



Policy:	6.3.2
Approved By:	Trust Council
Approval Date:	December 10, 2004
Amendment Date(s):	June 16, 2005; September 11, 2013; September 24, 2024
Policy Holder:	Director, Administrative Services

SPECIAL PROPERTY TAX REQUISITIONS

Purpose

To permit an individual local trust committee (LTC) to request a special property tax requisition for additional operations that are not included within the general operations of all LTCs, or that require an enhanced level of service or funding beyond the capacity of the base budget. Special property tax requisitions are approved by the Islands Trust Council.

A. Definitions

Special property tax requisition – a property tax requisition levied to taxable properties within a specified local trust area.

Financial Plan Bylaw – The bylaw that approves the financial plan (i.e. the budget) for any given fiscal year.

B. Policy

1. General

- 1.1 The *Islands Trust Act* (s. 47) provides the Islands Trust Council with the necessary authority to implement a special property tax requisition in respect of a local trust area;
- 1.2 A proposed special requisition related to a local trust area must be incorporated into the annual Islands Trust Financial Plan Bylaw and approved by the Islands Trust Council and the Minister;
- 1.3 The *Islands Trust Act* (s. 10) enables the Islands Trust Council to delegate by bylaw additional powers to a LTC subject to any restrictions or conditions specified in the bylaw.

2. Budget Submission

- 2.1 “Additional operations” of a LTC are those programs or services that are deemed by the Islands Trust Council to be:
 - 2.1.1 programs or services not offered in all local trust areas;

2.1.2 enhanced service levels that reflect unique demands or additional powers that Trust Council has delegated to a LTC by bylaw; and

2.1.3 beyond the capacity of the base budget.

2.2 LTCs wishing to propose and undertake a LTC program or service valued at \$5,000 or higher must develop a business case to support the budget request to be presented for preliminary consideration by Trust Council in December of each year. Trust Council will determine if the proposed project constitutes an additional program or service requiring special requisition for funding under this policy.

2.3 The proposed program or service must be within the LTC's jurisdiction pursuant to the *Islands Trust Act* or be within powers delegated to it by Trust Council. Legal advice on that matter may be obtained and handled in accordance with Trust Council policies 2.1.6 *Legal Advice* and 6.9.2 *Legal Services Access*.

3. Evaluation Criteria

3.1 The Islands Trust Council will evaluate and consider including a local trust committee's local initiative program or service in the preliminary Islands Trust's general budget based on the following criteria:

3.1.1 the program is considered to be a base service of the local trust committee;

3.1.2 the program is a scheduled official community plan review or land use bylaw update; and

3.1.3 the program has Trust-wide implications and benefits.

3.2 If none of the above criteria apply or if Trust Council does not approve a LTC budget funding request, then the LTC can propose a special requisition for its local trust area as a means of funding the proposed program or service.

3.3 Despite section 3.1 and 3.2 of this policy, where a delegation bylaw adopted by Trust Council pursuant to section 10 of the *Islands Trust Act* specifies that all or part of a LTC's operations related to delegated powers are to be funded by a special tax requisition within a local trust area, related requests from a LTC that are included in the preliminary Islands Trust budget must be in accordance with the requirements of the delegation bylaw.

3.4 A special property tax requisition will not be considered by Trust Council for an amount totaling less than \$5,000 per local trust area.

3.5 The process for development and approval of special property tax requisitions is subject to the provisions of Trust Council Policy 6.3.1 – *Budget Process*.

4. Public Consultation

- 4.1 The LTC must solicit feedback from the public in the local trust area, minimally through a mechanism of advertising and otherwise advising the public of the purpose and the cost of the proposed special requisition.
- 4.2 Section 4.1 conditions may be met via Trust Council's solicitation for general budget feedback so long as the public in the relevant local trust area can clearly distinguish the purpose and cost of the proposed special requisition, and their feedback can be separated from the general budget feedback for separate consideration by Trust Council.
- 4.3 Programs or services funded through special requisition that extend into multiple fiscal years must solicit feedback in accordance with section 4.1 in each fiscal year where the special requisition is proposed.
- 4.4 The feedback received, if any, must be considered by the Islands Trust Council prior to the final adoption of any bylaw that incorporates the special property tax requisition.
- 4.5 Trust Council will not approve special requisition funding for programs or services that have not undergone public consultation.

5. Approval

- 5.1 The proposed special property tax requisition must be formally requested by resolution of the LTC before being considered by the Islands Trust Council.
- 5.2 The proposed special requisition will be presented for approval to Trust Council in March of each year.
- 5.3 When presented to Trust Council, the special requisition program or service must be accompanied by a completed Special Property Tax Requisition Checklist outlined in section 7.
- 5.4 The special requisition(s) will be included in the Islands Trust Financial Plan Bylaw and forwarded by the Islands Trust Council to the minister responsible for the *Islands Trust Act* for approval. If the minister approves, the minister and Islands Trust staff will subsequently forward the requisition(s) to the Minister of Finance for collection within the relevant jurisdictions.
- 5.5 The Minister of Finance adds a collection fee to the requisition in calculating the amount of the levy to be assessed to property owners.

6. Funds Allocation

- 6.1 Once approved by Islands Trust Council within the annual Financial Plan Bylaw, the LTC is authorized to undertake the approved initiative at its discretion.

- 6.2 The LTC must not authorize the expenditure of funds generated through a special property tax requisition for any purpose other than that for which the requisition was approved.
- 6.3 Any funds generated through the special requisition which are unspent at the conclusion of the fiscal year will be held in reserve for the LTC's use in the subsequent fiscal year:
 - 6.3.1 for any purpose for which the requisition was approved;
 - 6.3.2 to reduce the amount of the special requisition for the program or service in the next fiscal year;
 - 6.3.3 to complete the previously approved program or service; or
 - 6.3.4 in the event the previously approved program or service is complete, to undertake a new program within the local trust area at the request of the LTC.
- 6.4 Any special requisition funds held in reserve under section 6.3 that the LTC wishes to spend in the fiscal year must be included in the approved financial plan bylaw and approved by Trust Council as a transfer from the reserve fund prior to any expenditures being incurred. If a transfer from this reserve fund was not included in the financial plan bylaw, a budget amendment may be required under Policy 6.5.2 Budget Control and Adjustment Authority.
- 6.5 Unspent special requisition funds cannot be used to offset a general property tax requisition.

7. Special Property Tax Requisition Checklist

Annual Budget Submission

Description of Task	Deadline	Date Completed
Recommended:		
LTCs request staff to develop additional budget funding proposals. Planning staff communicate to finance staff base funding assumptions for FPC and TC information / awareness.	July - September	
Required:		
Planning Services staff develop 'additional operations' budget funding proposal for LTC's approval and submit them to Financial Planning Committee (FPC) for review prior to December Trust Council meeting.	October or November FPC meeting	

<p>Director of Planning Services presents 'additional operations' budget funding proposals to Financial Planning Committee, with input from LTCs, indicating whether any of the proposed 'additional operations' are related to delegated powers.</p>	<p>October or November FPC Meeting & December Trust Council meeting</p>	
<p>Financial Planning Committee makes recommendations to Trust Council regarding budget funding proposals made by LTCs, identifying:</p> <ul style="list-style-type: none"> • Any that must be funded through a special property tax requisition pursuant to a Trust Council delegation bylaw (e.g. Bylaw 154). • Any other LTC proposals that it recommends be funded through a special property tax requisition, rather than through inclusion in the general Islands Trust budget. <p>Director of Planning Services provides additional information to Trust Council about LTC proposals, as needed.</p>	<p>November FPC Meeting & December Trust Council meeting</p>	
<p>If Trust Council does not approve the LTC 'additional operations' budget funding proposal for inclusion in the general Islands Trust budget at their December meeting, or if the LTC additional operations are related to delegated powers that must be funded through a special property tax requisition, each of the following is required to receive approval of a special property tax requisition:</p>		
<ul style="list-style-type: none"> • If not previously done, LTC passes resolution to pursue special property tax requisition to fund the proposed program: 	<p>Mid- December – early- January</p>	
<ul style="list-style-type: none"> - Copy of resolution attached 		
<ul style="list-style-type: none"> • LTC requests staff to conduct the required public consultation on the program proposed under the special tax requisition (see Section 4 of Policy 6.3.2): 	<p>Before consultation begins in late January to mid-February</p>	
<ul style="list-style-type: none"> - Copy of advertisement attached 		
<ul style="list-style-type: none"> - If a public meeting is held regarding the proposed program or service, minutes of the meeting and related discussion attached 		
<ul style="list-style-type: none"> - Written summary of public feedback attached 		

<ul style="list-style-type: none"> Staff prepare Request for Decision (RFD) proposed by LTC for the March Trust Council meeting, requesting a bylaw to authorize a special property tax requisition. The RFD will include an assessment of organizational and other implications, and a completed copy of this checklist along with any attached documentation noted throughout the checklist. 	February FPC meeting (mid-February)	
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C. Legislated References

Islands Trust Act, S.10, S.14(3)(c)(iii), and S.47(5)

Community Charter, Part 6, Division 4, S.189 (1) and (2)

D. Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

Islands Trust Council Delegation Bylaw 154, 2013

Islands Trust Council Policy 2.1.6 – *Legal Advice*

Islands Trust Council Policy 6.5.1 – *Reserves and Surplus*

Islands Trust Council Policy 6.5.2 – *Budget Control and Adjustment Authority*

Islands Trust Council Policy 6.9.2 - *Legal Services Access*

Islands Trust Council Policy 7.2.6 – *Municipal Tax Requisition Calculation*