

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 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 bylaw 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 their statutory responsibilities and duties. This bylaw 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 Board will be facilitated by the Council Chairperson through the Board Chairperson.

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. This section applies only to legislative proposals that will apply to the entire Islands Trust Area.
- 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 Board Coordinator is the Board staff level liaison contact between the Council 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.