

ISLANDS TRUST COUNCIL

BYLAW NO. 41

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) 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, 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. _41, 1996."

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,

"notice of intent" means a document substantially in the form prescribed in Schedule A attached to and forming part of the bylaw,

"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,

"request for consultation" means a document substantially in the form prescribed in Schedule B attached to and forming part of this bylaw,

"secretary" means the person appointed by the Trust Council to the office of secretary under section 15(1) of the *Islands Trust Act*,

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

Notice of Intent

3. (1) Prior to preparing a Trust Area protocol agreement on its own behalf, the Trust Council, or the Executive Committee on its behalf, must by resolution cause delivery of a notice of intent (Appendix A) to the Trust Fund Board and all local trust committees, which notice of intent must state the matters set out in subsection (4).
- (2) Prior to preparing a Trust Area protocol agreement on behalf of one or more local trust committees, the Trust Council, or the Executive Committee on its behalf, must by resolution cause delivery of a notice of intent to the Trust Fund Board and all local trust committees on behalf of which the agreement is intended to be made, which notice of intent must state the matters set out in subsection (4).
- (3) Prior to preparing a local trust area protocol agreement, a local trust committee must by resolution cause delivery of a notice of intent 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, which notice of intent must state the matters set out in subsection (4).
- (4) A notice of intent referred to in subsections (1), (2) or (3) must state the following:
 - (a) the purpose of the protocol agreement;
 - (b) the time frame in which the Trust Bodies may make submissions;
 - (c) a synopsis of the proposed protocol agreement; and
 - (d) the designated staff person for the protocol agreement;
 - (e) that the purpose of the protocol agreement is carrying out the object of the Trust.
- (5) Before initiating the consultation stage under section 4(1) to (3), the Trust Council or local trust committee, as applicable, must allow the other Trust Bodies up to 30 days and at least one regular meeting of the Trust Council, to make submissions in respect of the proposed protocol agreements.
- 6) Submissions arising from the notice of intent shall be forwarded to the designated staff person who will compile them for consideration by the Trust Council or the local trust committee proposing to enter into the Trust Area protocol agreement.

Consultation

4. (1) After first reading of a bylaw to enter into a Trust Area protocol agreement on its own behalf, the Trust Council, or the Executive Committee on its behalf, must pass a resolution stating that it will refer the proposed agreement to those Trust Bodies set out in section 3 (1) for their submissions on the proposed agreement.
- (2) After first reading of a bylaw to enter into a Trust Area protocol agreement on behalf of one or more local trust committees, the Trust Council, or the Executive Committee in its behalf, must pass a resolution stating that it will refer the proposed agreement to those Trust Bodies set out in section 3(2) for their submissions on the proposed agreement.
- (3) After first reading of a bylaw to enter into a local trust area protocol agreement, the local trust committee must adopt a resolution stating that it will refer the proposed agreement to those Trust Bodies set out in section 3(3) for their submissions on the agreement.
- (4) The Executive Committee or the Local Trust Committee, as applicable, must deliver a copy of the proposed protocol agreement, as applicable, to the secretary who must promptly deliver it to the applicable Trust Body with a request for consultation (Appendix A) which request must include the information set out in section 3(4).
- (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 and ~~a~~ 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

5. (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

6. (1) Subject to subsection (2), sections 3, 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

7. 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.

READ A FIRST TIME this 8th day of March, 1996.

READ A SECOND TIME this 27th day of September, 1996.

READ A THIRD TIME this 27th day of September, 1996.

ADOPTED this 10th day of October, 1996.

Chairperson

Secretary

BYLAW NO. 41

SCHEDULE "A"

Protocol Process Referral

NOTICE OF INTENT

9

REQUEST FOR CONSULTATION

9

TO _____

FROM _____

SUBJECT _____

BYLAW SOURCE _____

PURPOSE OF PROTOCOL PROCESS BYLAW

Report Attached

available y/n

BYLAW OUTLINE

REFERRAL

Notice of Intent Distributed

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 _____

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