

**ISLANDS TRUST COUNCIL
BYLAW NO. 86**

A bylaw to adopt a Memorandum of Agreement with the Trust Fund Board

WHEREAS pursuant to Section 9(1) of the *Islands Trust Act*, the Trust Council, for the purpose of carrying out the object of the Trust, may enter into agreements with the government of British Columbia; 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/Trust Fund Board Memorandum of Agreement Bylaw No. 86, 2001."

Memorandum of Agreement

2. The Memorandum of Agreement attached as Schedule "A" and entitled "Islands Trust Council/ Trust Fund Board Memorandum of Agreement" 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	7 TH	DAY OF	DECEMBER	, 2001
READ A SECOND TIME THIS	7 TH	DAY OF	DECEMBER	, 2001
READ A THIRD TIME THIS	7 TH	DAY OF	DECEMBER	, 2001
ADOPTED THIS	5 TH	DAY OF	JULY	, 2002

CHAIR

SECRETARY

SCHEDULE A

MEMORANDUM OF AGREEMENT between the ISLANDS TRUST COUNCIL (COUNCIL) and the TRUST FUND BOARD (BOARD)

WHEREAS pursuant to section 8.1 of the *Islands Trust Act* the Islands Trust Council may, for the purpose of carrying out the objects of the Islands Trust enter into agreements respecting the coordination of activities within the Trust Area;

AND WHEREAS the Trust Fund Board and Trust Council share a mutual interest in clarifying their relationship;

NOW THEREFORE the Islands Trust Council, and the Trust Fund Board agree as follows:

1.0 PURPOSE

1.1 The purpose of this memorandum is to assist the Islands Trust Fund Board ("Board") in the discharge of its statutory responsibilities while ensuring that the Islands Trust Council ("Council") is able to discharge its statutory responsibilities and duties. This memorandum is also intended to promote coordination of activities within the Trust Area.

2.0 ROLES AND RESPONSIBILITIES

2.1 Under the *Islands Trust Act* the Board is a corporation with the responsibility to carry out the object of the Islands Trust by administering and managing property of the Islands Trust Fund. The Board is required by the *Islands Trust Act* to create and implement a plan for the acquisition, management and disposal of land.

2.2 The Council is given the responsibility under the *Islands Trust Act* to enter into agreements with the Province and agencies of the Province respecting coordination of administrative activities within the Islands Trust Area and to coordinate and assist in the determination, implementation and carrying out of provincial and local government policies for the preservation and protection of the Islands Trust Area and its unique amenities and environment. The Council is also given the responsibility of making recommendations to the Board respecting priorities for the acquisition, use and disposition of property by the Board.

2.3 The Council has no authority to direct or otherwise affect the Board's discharge of its responsibilities.

3.0 INTERNAL LIAISON

3.1 In order to foster and maintain communications between the Board and the Council, the Council and the Board will meet at least once each calendar year to discuss matters of mutual concern in light of their respective roles and responsibilities. The Council and the Board may also agree to meet more often.

- 3.2 Communication between Trust Council, Council Committees, and the Board will be facilitated by the Council Chairperson and the Board Chairperson.
- 3.3 Islands Trust Fund land and land interest negotiations are confidential to the Board and staff that work for the Trust Fund Board. The Board will ensure that an Islands Trust Fund Policy and Procedure exists that outlines how the Board and its related staff will communicate new land acquisitions and conservation covenants to Trust Council and Local Trust Committees to ensure that appropriate local trustees (e.g., on those islands where ITF is negotiating conservation lands) are made aware of negotiations as early in the process as possible. The Board will refer the draft Policy and Procedure, and any future revisions, to Trust Council for comment prior to final approval.

4.0 POLICY/LEGISLATION

- 4.1 Where the Executive Committee of the Council considers that a legislative proposal that is to be submitted to the Council may have an impact on the responsibility of the Board, the Executive Committee will refer that draft legislative proposal to the Board for comment. The Executive Committee will consider Board comments on the legislative proposal before the legislative proposal is submitted to the Council.
- 4.2 Where the Executive Committee considers that a procedural proposal of the Council may have an impact on the responsibility of the Board, the Executive Committee will refer that draft procedural proposal to the Board for comment. The Executive Committee will consider Board comments on the procedural proposal before the procedural proposal is proposed to Council.
- 4.3 If a request for access to information is made to the Board or the Council under the *Freedom of Information and Protection of Privacy Act*, the body receiving the request will invite comment by the other body if doing so will enhance the quality of the decision made on that access to information request.

5.0 INTERNAL STAFF LIAISON

- 5.1 The Executive Director of the Islands Trust is by virtue of his or her office in an executive supervisory role with respect to the Board Coordinator. The Executive Director of the Islands Trust is the Council staff level liaison contact between the Council and the Board.
- 5.2 The Islands Trust Fund Coordinator is the Board's staff liaison contact between the Board and Council.
- 5.3 The Executive Director of the Islands Trust and the Islands Trust Fund Coordinator will ensure that the Board's Policy and Procedure on Communicating New Land Acquisitions and Conservation Covenants is implemented by staff and the Board.

6.0 EXTERNAL COMMUNICATIONS

- 6.1 The Council and the Board recognize that communications with any ministry or other agency of the provincial government should be coordinated through the Executive Committee, Executive Director and Trust Fund Coordinator, where those communications by one of the bodies would affect the other body.
- 6.2 Wherever possible, the Council and the Board will integrate their provincial government ministry or agency initiatives and contacts through the Executive Committee and/or Executive Director.
- 6.3 The Council and the Board will not contact the media or comment to the media on any issues that involve the other body without first consulting the other body where it is practicable to do so.

7.0 RESOURCE ALLOCATIONS

- 7.1 The Board will submit its annual budget request to Council through the annual budget process. The Board will have the opportunity to discuss its budget submission directly with Council.
- 7.2 The designated Treasurer for the Board and program is the Treasurer of the Council or their designate.
- 7.3 The Council is responsible for providing day-to-day support services to the Trust Fund program. Requests and/or concerns regarding support services will be addressed by the Executive Director and Board Coordinator or alternatively the Board Chair and the Council Chair.
- 7.4 The Council does not have responsibility regarding funding received by the Board outside of the Islands Trust annual budget process.

8.0 POLICY STATEMENT

- 8.1 The Council will cause amendments to the Islands Trust Policy Statement to be referred to the Trust Fund Board for comment prior to adopting such amendments.
- 8.2 The Council will consider requests from the Board within its policy statement review and amendment program.

9.0 TERMS

- 9.1 The Key contacts for administering this memorandum are the:

- Executive Director or designate; and
- Trust Fund Board Coordinator.

- 9.2 The parties may agree to amend or terminate this protocol.

1. Assented to this _____ day of _____, 2002 by

Louise Bell, Chair
Trust Fund Board

David Essig, Chair
Islands Trust Council