

2.1.vii Policy Statement**TRUST-WIDE ADMINISTRATIVE PROCEDURES (SECTION 11)**

Trust Council: September 27, 1996

REFERENCE

Section 11 *Islands Trust Act*.

BACKGROUND

Section 11 of the *Islands Trust Act* (1994) enables Islands Trust Council to establish administrative procedures that one or more local trust committees must follow in exercising this authority. Islands Trust Council may, by bylaw adopted by at least 2/3 of its members present at the meeting at which the vote on adoption takes place, establish procedures in relation to:

- the conduct of a local trust committee;
- the consideration and adoption of resolutions and bylaws;
- the receipt and consideration of applications for amendments to bylaws and community plans; and
- the receipt and consideration of applications for permits and issuance of permits.

The act also stipulates that if there is a conflict between an administrative procedures (Section 11) bylaw of Islands Trust Council and of a local trust committee, the Islands Trust Council bylaw will prevail whether it was adopted before or after the bylaw of the local trust committee.

DETAILS

Whereas Section 11 of the Act allows Islands Trust Council to centrally impose a set of administrative procedures on local trust committees;

Whereas local trust committees are independent corporate entities responsible for administrative procedural certainty in the conduct of their activities and enactment of bylaws;

Whereas Islands Trust Council is responsible for the prudent management of the financial and human resources of the Islands Trust; and

Whereas Section 11 of the *Islands Trust Act* should only be used in situations whereby administrative procedural uncertainty on the part of local trust committees may cause financial obligations (e.g. court costs) that could effect the Islands Trust Council's ability to budget or pay bills.

Therefore it is acknowledged that the following efforts will be utilized to pursue administrative procedural certainty among the local trust committees:

- The Executive Committee will provide advice to local trust committees upon review of their administrative procedural bylaws to ensure they enact valid bylaws, carry out valid procedures and do not create unnecessary financial obligations for Islands Trust Council;
- Islands Trust Council will endeavor to provide local trust committees with access to legal advice to provide them with advice on their administrative procedures;
- Islands Trust Council will endeavour to provide local trust committees with administrative procedural formats and models in response to local trust committee needs, legislative requirements and administrative procedural reviews; and
- Islands Trust Council may pursue the establishment of a Section 11 administrative procedural bylaw in response to financial exposure or legislative imperatives if it has used best efforts to achieve procedural certainty through other means.