



Executive Committee Agenda

Date: Tuesday, December 6, 2022
Time: 11:00 am
Location: Electronic Zoom Meeting

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1. CALL TO ORDER
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 - 2.2 Approval of Agenda
 - 2.2.1 Agenda Context Notes
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None
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 - 8.2 Executive Committee Initiated
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- 9. NEW BUSINESS
 - 9.1 Executive/Trust Council
 - 9.2 Trust Area Services
 - 9.2.1 LTC Chairs Report on Local Advocacy Topics
 - 9.3 Local Planning Services
 - 9.4 Administrative Services
- 10. CORRESPONDENCE (for information unless raised for action)
- 11. WORK PROGRAM
 - 11.1 Review and amendment of current work program
- 12. NEXT MEETING

The next Executive Committee meeting is scheduled to be held in person at the Victoria boardroom, on December 14, 2022, starting at 9:00 a.m.
- 13. CLOSED MEETING (if applicable)

None scheduled.
- 14. ADJOURNMENT



Executive Committee Minutes of Regular Meeting

Date: November 2, 2022
Location: In-person meeting, Public venue
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Members Present: Peter Luckham, Chair, Thetis Island Trustee
Dan Rogers, Vice-Chair, Gambier/Keats Island Trustee
Laura Patrick, Vice-Chair, Salt Spring Island Trustee
Sue Ellen Fast, Vice-Chair, Bowen Island Municipal Trustee

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (CAO)
David Marlor, Director, Legislative Services (DLS)
Clare Frater, Director, Trust Area Services (DTAS)
Stefan Cermak, Director, Planning Services (DPS)
Lori Foster, Executive Coordinator/Recorder

Others Present: None

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:07 a.m. and humbly acknowledged the rich history and culture of the Coast Salish People whose lands we all live and work on.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

For consideration to add to the agenda:

1. Items circulated November 1, 2022 via email from EC Coordinator to Executive Committee:
 - Draft December Trust Council Schedule – (create new item 7.4 and add as an attachment to 8.1.1.1)
 - Responsibilities of the Islands Trust Council Chair, Vice-Chairs and Executive Committee - (create new item 8.1.1.2)
 - Email from Minister Cullen requesting a meeting – (create new item 10.2 correspondence)
 - 7.1.10.4. Priorities Chart (Trust Council) pending late item
2. Schedule a Closed Meeting session at item 13.

Vice-Chair Patrick noted that the Salt Spring Local Trust Committee resolution re: That the Salt Spring Island Local Trust Committee request the Executive Committee follow up with the Minister of Municipal Affairs on his expressed interests for the Ganges (Shiya'hwt/SYOW_ T) Village Area Plan as a pilot for cooperative planning with First Nations has not appeared on an EC agenda and to note this for follow-up.

2.2 Approval of Agenda

By general consent, the agenda was adopted as amended.

2.2.1 Agenda Context Notes

Attached for information regarding items 8.2.2.2 and 11.1.

3. RISE AND REPORT DECISIONS FROM PREVIOUSLY CLOSED MEETING - None

4. ADOPTION OF MINUTES

4.1 October 5, 2022 draft minutes

Director Mobbs was not present at the October 5th meeting, remove from “Staff Present”.

By general consent, the October 5, 2022 draft minutes were adopted as amended.

5. FOLLOW UP ACTION LIST AND UPDATES

5.1 Follow Up Action List/Director/CAO Updates

5.1.1 Review and Consideration of Executive Committee FUAL and Priority Items – Briefing

CAO Hotsenpiller discussed with Executive Committee the briefing and follow-up action list (FUAL) items as presented.

EC-2022-137

It was Moved and Seconded,

That Executive Committee request staff amend the briefing (report) “Review and consideration of Executive Committee FUAL and Priority items” prepared October 27th for the meeting of November 2, 2022 to amalgamate item 10 page 4 (FUAL Future Projects) of the briefing (report) with other direction regarding the Ministry of Transportation and Infrastructure (MOTI) agreement.

CARRIED

EC-2022-138

It was Moved and Seconded,

That Executive Committee request staff amend item 9 of the Future Projects list to remove the words “recommend removal as complete”.

(See page 16 of the agenda package/page 4 of the briefing “Review and consideration of Executive Committee FUAL and Priority items” under Staff Comments column.)

CARRIED

EC-2022-139

It was Moved and Seconded,

That the recommended actions on the follow-up action (FUAL) items Future and Active Projects chart be endorsed by Executive Committee as amended.

CARRIED

CAO Hotsenpiller and directors gave verbal updates on the status of items regarding the onboarding of new term trustees at November Trust Council and answered questions regarding staffing updates.

5.2 Local Trust Committee Chair Updates

Chairs spoke to their upcoming and recently attended local trust committee (LTC) meetings.

5.3 Islands Trust Conservancy Liaison Update

Vice-Chair Fast informed Executive Committee that the Conservancy Board will be meeting to consider Provincial appointments to the Conservancy Board sometime in November.

The meeting recessed for a break at 10:00 a.m. and reconvened at 10:10 a.m.

6. BYLAWS FOR APPROVAL CONSIDERATION

6.1 Galiano Island LTC Bylaw No. 286 (DP Delegation Bylaw) – RFD

Vice-Chair Rogers spoke to the request for decision as presented regarding the Delegation Permit Delegation Bylaw.

EC-2022-140

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Galiano Island Local Trust Committee Bylaw No. 286, cited as Galiano Island Local Trust Committee Delegation Bylaw No. 286, 2022, in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

6.2 Mayne Island LTC Proposed Bylaw No. 185 (Fees Bylaw) - RFD

Vice-Chair Rogers spoke to the request for decision as presented.

EC-2022-141

It was Moved and Seconded,

THAT the Islands Trust Executive Committee approve Mayne Island Local Trust Committee Bylaw No. 185, cited as “Mayne Island Local Trust Committee Fees Bylaw, 2021” in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

7. TRUST COUNCIL MEETING PREPARATION

7.1 Executive / Trust Area / Planning / Administration

Executive and staff discussed items as presented for Trust Council meeting preparation and the onboarding and orientation of the 2022-26 new term trustee.

7.1.1 Council Roundtable Priorities and Perspectives - Session Outline

Forward as presented.

7.1.2 Overview of Islands Trust - Session Outline

Forward as presented.

7.1.3 Islands Trust Conservancy - Session Outline

Forward as presented.

7.1.4 Governance - Session Outline

Forward as presented.

7.1.5 Notice of Election - Session Outline

Ensure outline indicates that a biography submission is not required to indicate interest during when the session is addressed during Trust Council.

Forward as amended.

7.1.6 Candidate Presentations

Forward items 7.1.6.1 to 7.1.6.8 as presented.

7.1.6.1 Dag Falck - Chair

7.1.6.2 Peter Luckham - Chair

7.1.6.3 Deb Morrison - Chair

- 7.1.6.4 David Maude - Vice-Chair
- 7.1.6.5 Sue-Ellen Fast - Vice-Chair
- 7.1.6.6 Tim Peterson - Vice-Chair
- 7.1.6.7 Susan Yates - Islands Trust Conservancy
- 7.1.6.8 Tobi Elliott

7.1.7 Planning Services - Session Outline

Forward as presented.

7.1.8 Finance and Budgeting - Session Outline

Forward as presented.

7.1.9 Elections for Executive Committee and Islands Trust Conservancy - Session Outline

Forward as presented.

7.1.10 Business and Decision Items

7.1.10.1 Trust Council Resolutions without Meeting Report

Forward as presented.

7.1.10.2 September Trust Council Minutes

Pending late item.

7.1.10.3 Follow-up Action List

Forward as presented.

7.1.10.4 Priorities Chart

Forward as presented.

7.2 November Trust Council Agenda Cover

Forward as presented.

7.3 November Trust Council 3-day Schedule

Forward as presented.

7.4 December TC Draft Schedule

Forward as presented.

] **By general consent**, Executive Committee endorsed Section 7 as discussed.

8. EXECUTIVE COMMITTEE PROJECTS

8.1 Trust Council Initiated

8.1.1 Executive

8.1.1.1 Trust Council Orientation 2022-2026 – Briefing

8.1.1.2 Responsibilities of the Islands Trust Council Chair, Vice-Chairs and Executive Committee

Executive Committee discussed the document as presented.

8.1.2 Trust Area Services - None

8.1.3 Local Planning Services - None

8.1.4 Administrative Services - None

8.2 Executive Committee Initiated

8.2.1 Executive

8.2.1.1 Request for Executive Committee Sponsorship of Development Application Fee – RFD

Director Cermak spoke to the sponsorship request for decision as presented.

EC-2022-142

It was Moved and Seconded,

THAT the Executive Committee approve financial sponsorship of \$1900 for development variance permit application SS-DVP-2022.19 (Fulford Community Hall Association).

CARRIED

8.2.2 Trust Area Services

8.2.2.1 Executive Committee 2023/24 budget recommendation changes - RFD

Director Frater spoke to the request for decision as presented.

EC-2022-143

It was Moved and Seconded,

That Executive Committee amend its budget recommendation to the Financial Planning Committee, for the Fiscal Year 2023/24 Budget by removing the request for \$20,000 for Contact Relationship Management Database Project– software and implementation/training.

CARRIED

EC-2022-144

It was Moved and Seconded,

That Executive Committee forward to the Financial Planning Committee, for inclusion in the Fiscal Year 2023/24 Budget materials, the business case for \$105,500 for the Policy Statement Amendment Project.

CARRIED

8.2.2.2 First Nations Engagement and Suggestions - Discussion

Executive Committee (EC) and staff discussed Director Frater's spreadsheet regarding reconciliation next steps and the scope of work for consideration which she circulated to EC during the meeting.

The meeting recessed for lunch at 12:02 p.m. and reconvened at 12:34 p.m.

8.2.3 Local Planning Services - None

8.2.4 Administrative Services - None

9. NEW BUSINESS

9.1 Executive/Trust Council

9.2 Trust Area Services

9.2.1 LTC Chairs Report on Local Advocacy Topics

Local trust committee chairs reported on advocacy topics.

9.3 Local Planning Services - None

9.4 Administrative Services - None

10. CORRESPONDENCE (for information unless raised for action)

10.1 Report on Trans Mountain Fate and Behaviour Bitumen Research email dated October 17, 2022

EC-2022-145

It was Moved and Seconded,

That Executive Committee request the Chair to write back to Trans Mountain to extend this consultation until January 30th 2023.

CARRIED

EC-2022-146

It was Moved and Seconded,

That Executive Committee request staff to forward the correspondence and report at 10.1 to all subscribers and trustees to encourage them to write to the Trans Mountain referral.

CARRIED

10.2 Email from Minister Cullen requesting a meeting

EC discussed the email as presented, that the minister meeting would be considered by the new Executive Committee.

By general consent, the correspondence was received for information.

11. WORK PROGRAM

11.1 Review and amendment of current work program

Received for information.

12. NEXT MEETING

The next Executive Committee meeting is scheduled to be held on November 19, 2022, following the November Trust Council adjournment.

13. CLOSED MEETING (if applicable)

At 1:00 p.m. the meeting was closed to the public.

EC-2022-147

It was Moved and Seconded,

That the Executive Committee close the meeting subject to S.90(1)(c) of the Community Charter in order to consider matters related to labour relations or other employee relations, and that the CAO be invited to attend the meeting.

CARRIED

At 1:18 p.m. the meeting was reopened to the public.

14. ADJOURNMENT

By general consent, at 1:18 p.m. the meeting was adjourned.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator



Executive Committee Minutes of Regular Meeting

Date: November 19, 2022
Location: Coast Victoria Hotel
146 Kingston Street, Victoria BC

Members Present: Peter Luckham, Chair, Thetis Island Trustee
David Maude, Vice-Chair, Mayne Island Trustee
Tobi Elliott, Vice-Chair, Gabriola Island Trustee
Tim Peterson, Vice-Chair, Lasqueti Island Trustee

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (CAO)
David Marlor, Director, Legislative Services (DLS)
Julia Mobbs, Director, Administrative Services (DAS)
Clare Frater, Director, Trust Area Services (DTAS)
Stefan Cermak, Director, Planning Services (DPS)
Lori Foster, Executive Coordinator/Recorder

Others Present: None

1. CALL TO ORDER

Chair Luckham called the meeting to order at 2:11 p.m. stating gratitude to live and work on Coast Salish First Nations traditional and treaty territory and acknowledged the Executive Committee for the 2022-2026 term.

- David Maude, Vice-Chair, Mayne Island Trustee
- Tobi Elliott, Vice-Chair, Gabriola Island Trustee
- Tim Peterson, Vice-Chair, Lasqueti Island Trustee
- Peter Luckham, Chair, Islands Trust Council, Thetis Island Trustee

2. APPROVAL OF AGENDA

2.1 Introduction of New Items - None

2.2 Approval of Agenda

By general consent, the agenda was approved as presented.

2.2.1 Agenda Context Notes

Agenda context notes as provided for items 8.1.1.1 to 8.1.1.3 and 8.2.1.1.

3. RISE AND REPORT DECISIONS FROM PREVIOUSLY CLOSED MEETING - None

4. ADOPTION OF MINUTES - None

5. FOLLOW UP ACTION LIST AND UPDATES - None

5.1 Follow Up Action List/Director/CAO Updates - None

5.2 Local Trust Committee Chair Updates - None

5.3 Islands Trust Conservancy Liaison Update - None

5.4 Initial Executive Committee meeting, November 19, 2022 – Briefing

Chief Administrative Officer Hotsenpiller spoke to the briefing which Executive Committee (EC) discussed as presented.

Discussion ensued on scheduling another EC business meeting before the holidays.

EC-2022-148

It was Moved and Seconded,

That there be an Executive Committee meeting for December 14th starting at 9 a.m. with lunch in-person meeting at the Victoria boardroom.

CARRIED

6. BYLAWS FOR APPROVAL CONSIDERATION - None

7. TRUST COUNCIL MEETING PREPARATION

7.1 Executive

7.1.1 Draft December Trust Council Schedule

Presented for information and for further discussion at Executive Committee November 23, 2022 meeting.

7.2 Local Planning Services – None

7.3 Administrative Services – None

7.4 Trust Area Services – None

8. EXECUTIVE COMMITTEE PROJECTS

8.1 Trust Council Initiated

8.1.1 Executive

8.1.1.1 Election of Executive Committee Islands Trust Conservancy Member

Director of Legislative Services (DLS) Marlor spoke to the election process then called for nominations for the position of Executive Committee member elected as its representative to the Islands Trust Conservancy Board.

EC-2022-149

It was Moved and Seconded,

That Vice-Chair Elliott be nominated for the position of Executive Committee member to the Islands Trust Conservancy Board.

Vice-Chair Elliott agreed to stand.

CARRIED

DLS Marlor called two more times for any further nominations for the position of Executive Committee member to the Islands Trust Conservancy Board.

There were no further nominations.

By acclamation, Vice-Chair Elliott will stand as the Executive Committee to the Islands Trust Conservancy Board.

8.1.1.2 Local Trust Committee Chair Appointments - Discussion

Executive Committee discussed local trust committee chair appointments.

8.1.1.3 Council Committee Appointments

Executive Committee discussed trustees' expressions of interest as presented on the sign-up sheets retrieved from Trust Council's meeting which adjourned earlier today.

Chair Luckham will review the expressions of interest for appointment. Ratification of the appointments will occur at the December Trust Council meeting.

The following names were noted for their expressions of interest for each of the following Trust Council committees:

Financial Planning Committee:

- Mairead Boland
- Mikaila Lironi
- Laura Patrick
- Aaron Campbell
- Joe Bernardo
- Deb Morrison
- David Graham

Regional Planning Committee:

- Tobi Elliott
- Laura Patrick
- Aaron Campbell

- Alex Allen
- David Graham
- Sam Borthwick
-

Trust Programs Committee

- Tobi Elliott
- Kristina Evans
- Alex Allen
- Sam Borthwick
- Jamie Harris
- Tim Peterson
- Sue Ellen Fast

8.1.1.3.1 Executive Committee Appointment to Financial Planning Committee

Chair Luckham announced the following trustee appointments from the expressions of interest received to the Financial Planning Committee:

- Mairead Boland
- Joe Bernardo
- David Graham

8.1.2 Trust Area Services - None

8.1.3 Local Planning Services - None

8.1.4 Administrative Services - None

8.2 Executive Committee Initiated

8.2.1 Executive

8.2.1.1 Chair letter of introduction to Ministers and MLAs - RFD

EC-2022-150

It was Moved and Seconded,

That Executive Committee direct staff to work with the Chair on a letter of introduction regarding Islands Trust Council new term trustees 2022-2026 for distribution to appropriate ministers and Islands Trust area members of the legislative assembly and the premier.

CARRIED

8.2.2 Trust Area Services - None

8.2.3 Local Planning Services - None

8.2.4 Administrative Services – None

9. NEW BUSINESS - None

9.1 Executive/Trust Council

9.1.1 Request from Minister Cullen to meet with Executive Committee

Discussion ensued on the upcoming Minister Cullen meeting request to be held December 14, 2022. Staff will work on speaking notes for EC.

9.2 Trust Area Services

9.2.1 LTC Chairs Report on Local Advocacy Topics - None

9.3 Local Planning Services - None

9.4 Administrative Services - None

10. CORRESPONDENCE (for information unless raised for action) - None

11. WORK PROGRAM

11.1 Review and amendment of current work program - None

12. NEXT MEETING

The next Executive Committee meeting is scheduled to be held November 23, 2022 at 9:00 am from the Victoria Boardroom office, 1627 Fort Street.

13. CLOSED MEETING - None

14. ADJOURNMENT

By general consent, the meeting was adjourned at 3:12 p.m.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator/Recorder



Executive Committee Minutes of Regular Meeting

Date: November 23, 2022
Location: Electronic meeting, Public venue
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Members Present: Peter Luckham, Chair
Tobi Elliott, Vice-Chair
David Maude, Vice-Chair
Tim Peterson, Vice-Chair

Staff Present: Russ Hotsenpiller, Chief Administrative Officer
David Marlor, Director, Legislative Services
Stefan Cermak, Director, Planning Services
Clare Frater, Director, Trust Area Services
Julia Mobbs, Director, Administrative Services
Lori Foster, Executive Coordinator

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:06 a.m. stating gratitude to live and work on Coast Salish First Nations traditional and treaty territory.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

Add to 10.5 correspondence M. Gang re: need for review and restructure email dated November 10, 2022.

2.2 Approval of Agenda

By general consent, the agenda was approved as amended.

2.2.1 Agenda Context Notes

Received for information as presented for the following items: 4., 7.1.12., 8.2.1.1., and 10.4.

3. RISE AND REPORT DECISIONS FROM PREVIOUSLY CLOSED MEETING - None

4. ADOPTION OF MINUTES - None

- 5. FOLLOW UP ACTION LIST AND UPDATES - None
 - 5.1 Follow Up Action List/Director/CAO Updates
 - 5.2 Local Trust Committee Chair Updates
 - 5.3 Islands Trust Conservancy Liaison Update

6. BYLAWS FOR APPROVAL CONSIDERATION - None

7. TRUST COUNCIL MEETING PREPARATION

7.1 Executive / Trust Area / Finance / Local Planning

7.1.1 Draft December Trust Council 3-day schedule

Forward as presented.

7.1.2 Draft December Trust Council Agenda

Forward as presented.

7.1.3 Draft September Trust Council Minutes

Forward as presented.

7.1.4 In-person Trust Council meetings in 2023-24 - Trustee Yates – RFD

Forward as presented.

7.1.5 Report on potential new Reconciliation Committee - Trustee Elliott – RFD

Forward as presented.

7.1.6 Proposed Trust Council Schedule 2023 – RFD

Forward as presented.

7.1.7 Council Committee Ratification for 2022-2026 – RFD

Forward as presented.

7.1.8 June Trust Council Provincial Review – Briefing

Change the briefing to one page and hyperlink to the previous request for decision

Forward as amended.

7.1.9 Policy Statement Amendment Project Overview - Session Outline

Forward as presented.

7.1.10 NAPTEP Certificate Completion Extension SSI LTA- RFD

Forward as presented.

7.1.11 Recommended Islands Trust Council Representative and Alternate Attendee for DFO Shellfish Aquaculture Management Advisory Committee – RFD

Chair Luckham will add a note in his letter out to trustees to if they wish to indicate interest.

Forward as presented.

7.1.12 Budget 2023-2024 - Session Outline

Items will be forwarded to Trust Council pending Financial Planning Committee review.

7.1.13 Standards of Conduct / Conflict of Interest / FOI - Session Outline

Forward as presented.

7.1.14 First Nations Session / Reconciliation Action Plan - Session Outline

Forward as presented.

7.1.15 Strategic Plan Review - Session Outline

Forward as presented.

7.1.16 Planning Services Local Trust Committee Orientation - Session Outline

Forward as presented.

7.1.17 Eli Mina and Roberts Rules - Session Outline with attachment

Forward as presented.

7.1.18 Delegation Requests

7.1.18.1 David Dunnison - A review of carbon storage and carbon storage potential within the Islands Trust Area

Forward as presented.

7.1.18.2 Mielle Chandler - Democracy, peace and the bylaw enforcement system

EC discussed M. Chandler's request if she could provide a recording of her delegation presentation.

EC-2022-151

It was Moved and Seconded,

That Executive Committee request staff communicate to Mielle Chandler that her delegation be made live, in accordance with policy.

CARRIED

7.1.18.3 Mary Beth Rondeau - Reducing our carbon footprint and promoting resilience and adaptability

Forward as presented.

8. EXECUTIVE COMMITTEE PROJECTS

The meeting recessed for a break at 10:20 a.m. and reconvened at 10:33 a.m.

8.1 Trust Council Initiated

8.1.1 Executive

8.1.1.1 Local Trust Committee Chair Assignments – Discussion

Chair Luckham circulated a spread sheet for consideration and discussion with Executive Committee regarding chair assignments. Chair Luckham will work the spreadsheet and recirculate to Vice-Chairs for consideration and come to a decision by the end of this week.

8.1.1.2 Executive Committee Terms of Reference – Briefing

Received for information.

8.1.1.3 Preparing for December 14, 2022 meeting with Minister Cullen – Briefing

Executive Committee discussed topics and subjects to address at its upcoming meeting with Minister Cullen.

EC-2022-152

It was Moved and Seconded,

That Executive Committee request staff create speaking notes for the minister's meeting around engaging with the ministry on the following topics: governance, housing authority, funding, and reconciliation.

CARRIED

8.1.2 Trust Area Services

8.1.2.1 AVICC/UBCM Resolution Selection Process (Annual Item) - RFD

EC-2022-153

It was Moved and Seconded,

That the Executive Committee direct staff to e-mail trustees and staff requesting suggestions for topic(s) for the Islands Trust resolution(s) for the 2023 AVICC/UBCM conventions.

CARRIED

8.1.3 Planning Services - None

8.1.4 Administrative Services - None

8.2 Executive Committee Initiated

8.2.1 Executive

8.2.1.1 Executive Committee 2023 draft meeting schedule - RFD

EC-2022-154

It was Moved and Seconded,

That Executive Committee adopt the 2023 meeting schedule as presented on page 40 of the agenda package with in-person meetings scheduled on February 22, June 14, September 13 and November 22, and the remainder to be conducted electronically with the Victoria office boardroom as the place where the public can attend.

CARRIED

8.2.1.2 Executive Committee 2023/24 Budget Recommendation Changes

CAO Hotsenpiller reviewed the late item circulated during the meeting that those changes have been incorporated into the budget going to Financial Planning Committee

The meeting recessed for a break at 11:40 a.m. and reconvened at 12:11 p.m.

EC continued discussion on the request for decision as presented.

EC-2022-155

It was Moved and Seconded,

That Executive Committee amend its budget recommendation to the Financial Planning Committee, for the Fiscal Year 2023/24 Budget by:

1. Reducing Accessibility Committee and plan development request by \$7,500 to \$2,500;
2. Removing \$10,000 for building footprint GIS data layer;
3. Reducing Reconciliation Action Plan funding by \$20,000 to \$30,000;
4. Removing \$96,595 for Bylaw Portal Licensing and Implementation Project;
5. Removing \$15,000 for digitization of paper records.

CARRIED

8.2.2 Trust Area Services - None

8.2.3 Local Planning Services - None

8.2.4 Administrative Services - None

9. NEW BUSINESS

9.1 Executive/Trust Council

By general consent, Executive Committee amended the agenda to discuss the election of the Governance Committee at the upcoming December Trust Council agenda.

9.1.1 Governance Committee Elections

EC-2022-156

It was Moved and Seconded,

That Executive Committee amend the December Trust Council schedule to include on the Thursday, elections for the Governance Committee.

CARRIED

EC-2022-157

It was Moved and Seconded,

That Executive Committee ask staff to create a request for decision (RFD) for Trust Council to amend its policy on the election of the Governance Committee so that the chair of the Governance Committee is elected by Trust Council at large followed by the 6 members of the Governance Committee.

CARRIED

- 9.2 Trust Area Services – None**
 - 9.2.1 LTC Chairs Report on Local Advocacy Topics - None
- 9.3 Local Planning Services - None**
- 9.4 Administrative Services - None**

10. CORRESPONDENCE

10.1 S. Yates email dated September 29 re: in-person Trust Council

Received for information.

10.2 Trustee Rockafella re: Budgeting for future Trust Council meetings email dated September 23, 2022

Received for information.

10.3 Oceans Protection Plan re: National Framework for Assessing the Cumulative Effects of Marine Shipping email dated September 26, 2022

By general consent, circulate item 10.3 to all trustees by email.

10.4 Port of Vancouver re: Phase three engagement starts November 1, 2022 - Active Vessel Traffic Management Program letter dated October 28, 2022

By general consent, circulate item 10.4 to all trustees by email.

10.5 M. Gang re: need for review and restructure email dated November 10, 2022

By general consent, forward this correspondence to Trust Council.

11. WORK PROGRAM

11.1 Review and amendment of current work program - None

12. NEXT MEETING

The next Executive Committee is scheduled to be held electronically, December 6, 2022 beginning at 10:00 am.

13. CLOSED MEETING

At 12:57 p.m. the meeting was closed to the public.

EC-2022-158

It was Moved and Seconded,

That Executive Committee close this meeting to the public subject to Section 90(1) (i) of the Community Charter in order to consider matters related to receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and that staff be invited to remain in the meeting.

CARRIED

At 1:15 p.m. the meeting was reopened to the public.

14. ADJOURNMENT

By general consent, the meeting was adjourned at 1:15 p.m.

Peter Luckham, Chair

Certified Correct

Lori Foster, Executive Coordinator/Recorder.

Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 The CAO will provide a report to the incoming Executive Committee on the status of a request to the province for authority to do forest protection."	Russ Hotsenpiller	Meeting: 05-Oct-2022 Target: 11-Jan-2022	In Progress
2 Add item 10.5 Oceans Protection Plan re: National Framework for Assessing the Cumulative Effects of Marine Shipping email dated September 26, 2022 to future Executive Committee's first business meeting.	Russ Hotsenpiller	Meeting: 05-Oct-2022 Target: 19-Nov-2022	Completed
3 That there be an Executive Committee meeting for December 14th starting at 9 a.m. with lunch in-person meeting at the Victoria boardroom.	Russ Hotsenpiller	Meeting: 19-Nov-2022 Target: 14-Dec-2022	Completed
4 That Executive Committee request staff communicate to Mielle Chandler that her delegation be made live, in accordance with policy.	Russ Hotsenpiller	Meeting: 23-Nov-2022 Target: 06-Dec-2022	Completed
5 Adopt the 2023 Executive Committee meeting schedule as presented on page 40 of the agenda package with in-person meetings scheduled on February 22, June 14, September 13 and November 22, and the remainder to be conducted electronically with the Victoria office boardroom as the place where the public can attend.	Russ Hotsenpiller	Meeting: 23-Nov-2022 Target: 06-Dec-2022	Completed



Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
6 That Executive Committee amend its budget recommendation to the Financial Planning Committee, for the Fiscal Year 2023/24 Budget by: 1. Reducing Accessibility Committee and plan development request by \$7,500 to \$2,500; 2. Removing \$10,000 for building footprint GIS data layer; 3. Reducing Reconciliation Action Plan funding by \$20,000 to \$30,000; 4. Removing \$96,595 for Bylaw Portal Licensing and Implementation Project; 5. Removing \$15,000 for digitization of paper records.	Russ Hotsenpiller	Meeting: 23-Nov-2022 Target: 25-Nov-2022	Completed
7 That Executive Committee amend the December Trust Council schedule to include on the Thursday, elections for the Governance Committee.	Russ Hotsenpiller	Meeting: 23-Nov-2022 Target: 06-Dec-2022	Completed
8 Circulate items 10.3 and 10.4 to all trustees by email re OPP and Port of Vancouver correspondence.	Russ Hotsenpiller	Meeting: 23-Nov-2022 Target: 06-Dec-2022	In Progress

Director Legislative Services

Activity	Responsibility	Dates	Status
1 Forward Minister Cullen response re: Provincial Review request letter dated September 23, 2022 to the Governance Committee.	David Marlor	Meeting: 05-Oct-2022 Target: 29-Mar-2023	In Progress

Follow Up Action Report

Executive Committee

Director Legislative Services

Activity	Responsibility	Dates	Status
2 Forward correspondence Trustee Busheikin re: Task for the Governance Committee email dated September 26, 2022 to the Governance Committee.	David Marlor	Meeting: 05-Oct-2022 Target: 29-Mar-2023	In Progress
3 That Executive Committee ask staff to create a request for decision (RFD) for Trust Council to amend its policy on the election of the Governance Committee so that the chair of the Governance Committee is elected by Trust Council at large followed by the 6 members of the Governance Committee.	David Marlor	Meeting: 23-Nov-2022 Target: 06-Dec-2022	Completed

Director of Planning Services

Activity	Responsibility	Dates	Status
1 That the Salt Spring Island Local Trust Committee request the Executive Committee follow up with the Minister of Municipal Affairs on his expressed interests for the Ganges (Shiya'hwt/SYOW_ T) Village Area Plan as a pilot for cooperative planning with First Nations .	Stefan Cermak	Meeting: 02-Nov-2022 Target: 14-Dec-2022	In Progress

Director, Trust Area Services

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
1 Legislative Monitoring Chart (bi-annually to Trust Council) Staff to produce the Legislative Monitoring briefing every 6 months with the next one being March 2023.	Clare Frater	Meeting: 23-Feb-2022 Target: 01-Mar-2023	In Progress
2 Staff to develop policy regarding s. 8 (2) (h.1) (iii) and (iv) of the Islands Trust Act.	Clare Frater	Meeting: 13-Apr-2022 Target: 19-Oct-2022	In Progress
3 Continue to work with K'ómoks First Nation and Gabriola Historical Society in terms of its funding request and Executive Committee consider ways to allocate funds for such requests.	Clare Frater	Meeting: 04-May-2022 Target: 19-Oct-2022	In Progress
4 That Executive Committee request the Chair to write back to Trans Mountain to extend this consultation until January 30th 2023.	Clare Frater	Meeting: 02-Nov-2022 Target: 30-Nov-2022	Completed
5 That Executive Committee request staff to forward the correspondence and report at 10.1 to all subscribers and trustees to encourage them to write to the Trans Mountain referral.	Clare Frater	Meeting: 02-Nov-2022 Target: 01-Jan-2022	In Progress
6 Staff to work with the Chair on a letter of introduction regarding Islands Trust Council's new term trustees 2022-2026 for distribution to appropriate ministers and Islands Trust area members of the legislative assembly and the premier.	Clare Frater	Meeting: 19-Nov-2022 Target: 14-Dec-2022	In Progress
7 Staff to e-mail trustees and staff requesting suggestions for topic(s) for the Islands Trust resolution(s) for the 2023 AVICC/UBCM conventions.	Clare Frater	Meeting: 23-Nov-2022 Target: 06-Dec-2022	Completed

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
8 Prepare speaking notes for Minister Cullen meeting being held on December 14th.	Clare Frater	Meeting: 23-Nov-2022 Target: 14-Dec-2022	In Progress
9 Staff to e-mail trustees and staff requesting suggestions for topic(s) for the Islands Trust resolution(s) for the 2023 AVICC/UBCM conventions.	Clare Frater	Meeting: 23-Nov-2022 Target: 06-Dec-2022	Completed



APPLICATION FORM FOR DELEGATIONS TO ADDRESS ISLANDS TRUST COUNCIL OR A COUNCIL COMMITTEE

Overview

You may address Council (or a Council Committee) formally by: (a) presenting a petition or making a presentation as a delegation; or informally, by participating in (b) public comment sessions or (c) by correspondence. All correspondence, formal delegation presentations and petitions are treated as a public record.

Submissions

- Each delegation is required to complete this form and submit it to Islands Trust, along with any PowerPoint or video presentation that accompanies a delegation's written presentation by 4:30 pm at least 3 weeks prior to the meeting.
- If you miss this deadline, you may still submit this form; however, such requests will require approval by Executive Committee before the meeting or, 2/3 majority approval of Trust Council at the meeting.
- Each address shall be limited to 10 minutes unless a longer period is agreed to by approval of Executive Committee before the meeting or, of Trust Council at the meeting.
- *Application deadlines and approval requirements to address a Trust Council Committee may vary from the above. Contact ExecAdmin@islandstrust.bc.ca for guidance.*
- Rules governing delegations are outlined in the Islands [Trust Council Meeting Procedures Bylaw 101](#).

All meetings are open to the public, are live streamed and recorded. Physical locations of the meeting are posted on the Islands Trust website.

Submit this form to ExecAdmin@islandstrust.bc.ca or mail to Islands Trust #200 – 1627 Fort St. Victoria B.C. V8R 1H8

I wish to address Islands Trust Council or _____ Council _____ Council Committee

at the meeting of __6 December, 2022_____

I REPRESENT _____
(Name of Organization if applicable)

AS _____
(Capacity/Office)

NAME OF PRESENTER or Alternate _____ Michael Sketch

ADDRESS __5604 Razor Point Road, North Pender Island B.C. V0N 2M1

T _____

My reason(s) for appearing is (are) and the substance of my presentation is as follows:

__Recipe for a Trust Policy Statement Council Bylaw consistent with the Act

(If more space is required, please attach an additional page to this form.)

- ☐ I will have a PowerPoint or video presentation and will submit it at least three weeks in advance of the meeting.
- ☐ I am aware that the meeting and my presentation will be live streamed via the Islands Trust website and recorded.

*Please note personal information contained on this form is collected under the authority of the *Local Government Act* and is subject to the *Freedom of Information and Protection of Privacy Act*. The personal information will be used for contact purposes only. Enquiries about the use of information in this form can be directed to the Legislative Services Manager at information@islandstrust.bc.ca

Date: __23 November, 2022_____ Signed: _____ M. Sketch

(Signature of Applicant)

**Submission from Michael Sketch for the electronic Trust Council meeting,
delegation session at 7:00 P.M. on Tuesday, 6 December, 2022**

**Recipe for a Trust Policy Statement (TPS) Council Bylaw
which is consistent with the Islands Trust Act**

Councilors – I will speak to a recipe for a Trust Policy Statement (TPS) Council Bylaw which is consistent with the Islands Trust Act.

But first, the historical and rationale contexts

The structure and much of the content for Council's current TPS bylaw dates from 1994 (Exhibit 1), in response to a 1989 amendment to the Islands Trust Act.

In the last Council term, reconciliation, climate change and other amendments were drafted for TPS bylaw content, while retaining the structure. Council directed staff respecting the amendment content, but didn't first deliberate whether or not the current TPS bylaw structure and content are consistent with direction of the Act.

Directive Policy Construct

A foundation element of TPS structure was established – and continues today - in the 1993 third draft of the TPS bylaw (Exhibit 1), which included directive policies. Each directive reads: 'LTCs and Island Municipalities shall, in their OCPs and regulatory bylaws, address', followed by the preserve and protect policy matter. I'll call it a "directive policy construct".

The descriptor "construct" is appropriate because the Act clearly indicates a Council TPS bylaw with policy content that has the cumulative effect of preservation and protection in the Trust Area. Without justification in the Act, the "directive" aspect of the directive policy construct has the effect of delegating Council's explicit responsibility to carry out the Object, to the Local Trust areas.

The delegated implementation of Trust Area policies is that directive policies are to be addressed in Local Trust Area policy and regulatory bylaws. Although in principle planning staff advice and LTC decisions are consistent with the policy and regulatory bylaws, they need not be. Witness that an application for changes in land use can include an application to amend the OCP, the LUB, or both.

Effective TPS policies are very clearly indicated in the Act. At S.15, Council must adopt a TPS bylaw with policies which carry out the Object. At S.4; Council, the Executive Committee and LTCs trust bodies are continued – that is they exist – to carry out the Object. All actions of each trust body, and staff, are to be consistent with TPS policies.

But how can a TPS bylaw, narrowly based on directive policy construct language meet that broad obligation? The conflict was recognized by staff in a 1994 companion internal Trust policy. Although that amended policy intent is comparatively modest in today's Policy Manual 1.3.1, the 1994 version (Exhibit 2) required that "all decisions and activities" of trust bodies "that have the potential for either furthering the implementation" of the TPS "or for not doing so, will be subject to a Compliance Audit". The workaround is cumbersome. It was to be Islands Trust staff (Exhibit 3) who prepared the audit and submitted same to Council in a request for decision. Does the staff record show any such audits?

To secure the argument against the effectiveness of a 'directive policy construct' implementation of TPS policies in the Trust Area, current internal Policy 1.3.1 and the 1994 version (Exhibit 2) require that directive TPS policies address the policy matter in local OCP and regulatory bylaws, *or give explicit reasons and justifications for not doing so*. There is no such 'escape clause' in the Act.

The directive policy construct a reasonable interpretation of the Act?

How can a 'directive policy construct' implementation of TPS policy be construed as a reasonable interpretation of the Act?

The Islands Trust is a federation, as is Canada.

The last argument against a directive policy construct in the TPS is a consequence of the Islands Trust being a federation of Local Trust Areas. The federation is two level and hierarchical. Counsel and Trust Area Services are the upper level. The LTCs and the Local Planning Service are the lower level.

The legislated Object and TPS bylaw are the instruments of Islands Trust federation.

Canada is a federation of provinces.

The legislated Object and the TPS bylaw are to the Islands Trust as Constitution law is to Canada.

Nearly all Canadians hold that their Constitution is binding upon provincial actions and decisions. That said, the newly incumbent premier of Alberta will propose a Sovereignty Act which would challenge the Constitution in favour of provincial autonomy. But Alberta's law schools say any such challenge would be defeated in the courts.

Alberta's proposed Sovereignty Act would have the effect of delegating federal Canada's implementation of the Constitution to the province; that the terms of the instrument of Canadian federation would not be effective in all provinces.

If challenged in the courts, would not Islands Trust Council's delegation of TPS policies to the Local Trust Area fail, in that preserve and protect TPS policies have been rendered ineffective?

A recipe for the TPS begins with policy to establish the two level hierarchy of federation governance.

The TPS recipe continues - Council's TPS bylaw content will consist entirely of policies to carry out the Object for the Trust Area. TPS structure is such that Council itself carries out the Object and is directly accountable for doing so effectively. Consistent with S.15 and S.4 of the Act.

Also at S.15, the Act allows that TPS policies may differ for different Local Trust Areas. Therefore there must be two sections of TPS policy content. The first section is for policies binding upon all Local Trust Areas and the second for policies which the local area may apply to Council to be excused from.

Referencing the Object, TPS policy content must be unambiguous that "environment" denotes the sum of its built environment and natural - or anthropogenically modified - natural environment and that the built environment must not overwhelm the sustaining elements of the natural environment.

Again referencing the Object, "unique amenities" should be named in policy as determined by resolution of Council or as those stated as such in interagency agreements.

The TPS bylaw, rewritten

I have submitted successive drafts of a TPS bylaw in the hope of formal receipt by Council, then deliberation for the purpose of i) rewriting the structure which has persisted these three decades and ii) to improve the policy content.

Michael Sketch

North Pender Island

Exhibit 1 – Excerpts from Council TPS bylaw 17, adopted 11 June, 1994 detailing the 'directive policy construct'.

Exhibit 2 – Excerpts from the Islands Trust Manual "Policy Statement Implementation" policy dated 27 May, 1994 detailing the 'directive policy construct' and a 'Policy Statement Compliance Audit'.

Exhibit 3 - Council and staff attendees at the 25 September, 1993 session of the Council meeting to deliberate the third draft of Council's TPS bylaw 17. Note that Linda Adams was the attending senior planner, later to be Director of Trust Area Services, then the CAO.

Exhibit 1 – Excerpts from Council TPS bylaw 17, adopted 11 June, 1994 detailing the ‘directive policy construct’.

ISLANDS TRUST COUNCIL

BYLAW NO. 17

.....
A BYLAW TO ADOPT A POLICY STATEMENT FOR THE TRUST AREA
.....

The Islands Trust Council, having jurisdiction in respect of the Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act* S.B.C. 1989 c.68, enacts as follows:

TITLE

1. This Bylaw may be cited for all purposes as "The Islands Trust Policy Statement Bylaw, 1993".

READINGS

READ A FIRST TIME THIS	31ST	DAY OF	OCTOBER	, 1993
READ A SECOND TIME THIS	31ST	DAY OF	OCTOBER	, 1993
READ A THIRD TIME THIS	31ST	DAY OF	OCTOBER	, 1993
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS PURSUANT TO SECTION 13(2)(c) OF THE <i>ISLANDS TRUST ACT</i> THIS	9TH	DAY OF	JUNE	, 1994
RECONSIDERED AND FINALLY ADOPTED THIS	11TH	DAY OF	JUNE	, 1994

Excerpt

Role of the Islands Trust Council

The *Islands Trust Act* assigns the Islands Trust Council responsibility for the development and adoption of the Policy Statement. Recognizing the varying roles and responsibilities of the various stakeholders and its own jurisdiction, Trust Council has included three types of policies in the bylaw:

- a) Directives to Local Trust Committees and Municipalities

These policies provide direction to local trust committees on matters which must be addressed in official community plans and regulatory bylaws, and to municipalities regarding matters to be addressed in official community plans. The official community plan must contain policies that tend to implement the policy stated by Trust Council unless the local trust committee and, where applicable, the municipality sets out explicitly in the plan the reasons and justifications for local policies that do not do so. Policies of this type commence with the phrase "Local trust committees and, where applicable, municipalities shall, in their official community plans and regulatory bylaws, address . . .".

Excerpt

Role of Local Trust Committees

As set out in the *Islands Trust Act*, local trust committee bylaws can not be "contrary to or at variance with" those policies in the Islands Policy statement which direct these committees. The policy directives identify matters which must be addressed in official community plans and bylaws, but do not stipulate the specific policies and regulations to be included because the social and environmental characteristics of the islands vary. The official community plan must, however, contain policies that tend to implement the policy stated by Trust Council, unless the local trust committee sets out explicitly in the plan the reasons and justifications for local policies that do not do so. Each local trust committee will work with its island community to develop policies and regulations to suit local needs, while still supporting the Islands Trust object and the Policy Statement. Local trust committees are not required to comply with any policy in the Policy Statement which is not stated as a directive to them.

Exhibit 2 – Excerpts from the Islands Trust Manual “Policy Statement Implementation” policy dated 27 May, 1994 detailing the ‘directive policy construct’ and a ‘Policy Statement Compliance Audit’.

**Islands Trust
POLICY MANUAL**

May 27, 1994

Code: _____

Bylaw __ Policy X
Procedure __ Guideline __

Title: POLICY STATEMENT IMPLEMENTATION

Approved By: Trust Council Date: _____

Further References: Islands Trust Act, S. 13, 14, 20, 25; Policy Statement Bylaw No. 17, 1993; LTC Bylaw Approval Policy; Executive Committee Legislative Role Policy

PURPOSES:

- A. to establish responsibilities and procedures for statutory bylaw referrals and other implementation strategies in connection with the Islands Trust Policy Statement Bylaw No. 17; and

Excerpt

1. Statutory Bylaw Referrals

a. Background

- iii. The Islands Trust Policy Statement requires local trust committees to include in each OCP and regulatory bylaw either policies or regulations respectively addressing certain matters stated in the Policy Statement, or explicit reasons and justifications for not doing so. A bylaw will not be contrary to or at variance with the Policy Statement if it fails to include a particular policy or regulation, so long as the bylaw contains sufficient reason or justification for not doing so.

Excerpt

Other Implementation Strategies

2. b. Policy Statement Compliance Audit

- i. To ensure consistency between the Policy Statement and the activities of the Islands Trust, Trust Council, the Executive Committee, Trust Fund Board, Local Trust Committees and Islands Trust Staff, all decisions and activities of each of these entities that have the potential for either furthering the implementation of the Policy Statement, or for not doing so, will be subjected to a Compliance Audit based on the use of the Policy Statement Reference List (Att. B).
- iv. Islands Trust staff preparing recommendations or information for the Islands Trust entity concerned with the decision or activity in question will be responsible for preparing the Compliance Audit and drafting the required report and/or notifying implications on the Request for Decision in type format.

Exhibit 3 - Council and staff attendees at the 25 September, 1993 session of the Council meeting to deliberate the third draft of Council's TPS bylaw 17. Note that Linda Adams was the attending senior planner, later to be Director of Trust Area Services, then the CAO.

ISLANDS TRUST COUNCIL

DAY 3: SATURDAY, SEPTEMBER 25, 1993

BEAVER POINT HALL, FULFORD HARBOUR, SALT SPRING ISLAND, B.C.

PRESENT:

Executive Committee:

Carol Martin, Chairperson
Diane Cragg, Vice-Chairperson
Graeme Dinsdale, Vice-Chairperson

Local Trustees:

Claus Spiekermann, Bowen
Rolf Ludvigsen, Denman
Roxanna Aitken, Denman
Joan Best, Gabriola
Jack Sickavish, Gabriola
Margaret Griffiths, Galiano
Catherine Howard, Hornby
Janice McMillan, Lasqueti
Chris Ferris, Lasqueti
Louis Vallee, Mayne
Bob Allison, North Pender
Phil Clark, North Pender
John Stepaniuk, Salt Spring
Bob Andrew, Salt Spring
John Money, Saturna
Harvey Janszen, Saturna
Jane Perch, South Pender
Elaine Jacobson, South Pender
John Dunfield, Thetis
David Essig, Thetis

Staff:

Gordon McIntosh, Executive Director
Doug Levell, Operations Manager
Sharon Donnelly, Research Officer
Linda Adams, Senior Planner
Pamela Cowtan, Trust Fund Board Coordinator
Bonnie Allen, Recorder
Tanya Howes

Media:

Mr. Graeme Thompson from the *Driftwood*
Mr. Patrick Brown of the *Island Tides*.

REGRETS:

Larry Holbrook, Mayne
Gord Steele, Gambier
Leiani Anthony, Gambier