



POLICY MANUAL

Code: TFB 96010

Policy Procedure Guideline

Title: Islands Trust Fund Activities in the Land Use Planning Process

Approved By: Trust Fund Board

Date: August 13, 1996

Resolution #:96/85

Approved By: Trust Council

Date: September 27, 1996

Chair Signature:

Further References: Trust Fund Board/Trust Council Memorandum of Understanding (April 11, 1996) Trust Fund Board/Local Trust Committee Memorandum of Understanding (April 11, 1996)

PURPOSE:

These procedures are designed to assist staff, Trust Fund Board members and local trustees to implement the Memorandum of Agreement dated April 11, 1996 between Trust Council and the Trust Fund Board ("TFB") in a manner that gives area residents and other participants in, and observers of, the decisions of the TFB and each Local Trust Committee ("LTC") confidence that those decisions are being impartially made in pursuit of the object of the Islands Trust.

POLICY:

It is the policy of the Islands Trust to carry out its land use regulation mandate in light of the object of the Islands Trust under the *Islands Trust Act* in a way that is open, consultative, fair and in compliance with all applicable laws. The procedures set out below are designed to achieve this policy using clear and consistent rules for consultation between the TFB and each LTC in a way that avoids conflicts between their respective roles.

PROCEDURE:

I. General Matters

LTC/TFB Adherence

1. These procedures are to be adhered to unless in a given instance that would unreasonably interfere with the functions of the TFB or a LTC or would be inconsistent with the legal obligations of the TFB or a LTC. If these procedures are not to be adhered to, the Trust Fund Coordinator, or the Chairperson of the TFB, and the Manager of Local Planning Services ("Manager"), or the Chairperson of the LTC, must promptly notify the Executive Director of the Islands Trust.

Communications

2. The TFB will use the Trust Fund Coordinator and each LTC will use its designated staff to communicate about and initiate joint projects.
3. The Trust Fund Coordinator will ensure that the Executive Committee receives copies of all communications between the TFB and any LTC and the TFB and LTC will use the TFB Chairperson and the LTC Chairperson respectively to communicate concerns.
4. Initial communication for joint initiatives between the TFB and a LTC under these guidelines is to be made to and by the TFB through the Trust Fund Coordinator and to and by a LTC through the Manager. The staff liaison between the TFB and LTCs will be the Trust Fund Coordinator and the Manager or a planner designated by the Manager with respect to the LTC.

Coordination

5. Any program or initiative that is to be undertaken jointly by the TFB and any LTC will be initiated by a resolution of each of those bodies, with any communications between them regarding that initiative being communicated from Chairperson to Chairperson.
6. Each LTC and/or the TFB may allocate its staff and other resources, subject to agreement between the TFB and LTC regarding such allocations before work on the joint initiative proceeds.

II. Referrals

General

7. The Trust Fund Coordinator and Islands Trust staff must in each case where a referral has been initiated agree on appropriate time lines for each referral in order for the TFB and the LTC to carry out their respective functions in a timely manner.

Local Trust Committee Bylaws

8. When a LTC is of the view that a draft LTC bylaw may have an impact on the TFB's responsibilities, the LTC shall refer the draft bylaw to the TFB according to time lines established under section 7.
9. If staff consider that a draft LTC bylaw may have an impact on the TFB's responsibilities, staff must advise the LTC of that possibility as soon as possible, so the LTC can consider and carry out any referral under section 8.
10. The Trust Fund Coordinator must promptly communicate any draft LTC bylaw referral to the TFB by delivering a copy of the draft bylaw to TFB members along with any accompanying material received from the LTC.
11. If the TFB wishes to comment on a draft bylaw, it should do so according to time lines established under section 7. If the TFB does not wish to comment on a draft bylaw, the Trust Fund Coordinator must communicate that fact to the LTC. If the TFB does not comment within the time line established under section 7, or does not advise that it does not wish to comment, the LTC may assume the TFB's interests are not affected by the draft bylaw.

Trust Fund Plan

12. Every revision to or replacement of the Trust Fund Plan of the TFB is to be referred to every LTC and to Trust Council for comment before the revision or replacement is submitted for Ministerial approval in accordance with the *Islands Trust Act*.
13. Each time a revision to or replacement of the Trust Fund Plan is to be referred for comment, the Trust Fund Coordinator and the Manager are to agree on a reasonable date for receipt by the TFB of LTC comments.
14. If a LTC wishes to comment on the Trust Fund Plan, it must do so in accordance with the time line established under paragraph 13. If the LTC does not wish to comment on , the LTC's designated staff person must communicate that fact to the Trust Fund Coordinator. If the LTC does not comment within the time line established under section 7, or does not advise that it does not wish to comment, the TFB may assume the LTC's interests are not affected by the draft bylaw.

Donation Proposal

15. Sections 16 to 19 apply where a written proposal has been made in connection with an application to a LTC for any land use development approval that would result in land or money being donated to the TFB if the development approval is granted ("Donation Proposal").
16. The Islands Trust planning staff responsible for a LTC that has received a written Donation Proposal must promptly deliver the Proposal to the Trust Fund Coordinator as well as copies of any other material pertinent to the application for development.
17. The TFB is to respond to the LTC regarding the written Donation Proposal according to the time lines set out under the LTC Bylaw Referral Process as noted in section 2 and 11. The TFB's response is to indicate whether the TFB wishes to pursue the Donation Proposal.
18. If the TFB wishes to pursue a Donation Proposal and has indicated this to the LTC, the TFB may enter into discussions with the person responsible for the Donation Proposal.
19. The TFB is to notify the LTC, and is to provide the LTC with reasonable details of any Donation Proposal with which the TFB is prepared to proceed.