

**ISLANDS TRUST COUNCIL
BYLAW NO. 154**

**A BYLAW TO DELEGATE CERTAIN POWERS OF THE ISLANDS TRUST COUNCIL TO
THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE
RELATED TO PRESERVATION AND PROTECTION OF WATER RESOURCES IN
THE SALT SPRING ISLAND LOCAL TRUST AREA**

WHEREAS under sections 8 and 9 of the *Islands Trust Act* the Trust Council has certain powers for the purpose of carrying out the object of the Islands Trust, and section 10 of the *Islands Trust Act* provides that Trust Council may, by bylaw, delegate its powers under sections 8 and 9,

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

Definitions

1. In this bylaw:

“**Salt Spring Island Local Trust Committee**” means the local trust committee for the Salt Spring Island Local Trust Area, pursuant to the *Islands Trust Act*.

“**Trust Council**” means the Islands Trust Council referred to in section 5 of the *Islands Trust Act*.

Delegation

2. Subject to the provisions of the *Islands Trust Act*, Trust Council hereby delegates the following powers to the Salt Spring Island Local Trust Committee **for the purpose of preserving and protecting the quality and quantity of water resources within the Salt Spring Island Local Trust Area:**

a. the power to:

- i. *coordinate* and *assist* in the *determination* of regional, improvement district and government of British Columbia policies, and
- ii. *coordinate* the *implementation* of regional, improvement district and government of British Columbia policies,
- iii. *coordinate* the *carrying out* of regional, improvement district and government of British Columbia policies,

and for certainty, this power does not include

- i. *assisting* in the *implementation* of the policies of a regional district or improvement district or the government of British Columbia;
- ii. *assisting* in the *carrying out* of the policies of a regional district or improvement district or the government of British Columbia;

- b. the power to make recommendations to the Lieutenant Governor in Council respecting the acquisition, use and disposition by the government of land located in the Salt Spring Island Local Trust Area;
 - c. the power to make recommendations to the Lieutenant Governor in Council respecting the determination, implementation and carrying out of policies affecting water resources in the Salt Spring Island Local Trust Area; and
 - d. the power to enter into, on its own behalf, and subject to approval of the minister pursuant to section 9(2) of the *Islands Trust Act*, agreements with one or more of the following respecting the coordination of activities related to the preservation and protection of water resources in the Salt Spring Island Local Trust Area:
 - i. the government of British Columbia;
 - ii. the government of Canada;
 - iii. an agent of the government of British Columbia or Canada;
 - iv. a regional district or board of school trustees; and
 - v. a first nation.
3. The Salt Spring Island Local Trust Committee must not enter into an agreement under section 2(d) with a term exceeding five years, without the approval of the Trust Council.
 4. The Salt Spring Island Local Trust Committee must exercise the powers delegated by this bylaw in accordance with the procedures that would apply to the Trust Council's exercise of the powers, and in particular the Local Trust Committee must follow the procedures out lined in the following policies:
 - a. Islands Trust Council Policy 2.1.iv – Coordination Agreement Process
 - b. Islands Trust Council Policy 6.10.iii – Advocacy Policy

Funding of Operations Related to Delegated Powers

5. For the purposes of the annual budget adopted by Trust Council and without fettering the discretion of the Trust Council with respect to the adoption of the annual budget for any such operations:
 - a. operations undertaken solely in relation to powers delegated by section 2 of this bylaw will be considered additional operations of the Salt Spring Island Local Trust Committee pursuant to section 14 (3)(iii) of the *Islands Trust Act*; and
 - b. if the annual budget sets out anticipated expenditures of the Salt Spring Island Local Trust Committee equal to or in excess of \$5000 that are solely related to powers delegated by section 2 of this bylaw, a special tax requisition under section 47 (2)(a)(ii) of the *Islands Trust Act* will be made in respect of the Salt Spring Island Local Trust Area.
 - c. Sections 5(a) and (b) will apply to each annual budget adopted by Trust Council after the 2013-2014 fiscal year.

Limitation on Delegation

- 6. Nothing in this bylaw prevents the Trust Council from itself exercising any of the powers delegated by section 2.

No Further Delegation

- 7. For certainty, the Salt Spring Island Local Trust Committee may not further delegate any power that has been delegated by this bylaw.

Citation

- 8. This bylaw may be cited as the "Islands Trust Council Delegation Bylaw, 2013".

READ A FIRST TIME THIS	11 TH	DAY OF	JUNE	2013
READ A SECOND TIME THIS	11 TH	DAY OF	JUNE	2013
READ A THIRD TIME THIS	11 TH	DAY OF	JUNE	2013
ADOPTED THIS	26 TH	DAY OF	JUNE	2013

SECRETARY

CHAIR