the 26-acre farm as a community space, long before the "village core" was to grow up beside it. In 1995, a Regional District of Nanaimo study “assessing the future needs of the community of Gabriola Island” identified the former Goat Farm as ideally sited for a new community centre. A major factor behind this conclusion was its location in the heart of the developing commercial core, near two important institutional uses (the elementary school and Rollo Seniors’ Centre). As the village area grew into a vital commercial and institutional zone, it made the vision of a community commons on this unique property all the more compelling.

The island's Official Community Plan included this site in restricting future land uses in the zone adjacent to the commercial centre to "not-for-profit" community-focused purposes.

In early 2005, the Amazing Grace Ecological Society (AGES), a registered non-profit society based on Gabriola, made a significant step toward community ownership of the property by taking title and making a sizable donation as down payment. The financial structure of AGES allowed for payment of the monthly mortgage of the Gabriola Commons through to the end of 2007. In 2005 when the property was purchased by AGES, a Steering Committee of community volunteers met biweekly to deal with the complexities of existing and potential land-use bylaws, agricultural and non-agricultural uses, and ownership and governance options. The Committee also analysed methods for protecting the land in perpetuity and plans to achieve financial viability and land acquisition.

Significant steps have been taken toward establishing and researching the viability of a community commons on this property that have included extensive consultation and input, surveys, networking, action teams, focus groups, open house events, open space meetings. Numerous agencies and businesses on the island have indicated support and identified partnering opportunities. Individuals with specific areas of expertise have contributed their knowledge and skills in gathering information critical to determining viability of the project: architects, biologists, builders, soil scientists, farmers, lawyers, accountants, designers, nutritionists, environmental and alternative energy consultants, engineers, writers, technical advisors.

The feasibility of this project has also been acknowledged by the Agricultural Land Commission with their approval of non-agricultural uses of the land based on the implementation of an agricultural plan (undertaken by the Farm Management Team).

Input from community members, other agencies, groups and businesses have provided diverse and compelling reasons to protect and secure the ecological & community assets of the Gabriola Commons for the people of Gabriola in perpetuity:

### **Rezoning of the Gabriola Commons**

In order to fully engage in the land uses recognized as being "of community benefit", it was necessary for the zoning of the Gabriola Commons to reflect this. Lying in the Agricultural Land Reserve, the property was initially zoned only for a single-family residence and agricultural land use (and had been a goat farm, producing goat cheese for commercial purposes.)

In March 2007, the application for rezoning was submitted to the Islands Trust Local Trust Committee, based on the "Land Use Proposal" issuing from a wide community input workshop "From Dream to Design" in November 2005. A first step required the approval of the Agricultural Land Commission of the "non-agricultural land uses" proposed for the areas of the property deemed "non-arable". All of the projects proposed were approved in principle, but final approval of three of these (Elders Eco-Village, Library and a cluster of three Land Stewards Residential units) was held in suspension

until we could demonstrate to the ALC's satisfaction our intentions of developing the agricultural potential of the land.

The application for rezoning, therefore, was for the Phase 1 projects approved outright by the Commission.

By January 2011 the rezoning of Phase 1 was achieved with Bylaw 258, creating the "Gabriola Commons (GC) Comprehensive Development Zone" Phase 1 of a 2-phase process:

- The permitted principal uses are: Commons agriculture and Commons institutional.
- Permitted accessory uses are:
  - i. Single family residential, excluding home occupation
  - ii. Commons accessory commercial
  - iii. Commons accessory food depot
  - iv. Commons accessory public assembly
  - v. Commons accessory office and storage

An extraordinary bylaw (Bylaw 259), accompanying Bylaw 258, introduced the definition of "a community commons" into land use parlance in British Columbia (and perhaps in all of Canada):

**"community commons"** means land or facilities or uses that serve community needs and provide the community with agricultural, environmental, recreational and social benefits, but excludes for-profit commercial enterprises.

## **Current Situation**

Due to tremendous financial and in-kind support from the community, especially with the remarkable loyalty of a large number of monthly donors, we have met one of our primary objectives: securing operational viability (paying the monthly mortgage and carrying costs) of the Commons. Reducing the mortgage principal to be repaid has become a major goal of the Trustees, with all fundraising supportive of this goal unless specifically designated otherwise. A Fundraising Team is addressing the challenge with innovative ideas.

The Gabriola Commons Covenant group is working to ensure that the property is protected in perpetuity for future generations, not only as a sensitive ecosystem to be conserved, but also as a working agricultural landscape and as a community commons. Two potential covenant holders have been working with the Covenant Team on this complex covenant: TLC The Land Conservancy and GaLTT (Gabriola Lands and Trails Trust). Funding to cover the costs of consulting with a covenant lawyer has been granted by the West Coast Environmental Law Association.

Through open houses and potlucks, agricultural fairs, special events and concerts and school field-trips; offering office and meeting spaces for various non-profit groups; providing tenancy space to People for a Healthy Community (PHC) programs and services, farm work-bees, community nature walks . . . in all these ways and more, the Gabriola Commons has been used by many people on Gabriola Island. The importance of the

Gabriola Commons to the community - its inspiring potential – has firmly taken root. Its viability and unique role in the community has been established.

The Commons Coordinating Council is at the heart of the organization of the Gabriola Commons. This Council meets monthly and includes representatives from all Commons teams, groups, stakeholders in the Commons and any interested members of the public. Currently there are about 25 different groups operating, in whole or in part, on the Commons (not including clubs & groups that rent the facilities).

Board of Trustees	Learning Opportunities Team
Coordinating Council	Long Range Planning Group
Communications Team	*People for a Healthy Community (PHC)
Community Kitchen Project	*Poetry Gabriola Society
Covenant Group	Plotters Group
Elder Eco-Village Project	Property Management Team
Farm Management Team	Scythers Group
Finance Team	Sharing the Commons Team
Fundraising Team	South Garden Group
Grant Writing Team	Special Events Team
*Green Bike Project	Sustainability Centre Project
Infrastructure Team	Trails & Green Spaces Team
Labyrinth Project	Volunteer Participation Team

\* These groups operate at least in part on the Commons but did not originate on the Commons and are separate entities from the Gabriola Commons.

## **Business Plan**

[TBA]

**Memorandum of Understanding**  
**between the Amazing Grace Ecological Society (AGES)**  
**and the Gabriola Commons Foundation (GCF)**

**March 1, 2009**

**The Vision:**

1. AGES and GCF are committed to working together to create a community commons known as the “Gabriola Commons” for the use and enjoyment of the public in perpetuity. Both parties have adopted the Gabriola Commons Charter as principles to guide our actions with respect to the Gabriola Commons.

**Partners:**

2. AGES is the owner of the Gabriola Commons property at 675 North Road. It is the intention of AGES to transfer the Commons property to GCF once GCF is in a position to own it. This transfer will entail the land title, the equity and the mortgage.

3. GCF is to be the legal entity representing the community at large in its interactions with AGES. It is the intention of GCF to work towards ownership of the Gabriola Commons Property.

**The Gabriola Commons:**

4. The Gabriola Commons refers to both the 26 acre property at 675 North Road, Gabriola Island (hereinafter referred to as ‘the Commons property’), and to the project which is being created on this property for the benefit of the present and future Gabriola community, to provide for a community legacy of land with integrated multiple uses with a community-based, collaborative approach to sustainable ownership of the land.

**The Covenant:**

5. Both AGES and GCF have entered into a Memorandum of Understanding with TLC The Land Conservancy regarding the development and registration of a covenant against the title to the Commons, which will ensure permanent protection of the ecological and cultural values of the property and its ownership, control and management by the Gabriola community in perpetuity. A Management

Plan will be part of the Covenant guiding the use, control and management of the Commons.

### **Roles and Responsibilities:**

6. AGES has the following responsibility:

a. Negotiations with GCF regarding land title transfer of the Commons property

7. GCF, in representing the community, has the following responsibilities:

- a. Establishing a community-wide membership base;
- b. Establishing community criteria for governance/management of the Commons property;
- c. Negotiations with AGES regarding transfer of the Commons property;
- d. Business Plan;
- e. Capital fund-raising campaign;
- f. Fundraising to meet financial responsibilities, make improvements and permit various developments;
- g. Financial responsibilities:
  - i. All expenses as approved in the annual budget of GCF
  - ii. Community relations and fundraising expenses
  - iii. Management, office, legal and accounting costs as required

### **Terms of MoU**

8. Land title transfer will take place once the Foundation has attended to the following conditions:

- a. Legal and financial assistance and/or advice required for the specifics of the transfer;
- b. Confirmation in writing from the financial institution willing to hold the mortgage for GCF;
- c. Notifying TLC The Land Conservancy of the impending land title transfer;
- d. Transfer of, and documentation for, ownership of the existing assets - farm equipment, commercial kitchen equipment and woodshop equipment;
- e. Recognition of the signed agreement for repayment of the \$90,000 short-term loan from AGES;

f. Recognition of legal agreements with primary long-term tenants.

9. This MoU is in effect from the signing date until the 31 December, 2009 or until the transfer of title, whichever occurs first.

10. Any revisions to this MoU must be agreed to by both parties.

11. So long as this agreement remains in force,

a. AGES agrees to consult fully with GCF on all matters regarding the

management of the Commons, and to undertake no unilateral action with respect to the Commons;

b. AGES agrees to retain ownership of the Commons, and to transfer the title only to GCF; and

c. AGES agrees not to make any changes in the ownership or debt position of the Commons.

Signed this 1st day of March 2009 on behalf of  
Amazing Grace Ecological Society (AGES)

Heide Brown, Director Shelagh Huston  
Director

Signed this 1st day of March 2009 on behalf of  
Gabriola Commons Foundation (GCF)

Judith Roux, Director Linda St. Clair Director

*[Note: signed MOU filed in GCF binder]*

## CONSTITUTION – September 17, 2011

1. The name of the Society is the **Gabriola Commons Foundation**.
2. The purposes of the Society are:
  - a. To hold, protect and steward the property on Gabriola Island know as the “Gabriola Commons” as a public amenity, with green spaces, hiking trails, and public exhibition, performance and meeting spaces for the use and enjoyment of the public in perpetuity.
  - b. To preserve the ecological qualities of the Gabriola Commons.
  - c. To promote sustainable agricultural practices.
3. The activities of the Society shall be carried on without purpose of gain for its members and any income, profits or other accretions to the Society shall be used in promoting the purposes of the Society.
4. Upon winding-up or dissolution of the Society, the funds and property remaining after the payment of all costs, charges and expenses properly incurred in the winding-up or dissolution, including the remuneration of the liquidator, and after payment to employees of the Society of any arrears of salaries or wages, and after payment of any debts of the Society , shall be distributed to such charity or charities, registered under the provisions of the *Income Tax Act (Canada)*, or such “qualified donees” allowed under the *Income Tax Act (Canada)*, as shall be designated by the trustees of the Society that conduct operations on Gabriola Island.
5. Paragraphs 3, 4 and 5 are unalterable.

# BYLAWS

## Part 1 — Interpretation

- 1 (1) In these bylaws, unless the context otherwise requires:
  - "trustees"** means the elected trustees of the society for the time being;
  - "Society Act"** means the *Society Act* of British Columbia from time to time in force and all amendments to it;
  - "registered address"** of a member means the member's address
  - "Gabriola Islander"** means any individual whose principal residence is on Gabriola Island, BC and others, such as part-time, seasonal and off-island, who from time to time the Society trustees determine may be eligible.
- (2) The definitions in the *Society Act* on the date these bylaws become effective apply to these bylaws.
- 2 Words importing the singular include the plural and vice versa, and words importing a male person include a female person and a corporation.
- 3 The following principles will guide the trustees in all of their proceedings:
  - (a) Public Trust: The assets, including the natural and community resources of the Gabriola Commons, exist in perpetuity for the ongoing benefit of the people of Gabriola, including generations yet to come, not favouring one generation over another.
  - (b) Ecological Sustainability: The assets and the land of the Gabriola Commons are used only in ways that respect its ecology.
  - (c) Social Sustainability: The Gabriola Commons sustains and nourishes the fabric of the community for generations yet to come.
  - (d) Local Democracy: The Gabriola Commons stewardship is democratic, equitable and local.
  - (e) Community Service: The Gabriola Commons is a community legacy, serving community needs.

## Part 2 — Membership

- 3 The members of the society are the applicants for incorporation of the society, and those persons who subsequently become members, in accordance with these bylaws and, in either case, have not ceased to be members.
- 4 All Gabriola Islanders shall be considered as members of the society, and may register with the society as such, unless such person has ceased to be a member as provided herein.

- 5 (1) Every member must uphold the constitution and comply with these bylaws.  
(2) No member may be denied those rights and privileges which are contingent on membership.
- 6 The amount of the first annual membership dues must be determined by the trustees and after that the annual membership dues must be determined at the annual general meeting of the society.
- 7 A person may choose not to be a member of the society by delivering his or her resignation in writing to the secretary of the society or by mailing or delivering it to the address of the society.
- 8 (1) A member may be expelled by a special resolution of the members passed at a general meeting.  
(2) The notice of special resolution for expulsion must be accompanied by a brief statement of the reasons for the proposed expulsion.  
(3) The person who is the subject of the proposed resolution for expulsion must be given an opportunity to be heard at the general meeting before the special resolution is put to a vote.
- 9 All members are in good standing except a member who has failed to pay any subscription or debt due and owing by the member to the society, and the member is not in good standing so long as the debt remains unpaid.

### **Part 3 — Meetings of Members**

- 10 General meetings of the society must be held at the time and place, in accordance with the *Society Act*, that the trustees decide.
- 11 Every general meeting, other than an annual general meeting, is an extraordinary general meeting.
- 12 The trustees may, when they think fit, convene an extraordinary general meeting.
- 13 (1) Notice of a general meeting must specify the place, day and hour of the meeting, and, in case of special business, the general nature of that business.  
(2) The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, any of the members entitled to receive notice does not invalidate proceedings at that meeting.
- 14 The first annual general meeting of the society must be held not more than 15 months after the date of incorporation and after that an annual general meeting must be held at least once in every calendar year and not more than 15 months after the holding of the last preceding annual general meeting.

## Part 4 — Proceedings at General Meetings

- 15 Special business is
- (a) all business at an extraordinary general meeting except the adoption of rules of order, and
  - (b) all business conducted at an annual general meeting, except the following:
    - (i) the adoption of rules of order;
    - (ii) the consideration of the financial statements;
    - (iii) the report of the trustees;
    - (iv) the report of the auditor, if any;
    - (v) the election of trustees;
    - (vi) the appointment of the auditor, if required;
    - (vii) the other business that, under these bylaws, ought to be conducted at an annual general meeting, or business that is brought under consideration by the report of the trustees issued with the notice convening the meeting.
- 16 (1) Business, other than the election of a chair and the adjournment or termination of the meeting, must not be conducted at a general meeting at a time when a quorum is not present.
- (2) If at any time during a general meeting there ceases to be a quorum present, business then in progress must be suspended until there is a quorum present or until the meeting is adjourned or terminated.
- (3) A quorum at general meetings shall be 15 members of the society present or 2/3 of the members of the society, whichever is less, or a greater number that the members may determine at the general meeting.
- 17 If within 30 minutes from the time appointed for a general meeting a quorum is not present, the meeting, if convened on the requisition of members, must be terminated, but in any other case, it must stand adjourned to the same day in the next week, at the same time and place, and if, at the adjourned meeting, a quorum is not present within 30 minutes from the time appointed for the meeting, the members present constitute a quorum.
- 18 (1) A member in good standing present at a meeting of members is entitled to one vote.
- (2) Voting is by show of hands.

(3) Voting by proxy is not permitted.

## **Part 5 — Trustees and Officers**

- 19 Any person who is eligible for membership in the society may be elected or appointed as a trustee.
- 20 (1) The trustees may exercise all the powers and do all the acts and things that the society may exercise and do, and that are not by these bylaws or by statute or otherwise lawfully directed or required to be exercised or done by the society in a general meeting, but subject, nevertheless, to:
- (a) all laws affecting the society,
  - (b) these bylaws, and
  - (c) rules, not being inconsistent with these bylaws, that are made from time to time by the society in a general meeting.
- 21 The number of trustees must be at least seven and no more than ten.
- 22 (1) When the term of a trustee is three years, in the first year of the society only, three of the trustees will serve three years, three of the trustees will serve two years, and two of the trustees will serve one year. In this manner there will be an annual turnover of a part of the board of trustees.
- (2) Separate elections must be held for each office to be filled.
  - (3) An election may be by acclamation, otherwise it must be by ballot.
  - (4) If a successor is not elected, the person previously elected or appointed continues to hold office.
  - (5) No trustee shall be elected more than three years consecutively.
- 23 (1) The trustees may at any time and from time to time appoint a member as a trustee to fill a vacancy in the trustees.
- (2) A trustee so appointed holds office only until the conclusion of the next annual general meeting of the society, but is eligible for re-election at the meeting.
- 24 (1) If a trustee resigns his or her office or otherwise ceases to hold office, the remaining trustees must appoint a member to take the place of the former trustee.
- (2) An act or proceeding of the trustees is not invalid merely because there are less than the prescribed number of trustees in office.
- 25 The members may, by special resolution, remove a trustee, before the

expiration of his or her term of office, and may elect a successor to complete the term of office.

- 26 A trustee must not be remunerated for being or acting as a trustee but a trustee must be reimbursed for all expenses necessarily and reasonably incurred by the trustee while engaged in the affairs of the society.

## **Part 6 — Proceedings of Trustees**

- 27 (1) The trustees may meet at the places they think fit to conduct business, adjourn and otherwise regulate their meetings and proceedings, as they see fit.
- (2) The trustees may from time to time set the quorum necessary to conduct business, and unless so set the quorum is a majority of the trustees then in office.
- (3) The trustees present may choose one of their number to be the chair at Gabriola Commons Foundation meetings.
- (4) A trustee may at any time convene a meeting of the trustees.
- 28 (1) The trustees may delegate any, but not all, of their powers to committees consisting of trustees and community members as they think fit.
- (2) A committee so formed in the exercise of the powers so delegated must conform to any rules imposed on it by the trustees, and must report every act or thing done in exercise of those powers to the earliest meeting of the trustees held after the act or thing has been done.
- 29 A committee must elect a chair of its meetings, but if no chair is elected, or if at a meeting the chair is not present within 30 minutes after the time appointed for holding the meeting, the committee members present must choose one of their number to be the chair of the meeting.
- 30 The members of a committee may meet and adjourn as they think proper.
- 31 For a first meeting of trustees held immediately following the appointment or election of a trustee or trustees at an annual or other general meeting of members, or for a meeting of the trustees at which a trustee is appointed to fill a vacancy in the trustees, it is not necessary to give notice of the meeting to the newly elected or appointed trustee or trustees for the meeting to be constituted, if a quorum of the trustees is present.
- 32 A trustee who may be absent temporarily from British Columbia may send or deliver to the address of the society a waiver of notice, which may be by letter, telegram, telex or cable, of any meeting of the trustees and may at any

time withdraw the waiver, and until the waiver is withdrawn,

- (a) a notice of meeting of trustees is not required to be sent to that trustee, and
  - (b) any and all meetings of the trustees of the society, notice of which has not been given to that trustee, if a quorum of the trustees is present, are valid and effective.
- 33 Consensus decision-making will be used at all Society meetings.
- 34 A resolution proposed at a meeting of trustees or committee of trustees need not be seconded, and the chair of a meeting may move or propose a resolution.
- 35 A resolution in writing, signed by all the trustees and placed with the minutes of the trustees, is as valid and effective as if regularly passed at a meeting of trustees.

#### **Part 7 — Duties of Officers**

- 36 The trustees shall ensure that the duties of the trustees are carried out, by from time to time assigning the duties to specified trustees for specified periods of time.
- 37 The duties of the trustees are:
- (a) to preside at meetings of the society and of the trustees;
  - (b) to serve as the spokesperson of the society;
  - (c) to ensure that all trustees have executed their duties as required;
  - (d) to carry out the duties of a specified trustee during the specified trustee's absence;
  - (e) to conduct the correspondence of the society;
  - (f) issue notices of meetings of the society and trustees;
  - (g) keep minutes of all meetings of the society and trustees;
  - (h) have custody of all records and documents of the society except the financial records;
  - (i) have custody of the common seal of the society;
  - (j) maintain the register of members;
  - (k) to keep the financial records, including books of account necessary to comply with the *Society Act*;
  - (l) to render financial statements to the trustees, members and others when required; and
  - (m) to ensure that any member may on request examine the minutes of all meetings of the society and trustees, the register of members, and the financial records, including books of account, noting that three

days notice of the request in writing may be required.

### **Part 8 — Seal**

- 38 The trustees may provide a common seal for the society and may destroy a seal and substitute a new seal in its place.
- 39 The common seal must be affixed only when authorized by a resolution of the trustees and then only in the presence of the persons specified in the resolution, or if no persons are specified, in the presence of at least four trustees, including those having responsibility for keeping minutes of the society and trustees, for serving as the spokesperson of the society, and keeping the financial records necessary to comply with the *Society Act*.

### **Part 9 — Borrowing**

- 40 In order to carry out the purposes of the society, the trustees may, on behalf of and in the name of the society, raise or secure the payment or repayment of money in the manner they decide, and in particular but without limiting that power, by the issue of debentures.
- 41 A debenture must not be issued without the authorization of a special resolution.
- 42 The members may, by special resolution, restrict the borrowing powers of the trustees but a restriction imposed expires at the next annual general meeting.

### **Part 10 — Auditor**

- 43 This Part applies only if the society is required or has resolved to have an auditor.
- 44 The first auditor must be appointed by the trustees who must also fill all vacancies occurring in the office of auditor.
- 45 At each annual general meeting the society must appoint an auditor to hold office until the auditor is re-elected or a successor is elected at the next annual general meeting.
- 46 An auditor may be removed by ordinary resolution.
- 47 An auditor must be promptly informed in writing of the auditor's appointment or removal.
- 48 A trustee or employee of the society must not be its auditor.
- 49 The auditor may attend general meetings.

## **Part 11 — Notices to Members**

- 50 A notice of a general meeting or of an extraordinary general meeting may be given to a member, through local media 30 days in advance.
- 51 (1) A notice of special resolution for alterations or additions to the constitution or bylaws, and a notice of the meeting at which the special resolution will be considered, shall be published in the local media approximately thirty days prior to the meeting at which the special resolution will be considered.
- (2) The notice of special resolution for the alterations or additions to the bylaws shall be accompanied by a brief written statement of the reason or reasons for the proposed changes, endorsed by no fewer than two trustees.

## **Part 12 — Bylaws**

- 52 On being admitted to membership, each member is entitled to, and the society must give the member without charge, a copy of the constitution and bylaws of the society.
- 53 These bylaws must not be altered or added to except by special resolution.

## **Part 13 – Miscellaneous**

- 54 Subject to the provisions of the Society Act, each trustee and each officer of the society will be indemnified by the society against all costs, charges and expenses reasonably incurred in connection with any claim, action, suit or proceeding to which that person may be made a party by reason of being or having been a trustee or officer of the society.

## Addendum

### Historical Summary of Changes

Date	Bylaw #	Change
2008-09-24	Part 4, 16 (3)	quorum added
	Part 5, 21	number of directors changed from 8 to 9
	Part 6, 28 (1)	“or directors” to “and community members”
	Part 6, 29	deleted “directors present who are”
	Part 6, 33 (1) (2)	replaced
2009-06-27	Part 1, 1 (1)	replace directors by elected trustees; here & throughout
	Part 1, (3)	moved from Part 6, 27 (a-e)
	Part 5, 22 (5)	added
2010-06-26	--	no changes
2011-09-17	Part 5, 21	number of trustees changed from “9 or greater” to a minimum of 7 and maximum of 10

# Gabriola Commons Foundation

## Policies

### DEFINITIONS:

**Cash:** Notes, coin, cheques, and bank withdrawals. Otherwise known as “cash equivalent”.

**Consensus:** A process for group decision-making. The input and ideas of all participants are gathered and synthesized to arrive at a final decision acceptable to all.

**Gabriola Commons Foundation (“Foundation”):** The legal entity that owns the property known as ‘The Commons’ on behalf of the community of Gabriola. Incorporated on March 18, 2008 under number S-0051677. Registered as a charity with CRA on June 9 2008 under number 808393755RR0001

**Gabriola Coordinating Council (“Council”):** A broad community-based group comprised of Foundation members, team representatives, stakeholders, and other interested community partners.

**PHC:** People for a Healthy Community, a leaseholder and community partner of the Foundation.

**The Commons (“Commons”):** The property situated at 675 North Road, Gabriola. Legal description: PID 002-600-994, Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan 27281.

**TLC:** The Land Conservancy, a partner in land conservation and a collector of donations for the Foundation.

## **Policy: Purpose and Operation of Gabriola Commons Foundation**

**Date: May 21, 2008**

**Revisions (date): June 2, 2011**

The purpose of the Foundation is to hold the legal title to the Commons on behalf of the community of Gabriola, to protect and steward the land as a public amenity in perpetuity, and to preserve its ecological qualities.

The Foundation is administered by Trustees (*"Trustees"*). The number of Trustees is set at a maximum of seven and a minimum of ten members. At the first official meeting of the Trustees after every Annual General Meeting (*"AGM"*), they will elect a Chair (or Co-Chairs), a Secretary, and a Treasurer. These three positions will be the "officers" of the Foundation. There is a position description for each officer in addition to the general position of trustee.

The Trustees are responsible for:

- Upholding the charter and guiding principles of the Gabriola Commons;
- Oversight of fundraising, grant, finance, and covenant teams;
- Governance structure, function, and stability;
- Strategic and business planning;
- Communication with the community regarding Foundation affairs;
- To ensure the community is involved in the evolution of the Commons;
- Maintaining registered charitable status;
- Compliance with all applicable government regulations;
- Effective functioning of Council;
- Ensuring viability of teams necessary to the operation of the Commons;
- Creating a dispute resolution process;

From time to time the Trustees may also appoint someone to act as a spokesperson for the Foundation on matters involving the press or the community.

The Trustees will hold regular monthly meetings to discuss the Foundation's business and review financial statements. Other meetings may be convened as necessary.

Teams reporting to the Trustees ("reporting teams") include Finance, Grant Writing, Fundraising, Sharing the Commons, and Covenant. All reporting teams will have terms of reference outlining membership, responsibilities, and procedures.

The Trustees do not manage day-to-day functions that fall within the mandates of other Commons teams, such as property management, farm management, or similar activities. These functions will be managed by the Team mandated to undertake the particular function. Where an activity impacts the work of other Teams or the Commons as a whole, the activity will be managed by Commons teams working collaboratively through the Commons Council.

## **Policy: Position Description – Trustee**

**Date: Jan 14, 2009**

**Revisions (date): June 2, 2011**

A Trustee is elected by the membership of the Foundation at the AGM to assist the Foundation to fulfill its fiduciary, fiscal, and legal requirements. A Trustee will act in the best interests of the Foundation.

### **Responsibilities:**

- Support and promote the Foundation’s constitution and purposes;
- Attend meetings of the Trustees or provide prior notice of absence;
- Read all background materials and minutes prior to Trustee or team meetings;
- Serve on teams and accept special assignments as necessary;
- Assist in the development of policies;
- Assist in long term planning and goal-setting;
- Ensure that the organization has adequate finances and that money is managed responsibly;
- Respect agreed Foundation confidentiality;
- Accept the consensus of the group on issues after everyone has been given a full opportunity to express their points of view;
- Adhere to approved positions and directions of the Foundation’s Trustees when formally representing the Foundation to the public;
- Work in good faith with other Trustees towards achievement of the Foundation’s purposes.

## **Policy: Position Description – Chair (Co-Chair)**

**Date: May 12, 2011**

**Revisions (date): June 2, 2011**

The Trustees elect a Chair for a one-year term at their first meeting after the AGM. The Trustees may choose to elect two Co-Chairs in which case the responsibilities will be shared in a manner acceptable to both people. The Chair (or Co-Chairs) ensures that the work of the Trustees is completed and is consistent with the purpose and goals of the Foundation.

### **Responsibilities:**

- Arranges and coordinates both monthly and ad hoc meetings of the Trustees;
- Prepares the agenda for a meeting of the Trustees. The agenda should follow a template that includes the following:
  1. Welcome and agenda review
  2. Minutes of previous meeting
  3. Business arising (action items)
  4. Financial review
    - Treasurer's report
    - Fundraising report
    - Grant writing report
  5. Coordinating Council report;
  6. Covenant team report
  7. Sharing the Commons report
  - ...
  - x. New business
  - y. Next meeting date and adjournment
- Chairs the meetings, leads discussion, and ensures all agenda items are covered or carried forward to another meeting;
- Represents the Foundation at community meetings as required;
- Is a member of the Finance team;
- Liaises with external organizations (such as PHC, TLC) when necessary to ensure mutually beneficial relationships;
- Chairs the Annual General Meeting of the Foundation;
- Represents the Trustees at Council meetings and reports Council matters of concern to the Trustees;

## **Policy: Position Description – Secretary**

**Date: May 12, 2011**

**Revisions (date): June 2, 2011**

The Secretary of the Foundation is elected for a one-year term by the Trustees at their first meeting after the AGM.

### **Responsibilities:**

- Acts as the recorder for the monthly meetings of the Trustees, the AGM, and for other meetings as required;
- Prepares the minutes of the meeting and circulates to the Trustees within ten calendar days of the meeting;
- Ensures that meeting minutes indicate any decision made by the Trustees (usually indicated by “Motion”, “Agreed”, or “Decision”);
- Indicates in the minutes who is taking action for a particular decision or issue. Action items will then flow through to the agenda of the next meeting;
- Files the annual report of the Foundation;
- Ensures that any change of Foundation Trustees or amendments to the Bylaws etc. are filed with the appropriate authority within the required time frame;
- Files minutes of meetings in the official Foundation records;
- Maintains the Foundation’s corporate minute book and/or records.

## **Policy: Position Description – Treasurer and Finance Assistant**

**Date: Jan 14, 2009**

**Revisions (date): Sep 10, 2009; June 2, 2011**

### **Treasurer**

The Treasurer of the Foundation is elected for a one-year term by the Trustees at their first meeting after the AGM. The Treasurer facilitates the Finance Team. The Treasurer works in conjunction with the Finance Assistant to ensure the accurate accounting and recording of the Foundation's assets and disbursements.

#### **Responsibilities:**

- Ensures the accurate and timely completion of the Foundation's bookkeeping including income, disbursements, assets, and liabilities in addition to Team and project accounting.
- Prepares and presents monthly financial statements to the Trustees.
- Circulates a statement of Team or project spending to Council on a quarterly basis (June 30, September 30, December 31, March 31).
- Reconciles the Foundation's cash accounts on a monthly basis.
- Liaises with the external accountant(s) to ensure the preparation of annual financial statements for presentation at the Annual General Meeting.
- Ensures the accurate completion and filing of the Charity Return.
- Calculates and files the HST rebate application.
- Coordinates the preparation of an annual budget based on submission from the Teams and submits for approval by the Trustees.
- Administers the CAFT system for the purpose of monthly donations.
- Provides the required financial information on donations received to the preparer of the official tax receipts and signs the receipts either in person or electronically.
- Acts as a signing officer on all Foundation financial institution accounts.
- Reviews all financial documents including (but not limited to) borrowing agreements, insurance, property assessments, and contracts.

### **Finance Assistant**

The Finance Assistant works in conjunction with the Treasurer to ensure the accurate accounting and recording of the Foundation's assets and disbursements and is a member of the Finance Team.

#### **Responsibilities:**

- Receives cash and cheques from donations, grants, rentals, fundraising and any other income and deposits to the Foundation's account.
- Pays suppliers and others based on invoices and appropriately completed requisition forms.
- Receives and distributes mail.
- Acts as a signing officer on all Foundation financial institution accounts.
- Assists the Treasurer as needed.

## **Policy: Recruitment of Trustees**

**Date:** May 21, 2008

**Revisions (date):** June 2, 2011

Foundation Trustees are responsible for meeting the legal, ethical and fiscal standards of the Society. The process for the recruitment, appointment, and election of Trustees must be fair, equitable, and transparent. Potential Trustees will be provided with sufficient information about the Foundation and allowed ample opportunity to ask questions in order to fully understand their role and commitment as Trustees.

### **Procedure:**

#### **(1) Information Package:**

Potential Trustees will be provided with a copy of the current Trustee Handbook.

#### **(2) Recruitment Process:**

*All potential Trustees will preferably already be volunteers at the Commons and familiar with its structure.*

- The Trustees appoint a committee of 2 – 5 people (preferably comprised of both current Trustees and Community members) to work on recruitment.
- In the case of appointing a Trustee between AGMs, the recruitment team gathers names of potential candidates, makes contact, provides information (as outlined above), answers questions, and also gathers information about their skills, experience and suitability for a particular position or participation as a Trustee. Upon a show of interest or commitment by a candidate, the committee makes a recommendation at a Trustees' meeting; if approved the candidate is appointed and invited to the next meeting.
- In the case of an election of Trustees at the AGM, the recruitment team compiles a list of candidates (using the same process as above) who have been approached and have indicated their willingness to run for election. The list of candidates is presented to the membership at the AGM for approval.
- Nominations will be accepted from the floor at the AGM.

## **Policy: Membership**

**Date:** May 21, 2008

**Revisions (date):** April 8, 2009; June 10, 2009;  
June 2, 2011

### **Policy Statement:**

#### **A. Overall Guidelines:**

As a nonprofit organization, the Foundation requires and encourages membership. Section 2 (“Membership”) of The Foundation Bylaws (March 5, 2008), sets out the eligibility criteria of membership. The Foundation has also adopted two further guidelines:

- 1) The Commons is a public place. Regardless of Foundation membership, no person or party may be prohibited from participating in any activities or projects on or associated with the Commons or the Foundation, unless they have knowingly and intentionally contravened the Commons’ principles.
- 2) The intent of membership in the Foundation is to have an identifiable constituency of individuals to uphold, support and carry out the purposes of the society. It also serves the purpose of providing a recordable/official way for people to “sign on” and feel a customary sense of belonging to the Commons as an organizational structure.

#### **B. Membership:**

The Trustees agree that any person/family/organization making a donation of any kind—including money, materials, services, volunteer work— may be considered a member of the Foundation.

## **Policy: Charitable Responsibilities**

**Date: April 8, 2009**

**Revisions (date): June 2, 2011**

The Foundation is a non-profit society and is registered with Canada Revenue Agency (CRA) as charitable organization.

As a registered charity, the Foundation will:

- engage only in allowable activities as defined by CRA;
- keep adequate books and records;
- issue complete and accurate donation receipts in accordance with CRA rules;
- meet any annual spending requirement (disbursement quota) in force at the time;
- file an annual charity information return;
- maintain the charity's status as a legal entity; and
- inform the Charities Directorate of any changes to the charity's mode of operation or legal structure.

### **Charitable Receipts:**

- Charitable receipts may be issued for all qualifying gifts as outlined in the *Income Tax Act of Canada*.
- The Foundation is not obliged to issue a charitable receipt for all donations. The minimum threshold to issue a tax receipt is \$10.
- The Foundation is not obliged to accept a donation that it either cannot use or does not want.
- Donation receipts must not be issued for an amount in excess of the value of the donation.
- Special rules apply where a donor receives a benefit for all or part of a donation or gift. The Foundation will seek professional advice for each specific case.
- Official charitable receipts will normally be issued annually in January for the previous calendar year and must contain all the information required by Regulation 3501 of the *Income Tax Act of Canada* or any Regulation replacing it.
- A donor may request a tax receipt be issued prior to January.
- A charitable receipt may not be issued for services. The donor may bill the Foundation, receive payment which it must declare as income, and then donate the cash back to the Foundation. A charitable receipt may be issued for the cash received.

## **Policy: Privacy**

**Date:** May 27, 2009

**Revisions (date):** June 10, 2009, June 2, 2011

The Foundation respects an individual's right to privacy and operates in compliance with The Personal Information and Protection Act of BC (PIPA). Personal information includes any information about an identifiable individual, such as name, postal and email address, or personal telephone number. Business contact information is not considered as personal information and is therefore not protected.

Our commitment to privacy includes ensuring the accuracy, confidentiality, and security of personal information, and allowing individuals to access and correct any information.

### **Collection, Use and Disclosure**

The Foundation normally collects personal information directly from the person to whom the information pertains; however, we may also receive your personal information from a third party when you have provided consent to this party. Third parties include the Canada Helps organization and The Land Conservancy of BC (TLC). Typically the Foundation collects personal information from membership, donation, and participation forms.

The Foundation uses personal information to communicate by email or postal mail with members and donors for the purposes of:

- a. distribution of seasonal newsletters,
- b. notification of events,
- c. requests for donations or volunteers,
- d. maintenance of accurate accounting records for financial purposes,
- e. organization of resources and projects to assist in the development of the Commons, and
- f. issuance of charitable tax receipts.

Any individual member or donor can request to remain anonymous or to opt out of some or all communication from the Foundation.

The Foundation does not lend, sell, or trade any personal information with any other organization or individual.

### **Security**

If personal information is provided, whether electronically or in writing, it will be stored in a secure location. Portions of this information—specifically name, address, phone number, email, and team membership—will be used only by designated people within the Foundation. Personal financial information (such as donation amounts and banking information) will only be accessed by the Treasurer or delegate, Privacy Officer, and any other person specifically designated by the Board to prepare reports and accounting.

### **Access and Correction**

Individuals may submit a written request to the Privacy Officer to:

- a. provide them with their personal information under control of the Foundation;
- b. provide information about how their personal information has been and is being used;
- c. request a correction to their personal information;
- d. request a removal of all their personal information.

### **Contact**

Privacy Officer  
Gabriola Commons Foundation  
675 North Rd, P.O. Box 94  
Gabriola BC V0R 1X0  
Email: Commons\_Info@shaw.ca

### **Privacy Officer**

The Trustees will appoint a Privacy Officer to be responsible for ensuring that the Foundation complies with the PIPA. Specifically, the Privacy Officer will be responsible for disseminating the purposes for the collection of personal information, for answering any individual's questions about this collection, and for providing, correcting or removing any personal information at the request of an individual.

The Privacy Officer's contact information will be provided on the Foundation's web site, on the print copies of the Privacy Policy stored in the Foundation office, and on request by an individual via phone, postal mail or email to the Foundation.

## **Policy: Volunteer versus Paid Work**

**Date:** Oct 20, 2010

**Revisions (date):** June 2, 2011

The Foundation believes that the use of volunteers for the operation and development of the Commons is of paramount importance. The Foundation further believes that, wherever possible, any work done on the Commons is performed by volunteers except in the case of exceptional circumstances.

*The decision to use paid work is made jointly by the affected team and the Finance Committee.* The decision must be based on one or more of the following guidelines:

- (a) the work requires the use of professionally certified individuals, businesses, or specialists for legal or other purposes and for which we have no volunteer alternative;
- (b) a grant application includes labour costs;
- (c) the work is an emergency or is necessary to meet an important deadline and there are no volunteer resources immediately available. A project that can be reasonably delayed does not qualify;
- (d) there must be a firm quote for any consideration of paid work that is not part of a grant application;
- (e) the consideration of paid work, that is not part of a grant, may not have negative financial consequences for the Foundation;
- (f) any paid work is completed as a self-employed contractor and not as an employee of the Foundation. All such contractors must have the applicable WorkSafe BC insurance or the Foundation must be prepared to provide such insurance.

### **Procedure:**

- an effort should be made to have people identified in (a) who can donate all or a portion of their services;
- individuals or businesses identified in (a) should be asked if they can agree to use volunteer workers to do some of the routine aspects of the job which could then be inspected and approved by the professional;
- wherever possible, paid work should be done by Gabriola businesses or residents.

## **Policy: Consensus Decision Making**

**Date:** May 21, 2008

**Revisions (date):** Jan 14, 2009, June 2, 2011

### **Policy Statement:**

“Consensus decision-making will be used at all Society meetings”. (Foundation By Laws Part 6.33)

Unity does not mean unanimity; it means the best general agreement possible in a reasonable time period.

### **Procedure:**

1. Introduce the proposal.
2. Clarify questions and call for concerns.
3. Amend and modify the proposal through more discussion, or withdraw if there is no support at all.
4. The facilitator of the meeting will then ask for any further changes, reservations, or objections. The following options are ways to indicate a lack of support for a proposal or decision:
  - Non-support – I don’t see the need for this, but I will go along.
  - Reservations – I think this may be a mistake, but I can live with it.
  - Standing aside – I personally can’t support this, but I won’t stop others.
  - Blocking – I cannot support this or allow the group to support this.
5. If there are no further amendments or objections, the decision will be accepted.
6. If a proposal is blocked, the group determines a reasonable time limit for making a final decision.

## **Policy: Financial Management**

**Date:** April 3, 2011

**Revisions (date):** Aug 10, 2011; May 10, 2012

- A. The collection and distribution of funds will be based on the Guiding Principles of the Gabriola Commons.
- B. All Commons teams/groups are responsible for keeping accurate financial records and submitting these to the Treasurer.
  1. All teams/groups submit money collected and bills to be paid to the Treasurer on a timely basis using the forms provided in the Commons office.
  2. Any money collected by a team/group is designated (in the GCF accounts) for use by that specific group.
  3. If a team/group has unexpected expenses beyond their approved budget, a request is made to Council where the Finance team will report on the financial implications of the request. The recommendation from Council will go to the Board.
- C. Income and Expenses:
  - Rental income is used for property maintenance/repair and any other approved Commons team expenses.
  - Rent is charged to all individuals and businesses unless alternate arrangement is made. (See website for current rates.)
  - All fundraising activities should clearly specify (in all advertising and on tickets) the eventual use of the net funds collected; e.g., mortgage.
  - Designated donations are used only for the specified purposes and specific expenses of the Commons teams/groups for which the donations are intended.
  - Unspecified or general donations are applied to the mortgage unless otherwise allocated in the annual budget.
  - A grant is applied only to the specific project approved by the funding organization and expenses incurred must be in compliance with the approved grant application.

