

REGIONAL DISTRICT/LOCAL TRUST COMMITTEE PROTOCOL AGREEMENT

This protocol agreement (“Agreement”) dated for reference SEPT. 8, 2011 is

BETWEEN:

**DENMAN ISLAND LOCAL TRUST COMMITTEE and
HORNBY ISLAND LOCAL TRUST COMMITTEE**
 (“local trust committees”)

AND:

COMOX VALLEY REGIONAL DISTRICT BOARD
 (“regional district”)

(referred to as the (“Parties”))

WHEREAS:

- A. Under Section 24 (2)(c) of the *Islands Trust Act*, a local trust committee may enter into an agreement with a regional district respecting the coordination of activities in a local area;
- B. The Denman Island local trust committee and the Hornby Island local trust committee are established under Section 23 of the *Islands Trust Act* for the purpose of preserving and protecting the unique amenities and environment of the Denman Island local trust area and the Hornby Island local trust area and has the authority to regulate the development and use of land in this local area;
- C. The Comox Valley Regional District is a regional district established by letters patent on the 15th day of February 2008 and has the authority to provide services in the Denman Island local trust area and the Hornby Island local trust area; and
- D. The parties consider it in the interest of the residents of the Denman Island local trust area and the Hornby Island local trust area that the parties cooperate in the coordination of their activities.

NOW THEREFORE the Denman Island local trust committee and the Hornby Island local trust committee and the Comox Valley Regional District agree as follows:

PRINCIPLES

1. The local trust committees and the regional district agree to the following principles regarding interagency relations:
 - (a) recognition of each others’ jurisdictions and capabilities with a commitment to promoting a spirit of partnership through joint legislative, policy, program and communication initiatives;

- (b) coordination of planning, servicing and growth management activities that is responsive to the needs of the local trust areas and the electoral area of which it is a part;
- (c) commitment by the regional district to consider the purpose of the Islands Trust, which is to preserve and protect the area and its environment for the benefit of residents and the province, in matters involving the local trust areas;
- (d) commitment by the local trust committees to take the servicing functions of the regional district into consideration in matters involving the local trust areas;
- (e) cooperation through liaison, sharing of information, and notification of significant initiatives that may impact the other party.

COOPERATION

- 2. (1) The parties agree to cooperate with respect to the implementation, coordination and administration of each party's legislative authority that may impact the other party.
- (2) The parties agree to coordinate activities within the local trust areas / electoral areas including but not limited to such matters as:
 - (a) community planning;
 - (b) park planning and parkland acquisition;
 - (c) servicing arrangements; and
 - (d) bylaw enforcement where both parties participate in joint enforcement processes to effectively control situations where one or both parties' bylaws are being contravened, including consideration of cost sharing undertakings.
- (3) Each party agrees to notify the other party on legislative, municipal incorporation and boundary restructure initiatives that may affect the other party.

COMMUNICATIONS

- 3. (1) The parties agree to schedule meetings at least once per calendar year of the regional director, the local trust committees and staff as determined by the CAOs to review the implementation of the protocol.
- (2) Neither party is obligated to convey information to the other party that is protected for disclosure under the *Freedom of Information and Protection of Privacy Act*, any other legislation protecting information from disclosure, or that is subject to solicitor-client privilege.

- (3) Each party agrees to pursue alternate methods of dispute resolution before initiating legal proceedings directed at the other party.

CONDITIONS

4. (1) Nothing in this agreement shall be construed so as to fetter the legislative discretion of either of the parties within their respective areas of jurisdiction or, without limiting the generality of the foregoing, to oblige either of the parties to adopt or prevent either of the parties from adopting any bylaw or resolution.
- (2) The interpretation of terms used in this agreement shall be governed by the interpretation provisions of the *Islands Trust Act* and the *Local Government Act*.
- (3) This agreement may be amended by agreement in writing between the regional district and the local trust committees.
- (4) Any party to this agreement may terminate this agreement at any time by delivering three months' written notice to the other party.
- (5) Information and notification pertinent to this agreement shall be delivered to:

Denman Island local trust committee and the Hornby Island local trust committee	Islands Trust 2 nd Floor, 1627 Fort Street Victoria, B.C. V8R 1H8
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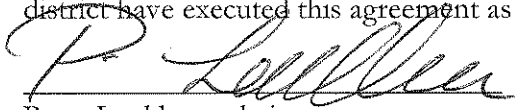
Comox Valley Regional District	600 Comox Rd Courtenay BC V3N 3P6
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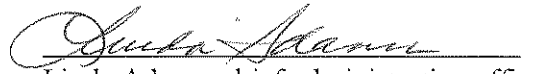
- (6) The officials of each party who shall be responsible for the notices and the administration of this agreement are:


Denman Island local trust committee the chief administrative officer
and the Hornby Island local trust committee of the Islands Trust

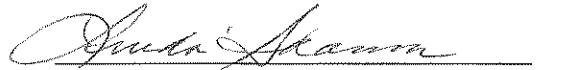
Comox Valley Regional District the corporate legislative officer of the regional
district

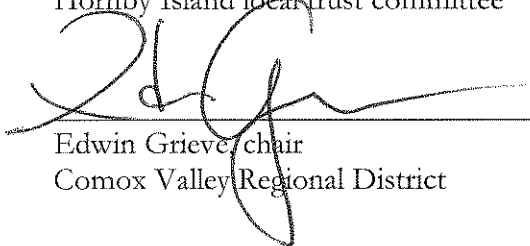
As evidence of their agreement to the above terms, the local trust committees and the regional
district have executed this agreement as set out below:

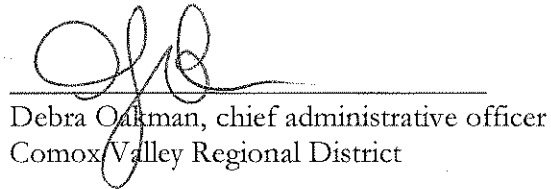

Peter Luckham, chair
Denman Island local trust committee


Linda Adams, chief administrative officer
Islands Trust


Louise Bell, chair
Hornby Island local trust committee


Linda Adams, chief administrative officer
Islands Trust


Edwin Grieve, chair
Comox Valley Regional District


Debra Oakman, chief administrative officer
Comox Valley Regional District