



En Santa Cruz de La Palma, a 12 de septiembre de 2017

Por medio de la presente SE HACE CONSTAR que el documento denominado 'Marco de colaboración para la implementación del proyecto Thirty Meter Telescope en la isla de La Palma, a suscribir por el Instituto de Astrofísica de Canarias, el Thirty Meter Telescope International Observatory LLC, el Ayuntamiento de Puntagorda y el Excmo. Cabildo Insular de La Palma", que fue suscrito por el Excmo. Cabildo Insular de La Palma por Acuerdo del Consejo de Gobierno Insular en Sesión Extraordinaria Urgente de fecha 10 de agosto de 2017, está constituido por seis (6) páginas habiéndose redactado el texto íntegro del citado documento en español.

Dicho texto ha sido traducido al inglés y el Sr. D. Robert Campbell Warden, en nombre y representación del Instituto de Astrofísica de Canarias con CIF Q3811001-A ha realizado una revisión comparativa de ambas versiones considerándose como oficiales para su firma, y certifica que las dos hacen fe.

Y en prueba de conformidad con lo recogido en el presente documento, se suscribe en cuadruplicado ejemplar, en el lugar y fecha indicados ut supra.









COOPERATION FRAMEWORK FOR THE IMPLEMENTATION OF THE THIRTY METER TELESCOPE PROJECT ON LA PALMA ISLAND, TO BE SUBSCRIBED BY THE INSTITUTO DE ASTROFÍSICA DE CANARIAS, THE THIRTY METER TELESCOPE INTERNATIONAL OBSERVATORY LLC, THE CITY COUNCIL OF PUNTAGORDA AND LA PALMA ISLAND COUNCIL

In Santa Cruz de La Palma, on September 12, 2017.

## BY AND BETWEEN:

MR. ANSELMO FRANCISCO PESTANA PADRÓN, with an address for service Avenida Marítima 3, Santa Cruz de la Palma.

MR. VICENTE RODRIGUEZ LORENZO, with an address for service at Avenida de la Constitución 4, Puntagorda.

PROF. RAFAEL REBOLO LÓPEZ, with an address for service at Cuesta de San José, (numberless), San Antonio, Breña Baja.

PROF. BARUCH THOMAS SOIFER, with an address for service at Cuesta de San José, (numberless), San Antonio, Breña Baja.

### THEY INTERVENE:

H.E. Mr. Pestana Padrón, on behalf of and in representation of the ISLAND COUNCIL OF LA PALMA (Cabildo Insular de La Palma, and hereafter the Island Council), as President of the Island Council, holder of corporate tax identification number (CIF) P3800002B, especially empowered for this legal act by Government Council Agreement on August 10<sup>th</sup> 2017, pursuant to Article 57 b) of the Law 8/2015, of 1 April, regulating Island Councils (Ley de Cabildos Insulares); as well as Articles 15.1 b) and 31.1 of the respective Organic Rules, regarding Government, Administration and Functioning.

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Mr. Rodríguez Lorenzo, on behalf of and in representation of the **TOWN COUNCIL OF PUNTAGORDA** (*Ayuntamiento de Puntagorda*, and hereafter the Town Council), as Mayor-president of the Town Council, holder of corporate tax identification number (CIF) P3802900E, especially empowered for this legal act by Plenary Agreement on 1 June 2017.

Prof. Rebolo López, on behalf of and in representation of the **CANARY ISLANDS ASTROPHYSICS INSTITUTE** (*Instituto de Astrofísica de Canarias* and IAC, hereafter), holder of corporate tax identification number (CIF) Q3811001-A, as provided by the Law 14/2011, of 1 June, regulating Science, Technology and Innovation (*Ley de la Ciencia, la Tecnología y la Innovación*) (BOE 1 June 2011), its 27<sup>th</sup> Additional Provision and its Statutes (BOE 17 March 2014).

Prof. Soifer, on behalf of and in representation of **THIRTY METER TELESCOPE INTERNATIONAL OBSERVATORY LLC** (TIO, hereafter), as Governor appointed in accordance with the TIO Company agreement of 6 May 2014.

The parties, in the positions in which they act hereby, acknowledge that they have legal capacity and such powers of representation.

## WHEREAS

L The ISLAND COUNCIL OF LA PALMA is the relevant public Administration regarding the insular planning and management of La Palma's Public Utility Mountains, including the one listed as number 28 Public Utility Mountain (Monte de Utilidad Pública 28), where the TMT would be implemented.

II. The TOWN COUNCIL OF PUNTAGORDA owns the plot that has been chosen to eventually build the astrophysics observatories complex and, therefore, it owns its domain as well. The plot is recorded in the Corporation's Assets Inventory Ledgers (Libro Inventario de Bienes la Corporación), as well as in the Property Registry, in the Land Registry and in the catalog of Public Utility Mountains. The coordinates of the plot are UTM 28N 217082.00 3184006.50.

III. The CANARY ISLANDS ASTROPHYSICS INSTITUTE, IAC, is the public Consortium composed by the Spanish National State Administration, the Canary Islands regional Public Administration, the University of La Laguna and the Higher Council of Scientific Research (CSIC), and it is the management body regarding the set of telescopes that makes up the



# Astrophysics Observatory of el Roque de los Muchachos, of which the Thirty Meter Telescope will be part.

IV. THIRTY METER TELESCOPE INTERNATIONAL OBSERVATORY LLC, (TIO) is a non-for-profit Limited Liability Company, established under the laws of Delaware, and a unique international collaboration for the purpose of developing, designing,

financing, building and operating the THIRTY METER TELESCOPE (hereafter TMT).

The TMT will be an extremely powerful facility that will lead to humans gaining a better knowledge of astronomy and the origins of the universe. The TMT will become a flagship facility in order to address many attractive areas of astrophysics and to promote unpredictable astronomical discoveries.

Given the scale and the special features of the project, the positive effects will extend beyond astronomy and astrophysics, benefiting the island of La Palma as well and, in particular, the municipality of Puntagorda, from an economic, labor, touristic and cultural perspective.

<u>V</u>. The primordial and ultimate objective of the present document is to confirm the common will of the parties to follow the steps described in the present Cooperation Framework in order to help implement the project THIRTY METER TELESCOPE in the island of La Falma.

The TMT implementation in the island will be developed in accordance with the legislation in force at any time and pursuant to this Cooperation Framework, as a formula that will channel all relevant management aspects in order to achieve such implementation, within the envisaged location in the municipality of Puntagorda (coordinates UTM 28N 217082.00 3184006.50).

Furthermore, the present Cooperation Framework also identifies the sponsorship actions that would be carried out by the TMT in the municipality (if finally the TMT is installed), regarding the willingness expressed to support Puntagorda. This will lead to the creation of a unique situation which would finally consolidate the island of La Palma, and in particular, the Observatory of Roque de los Muchachos as an international astrophysics standard.

This Cooperation Framework does not include cooperation actions associated with the TMT installation which could be carried out either by the Canary Islands Government or by its government bodies.



All the activities carried out in fulfillment of the present document shall be preceded by the relevant actions, permits and authorizations required by the legislation in force at all times, since all Parties involved are committed to absolutely respect all the existing legal proceedings to implement the present Cooperation Framework.

As a consequence of all the above, the present Cooperation Framework, pursuant to Article 10.3 of the Law 7/2015, of 1 April, on Canary Islands municipalities (*Ley de los Municipios de Canarias*), Article 118 of the Law 8/2015, of 1 April, regulating Island Councils and according to action and operational principles under Article 3 of the Law 40/2.015, of 1 October, regulating the legal regime for the Public Sector (*Ley de Régimen Jurídico del Sector Público*), states the following:

### TERMS AND CONDITIONS:

**FIRST.-** The **TOWN COUNCIL** will facilitate, within the framework of its legal powers, the TMT implementation, in its municipal area, undertaking all necessary actions for this purpose.

It will make more flexible the economic aspects which are inherent to the TMT implementation, regarding fees, taxes and other economic obligations. In this regard, legally permitted allowances will be implemented and the deferral of the fulfillment of such obligations will be allowed.

A stand-alone document concerning the present Cooperation Framework will specify these economic obligations, once the technical aspects and the installation costs arising from the final technical project to be implemented are established, which shall define them and must be provided.

This economic easing is directly linked to the following clause regarding actions and targets assumed by the TIO, which are backed and supported by both the ISLAND COUNCIL and the IAC, by signing this Cooperation Framework.

#### SECOND.-

1. The TIO, regarding its corporate purpose which consists in advancing the knowledge of astronomy, is committed to implement cultural and social sponsorship initiatives that will benefit the local community and, in particular, the living standards of Puntagorda's inhabitants.

To the extent permitted by Law and regulations in force at the time, the TIO undertakes to carry out cultural and social actions whose details will be developed in correlation with the

actions to be taken by the Town Council as described in the first clause of the present Cooperation Framework.

- Recruitment, as a priority, of personnel from the north-western District of the island of La Palma, regarding the building and operation phase of the TMT, as far as possible and as permitted by law.
- Cooperation in a scholarship program in order to facilitate education for the region's young people, at Puntagorda High School, that will be carried out while the TMT is located in the relevant site.
- Social and cultural participation that will be reflected by its support for the municipality's cultural events and festivities.
- 2. Namely, the **TIO** will contribute to the development and the financing of the following projects:
  - The creation of a common area, in the urban core of Puntagorda, composed of a Plaza and a Thematic Centre which will host a Planetarium.
  - The creation of a thematic area, consisting of natural, cultural and stellar elements, that shall be placed at the Summit, in altitude range between 1,900 and 2,100 masl (meters above sea level) of the municipality of Puntagorda. This area would be called "PARQUE ASTRONÓMICO Y CULTURAL LLANO DE LAS ÁNIMAS".

THIRD.— The ISLAND COUNCIL, as the Island's public Administration interested in launching any initiative that could promote the economic and social development as well as the territorial planning of the island of La Palma in accordance with the powers of other Public Administrations in this regard and pursuant Article 8.1 d) of the Law 8/2015, of 1 April, regulating Island Councils, supports the targets and projects set out in the present Cooperation Framework and which will be developed in the municipality of Puntagorda, being at the top of the list the installation of the Thirty Meter Telescope.

Furthermore, the Island Council would support any other social, cultural or economic initiatives conveniently agreed by the signatories, within the framework of its competences as provided by Article 6 (b), (f) and (o) of the Law 8/2015, of 1 April, regulating Island Councils.

Accordingly, the ISLAND COUNCIL would particularly support the corresponding projects, subject of this Cooperation Framework, and it is committed to act promptly, effectively and diligently, as mandated by the territorial planning legal framework in force. The ISLAND

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COUNCIL places particular emphasis on supporting the project "PARQUE ASTRONÓMICO Y CULTURAL LLANO DE LAS ÁNIMAS", due to its natural, archaeological, ethnographic and astronomical thematic, which makes it unique.

As a result, the ISLAND COUNCIL will promote, when thus provided by the law, the processing of all the planning and management instruments which are necessary for its completion, and it would support the applicable territorial legitimation route of the project, where appropriate.

**FOURTH.-** The **IAC**, within the framework of its objectives regarding astrophysical research, the public outreach of science and the preservation of the sky quality, to the extent permitted by Law and regulations in force, is committed to support any initiative related with astronomical observation and associated cultural activities that the municipality of Puntagorda could carry our; in particular, the above mentioned projects.

In any case, carrying out the relevant measures in order to complete the implementation of the TMT within the envisaged location in the municipality of Puntagorda is the IAC's principal objective.

And in witness thereof, in accordance with all of the foregoing, the Parties hereby sign this Cooperation Framework, in four copies in both Spanish and English, in the place and on the

date stated ut supra.

Signature.- Anselmo Fco. Pestana Padrón.

Signature.- Vigente Rodríguez Lorenzo.

Signature.-Rafael Rebolo López.

Signature.- Baruch Thomas Soifer.

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El Representante del Instituto de Astrofísica de Canarias

La Jefa de Servicio de Planificación e Industria del Cabildo Insular de La Palma

Fdo.- Robert Campbell Warden

Fdo.- Edvina Barreto Cabrera

El Consejero Delegado de Planificación del Cabildo Insular de La Palma

Fdo.- Gonzalo María Pascual Perea