

2.1.iv. Policy

COORDINATION AGREEMENTS PROCESS

Trust Council: September 9, 1994

(Amended: March 8, 1997; December 10, 1999;

December 8, 2000; June 10, 2004; September 11, 2013)

A: PURPOSE:

1. To delineate the process for:
 - Trust Council to enter into protocol agreements respecting the coordination of activities with the governments of British Columbia or Canada, agents of the governments of British Columbia or Canada, municipalities, regional districts, boards of school trustees or francophone education authorities, and first nations under the authority of Section 9 of the *Islands Trust Act*;
 - local trust committees to enter into protocol agreements with municipalities, regional districts, boards of school trustees or francophone education authorities under the authority of Section 24 (2) of the *Islands Trust Act*;
 - local trust committees to enter into protocol agreements respecting the coordination of activities with the governments of British Columbia or Canada, agents of the governments of British Columbia or Canada, municipalities, regional districts, boards of school trustees or francophone education authorities, and first nations under the authority of Section 9 of the *Islands Trust Act*, where Trust Council has adopted a bylaw delegating this authority to a local trust committee;
 - the Chief Administrative Officer to enter into letters of understanding with other agencies at an administrative level; and
 - Trust Council, or a local trust committee, to enter into memoranda of understanding with another corporate entity of the Islands Trust.
2. To enhance the understanding and achievement of the Islands Trust object by integrating relevant Islands Trust Policy Statement policies into coordination agreements.

B: REFERENCES:

1. *Islands Trust Act*
 - 1.1 Section 9 Coordination Agreements with other Government Bodies
 - 1.2 Section 24 (2) Responsibilities of Local Trust Committees
 - 1.3 Section 10 Delegation of Powers by Trust Council
2. **Islands Trust Policy Statement**
 - 2.1 Guiding Principles
 - 2.2 Policy 3.1.9

3. **Islands Trust Policy Manual**

- 3.1 Executive Committee Terms of Reference (2.4.i.)

4. **Islands Trust Operations Manual**

- 4.1 Protocol Agreement/Letter of Understanding Administrative Procedures (A.1.v.)
 4.2 Protocol Development Process Checklist Appendix C
 4.3 Administrative Processing Checklist Appendix C (i)
 4.4 Protocol Agreement Outline Appendix C (ii)
 4.5 Letter of Understanding Outline Appendix C (iii)
 4.6 Memorandum of Understanding Appendix C (iv)

C: **TERMINOLOGY:**

1. **Protocol** – A protocol agreement refers to an agreement that an Islands Trust body may enter into, under the authority of Sections 9 or 24(2)(c) of the *Islands Trust Act*, with other agencies or organizations at a political level.
2. **Letter of Understanding** – A letter of understanding refers to an agreement that the Chief Administrative Officer may enter into with other agencies at an administrative level. Trust Council, or a local trust committee, shall endorse the letter of understanding as appropriate.
3. **Memorandum of Understanding** – A memorandum of understanding refers to an agreement that Trust Council, or a local trust committee, enters into with another corporate entity of the Islands Trust at a political level.

D: **POLICY:**

1. **PROTOCOL AGREEMENTS under the AUTHORITY OF SECTION 9**

The process for the Trust Council to enter into a protocol agreement with the governments of British Columbia or Canada, agents of the governments of British Columbia or Canada, municipalities, regional districts, board of school trustees or francophone education authority, and first nations, at a political level includes the following:

- 1.1 **Initiation** - Executive Committee passes a resolution instructing staff to prepare a draft protocol agreement and reviews the work program with regard to timeframes and resource implications. Staff advise the ministry responsible for the *Islands Trust Act* of the intention to create a protocol agreement.
- 1.2 **Draft Protocol Agreement** - Islands Trust staff prepare a draft protocol agreement and circulate it to the appropriate Islands Trust corporate entity(s), the Executive Committee, the ministry responsible for the *Islands Trust Act* and the other parties to the agreement for review and comment.

- 1.3 Proposed Protocol Agreement** - Staff prepare a Request for Decision that includes the proposed protocol agreement and place it on the Trust Council agenda for approval to execute the agreement.
- 1.4 Ministerial Approval** - A protocol agreement under Section 9 of the *Islands Trust Act* is forwarded to the minister responsible for the *Islands Trust Act* for approval consideration pursuant to Section 9(2) of the *Islands Trust Act*.
- 1.5 Final Protocol Agreement** – Once ministerial approval has been received, the signing authority for a final protocol agreement is the Chair of the Trust Council.

Where the Trust Council has delegated authority to a local trust committee to enter into coordination agreements pursuant to Section 9 of the *Islands Trust Act*, the process for the local trust committee to enter into a protocol agreement with the governments of British Columbia or Canada, agents of the governments of British Columbia or Canada, municipalities, regional districts, board of school trustees or francophone education authority, and first nations, at a political level includes the following:

- 1.6 Initiation** – A local trust committee that has been delegated powers under Section 9 of the *Islands Trust Act* passes a resolution instructing its staff to prepare a draft protocol agreement and reviews the work program with regard to timeframes and resource implications. Staff advise the ministry responsible for the *Islands Trust Act* of the intention to create a protocol agreement.
- 1.7 Draft Protocol Agreement** - Staff assigned to the initiating local trust committee prepare a draft protocol agreement and circulate it to the appropriate Islands Trust corporate entity(s), the Executive Committee, the ministry responsible for the *Islands Trust Act* and the other parties to the agreement for review and comment.
- 1.8 Proposed Protocol Agreement** - Staff assigned to the initiating local trust committee prepare a Request for Decision that includes the proposed protocol agreement and place it on the local trust committee agenda for approval to execute the agreement.
- 1.9 Ministerial Approval** - A protocol agreement under Section 9 of the *Islands Trust Act* is forwarded to the minister responsible for the *Islands Trust Act* for approval consideration pursuant to Section 9(2) of the *Islands Trust Act*.
- 1.10 Final Protocol Agreement** – Once ministerial approval has been received, the signing authority for a final protocol agreement is the Chair of the initiating local trust committee.

2. **PROTOCOL AGREEMENTS under the AUTHORITY OF SECTION 24(2)**

The process for local trust committees to enter into a protocol agreement with municipalities, regional districts, boards of school trustees and francophone education authorities at a political level includes the following:

- 2.1 Initiation** – The local trust committee passes a resolution instructing staff to prepare a draft protocol agreement and reviews the work program with regard to timeframes and resource implications.
- 2.2 Draft Protocol Agreement** – Staff prepare a draft protocol agreement and circulate it to the local trust committee, the Executive Committee and the other parties to the agreement for review and comment.
- 2.3 Proposed Protocol Agreement** - The local trust committee approves the proposed protocol agreement and then refers it to the Executive Committee for approval.
- 2.4 Final Protocol Agreement** – Once Executive Committee approval has been received, the Chair of the local trust committee signs the final protocol agreement.

3. **LETTERS OF UNDERSTANDING**

The process to enter into a letter of understanding at an administrative level includes the following:

- 3.1 Initiation** - Trust Council instructs staff to prepare a draft letter of understanding, either through an approved protocol agreement or through a separate Request for Decision from appropriate corporate entity(s), and reviews the work program with regard to timeframes and resource implications.
- 3.2 Draft Letter of Understanding** - Staff prepare the draft letter of understanding and circulate it to appropriate corporate entity(s) and the other parties to the agreement for review and comment.
- 3.3 Proposed Letter of Understanding** - Staff prepare a Request for Decision that includes the proposed letter of understanding and place it on the Trust Council agenda for approval to execute the agreement.
- 3.4 Final Letter of Understanding** – Once Trust Council has approved the letter of understanding, the Chief Administrative Officer signs the final letter of understanding.

4. MEMORANDUM OF UNDERSTANDING

The process to enter into a memorandum of understanding agreement between corporate entities of the Trust includes the following:

- 4.1 Initiation** – The appropriate Trust corporate entity(s) passes a resolution instructing staff to prepare a draft memorandum of understanding and reviews the work program (s) with regard to time frames and resource implications.
- 4.2 Draft Memorandum of Understanding** - Staff prepare a draft memorandum of understanding for review and comment by appropriate Trust corporate entity(s), including the Executive Committee.
- 4.3 Proposed Memorandum of Understanding** - The appropriate Trust corporate entity(s) approve the proposed memorandum of understanding.
- 4.4 Final Memorandum of Understanding** – Once approval is given, then the relevant Chairs of the affected corporate entities of the Trust are the signing authorities for the memorandum of understanding.

5. GENERAL GUIDELINES

- 5.1 Agreements Monitoring** - Staff will file all agreements in the Islands Trust Legislative and Reference Handbooks. Trust Area Services is responsible for cataloguing and monitoring the agreement processes through the Islands Trust Agreements Monitoring Chart.
- 5.2 Amendments** - Amendments to an agreement are proposed, processed, and finalized in the same fashion as the base agreement.
- 5.3 Agreement Format** - Trust Area Services will standardize the format for all agreements and ensure that the process satisfies legislative, legal and policy requirements.
- 5.4 Legislative Reference** - All agreements will acknowledge the Islands Trust legislative object "... to preserve and protect ..." as provided for in the *Islands Trust Act*.
- 5.5 Process** - Staff will negotiate the coordination agreements with political direction. The agreements will conclude at a political level for staff implementation.
- 5.6 Concessions** - Coordination agreement should not make concessions to another party that prevent the Islands Trust from seeking legal recourse against that party.