



Executive Committee Addendum

Date: Wednesday, June 14, 2023
Time: 9:00 am
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

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Committee (SF AMAC) for some time. I attended the meeting as a representative of an environmental organization. As this is a fairly new endeavour for the trust, I wasn't given much information on my role at the meeting. As a result, I did a lot of research and spoke on issues I felt were important to the Islands Trust. I also connected with Lasqueti shellfish farmers and other farmers I know on the coast in order to achieve a well-rounded understanding of the industry perspective.

The Islands Trust supports shellfish farming as long as it does not damage the ecosystem or environment or impede ocean traffic or beaches. Executed responsibly, aquaculture can have a very minimal impact on environment, and in many cases it is sustainable and often carbon neutral.

SF AMAC essentially makes recommendations to the governing bodies on all things shellfish aquaculture. Rather than a meeting, it was more like a group counselling session: it felt like a collaborative effort to make the shellfish industry work. The committee consisted of less than 25 participants, so there was time and space to make sure that all concerns were able to be voiced and considered. The attendees included BC and federal government, farmers, industry organization, local government, environmental organizations, ex-officio, First Nations, various related provincial ministries and others.

The new plan for aquaculture management is focusing on area based management rather than a broader management style. Realizing that BC's coast is not a one size fits all is a huge step forward ensuring that ecosystems are not acutely impacted, and minimizing damage to the environment.

There is also an emphasis on First Nations involvement, and they're working on bringing First Nations in earlier in the regulatory and development process. Despite this interest in First Nations input, there are four out of seven seats available on the committee. We discussed how we might encourage more First Nations involvement in the future. An idea floated was hybrid meetings as many of the interested parties are too far away to feasibly attend in person.

You may all remember the heat wave of summer 2021, when the temperatures were in the upper mid-30s, and the tides were low during the heat of the day. Even if you don't remember the heat, you'll remember the smell as a huge amount of intertidal life perished from the heat. To this end, SF AMAC is looking at creating a shellfish aquaculture emergency weather preparedness fund. This fund would reduce shellfish death by providing sprinklers and other methods to ensure the shellfish wouldn't cook. The economic devastation of the heat wave was felt widely by shellfish farmers.

I have worked for the Ocean Legacy Foundation doing beach trash clean up on Lasqueti, so I know first-hand how much the shellfish industry contributes to beach trash. In aid of keeping our beaches free of aquaculture debris, they have removed abandoned spawning equipment from prime spawning areas in Pendrell Sound. Due to complaints, as well as the G7 Ocean Plastics Charter addressing fishing and aquaculture debris, DFO has made some changes. For example, all shellfish aquaculture paraphernalia must be tagged with the farm's information. This is a great way to encourage farmers to keep their equipment from getting loose.

One of the big issues we discussed was the Norovirus outbreak in Baynes Sound between Denman and Vancouver Island. The official story is that herring fish boats and live-aboard boaters have caused this ongoing outbreak. There was some skepticism about how only a few boats could cause such a continuous outbreak. This is an ongoing issue, as much of Baynes Sound's products are shipped over the border. At this point, the USA has been helpful and is working with BC so that our products are still able to be sold in the USA.

In conclusion, by participating in the SF AMAC meetings, the Islands Trust is able to ensure that our voice is heard, and encourage that any environmental impact of shellfish farming is minimal.

Trust Council Quarterly Meeting Schedule September 26-28, 2023

Tuesday, September 26	Wednesday, September 27	Thursday, September 28
10:00 Executive Committee Meeting	8:30 Trust Area Services Consent Agenda Items TPC Work Program Director's Report Conservancy Report	8:30 Closed Meeting Public are welcome to attend all sessions excluding the Closed Meeting Rise and Report
12:00 Lunch	Legislative Monitoring - BRF Decision/Discussion Items Policy Statement Project Placeholder	9:30 Break
1:00 Land Acknowledgement Call to Order and Approval of Agenda General Business Arising Consent Agenda Item(s) Adoption of Minutes RWMs TC FUAL	9:00 Strategic Planning - Visioning Exercise	9:45 Disposition of Delegations Correspondence New Business
1:15 Trustee Roundtable Emerging issues for Trust Council	10:30 Break	Trustee/Summary Updates First Nations Relations Freighter Anchorages/Oceans Protection Plan Update Salt Spring Island Watershed Protection Alliance (SSIWPA) Southern Gulf Islands Forum Átl'ka7tsem/Howe Sound Biosphere Region Baynes Sound/Lambert Channel Ecosystem Forum BC Ferries Advisory Committees Freighter Anchorages Update Shellfish
3:00 Break	10:45 San Juan County Council (draft placeholder)	Priorities Chart December Trust Council Draft Schedule Disposition of Delegations Correspondence
3:15 Executive Consent Agenda Item(s) EC Work Program Decision/Discussion Items CAO's Report Accessibility Committee	1:30 Delegations/Public Comment	12:00 Adjournment (approx.)
4:30 Governance Committee Revisit Request for Trust Council Governance Review	2:30 Planning Services Consent Agenda Items RPC Work Program Decision/Discussion Items Director's Report Office of the Ombudsperson Report	
	3:00 Break	
	3:15 Administrative Services Consent Agenda Items FPC Work Program Director's Report Decision/Discussion Items	
5:30 Adjourn for the Day (approx.)	4:15 Placeholder	
	5:30 Adjourn for the Day (approx.)	
 = denotes requested agenda items	times are provided for information	

Pender Islands Community Hall
4418 Bedwell Harbour Rd, Pender Island



REQUEST FOR DECISION

To: Executive Committee

For the Meeting of: June 14, 2023

From: Laura Patrick

Date Prepared: May 29, 2023

SUBJECT: Trust Council Policy 2.1.2 Standards of Conduct

RECOMMENDATION:

THAT the Executive Committee request staff to review Section 5 (Review Process) of Trust Council Policy 2.1.2 Standards of Conduct and recommend revisions to implement an informal review process and enhance review process fairness following best practices, in particular ensuring the person affected by a decision is able to participate in the process before a decision is made (e.g., is notified of allegations, findings and recommendations and provided all documents and information that will be relied on by decision-makers, is provided with an opportunity to respond and sufficient time to prepare, and is given an opportunity to be represented by legal counsel at the appropriate stage).

CHIEF ADMINISTRATIVE OFFICER COMMENTS: Staff have not had an opportunity to review the RFD, but will do so as a regular course of action if Executive Committee proceeds with the decision.

1 PURPOSE:

Trust Council Policy 2.1.2 Standards of Conduct does not meet a standard of fairness, for example, it does not include ways for the person affected by a decision to participate in the process before decisions are made.

On February 13, 2023, Laura Patrick sent an email to Chair Luckham about concerns with the procedures related to a "Standards of Conduct Review Panel" being struck to pass judgement on a complaint made against a trustee without that trustee being notified and given an opportunity to participate in the process. I believed this oversight in Policy 2.1.2 needed to be addressed immediately.

On March 14, 2023, Laura Patrick followed up with an email to Chair Luckham requesting an update on her previous email. Chair Luckham responded that the item would be added to the executive agenda.

The purpose of this Trustee Sponsored Request for Decision is to instigate an immediate revision to Policy 2.1.2 to enhance fairness in accordance with best practices.

2 BACKGROUND:

The Union of BC Municipalities (UBCM) published in 2021 "Foraging the Path to Responsible Conduct in Your Local Government".

On Page 27 of this report it says:

“Ensuring a Fair Process – Code of conduct enforcement processes have two stages: determining if there has been a contravention (e.g., taking complaints; conducting investigations; making determinations), and if so, making decisions on what, if any sanctions to impose (e.g., recommendations from investigations and/or Council/Board decision on sanctions). Fair process in both of these stages is critical.

A local government is obligated to ensure its decision processes are fair, particularly where the decision affects the interests of a specific individual.

Given the significance of these processes to elected officials, local governments need to consider how they can meet a high standard of fairness, including finding ways to ensure throughout the process that:

- **The person affected by a decision is able to participate in the process before the decision is made (e.g., is notified of allegations, findings and recommendations and provided all documents and information that will be relied on by decision-makers, is provided with an opportunity to respond and sufficient time to prepare, and is given an opportunity to be represented by legal counsel at the appropriate stage);**
- The decision-makers are open-minded (i.e., they have neither a conflict of interest nor a predetermined bias); and
- The decision is based on relevant evidence and, where applicable, the justification for the decision is given to the person(s) affected by it.”

On page 27 of the report, it recommends these “Leading Practice Tips”:

- **“Build timelines into the various steps of your enforcement process. This will enhance fairness and can avoid eroding relationships further as the process drags on.”**
- **Build an informal resolution component into your code of conduct enforcement process.”**
- “Consider carefully managing the extent to which staff are involved in enforcement processes. Given the nature of these processes, critical staff-elected official working relationships can be significantly affected.”
- “Consider specifically referring to legislated confidentiality requirements in your code of conduct, so members know how they will be held accountable for contraventions of those provisions.”

On page 34 of the report is says:

- **Fair process/cost and capacity:** Fairness would dictate that at a minimum, anyone subject to a code of conduct should be allowed to make a complaint. From a public trust perspective, consideration could be given to allowing complaints from anyone impacted by the conduct (e.g., members of the public who are impacted by the erosion of good governance resulting from the conduct). The volume, and perhaps the complexity, of complaints tends to increase as the number of potential complainants increases, which will have cost and capacity impacts.
- **Fair process:** Consider timelines for making a complaint. Existing practice examples: some codes don’t explicitly provide a deadline, while others tie a deadline to the breach (e.g., as soon as possible after, or within six months).
- **Fair process:** Consider how much detail to require in a complaint. Part of a fair process is enabling the respondent to respond, which would be difficult without sufficient detail as to the allegation. To be clear about process, consider explicitly stating that the

respondent is to be provided notice of the allegations and an opportunity to respond before a decision to proceed to an investigation is made, perhaps with some deadlines. Existing practice examples: some codes do not provide this explicitly, while others do and provide deadlines (e.g. must respond within 14 days of notification).

- **Confidentiality/transparency:** Consider measures to ensure confidentiality until an investigation of the allegations is complete.

RECOMMENDATION: THAT the Executive Committee request staff to review Section 5 (Review Process) of Trust Council Policy 2.1.2 Standards of Conduct and recommend revisions to implement an informal review process and enhance process fairness following best practices, in particular ensuring the person affected by a decision is able to participate in the process before the decision is made (e.g., is notified of allegations, findings and recommendations and provided all documents and information that will be relied on by decision-makers, is provided with an opportunity to respond and sufficient time to prepare, and is given an opportunity to be represented by legal counsel at the appropriate stage).

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: The current version of Policy 2.1.2 does not ensure a fair process is followed in the handling of complaints.

FINANCIAL: None.

POLICY: Trust Council Policy 2.1.2 Standards of Conduct.

IMPLEMENTATION/COMMUNICATIONS: Trust Council must approve amendments to Policy 2.1.2.

FIRST NATIONS:

OTHER:

4 **RELEVANT POLICY(S):** Trust Council Policy 2.1.2 Standards of Conduct.

5 **ATTACHMENT(S):** Links to relevant documents: <https://www.ubcm.ca/sites/default/files/2021-08/Forging%20the%20Path%20to%20Responsible%20Conduct.pdf>

https://www.ubcm.ca/sites/default/files/2022-10/Policy_Model_COC_Aug2022_UPDATED.pdf

https://www.ubcm.ca/sites/default/files/2022-10/Policy_Companion_Guide_Aug2022_UPDATED.pdf

<https://squamish.ca/yourgovernment/news/districts-new-code-of-conduct-bylaw/>

RESPONSE OPTIONS

Recommendation:

Alternative:

Prepared By: Trustee Laura Patrick

Reviewed By/Date: DLPS, June 12, 2023

Begin forwarded message:

From: David Maude <dmaude@islandstrust.bc.ca>
Date: May 26, 2023 at 8:07:48 AM PDT
To: Lori Foster <lfoster@islandstrust.bc.ca>
Subject: Public notification procedures bylaw

Lori;

Could this be added to the next EC agenda please?

**Public Notice Guidance Materials for BC Local Governments –
February 2022**

https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/governance-powers/public_notice_guidance_material_2022.pdf

In my mind a somewhat important issue that would save both the trust and applicants substantial amounts of money, but these administrative bylaws need to be drafted and adopted by LTC's

I think this needs to be a priority item

Thank you

D

Mayne Island Trustee
Islands Trust Council Vice Chair
Wi'la'mola - We are all travelling together

Comment: Let's work together to make the Gulf Islands better

Affordable housing and protection of the environment don't have to be conflicting goals on the Gulf Islands

Paul Brent Jun 8, 2023 4:40 AM

A commentary by a Saturna Island resident who was an Islands Trust trustee from 2011 to 2022

I read the commentary "Gulf Islands lose their protection" (June 5) regarding the impact of affordable housing initiatives on the Gulf Islands, and how this was undermining the preserve-and-protect mandate of the Islands Trust.

The writer's position is that balancing the needs of communities and the natural environment cancel each other out, and that the mandate (object) of the Trust is solely to preserve and protect the natural environment.

Well, if that were the case, the object would have been written that way.

Instead, the object (contained in the Islands Trust Act) says: "to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally."

If "unique amenities" were meant to mean the "environment," then why would it be repeated?

One of the first policies of the Islands Trust, in 1975, reads:

"Recognition that the islands are first of all an existing community of people, and the welfare of those people, and those who join them and come after them, must always be a primary concern of the Trust."

Balancing the natural environment with the needs of communities is not easy but it is a goal all communities worldwide need to strive to achieve, and it is the recognition of that balance that is most critical.

The people of the Trust area are passionate about their natural environment and care deeply for their communities.

Hundreds of acres of land have been preserved in the past couple of years, mainly by non-profit local conservation groups or broader non-governmental conservancies. The level of volunteer effort to support both the environment and the people in these communities is simply unbelievable.

What most now realize on these islands is the Trust's lack of direction and focus on single-family homes has led to a crisis in affordable-housing availability. This has the very real possibility of hollowing out our communities, by denying those in the lowest economic quartile (mainly younger people) the ability to live on these islands.

That is the true failure of the Trust, but one that can be recovered from. But it needs to be acted on, as we are at a tipping point in most Gulf Island communities.

So let us stop the polarization narrative and work together to balance the collective needs of our islands' natural environment and the people who live on and visit them.

From: Mairi Welman <mairi@saltspringsolutions.com>
Sent: June 12, 2023 8:52 AM
To: Timothy Peterson; Tobi Elliott; Peter Luckham; David Maude
Cc: kristin@saltspringsolutions.com
Subject: Housing Editorial - Agenda Request - Salt Spring Solutions

Good Morning Trust Council Executive;
I'm writing to send you our editorial, which was published in the Victoria Times-Colonist today.

We hope that it will provide some balance to the ongoing negative commentary by a Salt Spring resident regarding the Province, the Trust, the state of the Gulf Islands, and the intentions of his fellow islanders, published in that paper.

You can read our piece here:
<https://www.timescolonist.com/opinion/comment-gulf-islanders-need-to-find-ways-to-increase-housing-7129827>

I would like to request that it be included in the June Trust Council agenda package, if you see fit, and have attached it as a pdf document below for that purpose.

As a next step, following the release of our [housing framework](#) in late April, we're hosting an invitation-only professionally facilitated inter-agency workshop to discuss cross-organizational collaboration and housing with senior staff and elected officials from the Trust, CRD and North Salt Spring Waterworks District. It is our belief that much CAN be done now, within existing legislation and regulation, to begin to address the housing situation, and that it begins with dialogue and collaboration.

Best regards,
Mairi Welman
Co-Chair
Salt Spring Solutions



We envision a resilient Salt Spring Island community that works together to equitably care for the ecology and the community as one.

Victoria Times-Colonist

Editorial by Mairi Welman
Salt Spring Solutions

Published on June 12, 2023

<https://www.timescolonist.com/opinion/comment-gulf-islanders-need-to-find-ways-to-increase-housing-7129827>

Lack of housing is an issue in communities large and small across Canada. However, one of the key reasons that solving the housing crisis on Salt Spring Island has been a particularly tough nut to crack is because of the fragmented nature of the island's governance and lack of coordination and collaboration between a variety of agencies which all have some role to play in housing.

Salt Spring Solutions (a non-profit community organization) has been involved in the housing conversation on Salt Spring for five years, and what we've learned in that time is that organizations like the Islands Trust and the Capital Regional District were talking about housing, but not necessarily to or with each other, or in reference to previous work within their own organizations. Countless reports have been written on housing, however none of them sufficiently stepped out of their organizational silos to consider the big picture, or to address the need for inter-agency cooperation and problem-solving.

The unhindered (and perfectly legal, under the current land use bylaw) development of estate-sized resource-intensive single-family houses is having multiple adverse impacts on our island. Housing regulations that may have worked 15 years ago when the Official Community Plan was created no longer serve the community. The OCP vision is still relevant today, but the strategies for achieving it have, quite necessarily, changed. Evidence-based planning tools, best practices and lessons from other communities have emerged which can better serve our environment and community. Salt Spring requires forward-looking solutions, not continuation of practices that are outdated and harmful.

Today, a whopping 80 percent of the housing on Salt Spring is single-family homes and our fastest growing demographic is retirees. Our working age community-members (which includes our hospital staff, BC Ferries workers, school, transit, tourism and service industry employees) cannot find a place to live and are moving away. When

you're on an island you can't simply draw employees from a neighbouring suburb with cheaper housing and a highway commute. Deforestation and soil erosion, loss of green space and wildlife corridors, stressed freshwater resources, increased vehicle trips and greenhouse gas emissions, the prevalence of unregulated housing, and the destabilizing of our island economy and social fabric are some of the existing impacts we anticipate will worsen without proactive, coordinated intervention and persistent leadership on housing.

In a 2022 Vital Signs survey by the Salt Spring Foundation, the majority of Salt Springers said they were alarmed by the critical lack of housing options in our community for working people and vulnerable residents who already live here.

Instead of writing angry letters and waiting for someone else to ‘do something’ our small volunteer non-profit spent the past year researching, collaborating on and creating a framework for local housing solutions that, for the first time, integrates into one document the responsibilities of the various government bodies that have a role to play in housing. It begins to address the environmental, economic and social issues integral to housing solutions for our small island community by:

- Being achievable within the existing local, regional, and provincial regulatory context
- Supporting smaller scale housing types that are known to have less adverse impacts on the natural environment than typical single-family home development
- Supporting efficient use of land, water services and infrastructure
- Not requiring large-scale land clearing of forest or harm to sensitive ecosystems
- Being financially viable to develop and operate
- Improving the availability and/or affordability of long-term housing options for a range of household types and incomes
- Being compatible with and/or enhancing island rural community characteristics, such as self-sufficiency, interdependence, neighbourliness, and low impact living
- Supporting increased uptake of transit and/or active transportation

The framing of ‘housing versus environment’ is an old trope that isn’t helping us evolve or adapt in the ways that are needed today, and serves mostly to paralyze decision-making, place blame, and divide our community. The vitality in our small rural island communities is in building trust and relationships, finding common ground and alignment, getting creative and encouraging innovation.

It’s time for the spotlight to shift from complaining and waiting for senior government to come along and fix things to actively problem-solving and leveraging the myriad sparks of potential here on Salt Spring and across the Gulf Islands. There’s still magic here, in the forest and in the community, let’s honour that by tending to our shared responsibility for community building.

Homes for Islanders -- An Integrated Housing Solutions Framework for Salt Spring Island is available on our web site at saltspringsolutions.com.