

ISLANDS TRUST COUNCIL

BYLAW NO. 65

A bylaw to establish procedures governing the development of protocol agreements with other government bodies

WHEREAS pursuant to section 9(1) of the Islands Trust Act the Trust Council may, for the purpose of carrying out the object of the Trust, on its own 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 24(2)(c) 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;

Islands Trust Council Protocol Process Bylaw No. 41, 1996 is repealed in its entirety and replaced with the following:

NOW THEREFORE the Islands Trust Council, in open meeting assembled, enacts as follows:

Citation

- 1. This bylaw may be cited for all purposes as "Islands Trust Council Protocol Process Bylaw No. 65, 1999."

Definitions

- 2. In this bylaw

"Trust Area protocol agreement" means an agreement between the Trust Council, on its own behalf or on behalf of one or more local trust committees, 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 local governing body, respecting the coordination of activities within the Trust Area,

"designated staff person" means a person who has been designated by a local trust committee to receive submissions from other Trust Bodies in respect of a proposed protocol agreement,

"local governing body" means a municipality, regional district or board of school trustees of a local trust area,

"local trust area protocol agreement" means an agreement between a local trust committee and one or more local governing bodies respecting the coordination of activities in a local Trust Area,

"secretary" means the person appointed by the Trust Council to the office of secretary under section 17(1)(a) of the Islands Trust Act,

"Trust Bodies" means the Trust Council, local trust committees, Executive Committee and the Trust Fund Board.

Consultation

3. (1) After first reading of a bylaw to enter into a Trust Area protocol agreement on its own behalf, or on behalf of one or more local trust committees, the Trust Council, or the Executive Committee on its behalf, must refer the proposed agreement to the Trust Fund Board and those local trust committees on whose behalf the Protocol will be signed, for their submissions on the proposed agreement.
- (2) After first reading of a bylaw to enter into a local trust area protocol agreement, the local trust committee must refer the proposed agreement to the Trust Council, and Trust Fund Board, and all local trust committees for local trust areas falling within the geographical boundaries of the same local governing body, for their submissions on the agreement.
- (3) The Executive Committee or the Local Trust Committee, as applicable, must either: deliver a copy of the proposed protocol agreement, to the secretary who must promptly deliver it to the applicable Trust Body with a request for consultation (Appendix A), or place a copy of the proposed protocol agreement on the Trust Council quarterly meeting agenda with a request for consultation.
- (4) The request for consultation must include the following:
 - (a) the purpose of the protocol agreement;
 - (b) the time frame in which the Trust Bodies may make submissions;
 - (c) the designated staff person for the protocol agreement; and
 - (d) that the purpose of the protocol agreement is carrying out the object of the Trust.
- (5) Before considering adoption of a bylaw to enter into a protocol agreement, the Trust Council or local trust committee, as applicable, must allow the affected Trust Bodies up to 30 days or at least one regular meeting on the Trust Council to make submissions in respect of the proposed protocol agreement.
- (6) The secretary must consolidate all responses to the request for consultation and shall distribute the responses to the Local Trust Committee, the Executive Committee and the Trust Council for their review.
- (7) Trust Council must consider responses from other Trust Bodies before it delivers its submissions to the local trust committee concerning its proposed local trust area protocol agreement.

Approval

4. (1) The Trust Council must consider all submissions made by the affected Trust Bodies before it enters into a Trust Area Protocol Agreement.
- (2) A Local Trust Committee must consider all submissions made by the affected Trust Bodies before it adopts a bylaw to enter into a local trust area protocol agreement.

Exemption

- 5. (1) Subject to subsection (2), 4 and 5 of this bylaw do not apply to a protocol agreement which in the view of Trust Council, or the Executive Committee on its behalf.
 - (a) must be adopted to respond to a situation which the Trust Council or local trust committee, as applicable, considers is urgent in nature and must be addressed by immediate action.
- (2) In order for the exemption set out in subsection(1) to apply to a protocol agreement, the Executive Committee must first pass a resolution approving the exemption.

Severability

- 6. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw.

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|-------------------------|------------------|--------|----------|--------|
| READ A FIRST TIME this | 10 th | day of | December | , 1999 |
| READ A SECOND TIME this | 10 th | day of | December | , 1999 |
| READ A THIRD TIME this | 10 th | day of | December | , 1999 |
| ADOPTED this | 4 th | day of | March | , 2000 |

Chairperson

Secretary

BYLAW NO. 65

SCHEDULE "A"

PROTOCOL REFERRAL

REQUEST FOR CONSULTATION

TO: _____

FROM: _____

SUBJECT: _____

BYLAW SOURCE: _____

PURPOSE OF PROTOCOL PROCESS BYLAW

REFERRAL

Deadline for Submissions: _____

To Designated Staff Person: _____

Trust Council Review: _____

1st Reading of Bylaw: _____

Request for Consultation Distributed: _____

Deadline for Submissions: _____

To Secretary: _____

Trust Council Review: _____

Targeted Trust Approval By: _____