

MEMORANDUM OF AGREEMENT
between the
ISLANDS TRUST COUNCIL (COUNCIL)
and the
TRUST FUND BOARD (BOARD)
concerning the
COORDINATION OF ACTIVITIES AMONG
THE TRUST FUND BOARD
AND LOCAL TRUST COMMITTEES

WHEREAS pursuant to section 8.1 of the *Islands Trust Act* the Islands Trust Council may, for the purpose of carrying out the object of the Trust, on its own behalf or on behalf of one or more Local Trust Committees, enter into agreements with one or more of the government of British Columbia; the government of Canada, an agent of the government of British Columbia or Canada; or a municipality, regional district or board of school trustees, respecting the coordination of activities within the Trust area;

AND 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 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 each local trust committee ("LTC") of the Islands Trust 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 LTCs 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 LTC's are 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 local trust area for each local trust committee and by enforcing bylaws of the LTC.

LTC Bylaws

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

Trust Fund Plan

- 3.2 The Board will refer to every LTC 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 a LTC proposes to donate an interest in land or money to the Board in connection with the application, the LTC 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*.

- * This clause refers to a key policy area that is expected to be discussed during the joint Board/Council Workshop for consideration in developing a policy.

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 relevant LTC, the Board will refer the draft plan or program to the LTC for comment by the LTC before the plan or program is adopted by the Board. The Board will consider LTC comments on the plan or program.

4.0 COMMUNICATIONS

- 4.1 The Board and each LTC 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 any LTC.
- 4.3 The staff liaison between the Board and LTCs 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 any LTC 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 Each LTC and/or the Board may allocate its reasonable staff and other resources, subject to agreement between the Board and LTC regarding such allocations before work on the joint initiative proceeds.


7.0 TERMS

7.1 The Key contacts for administering this memorandum are the:


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

7.2 The parties may agree to amend or terminate this protocol.

1. Assented to this 11th day of April, 1996 By



Melinda Auerbach
Trust Fund Board Chairperson



Graeme Dinsdale
Islands Trust Council Chairperson