

ISLANDS TRUST COUNCIL  
BYLAW NO. 63

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A bylaw to adopt a Protocol with the Capital Regional District

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WHEREAS pursuant to Section 9(1) of the *Islands Trust Act* the Trust Council may, for the purpose of carrying out the object of the Trust, on behalf of one or more local trust committees, enter into agreements with a regional district, respecting the coordination of activities within the Trust Area;

NOW THEREFORE the Islands Trust Council, in open meeting assembled, enacts as follows:

Citation

1. This bylaw may be cited for all purposes as "Islands Trust Council/Capital Regional District Protocol Bylaw No. 63, 1999."

Protocol

2. The protocol agreement attached as Schedule "A" and entitled "Protocol Agreement, July 20, 1999 among the North Pender Island Local Trust Committee, South Pender Island Local Trust Committee, Mayne Island Local Trust Committee, Salt Spring Island Local Trust Committee, Galiano Island Local Trust Committee, and Saturna Island Local Trust Committee and Capital Regional District Board" is approved pursuant to Section 9(1) of the *Islands Trust Act*.

Severability

3. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw.

READ A FIRST TIME THIS	16 <sup>TH</sup>	DAY OF	SEPTEMBER	1999
READ A SECOND TIME THIS	16 <sup>TH</sup>	DAY OF	SEPTEMBER	1999
READ A THIRD TIME THIS	16 <sup>TH</sup>	DAY OF	SEPTEMBER	1999
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	5 <sup>TH</sup>	DAY OF	APRIL	2000
ADOPTED THIS	17 <sup>TH</sup>	DAY OF	JUNE	2000

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SECRETARY

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CHAIR

**CAPITAL REGIONAL DISTRICT BOARD/LOCAL TRUST COMMITTEE  
PROTOCOL AGREEMENT**

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This Protocol Agreement ("Agreement") dated for reference July 20, 1999 is

AMONG:

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE  
MAYNE ISLAND LOCAL TRUST COMMITTEE  
SALT SPRING ISLAND LOCAL TRUST COMMITTEE  
GALIANO ISLAND LOCAL TRUST COMMITTEE                   AND  
SATURNA ISLAND LOCAL TRUST COMMITTEE

("Local Trust Committees")

AND:

CAPITAL REGIONAL DISTRICT BOARD

("Regional District Board")

(Referred to as the "Parties")

WHEREAS:

- A. Under Section 22(2) of the *Islands Trust Act*, a local trust committee may enter into an agreement with municipalities, regional districts and boards of school trustees respecting the coordination of activities in a local trust area;
- B. The North Pender, South Pender, Mayne, Salt Spring, Galiano and Saturna Island Local Trust Committees are local trust committees established under s.21 of the *Islands Trust Act* for the purpose of preserving and protecting the North Pender, South Pender, Mayne, Salt Spring, Galiano and Saturna Island local trust areas respectively and have the authority to regulate the development and use of land in those local trust areas;
- C. The Capital Regional District Board is a regional district established by letters patent, dated the 1st day of February, 1966 and continued under 2.775 of the *Municipal Act*, R.S.B.C. 1996, c.323, and has the authority to provide services in these local trust areas; and
- D. The Parties met to discuss respective areas of responsibility and to develop principles, processes and conditions for the coordination of activities within the North Pender, South Pender, Mayne, Salt Spring, Galiano, and Saturna Island local trust areas.

NOW THEREFORE, the Local Trust Committees and the Regional District Board agree as follows:

## **1.0 PRINCIPLES**

The Local Trust Committees and Regional District Board agree to the following principles regarding interagency relations:

1. Recognition of and respect for each other=s jurisdictions and capabilities with a commitment to promoting a spirit of partnership through joint legislative, policy, program and communication initiatives;
2. Coordination of planning, servicing and growth management activities that is responsive to the needs of the local trust areas and the remainder of the Capital Region including the electoral areas of which they are a part.
3. Respect for the preservation and protection object of the Islands Trust and the respective land use planning authority of both parties; and the servicing function of the Capital Regional District; and
4. Cooperation through sharing of information and notification of significant initiatives that may impact the other Party and through regular liaison.
5. Recognition that activities in one jurisdiction may impact the other jurisdiction and that participation and cooperation in planning for these activities will benefit both parties.

## **2.0 COOPERATION**

1. The Parties agree to cooperate with respect to the implementation, coordination and administration of each Party=s legislative authority that may impact the other Party.
2. The Parties agree to cooperate in jointly coordinating where appropriate the following activities:
  - (a) community planning;
  - (b) parkland and school site acquisition;
  - (c) parkland acquisition by way of agreements between local trust committees and parks and recreation commissions;
  - (d) servicing arrangements;
  - (e) administrative arrangements; and
  - (f) regional growth management.
3. It is the intent of the Parties to formalize their cooperation by way of letters of understanding as required for specific matters.
4. Both Parties agree to notify and consult the other Party on legislative, municipal incorporation and boundary restructure initiatives.

### **3.0 COMMUNICATIONS**

1. The Parties agree to schedule regular meetings of the regional director, the local trustee committees and appropriate staff to review the implementation of the protocol and letter of understanding.
2. Neither Party is obligated to convey information to the other Party that is protected from disclosure under the *Freedom of Information and Protection of Privacy Act*, any other legislation protecting information from disclosure, or that is subject to solicitor-client privilege.
3. Both Parties agree to pursue alternate methods of dispute resolution before initiating legal proceedings directed at the other Party.

### **4.0 CONDITIONS**

1. Nothing in this Agreement shall be construed so as to fetter the legislative discretion of either of the Parties within their respective areas of jurisdiction or, without limiting the generality of the foregoing, to oblige either of the Parties to adopt or prevent either of the Parties from adopting any bylaw or resolution.
2. The interpretation of terms used in this Agreement shall be governed by the interpretation provisions of the *Islands Trust Act* and the *Municipal Act*.
3. This Agreement may be amended by agreement in writing between the Regional District Board and the specific Local Trust Committee.
4. Any Party to this Agreement may terminate this Agreement at any time by delivering three months= written notice to the other Party.
5. Information and notification pertinent to this Agreement shall be delivered to:

North Pender Island Local Trust Committee  
South Pender Island Local Trust Committee  
Mayne Island Local Trust Committee  
Salt Spring Island Local Trust Committee  
Galiano Island Local Trust Committee  
Saturna Island Local Trust Committee

Executive Director  
Islands Trust  
200, 1627 Fort Street  
Victoria, BC V8R 1H8

Capital Regional District Board

Executive Director  
Capital Regional District  
524 Yates Street, PO Box 1000  
Victoria, BC V8W 2S6

6. The officials of each Party who shall be responsible for the notices and the administration of this Agreement are:

North Pender Island Local Trust Committee  
South Pender Island Local Trust Committee  
Mayne Island Local Trust Committee  
Salt Spring Island Local Trust Committee  
Galiano Island Local Trust Committee  
Saturna Island Local Trust Committee

Executive Director  
Islands Trust

Capital Regional District Board

Executive Director  
Capital Regional District

As evidence of their agreement of the above terms, the Local Trust Committees and the Regional District Board have executed this Agreement as set out below:

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Chairperson  
North Pender Island Local Trust Committee

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Chairperson  
South Pender Island Local Trust Committee

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Chairperson  
Mayne Island Local Trust Committee

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Chairperson  
Salt Spring Island Local Trust Committee

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Chairperson  
Galiano Island Local Trust Committee

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Chairperson  
Saturna Island Local Trust Committee

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Executive Director  
Islands Trust

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Chairperson  
Capital Regional District Board

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Executive Director  
Capital Regional District