

6.3.ii Policy

SPECIAL PROPERTY TAX REQUISITION

Trust Council: December 10, 2004

Amended: June 16, 2005; September 11, 2013

A. PURPOSE:

1. To permit an individual Local Trust Committee to request a special property tax requisition for additional operations that are not included within the general operations of all local trust committees. Special property tax requisitions are approved by the Islands Trust Council.

B. REFERENCES:

1. *Islands Trust Act*, S. 10, 14(3)(c)(iii), and S. 47(5)
2. Islands Trust Council Delegation Bylaw 154, 2013
3. Islands Trust Council Policy 6.3.i – *Budget Process Policy*

C. POLICY:

1. General
 - a) The *Islands Trust Act* provides the Islands Trust Council with the necessary authority to implement a special property tax requisition in respect of a local trust area;
 - b) Section 10 of the *Islands Trust Act* enables the Islands Trust Council to delegate additional powers to a local trust committee and to require that related operations be funded by a special property tax requisition in respect of the relevant local trust area;
 - c) A proposed special requisition related to a local trust area must be incorporated into the annual Islands Trust budget bylaw and approved by the Islands Trust Council.
2. Budget Submission
 - a) “Additional operations” of a local trust committee are those activities and programs that are deemed by the Islands Trust Council to be:
 - i) Programs or services not offered in all local trust areas;
 - ii) Enhanced service levels that reflect unique demands or additional powers that Trust Council has delegated to a local trust committee by bylaw; and
 - iii) Beyond the capacity of the base budget.
 - b) Local Trust Committees wishing to propose a specific “additional operation” must ascertain and develop a budget program request, to be presented for preliminary consideration by Trust Council in December of each year.
 - c) The proposed program or activity must be within the Local Trust Committee’s jurisdiction pursuant to the *Islands Trust Act* or be within powers delegated to it by Trust Council. Legal advice on that matter may be obtained in accordance with the Islands Trust Legal Advice Policy.
3. Evaluation Criteria
 - a) The Islands Trust Council will evaluate and include a Local Trust Committee’s local initiative or program in the preliminary Islands Trust’s general budget if any of the following criteria apply:
 - i) the program is considered to be a base service of the Local Trust Committee;

- ii) the program is a scheduled official community plan review or land use bylaw update; and
 - iii) the program has Trust-wide implications and benefits.
 - b) If none of the above criteria apply or if Trust Council does not approve a LTC funding request, then the Local Trust Committee can propose a special requisition for its local trust area as a means of funding the proposed program.
 - c) Despite section C.3(a) and (b) of this policy, where a delegation bylaw adopted by Trust Council pursuant to s. 10 of the *Islands Trust Act* specifies that all or part of a Local Trust Committee's operations related to delegated powers are to be funded by a special tax requisition within a local trust area, related requests from a Local Trust Committee that are included in the preliminary Islands Trust budget must be in accordance with the requirements of the delegation bylaw.
 - d) A special property tax requisition will not be considered by Trust Council for an amount totaling less than \$5,000 per Local Trust Committee.
 - e) The process for development and approval of special property tax requisitions is subject to the provisions of Trust Council Policy 6.3.i – *Budget Process Policy*.
4. Public Consultation
- a) The Local Trust Committee must solicit feedback from the public in the local trust area, minimally through a mechanism of advertising and otherwise advising the public of the purpose and cost of the proposed special requisition.
 - b) The feedback received, if any, must be considered by the Islands Trust Council prior to the final adoption of any bylaw that incorporates the special property tax requisition.
5. Approval
- a) The proposed special property tax requisition must be formally requested by resolution of the Local Trust Committee before being considered by the Islands Trust Council.
 - b) The proposed special requisition will be presented for approval to Trust Council in March of each year.
 - c) When presented to Trust Council, the special requisition proposal must be accompanied by a completed Special Property Tax Requisition Checklist in section 7 below.
 - d) The special requisition(s) will be included in the Islands Trust budget bylaw and forwarded by the Islands Trust Council to the minister responsible for the *Islands Trust Act* for approval. If the minister approves, the minister will subsequently forward the requisitions to the Minister of Finance, for collection within the relevant jurisdictions.
 - e) The Minister of Finance adds a collection fee to the requisition in calculating the amount of the levy to be assessed to property owners.
6. Funds Allocation
- a) Once approved by Islands Trust Council within the annual budget bylaw, the Local Trust Committee is authorized to undertake the approved initiative at its discretion.
 - b) The Local Trust Committee must not authorize the expenditure of funds, generated through the special property tax requisition, for any purpose other than that for which the requisition was approved.

- c) Any funds, generated through the special requisition, which are unspent at the conclusion of the fiscal year, will be held in reserve for the Local Trust Committee's use in the subsequent fiscal year to:
- i) complete the previously approved initiative or program; or
 - ii) undertake a new program, subject to a further resolution of the Local Trust Committee to do so.
- d) Unspent funds can not be used to offset a general property tax requisition.

7. Special Property Tax Requisition Checklist

Budget Submission

Description of Task	Deadline	Date Completed
Local Planning Services Staff assigned to LTCs develop "additional operations" budget proposal on behalf of LTCs prior to December Trust Council meeting and submit them to FPC for review.	November FPC meeting	
Director of Local Planning Services presents "additional operations" budget proposals to Financial Planning Committee, with input from LTCs, indicating whether any of the proposed 'additional operations' are related to delegated powers and must be funded through a special property tax requisition.	December Trust Council meeting	
Financial Planning Committee makes recommendations to Trust Council regarding budget proposals made by LTCs, identifying <ul style="list-style-type: none"> • Any that must be funded through a special property tax requisition pursuant to a Trust Council delegation bylaw (e.g. Bylaw 154). • Any other LTC proposals that it recommends be funded through a special property tax requisition, rather than through inclusion in the general Islands Trust budget. Director of Local Planning Services provides additional information to Trust Council about LTC proposals, as needed.	December Trust Council meeting	
If December Trust Council does not approve the LTC "additional operations" budget proposal for inclusion in the general Islands Trust budget, or if the LTC additional operations are related to delegated powers that must be funded through a special property tax requisition:		
<ul style="list-style-type: none"> • LTC passes resolution to pursue special property tax requisition to fund the "additional operations" budget proposal: <ul style="list-style-type: none"> - copy of resolution attached 	January	
<ul style="list-style-type: none"> • LTC requests staff to conduct public consultation on the special tax requisition proposal: <ul style="list-style-type: none"> - copy of advertisement attached - if public meeting held, minutes of the discussion attached o written summary of public feedback attached 	Mid-February	
<ul style="list-style-type: none"> • Staff prepare Request for Decision (RFD) proposed by LTC for March Trust Council binder, requesting a bylaw to authorize a special property tax requisition. The RFD will include an assessment of organizational and other implications, a completed copy of this checklist along with any attached documentation. 	February FPC meeting	