

COMOX VALLEY REGIONAL DISTRICT / UNION BAY IMPROVEMENT DISTRICT PROTOCOL AGREEMENT

BETWEEN:

UNION BAY IMPROVEMENT DISTRICT
("Improvement District")

AND:

COMOX VALLEY REGIONAL DISTRICT
("Regional District")

(Referred to as the ("parties"))

WHEREAS:

- A. Under part 23 of the *Local Government Act*, an Improvement District may enter into an agreement with a Regional District respecting the coordination of activities in an Improvement District;
- B. The Union Bay Improvement District is incorporated by letters patent under section 731 of the *Local Government Act* for the purpose of providing fire protection, water supply and distribution and street lighting in this Improvement District;
- C. The Comox Valley Regional District is a Regional District established by letters patent on the 15th day of February 2008 and has the authority to provide services in the Union Bay Improvement District; and
- D. The parties consider it in the interest of the residents of the Union Bay Improvement District, who also reside within the Comox Valley Regional District's Electoral Area "A", that the parties cooperate in the coordination of their activities.

NOW THEREFORE the Union Bay Improvement District and the Comox Valley Regional District agree as follows:

Principles

1. The Improvement District and the Regional District agree to the following principles regarding interagency relations:
 - (a) Recognition of each parties' jurisdictions and capabilities with a commitment to promoting a spirit of partnership through joint legislative, policy, program and operations initiatives;
 - (b) Coordination of planning, servicing and growth management activities that is responsive to the needs of the Improvement District and the electoral area of which it is a part;

- (c) Commitment by the parties to consider the purpose of each district, which is to balance best practices, cost effectiveness and efficiency in providing services to the community and to demonstrate leadership that is responsive to the needs and concerns of the community;
- (d) Commitment by each district to take the other district's servicing functions into consideration in matters involving each other;
- (e) Cooperation through liaison, sharing of information, and notification of significant initiatives, developments or relationships that may impact the other party.

COOPERATION

- 2. (1) The parties agree to cooperate with respect to the implementation, coordination and administration of each party's legislative authority that may impact the other party.
- (2) The parties agree to coordinate activities within the improvement area / electoral areas including, but not limited to, such matters as:
 - (a) Fire Protection;
 - (b) Water Supply/Distribution; and
 - (c) Street Lighting.
- (3) Each party agrees to notify the other party on legislative, municipal incorporation and boundary restructure initiatives that may affect the other party.

COMMUNICATIONS

- 3. (1) The parties agree to schedule meetings at least twice per calendar year with the Baynes Sound/Hornby and Denman Island (Area A) regional director, the Improvement District trustees and staff representatives from each party as determined by the chief administrators to review the implementation of the protocol.
- (2) The parties agree that where certain matters arise and require immediate attention in the interim between scheduled meetings, the key contact persons are the Chief Administrative Officer or the General Manager of Planning and Development Services for the Regional District and the Administrator or Board Chair for the Improvement District.
- (3) The parties agree to protect information that is protected for disclosure under the *Freedom of Information and Protection of Privacy Act*, any other legislation protecting information from disclosure, or that is subject to solicitor-client privilege.
- (4) Each party agrees to pursue formal methods of dispute resolution before initiating legal proceedings directed at the other party.

CONDITIONS

4. (1) Nothing in this agreement shall be construed so as to fetter the legislative discretion of either of the parties within their respective areas of jurisdiction or, without limiting the generality of the foregoing, to oblige either of the parties to adopt or prevent either of the parties from adopting any bylaw or resolution.
- (2) The interpretation of terms used in this agreement shall be governed by the interpretation provisions of the *Local Government Act*.
- (3) This agreement may be amended by mutual agreement in writing between the Regional District and the Improvement District.
- (4) Any party to this agreement may terminate this agreement at any time by delivering three months written notice to the other party.

- (5) Information and notification pertinent to this agreement shall be delivered to:

Union Bay Improvement District
Box 70, 5579B. South Island Highway
Union Bay, BC V0R 3B0

Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6


- (6) The officials of each party who shall be responsible for the notices and the administration of this agreement are:

Union Bay Improvement District: Administrator.


Comox Valley Regional District: Corporate Legislative Officer.

As evidence of their agreement to the above terms, the local trust committee and the Regional District have executed this agreement as set out below:

COMOX VALLEY REGIONAL DISTRICT by its authorized signatories:



Chair of the Board



Corporate Legislative Officer

UNION BAY IMPROVEMENT DISTRICT by its authorized signatories:



Chair - Board of Trustees



Administrator