

MEMORANDUM OF AGREEMENT
between the
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
and the
TRUST FUND BOARD (BOARD)
concerning the
COORDINATION OF ACTIVITIES AMONG
THE TRUST FUND BOARD
AND THE SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

WHEREAS pursuant to section 22(2) of the *Islands Trust Act* each Local Trust Committee may enter into agreements with municipalities, regional districts and boards of school trustees, respecting the coordination of activities in the local trust area;

NOW THEREFORE the South Pender Island Local Trust Committee, 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 South Pender Island Local Trust Committee is able to discharge its statutory responsibilities and duties. This protocol is also intended to promote procedural certainty and fairness for land owners and land use applicants involved in the land use regulation process on any island within the Islands Trust Area.
- 1.2 This memorandum seeks to promote cooperation and communication between the Board and the South Pender Island Local Trust Committee in order to achieve the purposes set out in section 1.1.

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 South Pender Island Local Trust Committee is given the responsibility under the *Islands Trust Act* to carry out the object of the Islands Trust by regulating the development and use of land within the South Pender Island Local Trust area and by enforcing bylaws of the South Pender Island Local Trust Committee.

3.0 CONSULTATION PROCESS

Local Trust Committee Bylaws

- 3.1 Where the South Pender Island Local Trust Committee considers a draft bylaw may have an impact on the responsibilities of the Board, the South Pender Island Local Trust Committee will refer the draft bylaw to the Board for comment by the Board before any public hearing is held regarding the bylaw. The South Pender Island Local Trust Committee will consider Board comments on the bylaw received by the South Pender Island Local Trust Committee before the public hearing.

Trust Fund Plan

- 3.2 The Board will refer to the South Pender Island Local Trust Committee any revisions to or replacement of the Trust Fund Plan for comment before the plan is submitted for approval in accordance with the *Islands Trust Act*.

Donations Intended for Board

- 3.3 If a land owner who has made an application to the South Pender Island Local Trust Committee proposes to donate an interest in land or money to the Board in connection with the application, the South Pender Island Local Trust Committee will refer the proposal to the Board for comment. This section applies to interests in land including fee simple, conservation covenants under section 215 of the *Land Title Act* and statutory rights of way under Section 214 of the *Land Title Act*.

Board Management Plans

- 3.4 Where the Board considers a draft management plan or program for a specific property or for an island in the Islands Trust Area may have an impact on the jurisdiction of the South Pender Island Local Trust Committee, the Board will refer the draft plan or program to the South Pender Island Local Trust Committee for comment by the South Pender Island Local Trust Committee before the plan or program is adopted by the Board. The Board will consider the South Pender Island Local Trust Committee comments on the plan or program.

4.0 COMMUNICATIONS

- 4.1 The Board and the South Pender Island Local Trust Committee will use the Executive Committee as the medium through which they communicate concerns and initiate joint projects.
- 4.2 The Board will ensure that the Executive Committee receives copies of all communications between the Board and the South Pender Island Local Trust Committee.
- 4.3 The staff liaison between the Board and South Pender Island Local Trust Committee will be the Board Coordinator and the Manager of Local Planning and/or appropriate Planner.

5.0 COORDINATION

5.1 Any program or initiative that is to be undertaken jointly by the Board and the South Pender Island Local Trust Committee will be initiated by a resolution of each of those bodies, with any communications between them regarding that initiative being communicated from Chairperson to Chairperson.

6.0 RESOURCES

6.1 The South Pender Island Local Trust Committee and/or the Board may allocate its reasonable staff and other resources, subject to agreement between the Board and the South Pender Island Local Trust Committee regarding such allocations before work on the joint initiative proceeds.

7.0 TERMS

7.1 The Key contacts for administering this memorandum are the:

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