Executive Committee
Agenda

Date: Monday, February 13, 2023
Time: 9:00 am
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

			Pages
1.	CALL TO ORDER		
2.	APPROVAL OF AGENDA		
	2.1	Introduction of New Items	
	2.2	Approval of Agenda	
		2.2.1 Agenda Context Notes	4 - 4
3.	CLOSED MEETING (if applicable)		
	That the meeting be closed to the public subject to Sections 90(1)(c)(g) and (i) of the Community Charter in order to consider matters related to employee relations, litigation affecting the Islands Trust and receipt of advice that is subject to solicitor-client privilege and that staff attend the meeting.		
4.	RISE AND REPORT DECISIONS FROM PREVIOUSLY CLOSED MEETING		
5.	ADOPTION OF MINUTES		
	5.1	January 11, 2023 draft minutes	5 - 12
6.	FOLLOW UP ACTION LIST AND UPDATES		
	6.1	Follow Up Action List/Director/CAO Updates	13 - 18
	6.2	Local Trust Committee Chair Updates	
	6.3	Islands Trust Conservancy Liaison Update	
7.	BYLAWS FOR APPROVAL CONSIDERATION		
	None		
8.	TRUST COUNCIL MEETING PREPARATION		
	8.1	Executive	
		8.1.1 March Trust Council DRAFT schedule	19 - 19
		8.1.2 Reconciliation Learning Group - RFD	20 - 22
		8.1.3 Revision of Sunshine Coast Regional District Funding Support Letter - RFD	23 - 25
		8.1.4 Council Committee System Policy Update and Consolidation - RFD	26 - 40
		8.1.5 Establishment of an Accessibility Committee - RFD	41 - 59

8.2 Local Planning Services

8.2.1 Bylaw Enforcement Policies and Practices Overview - Briefing 60 - 72

8.3 Administrative Services

8.4 Trust Area Services

9. EXECUTIVE COMMITTEE PROJECTS

9.1 Trust Council Initiated

9.1.1 Executive

9.1.2 Trust Area Services

9.1.2.1 Draft Revised Policy Statement Amendment Project Charter V6 - RFD 73 - 80

That Executive Committee recommend Policy Statement Amendment Project Charter v6, Option 1 to Trust Council.

9.1.3 Local Planning Services

9.1.4 Administrative Services

9.2 Executive Committee Initiated

9.2.1 Executive

9.2.1.1 Request for Executive Committee Sponsorship of TUP and DVP Application Fee - RFD 81 - 87

THAT the Executive Committee approve financial sponsorship of $4050 for Temporary Use Permit application GL-TUP-2023.1 (Parfit) & Development Variance Permit application GL-DVP-2023.1 (Parfit) application which would temporarily permit the community arts facility use, legalize existing buildings and structures, and permit parking areas within a setback.

9.2.1.2 Update on request to the Province for a tree cutting authority - Briefing 88 - 99

9.2.1.3 Draft Budget 2023/24 Review of Funding Requests - Briefing 100 - 102

FPC request to standing committees

9.2.1.4 Draft Budget 2023/24 Review of Funding Requests - Briefing 103 - 119

9.2.1.5 Revised Policy Statement Amendment Project Business Case FY 2023-24 - RFD 120 - 125

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

- Reducing Policy Statement Amendment Project funding to $50,000, and forwarding the amended Policy Statement Amendment Project 2023/24 business case to the Financial Planning Committee.

9.2.2 Trust Area Services

9.2.2.1 Agreement with Snaw-Naw-As First Nation - RFD 126 - 127

That Executive Committee request staff to cooperate with Snaw-Naw-As First Nation to develop a protocol agreement for Trust Council's consideration.

9.2.3 Local Planning Services

9.2.4 Administrative Services

9.2.4.1 Actual and Forecasted Over Expenditures - Briefing 128 - 129

10. NEW BUSINESS

10.1 Executive/Trust Council

10.2 Trust Area Services

10.2.1 LTC Chairs Report on Local Advocacy Topics

10.3 Local Planning Services

10.4 Administrative Services

11. CORRESPONDENCE (for information unless raised for action)

11.1 Invitation to register for the BC Coastal Maine Strategy Policy Forum email dated Janulary 16, 2023 130 - 131

See item 2.2.1 Agenda Context Notes

11.2 Representation requested re: Vancouver Island and Coastal Communities Climate Leadership Plan (VICC-CLP) email dated January 20, 2023 132 - 134

Save the date re: February 17th.

11.3 Saanich Inlet Protection Society re: next roundtable February 23, 2023 135 - 135

11.4 J. Robertson re: Application of Islands Trust Policy, Standards of Conduct email dated January 24, 2023 136 - 136

11.5 B. Lockett re: GLTC Trustee Mabberley letter dated January 17, 2023 137 - 157

12. WORK PROGRAM

12.1 Review and amendment of current work program

13. NEXT MEETING

The next Executive Committee meeting is scheduled to be held in person at the Islands Trust Victoria Office boardroom on February 22, 2023, beginning at 9:00 a.m.

14. ADJOURNMENT

Agenda No.	From	Context Notes
10.1	DTAS	**Invitation to register for the BC Coastal Marine Strategy Policy Forum email dated January 16, 2023** The Province of BC is hosting a forum about the proposed Coastal Marine Strategy Policy Forum in Vancouver on March 7 and 8, which conflicts with the Islands Trust Council meeting. Provincial staff have offered to host a 1 ½ - 2 hour session on the Coastal Marine Strategy for Trust Council and staff during the day on either March 13, 17 or 23. Staff would like Executive Committee direction on whether to proceed with arranging this event.

Executive Committee
Minutes of Regular Meeting

Date: **January 11, 2023**
Location: **Electronic Meeting**
Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

Members Present: **Peter Luckham, Chair, Thetis Island Trustee**
Tobi Elliott, Vice-Chair, Gabriola Island Trustee
David Maude, Vice-Chair, Mayne Island Trustee (boardroom)
Timothy Peterson, Vice-Chair, Lasqueti Island Trustee

Staff Present: **Russ Hotsenpiller, Chief Administrative Officer (CAO)** (boardroom)
Clare Frater, Director, Trust Area Services (DTAS)
Julia Mobbs, Director, Administrative Services (DAS)
Stefan Cermak, Director, Planning Services (DPS)
Warren Dingman, Manager, Bylaw Compliance and Enforcement (BCEM)
Lori Foster, Executive Coordinator/Recorder (boardroom)

Members of the Public Present: **One member of the public joined the meeting electronically.**

1. CALL TO ORDER

Chair Luckham called the first Executive Committee meeting of 2023 to order at 9:08 a.m., which started late due to Vice-Chair Maude's traffic delays getting to the Victoria boardroom office from Mayne Island.

Each Executive Committee (EC) member humbly acknowledged that this meeting was being held on the traditional and treaty territories of many Coast Salish First Nations.

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

For information as noted for items 8.2.1.1; 8.2.2.3; and 8.2.2.4.

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

4. ADOPTION OF MINUTES

4.1 December 14, 2022, draft minutes

By general consent, the December 14, 2022, draft minutes were adopted as presented.

5. FOLLOW UP ACTION LIST AND UPDATES

5.1 Follow Up Action List (FUAL)/Director/CAO Updates

CAO Hotsenpiller spoke to the status of FUAL items in progress, addressed Trust Council's request for on-island meeting locations, and online trustee training sessions scheduled to make up for the deferral of these sessions at December's Trust Council meeting.

Planning applications and processes training requested by Trustee Evans for local trust committees (LTC's), in particular South Pender, was noted by Vice-Chair Elliott.

CAO Hotsenpiller gave a verbal update on the status of the Financial Planning Committee becoming whole with all chairs from the standing committees being on-boarded.

DAS Mobbs spoke to the recent status of the draft budget touching on significant increase to non-market values of BC Assessment property tax revenue being collected for the Islands Trust. Large % of our tax will be from new builds construction. She spoke to business cases regarding computer needs. Expense claim system information and other small pieces will be added in and massaged as the budget. Spoke to outstanding FUAL item status in progress. Connected with Financial Planning Committee (FPC) members, Human Resources (HR) work on the go, staffing updates.

DPS Cermak spoke to FUAL items and the bylaw presentation slated for March Trust Council. He welcomed the new Northern office Regional Planning Manager (RPM) Renee Jamurat.

DTAS Frater spoke to the status of FUAL items and the coordination of correspondence going to Islands Trust-area jurisdictional elected officials and First Nations in the Trust-area. She noted the elected chair of Trust Programs Committee is now South Pender Trustee, Kristina Evans with Hornby Trustee, Alex Allen as Vice-Chair.

5.2 Local Trust Committee Chair Updates

Chairs of their local trust committees (LTC) gave verbal updates anticipating their first LTC meetings scheduled to begin this month.

5.3 Islands Trust Conservancy (ITC) Liaison Update

EC representative to the Islands Trust Conservancy (ITC), Vice- Chair Elliott, gave a verbal update regarding the 3-year plan (rather than 5-year) which was submitted to the Ministry of Municipal Affairs, (MMA) just before the holidays. January 24th is the first ITC board meeting and will elect a chair and vice-chair. She recognized the Link Island donation to the Conservancy with an upcoming celebration being held in Nanaimo.

6. BYLAWS FOR APPROVAL CONSIDERATION

6.1 Salt Spring Island Local Trust Committee Proposed Bylaw No.534 (Delegation Bylaw) – RFD

Vice-Chair Peterson gave a summary of the bylaw which was mostly advanced by the previous term's local trust committee; to delegate authority for development permits, where effective planning services are delivered by staff.

EC-2023-001
It was Moved and Seconded,
THAT the Islands Trust Executive Committee approve Salt Spring Island Local Trust Committee Delegation Bylaw No. 534, cited as "Salt Spring Island Local Trust Committee Delegation Bylaw No. 534, 2022" in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

6.2 Saturna Island LTC Bylaws No. 136 and 137 (OCP and LUB amendments) – RFD

Vice-Chair Maude introduced the bylaws empowering the purchase of 7 acres of land by the BC Natures Trust, moving density from one property to another when it is converted over to the Trust and reported the bylaw was favourably received at the local trust committee (LTC) meeting.

EC-2023-002
It was Moved and Seconded,
THAT the Islands Trust Executive Committee approve Saturna Island Local Trust Committee Bylaw No. 136, cited as Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2022 in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

EC-2023-003
It was Moved and Seconded,
THAT the Islands Trust Executive Committee approve Saturna Island Local Trust Committee Bylaw No. 137, cited as "Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2022" in accordance with Section 27 of the *Islands Trust Act*.

CARRIED

7. TRUST COUNCIL MEETING PREPARATION

7.1 Executive

7.1.1 Orientation for chairs of Trust Council committees – Discussion

Discussion followed on the focus of Executive Committee and standing committees chair training, content and timing with the desire to include vice-chairs of standing committees.

By general consent, Executive Committee agreed that training for Executive Committee and Council Committee chairs, with supplementary training for Vice-Chairs be explored by staff for upcoming delivery.

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 - None
8.1.2 Trust Area Services - None

8.1.3 Planning Services

8.1.3.1 Bylaw Compliance and Enforcement Sessions for the March 2023 Islands Trust Council – Briefing

CAO Hotsenpiller introduced the briefing and spoke to Trust Council's desire to dive deeper into bylaw enforcement process and planned sessions for March Trust Council. Young Anderson, our lawyers, provide contract services which could be offered.

Discussion ensued on the following:
- Distinguishing the nature of the problem and complaints,
- Presenting and compiling evidence, reports, cases and trends while looking at whether policy is deficient.

The meeting recessed for a break at 10:35 a.m. reconvened at 10:45 a.m.

8.1.4 Administrative Services

8.1.4.1 Appointment of Financial Statement Auditors – RFD

DAS Mobbs spoke to this annual item noting that next year will go to tender with a request for proposal, that KPMG has been our auditor for the last 5 years.

EC-2023-004
It was Moved and Seconded,
That KPMG be appointed auditor for the Islands Trust and the Islands Trust Conservancy 2022/23 Financial Statements.

CARRIED

8.2 Executive Committee Initiated

8.2.1 Executive

8.2.1.1 Trustee Evans funding training request re: LGLA February 8-10, 2023

As noted in item 2.2.1 Agenda Context Notes.

Discussion regarding adequate funding for training has never been a problem historically; however, we could not fund all 26 trustees' attendance to this type of event.

Vice-Chair Peterson noted financial awards are available.

EC-2023-005
It was Moved and Seconded,
That Executive Committee approve, with full travel status, for Trustee Evans to attend the Local Government Leadership Academy as requested in the attached application. (Executive Committee agenda item 8.2.1.1, January 11, 2023)

CARRIED

8.2.2 Trust Area Services

8.2.2.1 AVICC/UBCM Resolution Selection – RFD

DTAS Frater spoke to the resolution process and advocacy of resolutions which are endorsed at the Association of Vancouver Island Coastal Communities (AVICC) and the Union of British Columbia Municipalities (UBCM) level.

Discussion on the two suggestions as presented in the request for decision followed.

Vice-Chair Elliott spoke to the capacity funding resolution.

EC-2023-006
It was Moved and Seconded,
That the Executive Committee direct staff to draft a resolution and backgrounder on the following: request that the Province enact endangered species legislation for British Columbia in consultation and jointly with First Nations for submission to the Association of Vancouver Island and Coastal Communities 2023 convention for the Chair's consideration in January 2023.

CARRIED

8.2.2.2 Background on San Juan County Relationship – Briefing

DTAS Frater spoke to the briefing as presented and building this relationship back post COVID.

Chair Luckham spoke to the formal trans-boundary relationship Islands Trust shares with San Juan County which has addressed marine pollution, shipping and signing joint advocacy letters.

Discussion ensued to make an outreach with San Juan County Council for June.

By general consent, Chair Luckham will work with Director of Trust Area Services Frater to initiate rekindling of the San Juan County/Islands Trust relationship.

8.2.2.3 Delegation Letters – Discussion

As noted in item 2.2.1 Agenda Context Notes.

EC-2023-007
It was Moved and Seconded,
That Executive Committee request that staff advance the question of responding to delegates with thank you letters, for June Trust Council, and that staff prepare a briefing on practices in other local governments.

CARRIED

8.2.2.4 Winter 2023 February 22-23, 2023, OPP Dialogue Forum – Update

As noted in item 2.2.1 Agenda Context Notes.

DTAS Frater noted that Trustees Aaron Campbell and Mikaila Lironi have expressed interest in attending the Oceans Protection Plan (OPP) forum being held in Vancouver.

DTAS Frater would support trustees with background information.

EC-2023-008
It was Moved and Seconded,
That Executive Committee support the attendance of Trustees Campbell and Lironi at the February Oceans Protection Plan (OPP) Forum, and authorize expenditure of existing grant monies and application for additional monies needed.

CARRIED

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8.2.3 Local Planning Services - None
8.2.4 Administrative Services – None

9. NEW BUSINESS - None

9.1 Executive/Trust Council - None

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 (for information unless raised for action)

10.1 Trans Mountain comment period extended email dated November 18, 2022

DTAS Frater noted that a January 30th extension to submit comment has been received.

EC-2023-009
It was Moved and Seconded,
That staff engage with a consultant to provide response to Trans Mountain comment period as per the November 18 letter (item 10.1 Executive Committee January 11, 2023, agenda).

CARRIED

10.2 Coastal Marine Strategy Intentions Paper Release email dated December 15, 2022

It was noted that engagement closes April 14, 2023. Chair Luckham commented this warrants a response.

10.3 Active Vessel Traffic Management P3 Engagement email dated December 20, 2022

Received for information.

10.4 Invitation to group interview on ocean-based technologies to address climate change dated December 19, 2022

Chair Luckham requested the minutes indicate that he may attend the February 18th focus group at the University of Victoria campus.

10.5 C. Roper email dated December 24, 2022 re: A Christmas gift for the Gulf Island

EC-2023-010
It was Moved and Seconded,
That Executive Committee request staff forward correspondence items 10.5 to 10.12 (from Executive Committee's January 11, 2023, agenda), by email, to all trustees.

CARRIED

10.6 R. Hawkins email dated December 17, 2022 re: Update on protecting the Gulf Islands

10.7 R. Isaac email dated December 17, 2022 re: Protect the Gulf Islands

10.8 J. Allan email dated December 19, 2022 re: Mandate for Islands Trust?

10.9 G. Wolff email dated December 19, 2022 re: Protecting our sea and its inhabitants

10.10 R. Polden email dated December 19, 2022 re: Prioritize protection and preservation of environmental values

10.11 U. Rautenbach email dated December 19, 2022 re: Prioritize protection and preservation of environmental values

10.12 R. McNairn email dated December 8, 2022 re: meeting on-island locations

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 Monday, February 13, 2023, to be conducted electronically.

13. CLOSED MEETING – None

14. ADJOURNMENT

By general consent, the meeting was adjourned at 11:49 a.m.

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Peter Luckham, Chair

Certified Correct

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Lori Foster, Executive Coordinator

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Islands Trust

Print Date: February 8, 2023

Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 EC and staff do not pursue conversations with the Province around tree cutting until after the March 2023 meeting as directed by Trust Council resolution.	Russ Hotsenpiller	Meeting: 06-Dec-2022 Target: 09-Mar-2023	In Progress
2 That staff investigate Salt Spring Island and Gabriola Island as feasible locations for the June and September Trust Council meetings.	Russ Hotsenpiller	Meeting: 14-Dec-2022 Target: 22-Feb-2023	In Progress
3 That the remaining Trust Council orientation sessions be delivered online between now and March and that reconsideration be made for future training once orientation is concluded.	Russ Hotsenpiller	Meeting: 14-Dec-2022 Target: 07-Mar-2023	In Progress
4 Staff provide recommendations with respect to Executive Committee and council committee training sessions.	Russ Hotsenpiller	Meeting: 14-Dec-2022 Target: 22-Feb-2023	In Progress
5 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: 22-Feb-2023	Completed
6 Forward correspondence items 10.5 to 10.12 to all trustees. DONE - emailed on January 12th to all trustees.	Russ Hotsenpiller	Meeting: 11-Jan-2023 Target: 13-Feb-2023	Completed

Director Legislative Services

Activity	Responsibility	Dates	Status

Follow Up Action Report

Executive Committee

Director Legislative Services

Activity	Responsibility	Dates	Status
1 Staff to draft amendments for replacement of those Trust Council policies deemed as top priority for updating, based on policy review analysis, for consideration of approval by Trust Council. As of March 2022, amendments to 11 out of 17 policies deemed out of date have been adopted.	David Marlor	Meeting: 03-Feb-2021 Target: 13-Jun-2023	In Progress
2 Staff review the Executive Committee sponsorship policy and report back recommendations on local trust committee approvals, communications, and funding mechanisms.	David Marlor	Meeting: 14-Apr-2021 Target: 13-Sep-2023	In Progress

Director of Planning Services

Activity	Responsibility	Dates	Status
1 Executive Committee include a session on Bylaw Enforcement policy and practice in the March 2023 Trust Council meeting agenda.	Stefan Cermak	Meeting: 08-Dec-2022 Target: 09-Mar-2023	In Progress
2 Inform Salt Spring Island LTC that Bylaw 534 was approved by Executive Committee and Saturna Island Local Trust Committee (LTC) that Bylaws 136 and 137 were also approved by EC.	Stefan Cermak	Meeting: 11-Jan-2023 Target: 13-Feb-2023	Completed

Follow Up Action Report

Executive Committee

Director, Administrative Services

Activity	Responsibility	Dates	Status
1 Review Islands Trust Policy 6.5.2 as a whole and specifically make recommendations to amend the policy to ensure the policy is clear in regards to the process and decision making authority related to proposed 'overspends' for any particular budget item.	Julia Mobbs	Meeting: 21-Oct-2020 Target: 20-Sep-2023	In Progress
2 Notify KPMG of appointment as auditor for the Islands Trust and the Islands Trust Conservancy 2022/23 Financial Statements.	Julia Mobbs	Meeting: 11-Jan-2023 Target: 11-Jan-2023	Completed

Director, Trust Area Services

Activity	Responsibility	Dates	Status
1 Investigate options for local trust committees with respect to being notified of aquaculture and mariculture license changes including changes in species in its negotiation of protocol agreements with the province.	Clare Frater	Meeting: 30-Jan-2019 Target: 07-Mar-2023	In Progress
2 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

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
3 Staff to work with trustees to organize two film screenings of the movie Dust n Bones and reconciliation discussions subject to support of affected local trust committees. (A grant in aid of 4,500 (from History and Heritage Grants in Aid program was provided in 2020 to host screenings on three islands but due to Covid-19 restrictions only one screening occurred.) EC previously indicated interest from Gabriola and Salt Spring Islands.	Clare Frater	Meeting: 26-Feb-2020 Target: 07-Mar-2023	In Progress
4 That Trust Council request that the Executive Committee support Bowen Island Municipality in its efforts to oppose recreational use of motorized vehicles on Mount Gardner Crown land, subject to consultation with First Nations.	Clare Frater	Meeting: 17-Jun-2020 Target: 07-Mar-2023	In Progress
5 1.The chair and staff to attend the OPP 2023 Ocean Protection Plan Forum and supply speaking notes and seek funding for attendance (DONE -funding application successful). 2.Write to the OPP Dialogue Forum asking for inclusion of anchorages and vessel traffic management on the agenda. DONE 3.Poll trustees to see if any trustees would be interested in attending the Winter 2023 Oceans Protection Plan Dialogue Forum, February 22-23, 2023. DONE Campbell and Lironi attending.	Clare Frater	Meeting: 14-Dec-2022 Target: 22-Feb-2023	In Progress

Follow Up Action Report

Executive Committee

Director, Trust Area Services

	Activity	Responsibility	Dates	Status
6	Staff write a letter of support under the Chair's signature re agenda item: 10.3 Sunshine Coast Regional District (SCRD) request letter of support re: Union of BC Municipalities (UBCM) Community Emergency Preparedness Fund (CEPF) Disaster Risk Reduction Grant.	Clare Frater	Meeting: 14-Dec-2022 Target: 11-Jan-2023	Completed
7	Ask staff to investigate options for policies or policy updates for formal opportunities for First Nations presentations and engagement at Trust Council meetings.	Clare Frater	Meeting: 07-Oct-2021 Target: 06-Sep-2023	In Progress
8	Staff to develop policy regarding s. 8 (2) (h.1) (iii) and (iv) of the Islands Trust Act.	Clare Frater	Meeting: 12-Apr-2022 Target: 20-Sep-2023	In Progress
9	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: 20-Sep-2023	In Progress
10	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: 11-Jan-2023	In Progress

Islands Trust

Print Date: February 8, 2023

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
11 Draft a resolution and backgrounder on the following: request that the Province enact endangered species legislation for British Columbia in consultation and jointly with First Nations for submission to the Association of Vancouver Island and Coastal Communities 2023 convention for the Chair's consideration in January 2023.	Clare Frater	Meeting: 11-Jan-2023 Target: 13-Feb-2023	Completed
12 Initiate rekindling of the San Juan County/Islands Trust relationship, work with Chair for June.	Clare Frater	Meeting: 11-Jan-2023 Target: 27-Jun-2023	In Progress
13 Staff advance the question of responding to delegates with thank you letters, for June Trust Council, and that staff prepare a briefing on practices in other local governments.	Clare Frater	Meeting: 11-Jan-2023 Target: 27-Jun-2023	In Progress
14 Staff engage with a consultant to provide response to Trans Mountain comment period as per the November 18 letter (item 10.1 Executive Committee January 11, 2023, agenda).	Clare Frater	Meeting: 11-Jan-2023 Target: 30-Jan-2023	Completed

Trust Council Quarterly Meeting Schedule
March 7-9, 2023, Nanaimo

DRAFT

Tuesday, March 7

Trust Council Quarterly Meeting
Public Venue
Coast Bastion Ballroom
101 Gordon Steet
Nanaimo BC

10:00 Executive Committee Meeting

Public Venue - Coast Bastion Hotel
Malahat Room, 2nd Floor
11 Gordon Street, Nanaimo BC

12:00 - 1:00 Lunch Break

Coast Bastion Ladysmith Room

1:00 Trust Council Quarterly Meeting

Welcome & Land Acknowledgement
General Business Arising
Consent Agenda Item(s)
- EC Work Program
- Trust Council FUAL

Decision/Discussion Items
- CAO's Report
- GOVENANCE COMMITTEE Placeholder

3:00 - 3:15 Break

3:15 Trust Area Services

5:30 - 7:00 Dinner Break

7:00 Delegations Session

8:00 Public Comment Period

9:00 Recess for the day (approx)

Wednesday, March 8

9:00 Administrative Services / Finance
Consent Agenda Items
- FPC Workprogram
- Quarterly Financial RPT

Discussion/Decision Items
- Director' s Report

2023/24 Budget Recommendaton to Trust Council

Budget Session Overview
Budget Assumptions and Principles
Budget Overview/Highlights - BRF
Business Cases
IT Conservancy Request
SSIWPA Requests

11:00 - 11:15 Break

11:15 Budget Recommendation to Trust Council - continued

12:00 - 1:00 Lunch Break

1:00 Local Planning Services
Consent Agenda Items
- RPC Work Program
- Director's Report

1:10 Bylaw Compliance and Enforcement Session

Stats and Introduction to Topic

Guest Presenters placeholder

3:00 - 3:15 Break

3:15 Bylaw Report To Trust Council

5:30 Recess for the day (approx)

Thursday, March 9

9:00 Closed Meeting Session

Open Meeting - Rise and Report

11:00 - 11:15 Break

11:15 2023/24 Budget Approval

* Financial Plan Bylaw No. xxx - RFD
* Revenue Anticipation Borrowing Bylaw No. xxx - RFD

11:30 New Business Items

Trustee/Summary Updates
- BC Ferries Advisory Committee Chairs
- First Nations
- GINPR Advisory Committee
- SSIWPA

Priorities Chart
June Trust Council Draft Schedule

* **Disposition of Delegations and Public Comment Requests**

Correspondence

12:00 Adjournment (approx.)

Islands Trust

Visit the meeting webpage to:

https://islandstrust.bc.ca/event/trust-council-march-2023/

~ view the agenda package
~ join the meeting electronically, view livestream or attend by phone-in

REQUEST FOR DECISION

To:	Trust Council	**For the Meeting of:**	March 7, 2023
From:	**Trust Area Services**	**Date Prepared:**	February 3, 2023
SUBJECT:	**Reconciliation Learning Group**		

RECOMMENDATION: THAT a reconciliation learning group be initiated comprised of trustees who indicate interest; and that a learning plan be developed and implemented through monthly, virtual meetings.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: Reconciliation programming and work at the Islands Trust could benefit from trustee input and insight into communications, relationship building and agreement development. Initially, a learning group would be an effective means of sharing information and increasing understanding of Reconciliation work on behalf of the Islands Trust. In the future, this body could transform into a more formal structure such as a select or advisory committee if business needs dictate.

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1 **PURPOSE:** To seek direction from Trust Council regarding establishment of a reconciliation learning group or select committee.

2 BACKGROUND:

On December 6, 2023, after hearing a presentation from Trustee Elliott on her trustee-initiated Request for Decision, Trust Council passed the following resolution:

That Trust Council request staff to prepare a report by the March 2023 Trust Council meeting regarding options for resourcing and supporting a new Select Committee on Reconciliation, with recommendations as to how the Select Committee on Reconciliation's terms of reference, composition and purpose would be determined.

Staff has considered options available for a Select Committee on Reconciliation (see alternatives section) and recommend that, in this first year of the term, that the focus be on trustee learning prior to developing a Select Committee on Reconciliation.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: The Senior Intergovernmental Policy Advisor (expected to start in April 2023) would be the primary organizer and host of learning group sessions. This work will fit within the position's work program. The CAO and Director of Trust Area Services will attend learning group sessions, as appropriate/needed. The sessions would not be public so there would be limited administrative resource needs.

FINANCIAL: There are expected to be some costs related to honoraria for external speakers and trainers. These would be funded from the Reconciliation budget.

POLICY: None, although new information may arise from the learning that might prompt a trustee to recommend policy changes to Trust Council via an existing committee

IMPLEMENTATION/COMMUNICATIONS: Staff would request expressions of interest from trustees/appointed Conservancy board members and would then establish monthly learning sessions. Staff will seek input from trustees/board members about topics they are interested in learning about. Topics could include best practices for holding culturally safe meetings; Coast Salish protocols; best practices when chance finds occur; understanding the cultural, spiritual, and sacred connections local Indigenous peoples have to the region, and other topics mentioned in Trust Council's Reconciliation Action Plan and suggested by trustees.

For 2023/24, staff suggest that reconciliation activities of the Trust, and associated policy and agreement development and advocacy, be led via Trust Council and Executive Committee via recommendations from individual trustees and Trust bodies. This could include updating the Reconciliation Action Plan, and staff expect Trust Council will be receiving a number of requests from First Nations for protocol agreements in the next year.

Trust Council could re-visit the concept of a Reconciliation Select Committee for the 2024/25 fiscal year.

FIRST NATIONS: This learning group will support development of positive and productive relationships with First Nations' leaders and holding of culturally safe meetings, among other outcomes.

OTHER: None.

4 **RELEVANT POLICY(S):** First Nations Engagement Principles Policy, Trust Council Reconciliation Declaration, Islands Trust Conservancy Board Reconciliation Declaration

5 **ATTACHMENT(S):** None.

RESPONSE OPTIONS

Recommendation: That Trust Council request staff to support a reconciliation learning group comprised of trustees who indicate interest and establish a learning plan that can be implemented through monthly, virtual meetings.

Alternative(s):
There are a number of alternatives for Trust Council to consider, including a Select Committee or an Advisory body**.**

1) **Alternative 1:** creation of a Trust Council Select Committee. A Select committee is a committee made up of trustees appointed or elected as determined by Trust Council, which operates for a specific purpose and disbands once the work has been completed. If Trust Council decides on this option, staff would develop a draft terms of reference for the committee, a meeting schedule, budget in the range of $3,000 to support the committee, and target end result and end date for the committee. In addition, Trust Council would need to consider Staff support availability during the budget discussion. The expected goal would be to develop

recommendations on the Reconciliation Action Plan and budget required to implement the Action Plan.

2) **Alternative 2:** creation of an Advisory Body on Reconciliation. This Advisory Body would include trustees appointed/ elected as determined by Trust Council as well as Indigenous community members selected through an expression of interest process, or other community members. Similar to the Select Committee, this Committee would be formed until the work has been completed, then it would be disbanded. If Trust Council decides on this option, staff would develop a draft terms of reference for the committee, a meeting schedule, budget in the range of $3,000 to support the committee, and recommended target end result and end date for the committee. In addition, Trust Council would need to consider Staff support availability during the budget discussion. The expected goal would be to develop recommendations on the Reconciliation Action Plan and budget required to implement the Action Plan.

Prepared By: Clare Frater, Director, Trust Area Services and
David Marlor, Director, Legislative Services

Reviewed By/Date: Russ Hotsenpiller, CAO, February 7, 2023

REQUEST FOR DECISION

To:	Trust Council	**For the Meeting of:**	March 7, 2023
From:	**Director, Planning Services**	**Date Prepared:**	January 30, 2023
SUBJECT:	**Revision of Sunshine Coast Regional District Funding Support Letter**		

RECOMMENDATION: That the Islands Trust Council request staff to write a letter of support under the Chair's signature stating that the Islands Trust Council supports the Sunshine Coast Regional District applying for, receiving, and managing the 2022 Community Emergency Preparedness – Disaster Risk Reduction-Climate Adaption Grant on behalf of the Islands Trust.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: Two letters of support have already been sent via the Chair of the Executive Committee to the Sunshine Coast Regional District (SCRD) supporting their application to the Union of British Columbia Municipalities (UBCM) for receiving and managing the 2022 Community Emergency Preparedness – Disaster Risk Reduction-Climate Adaption Grant (CEPF). UBCM has requested that the letter of support be revised to state that Islands Trust Council supports the request.

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1 **PURPOSE:** To revise a letter of support sent by the Chair of the Executive Committee dated December 15, 2022 to UBCM supporting the SCRDs request for funding. UBCM has requested that the resolution be revised to state that "Council supports the Sunshine Coast Regional District applying for, receiving, and managing the 2022 Community Emergency Preparedness – Disaster Risk Reduction-Climate Adaption Grant. The request for revising the letter is a request by the UBCM to confirm that the Islands Trust will not apply for this funding opportunity.

2 **BACKGROUND:** On December 14, 2022 the Executive Committee considered communications from the SCRD requesting a letter of support for their application to the Union of British Columbia Municipalities for funding that would allow the regional district to map areas within their regional district at risk of coastal flooding. After consideration the Executive Committee passed the following resolution:

> That Executive Committee request staff write a letter of support under the Chair's signature re agenda item: 10.3 Sunshine Coast Regional District (SCRD) request letter of support re: Union of BC Municipalities (UBCM) Community Emergency Preparedness Fund (CEPF) Disaster Risk Reduction Grant. **CARRIED**

A letter was drafted and sent to the SCRD dated December 15, 2022 (attached).

However, staff from the SCRD have advised that the UBCM has requested amendments to the motion of support. UBCM has asked if it's possible to revise the resolution to state: "Council supports the Sunshine Coast Regional District applying for, receiving, and managing the 2022 Community Emergency Preparedness – Disaster Risk Reduction-Climate Adaption Grant funding on behalf of Islands Trust."

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: The requested resolution would clarify that the Islands Trust Council supports the SCRD funding request. UBCM understands the delegated authority to the Executive Committee to pass such resolutions of support – yet still requests the revised resolution. The request to revise the letter of support will also provide clarity to UBCM that the Islands Trust does not intend to apply for the same grant. The Islands Trust Grants Program Manager indicates that notification for this grant was sent to all trustees and planners on July 21, 2022. No responses were received. The deadline for application is February 24, 2023.

FINANCIAL: SCRD mapping will avoid the Islands Trust from pursuing such funding and incurring related expenses.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: Staff will prepare a letter as requested.

FIRST NATIONS: N/A

OTHER: N/A

4 RELEVANT POLICY(S): Grants and Donations Administration (Policy 6.5.4)

5 ATTACHMENT(S): Letter of Support to SCRD dated December 15, 2022

RESPONSE OPTIONS

Recommendation:

That the Islands Trust Council request staff to write a letter of support under the Chair's signature stating that the Islands Trust Council supports the Sunshine Coast Regional District applying for, receiving, and managing the 2022 Community Emergency Preparedness – Disaster Risk Reduction-Climate Adaption Grant funding on behalf of the Islands Trust.

Alternative:

Do not write a letter of support.

Prepared By: **Stefan Cermak, Director, Planning Services**

Reviewed By/Date: **CAO/February 8, 2023**

Islands Trust

200 – 1627 Fort Street, Victoria BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

December 15, 2022 File No. 5020-30

Via email: Leonard.Lee@scrd.ca, Autumn.O'Brien@scrd.ca

Leonard Lee
Board Chair
Sunshine Coast Regional District
1975 Field Road
Sechelt, BC V7Z 0A8

Dear Leonard Lee:

Re: Request for Letter of Support for UBCM Disaster Risk Reduction — Climate Adaptation Program for development of a Coastal Flood Mapping Grant Application

Further to a letter of September 29, 2022 from the previous board chair, on behalf of Islands Trust I am writing to fully support the Sunshine Coast Regional District applying for, receiving, and managing Community Emergency Preparedness Fund grant funding on behalf of Islands Trust communities located within the Gambier Island Local Trust Area.

A resolution concerning your application was passed at our Executive committee meeting on December 14, 2022. The wording of the resolution is as follows:

That Executive Committee request staff write a letter of support under the Chair's signature re agenda item: 10.3 Sunshine Coast Regional District (SCRD) request letter of support re: Union of BC Municipalities (UBCM) Community Emergency Preparedness Fund (CEPF) Disaster Risk Reduction Grant.

Thank you for applying for this funding. We wish you the best of luck with the application and look forward to working with the SCRD as the project moves forward.

Yours truly,

Peter Luckham
Chair, Islands Trust Council

cc: Gambier Island Local Trust Committee
Island Trust Executive Committee
Islands Trust website

REQUEST FOR DECISION

To:	Trust Council	**For the Meeting of:**	March 7, 2023
From:	**David Marlor, Director, Legislative Services**	**Date Prepared:**	February 3, 2023

SUBJECT: **Council Committee System Policy Update and Consolidation**

RECOMMENDATION:

That Trust Council adopt the revised Trust Council Policy 2.3.1 [Council Committee System and Terms of References] dated March 7, 2023 that adds Governance Committee membership to the Financial Planning Committee, includes the terms of reference for all council committees and removes reference to the Executive Committee.

That Trust Council rescind policies 2.3.2 [Regional Planning Committee Terms of Reference], 2.3.3 [Financial Planning Committee Terms of Reference]. 2.3.4 [Trust programs Committee Terms of Reference], and 2.3.5 Governance Committee Terms of Reference].

CHIEF ADMINISTRATIVE OFFICER COMMENTS: The recommended amendments correct an oversight in relation to membership of the Governance Committee on the Financial Planning Committee. It also removes redundancies, and simplifies the policy making it easier to understand and update in the future.

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1 **PURPOSE:** To correct an oversight when the Governance Committee was created by adding the Chair of the Governance Committee, or a member of the Governance Committee appointed by the Chair of the Governance Committee to the Financial Planning Committee, and removing redundancy by combining the council committee terms of references with the Council Committee System policy.

2 BACKGROUND:

At its regular business meeting on January 18, 2023, the Financial Planning Committee passed the following resolution:

> *that Financial Planning Committee request staff to investigate policy regarding FPC membership with respect to Council Standing Committee appointments, and report back to Trust Council with recommendations for policy amendments.*

When Trust council formed the Governance Committee, the Council Committee System policy was not updated to include a member of the Governance Committee on the Financial Planning Committee (FPC). The Council Committee System policy stipulates that the FPC is made up of:

all members of the Executive Committee, the Chair (or designate) of the Regional Planning Committee and the Trust Programs Committee, a member chosen by the Islands Trust Conservancy Board and three (3) other local or municipal trustees.

However, the Financial Planning Committee Terms of Reference has a redundant clause that states:

The committee shall be comprised of the Chair (or an appointee) from each of the other standing committees (2), members of the Executive Committee (4), a member chosen by the Islands Trust Conservancy Board (1), and three other locally-elected or municipal trustees (3). The Chair of the Committee will be elected by the committee from amongst the three other trustees.

While similar, it is different, redundant and creates confusion.

The intent of the Policy is for the Chairs of all trust bodies (Trust Council, local trust committees, Islands Trust Conservancy, and council committees) to be voting members on the FPC. This is partly to all representation for any budget requests coming from those bodies.

Another point of confusion is the inclusion of the Executive Committee in Attachment 1 (summary of committee specific functions). The *Islands Trust Act* establishes the Executive Committee; therefore, it is not a Council Committee. Further, legislation, Trust Council bylaws and other Trust Council policies establish the Executive Committee terms of reference. Inclusion of the Executive Committee it in the Council Committee System policy, with no context or explanation, is confusing. Therefore, Staff recommend that it be removed from attachment 1.

The intent of this amendment is to:

1. Add a member of the Governance Committee to the Financial Planning Committee to provide representation for the Governance Committee.
2. Remove redundancy and potential confusion in the policies by combining the terms of reference for all council committees into the Council Committee Systems policy.
3. Remove reference to the Executive Committee in the summary of Council Committees (Attachment 1)
4. Add attachment 2 (Regional Planning Committee Terms of Reference), Attachment 3 (Trust Programs Committee Terms of Reference), Attachment 4 (Financial Planning Committee Terms of Reference), and Attachment 5 (Governance Committee Terms of Reference).

The terms of reference has no edits, other than some minor formatting changes.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: There are no organizational implications

FINANCIAL: There are no financial implications

POLICY: Streamlines Trust Council policies. Staff will review other policies for reference to the terms of reference policies and update them to reference the new combined policy.

IMPLEMENTATION/COMMUNICATIONS: Staff will post the new revised policy to the website and notify staff of the change.

FIRST NATIONS: There are no First Nations implications

OTHER: There are no other implications

4 RELEVANT POLICY(S): N/A

5 ATTACHMENT(S):

1. **Draft Policy 2.3.1 Council Committee System Policy – updated for Trust Council consideration of adoption**
2. **Existing Policy 2.3.1 Council Committee System**
3. **Existing Policy 2.3.2 Regional Planning Committee Terms of Reference**
4. **Existing Policy 2.3.3 Financial Planning Committee Terms of Reference**
5. **Existing Policy 2.3.4 Trust Programs Committee Terms of Reference**
6. **Existing Policy 2.3.5 Governance Committee Terms of Reference**

RESPONSE OPTIONS

Recommendation:

That Trust Council adopt the revised Trust Council Policy 2.3.1 [Council Committee System] dated March 7, 2023 that adds Governance Committee membership to the Financial Planning Committee, includes the terms of reference for all council committees and removes reference to the Executive Committee.

That Trust Council rescind policies 2.3.2 [Regional Planning Committee Terms of Reference], 2.3.3 [Financial Planning Committee Terms of Reference]. 2.3.4 [Trust programs Committee Terms of Reference], and 2.3.5 Governance Committee Terms of Reference].

Alternative:

As directed by Trust Council.

Prepared By: **David Marlor, Director, Legislative Services**

Reviewed By/Date: **Julia Mobbs, Director, Administrative Services**
Clare Frater, Director, Trust Area Services
Stefan Cermak, Director, Planning Services
Russ Hotsenpiller, Chief Administrative Officer

Policy:	2.3.1
Approved By:	Trust Council
Approval Date:	March 6, 1998
Amendment Date(s):	September 11, 2008; March 14, 2018; June 8, 2021; September 21, 2022, March ___ 2023
Policy Holder:	Chief Administrative Officer

COUNCIL COMMITTEE SYSTEM AND TERMS OF REFERENCE

Purpose

This Policy outlines the composition and ~~general Terms of Reference (Section B: 1-9) applicable to all committees, the~~ general role of standing committees and select committees ~~(Section B: 10) and~~ . The attachments include an overview of committee-specific functions for each established standing committee, and the terms of reference for each established standing committee. ~~which are detailed further in each council standing committee's specific terms of reference.~~

A. Definitions

Governance means the structure and processes by which Trust Council, Executive Committee, local trust committees and council committees are directed, controlled, and held to account to achieve their goals and objectives.

Select Committee means a committee established and elected by Trust Council to consider or inquire into any matter and to report its findings, opinions and recommendations to Trust Council.

Standing Committee means a regular permanent committee of Trust Council.

Trustee means a "local trustee" or "municipal trustee" as defined in the *Islands Trust Act*

B. Policy

1. Establishment and Membership

1.1 Standing Committees

1.1.1 A Council Committee System is adopted by Trust Council comprised of four standing committees and the Executive Committee (see Attachment 1):

1.1.1.1 Regional Planning

1.1.1.2 Financial Planning

1.1.1.3 Trust Programs

1.1.1.4 Governance

1.1.2 Membership for the Regional Planning, Financial Planning and Trust Programs committees includes trustees who have been appointed by the Trust Council Chair.

1.1.3 The Governance Committee consists of seven members of Trust Council who have been elected by Trust Council. Election of the Governance Committee shall occur by the March Trust Council meeting in the calendar year following the quadrennial trustee election.

1.1.4 One Executive Committee member will be assigned by the Trust Council Chair to the Regional Planning Committee and the Trust Programs Committee.

1.1.4 The Financial Planning Committee is comprised of all members of the Executive Committee, the Chair (or designate) of the Regional Planning Committee ~~and the~~ Trust Programs Committee, and the Governance Committee, a member chosen by the Islands Trust Conservancy Board and three (3) other local or municipal trustees.

1.1.5 By the second Trust Council meeting following the quadrennial trustee elections, or as required, the Chair of Trust Council will recommend appointments to the Regional Planning, Trust Programs and Financial Planning committees for ratification by Trust Council, based on an indication of interest by trustees and on Trust Area-wide considerations.

1.1.6 The Trust Council Chair is an ex-officio member of the Trust Programs, Regional Planning, and Governance committees.

1.1.7 One of the two Trust Council elected members of the Islands Trust Conservancy is an ex-officio member of the Governance Committee, as determined by the Chair of the Islands Trust Conservancy.

1.2 Select Committees

1.2.1 Select committee membership is comprised of trustees who have been elected by Trust Council.

1.2.2 Select committees must have terms of reference established and approved by Trust Council.

1.2.3 If the Trust Council Chair is not an elected member of a select committee pursuant to section 1.2.1, they or designate shall be an ex-officio member of each select committee.

1.2.4 The agenda for select committees should include:

1.2.4.1 Approval of previous meeting minutes

1.2.4.2 Follow-Up Action List (FUAL)

1.2.4.3 Trust Council referral items

1.2.5 A select committee resolution is required to expend monies from the committee's budget account assigned by Trust Council, if any.

1.2.6 A select committee shall refer any reporting and findings, including resource needs, to Executive Committee prior to reporting to Trust Council.

1.2.7 A select committee will cease to exist once it has reported its findings, opinions and recommendations to Trust Council.

2. Committee Chair

2.1 Committee members shall elect the Committee Chair and Vice-Chair at the first meeting of the term or as required.

2.2 The Trust Council Chair may appoint an interim Committee Chair when required.

2.3 The Committee Chair will normally chair the committee meeting. However, the Chair may designate the Vice-Chair to act as Committee Chair. In the absence of the Chair and Vice-Chair, the committee shall choose a committee member to act as Chair of a meeting.

3. Available Resources

3.1 Each committee, with the assistance of its management support, is responsible to conduct its activities within its assigned budget accounts.

3.2 A standing or select committee resolution is required to expend monies from the committee's assigned committee projects or budget account, if any.

4. Staff Support

4.1 Staff's primary function to a committee is to act in a support/advisory role and as such, a committee may make requests of staff.

4.2 It is the Chief Administrative Officer's (CAO) role to manage and direct staff support to the committees and concerns in this regard should be communicated by the Committee Chair to the CAO. Unresolved matters by the aforementioned means shall be dealt with by the Executive Committee.

5. Meetings

5.1 The number of standing committee meetings per year is four and any further meetings must be planned within the approved committee's meeting expense account.

5.2 Select committees will decide on a schedule of regular meeting dates at the first meeting convened after the establishment of the committee.

5.3 Changes to the Master Meeting Schedule of regularly scheduled committee meetings must be coordinated with the Executive Coordinator.

5.4 Committee meetings during the Trust Council quarterly meetings are to be avoided.

5.5 The practice of recessing committee meetings to continue at a future date and time should be used sparingly due to the impact of unplanned meetings on staff resources.

6. Agenda/Minutes Preparation

6.1 Committee meeting agendas will be prepared by the designated staff in consultation with the Committee Chair.

6.2 The agenda will be distributed to committee members and the CAO at least five calendar days before the meeting.

6.3 The agenda shall be determined as follows:

6.3.1 Additional items may be placed on the agenda by agreement of a majority of the committee members present at the meeting.

6.3.2 The agenda shall be approved as the first item of business.

6.3.3 The agenda for standing and select committees should include:

6.3.3.1 Approval of previous meeting minutes
6.3.3.2 Follow-Up Action List (FUAL)
6.3.3.3 Trust Council referral items

6.4 Minutes must be done in accordance with Trust Council Policy 6.13 Islands Trust Minutes Guidelines.

6.5 Each committee is required to maintain a FUAL using the Trust's standardized format.

6.6 The FUAL is updated within seven days of the Committee meeting and subsequently placed on the agenda of the next scheduled meeting. The FUAL is to be distributed to designated staff within seven days of the committee meeting.

6.7 Draft minutes of a committee meeting are considered for approval at the next meeting.

7. Council/Committee Relationship

7.1 Each standing committee shall maintain a work program - which must include:

7.1.1 Items referred to the committee from Trust Council (including referral date).
7.1.2 Projects, new initiatives, ideas, and issues identified by the committee.
7.1.3 The top three (3) priorities/strategies that it is working on, as approved by Trust Council, and must include any of Trust Council's priorities that it has assigned.

7.2 Each standing committee shall review and prioritize items within its work program, each Trust Council item referred to it, and shall report to Trust Council at the next quarterly Trust Council meeting on such items.

7.3 Standing committees are required to submit a Highlights Report to the Executive Coordinator in time for the Trust Council agenda package preparation deadline. The Highlights Report is to be presented by the Council Committee Chair (or designate).

7.4 All standing committee proposals and/or recommendations to be placed on the Trust Council agenda shall be referred to the Executive Committee to be placed on the Trust Council agenda. A select committee shall refer any reporting and findings, including resource needs, to the Executive Committee to be placed on the Trust Council agenda. These must be submitted for the Executive Committee's last meeting prior to when the Trust Council agenda package is distributed to trustees.

7.5 The Committee Chair (or designate) may request an opportunity to directly present committee matters to the Executive Committee.

7.6 It is the role of the Executive Committee members of Council Committees to ensure inter-committee liaison on relevant information, referrals, status on Council priorities/strategies, and to keep the Executive Committee apprised of the Council Committee's directions and activities and vice versa.

8. Rules of Conduct/Voting

8.1 Trust Council Meeting Procedure Bylaw 101 governs the proceedings of committees as applicable. In cases not provided for under Bylaw 101, Robert's Rules of Order Newly Revised shall apply to the proceedings of committees.

8.2 The quorum of a council committee is a majority of all of its members.

8.3 The Executive Committee member designate on the Regional Planning Committee and Trust Programs Committee shall have the full voting privileges of a committee member.

8.4 The Trust Council Chair, as ex-officio member of the Regional Planning Committee, Trust Programs Committee and select committees, shall be a non-voting member and shall not be included in determining quorum of a meeting.

9. Liaison

9.1 Liaison with provincial, federal, and local government politicians shall be requested by a Committee Chair to the Trust Council Chair or the CAO so that the Trust's political liaison can be coordinated. The Council Committee is expected to provide an outline regarding the purpose of the meeting, a proposed discussion strategy and recommended Islands Trust representation.

9.2 Liaison with provincial, federal, and local government staff shall be requested by the staff liaison member (in consultation with CAO when liaison is required with senior

staff). It is expected that trustees, for the purpose of committee business, would meet other government staff with an Islands Trust staff member.

9.3 Liaison with the media shall be coordinated through the CAO and the Trust Council Chair who in turn may refer specific inquiries to the Council Committee Chair.

10. General Role of Standing Committees

10.1 To provide policy advice to Trust Council in response to Trust Council's referrals, committee initiatives and external requests of the Trust.

10.2 To provide feedback to staff on matters going to Trust Council.

10.3 To implement and maintain a committee-specific work program.

10.4 To make recommendations to Trust Council on inter-agency liaison or protocol initiatives.

10.5 To create sub-committees (or task forces) which may be comprised of trustees, staff or external persons as required for a specific duration to examine a particular committee matter upon approval by Trust Council.

10.6 To provide input and feedback to the annual budget process.

10.7 To provide input to Trust Council's organizational strategic planning process.

C. Legislated References

~~Trust Council Policy and Procedures Manual:~~

~~Regional Planning Committee (RPC): Terms of Reference (2.3.2)~~
~~Financial Planning Committee (FPC): Terms of Reference (2.3.3)~~
~~Trust Programs Committee (TPC): Terms of Reference (2.3.4)~~
~~Governance Committee (GC): Terms of Reference (2.3.5)~~

Trust Council Meeting Procedure Bylaw 101

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

Attachment 1: Standing Committee-Specific Functions

Attachment 2: Regional Planning Committee Terms of Reference

Attachment 3: Financial Planning Committee Terms of Reference

Attachment 4: Trust Programs Committee Terms of Reference

Attachment 5: Governance Committee Terms of Reference

Attachment 1: SUMMARY OF STANDING COMMITTEE-SPECIFIC FUNCTIONS

REGIONAL PLANNING COMMITTEE (RPC)	TRUST PROGRAMS COMMITTEE (TPC)
1. Growth Management Tools 2. Community Planning Tools 3. Development Management Tools 4. Local Planning Service Delivery	1. Environmental Policy 2. Research and Information Systems Program 3. Sustainable Communities Policy 4. Trust Area Program Initiatives
FINANCIAL PLANNING COMMITTEE (FPC)	**GOVERNANCE COMMITTEE (GC)**
1. Annual Budget 2. Long Term Financial Planning 3. Fiscal Controls 4. Annual Audit	1. Governance structure and processes 2. Governance Best Practices Legislative Reform ~~**EXECUTIVE COMMITTEE (EC)**~~ ~~1. Bylaw Approval~~ ~~2. Policy Agenda Coordination~~ ~~3. Legislation Agenda~~ ~~4. Communications Agency Liaison~~ ~~5. Chief Administrative Officer Liaison~~ ~~6. Trust Council Business~~ 7. ~~Strategic Direction~~

Attachment 2: Regional Planning Committee Terms of Reference

The Regional Planning Committee provides advice to the Islands Trust Council and management by undertaking the following responsibilities:

1. Development Management – overseeing the procedures for processing of land use bylaws, permits etc., in an efficient and effective manner.
2. Local Trust Committee Functions – responding to local trust committee planning needs applicable throughout the Trust Area.
3. Local Planning Services – advising on the provision and allocation of resources to deliver local planning services to island communities.
4. Public Awareness/Education – promoting opportunities for the enhanced public awareness of land use planning and the Islands Trust's local planning services.
5. Emerging Issues – Identifying and reporting to Council on emerging issues related to the committee's areas of responsibility for Trust Council direction.
6. Policy Guidance – Developing guidelines, policies and models for use by staff and local trust committees and/or Trust Council as requested by Trust Council.
7. Liaison – Maintain liaison with Islands Trust Conservancy Board and Trust Programs Committee, as required.

Attachment 3: Financial Planning Committee Terms of Reference

The Financial Planning Committee provides advice to the Islands Trust Council and management by undertaking the following responsibilities:

1. Annual Budget Process

To facilitate Council's involvement in the annual budget process by:

1. providing direction to all program units, via management, in overseeing the process of budget preparation.
2. assisting Council in establishing the principles and assumptions for the development of the budget.
3. reviewing the base operating needs and all program requests against the principles and assumptions and make recommendations to Council.
4. representing the interests of Council, Executive Committee, and Council Committees throughout the budget process.

2. Budget and Financial Planning

To facilitate the linkage of the annual strategic planning process with the annual budget process through:

1. the interpretation of Council's priorities/strategies and related work programs into resource allocation requirements both for the annual budget and for long range planning practices.
2. direction to management in the development of long range financial planning and capital budgeting.
3. facilitating Council's involvement in the preparation of a three year operational and capital budget plan.

3. Financial Management

To report to and make recommendations to Council regarding the organization's financial management practices such as:

1 a regular financial reporting system.
8. development of financial management policies and procedures.
9. assessing/monitoring revenue generating and expenditure control practices, management recommendations for financial resource allocations within and during the annual budget.
10. review financial reporting documents for the Ministry/Treasury Board and/or public presentation via the Executive Committee.

4. Annual Audit

The Finance Committee will appoint from amongst its members, but excluding members of the Executive Committee and trustees who are not members of Trust Council, an Annual Audit Committee for the purposes of the annual audit and will report directly to Council by:

1. reviewing audit reports.
2. reviewing with management the management letter recommendations and determining necessary actions.
3. monitoring the implementation of the auditor's recommendations.
4. recommending an accounting firm to Trust Council, each year, to conduct the annual audit.
5. reviewing with the auditors the year end audit (and interim audit) work program.

5. Islands Trust Conservancy Support

To provide advice to the Islands Trust Conservancy Board on financial services and support available from the Islands Trust.

6. Management Advice

To monitor and review the Trust's financial management, budget and financial planning practices and to assess management's recommendations to Trust Council in these areas, through consultation with the Trust's auditors as required.

Attachment 4: Trust Programs Committee Terms of Reference

The Trust Programs Committee provides advice to the Islands Trust Council and management by undertaking the following responsibilities:

1. Identifying and reporting to Council on emerging issues related to the committee's areas of responsibility for Trust Council direction.
2. Maintaining a committee work program to manage committee initiatives and Council referrals for quarterly review by Trust Council.
3. Developing guidelines, policies and models for use by staff and local trust committees and/or Trust Council as requested by Trust Council.
4. Preparing recommendations for inter-agency initiatives and feedback on proposed inter-agency agreements.
5. Providing input to the continued development and maintenance of a useful research and information system.
6. Providing recommendations for legislation reform initiatives and feedback on proposed legislative amendments and legislation.
7. Maintaining a liaison with the Islands Trust Conservancy Board.

The responsibilities stated apply to the following areas:

8. Resource Management - promoting sustainability in the use of natural resources of the Trust Area.
9. Land Conservation - promoting protection and preservation of ecosystems throughout the Trust Area.
10. Water Management - promoting protection and preservation of groundwater and surface water supply and quality.
11. Marine Environment - promoting protection and preservation of coastal and deep water marine ecosystems.
12. Sustainable Communities - promoting liveable communities:
    - with sustainable and viable local economies;
    - with housing that accommodates socio-economic diversity;
    - with regard for the carrying capacity of supporting island environments.
13. Conservation Strategy - developing strategies beyond regulatory tools to achieve the Islands Trust's Object.
14. Public Awareness/Education - promoting enhanced public awareness of environmental, economic and social sustainability in island communities and opportunities for their improvement.

Attachment 5: Governance Committee Terms of Reference

The purpose of the Governance Committee is to provide focus upon improvement of governance, to develop and recommend to the Trust Council good governance and management approaches and frameworks, and to lead processes to support and evaluate the effectiveness of Trust Council and its committees

The Governance Committee provides advice to the Islands Trust Council and management by undertaking the following responsibilities:

1. Initially reviewing the Islands Trust Governance Report dated March 8, 2022 and submitting a prioritized list of the recommendations in that Report to Trust Council with advice as to possible actions.

2. Identifying, evaluating and providing, on an on-going basis, advice to Trust Council on emerging governance and management issues with respect to:
   - areas of concern;
   - best practices; and
   - appropriate structures and procedures;

   to allow Trust Council to function most effectively.

3. Maintaining a committee work program to manage committee initiatives and providing Trust Council with quarterly updates.

4. Providing recommendations to Trust Council for legislation reform initiatives to improve Trust Council governance and management

5. The Governance Committee may contract external expertise to provide advice subject to:
   - funding by Trust Council and
   - at the discretion of the committee.

The responsibilities stated apply to the following area:

6. Trust Council Governance and Management

REQUEST FOR DECISION

To:	Trust Council	**For the Meeting of:**	March 7, 2023
From:	**David Marlor, Director, legislative Services**	**Date Prepared:**	February 7, 2023
SUBJECT:	**Establishment of an Accessibility Committee**		

RECOMMENDATION:
THAT Trust Council amend Trust Council Policy 2.3.1 [Council Committee System and Terms of Reference] by adding a new Accessibility Committee, and terms of reference for the Accessibility Committee.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: The Accessible British Columbia Act mandates that all local governments, including the Islands Trust, have an Accessibility Committee and an accessibility plan. While local governments may work together to use one accessibility committee, the unique nature of the Islands Trust means that the proposed option is the most cost effective. While Trust Council can adjust the membership as it wishes (more members or less), it must ensure that half the membership are persons with a disability or support or work for an organization that supports people with disabilities, ideally with the Islands Trust Area, and at least one member is Indigenous.

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1 **PURPOSE:**

To meet new Provincial legislation on the requirement to have an Accessibility Committee, and Accessibility Plan and a process to keep the plan up to date.

2 BACKGROUND:

The Accessible British Columbia Act came into force in September 2022. Under the regulations, it applies to the Islands Trust beginning on September 1, 2023. From this date, the Islands Trust must have an established Accessibility Committee that:

A. *assist the organization to identify barriers to individuals in or interacting with the organization, and*
B. *advise the organization on how to remove and prevent barriers to individuals in or interacting with the organization.*

An accessibility committee must, to the extent possible, have members who are selected in accordance with the following goals:

A. *at least half of the members are*
    - *persons with disabilities, or*
    - *individuals who support, or are from organizations that support, persons with disabilities;*
B. *the members described in paragraph (a) reflect the diversity of persons with disabilities in British Columbia;*
    - *at least one of the members is an Indigenous person;*
    - *the committee reflects the diversity of persons in British Columbia.*

The legislation also requires that the Islands Trust develops an accessibility plan; this plan must identify, remove and prevent barriers to individuals in or interacting with the organization. Development of the plan must be in consultation with the organization's accessibility committee, and requires the consideration of the following principles:

A. inclusion;
B. adaptability;
C. diversity;
D. collaboration;
E. self-determination;
F. universal design.

This plan must be reviewed and updated every three years. When updating the accessibility plan, the legislation also requires that the Islands Trust establish a process for receiving comments from the public on the organization's accessibility plan, and barriers to individuals in or interacting with the organization

Establishing an Accessibility Committee

To guide the establishment and on-going maintenance of the Accessibility Committee, Trust Council should adopt, as an amendment to its "Council Committee System and Terms of Reference Policy", the establishment of a new Council Committee called "Accessibility Committee". A draft terms of reference based on the principles expressed by the legislation should be included as a starting point. These should address physical infrastructure used by the organization, such as offices, property owned by Islands Trust bodies and meeting locations, and ability for people to work and interact with the Islands Trust, such as printed and electronic materials, access to electronic meetings and accessibility of the Islands Trust website.

Membership of the Accessibility Committee

To meet legislation, the committee must have 50 per cent of its membership made up of people with a disability, or who support or are from an organization that supports people with disabilities. At least one member is to be Indigenous.

Staff recommend that the membership of the Accessibility Committee be made up as follows:

- up to 4 people from organizations that support people with disabilities in the Islands Trust Area;
- up to 3 people who are Indigenous;
- up to 2 people from the Islands Trust Area;
- up to 2 trustees appointed by Trust Council Chair and ratified by Trust Council;
- The Chair of Trust Council as an ex-officio member; and
- Half of the membership must be people with a disability, or support, or are from an organization that supports people with disabilities.

The term of membership is four years, same as the term of the Trust Council. That is, advertising and appointments would happen shortly after the election and would extend until a new Accessibility Committee is appointed, or a member has resigned. Given that Trust Council only meets once every three months, Staff recommends that Trust Council delegate the advertising process and selection of non-trustee members to the Executive Committee. This fits with the role of the Executive Committee to oversee the day-to-day operations of the Islands Trust.

Meetings, Plan and Support
The meeting schedule will be the same as for other council committees, meeting once per quarter, with reports to Trust Council as required. The Committee will initially take the lead on development of an Accessibility Plan, and once Trust Council adopts the plan, will then take the lead in maintaining, monitoring implementation, and updating, including overseeing public input.

Staff support would be from the new administrative position. Initially staff support would involve advertising, and setting up the Committee, supporting meetings through agenda preparation, undertaking work in either, research and writing the Plan, or management of a consultant to undertake research and management of the Plan.

Draft amendments to Trust Council Policy 2.3.1 Council Committee System and Terms of Reference Policy are included in Attachment 1.

Membership on Financial Planning Committee
The current policy includes on the Financial Planning Committee the Chair or designate from each of the Trust Council standing committees (an amendment is proposed for March 2023 Trust Council to add Governance Committee representation on the Financial Planning Committee).

Staff is not recommending adding the Accessibility Committee membership on the Financial Planning Committee for the following reasons:

- The Committee, development of an Accessibility Plan and review and public feedback every three years is a requirement of legislation and therefore funding for these actions must be provided and will be decided by Trust Council during the budget process;
- The Committee is made up of none Trust Council members; therefore membership on Financial Planning Committee would likely be limited to those trustees appointed to the Accessibility Committee;
- The Financial Planning Committee already has 11 members; while adding one more would not be problem, it does reach the maximum number possible, after which Trust Council quorum would be achieved.

If Trust Council wishes to have a representative from the Accessibility Committee on the Financial Planning Committee, Trust Council could add this to the policy such that one of the Trust Council appointed members is the FPC Representative. The trustee to be appointed as the Accessibility Committee representative on the Financial Planning Committee could be left to the Accessibility Committee to decide, or could be determined by the Trust Council Chair during the appointment process.

Amendments to Trust Council Policy 2.3.1 Council Committee System and Terms of Reference
To implement the new Accessibility Committee, Staff recommends the following amendments to the Trust Council Policy 2.3.1 Council Committee System and Terms of Reference:

1. Add new subsection “1.1.1.5 Accessibility” [list of Council Standing committees]
2. Add “Accessibility” to 1.1.5 [appointment of trust council members to committees]
3. Add new section 1.1.8 [accessibility membership] with the membership as detailed above
4. Add a new Section 1.1.9 that details the means to appoint non-trust council members to the committee, and delegate the authority to appoint them to the Executive Committee.
5. Add a new Section 1.1.10 that states the term of the appointments, and the process should a member resign.
6. Amend Attachment 1 to add the Accessibility Committee with a list of areas of functionality as described above
7. Add a new Attachment 6 [Terms of Reference] as follows:

The Accessibility Committee is a mandatory requirement under the Accessible British Columbia Act effective September 1, 2023.

The Accessibility Committee provides advice to the Islands Trust Council and management by undertaking the following responsibilities:

1. *Identify barriers to individuals (public, employees, trustees) in or interacting with the organization in offices, owned or leased locations, Islands Trust Conservancy lands owned or leased, including meeting and public hearing locations.*
2. *Identify barriers to individuals (public, employees, trustees) in or interacting with the organization electronically through the Islands Trust website, social media accounts, telephone, electronic meetings or other electronic means.*
3. *Advise the organization on how to remove and prevent barriers to individuals in or interacting with the organization.*
4. *Develop an Accessibility Plan that address the issues identified, with options and recommendations to remove the barriers, and advise on implementation of the Plan.*
5. *Review the Accessibility Plan every three years and seek public feedback on the Accessibility Plan; as part of the review, seek feedback generally from the public on potential accessibility barriers and how to remove and prevent barriers to individuals in or interacting with the organization.*

The responsibilities stated apply to the following area:

6. Trust Council Governance and Management

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:
A new committee that will require Staff support.

FINANCIAL:
Additional costs associated with staffing, and possible consultants to assist with research, development and writing of an accessibility plan.

POLICY:
Amendment to Trust Council Policy 2.3.1 Council Committee System and Terms of Reference required.

IMPLEMENTATION/COMMUNICATIONS:
Staff will implement through advertising and notifications through the Islands Trust website.

FIRST NATIONS:
Communication with First Nations for individuals interested in being a representative on the Accessibility Committee.

OTHER:
No other implications.

4 RELEVANT POLICY(S):

Provincial Legislation: *Accessible British Columbia Act*

5 ATTACHMENT(S):

Amended Trust Council Policy 2.3.1 to add Accessibility Committee and terms of reference.

RESPONSE OPTIONS

Recommendation:

THAT Trust Council amend Trust Council Policy 2.3.1 [Council Committee System and Terms of Reference] by adding a new Accessibility Committee, establishing the membership for the Accessibility Committee, and a terms of reference for the Accessibility Committee.

Alternative:

Trust Council must create an Accessibility Committee, and develop an Accessibility Plan as this is a mandatory requirement of all local governments in British Columbia. Trust Council may consider the representation on that Committee, and adjust it accordingly. The number and make-up of the Committee is entirely up to Trust Council, provided 50% of the membership has a disability or supports, or is from an organization that supports, people with disabilities, and at least one member is Indigenous.

Prepared By: **David Marlor, Director, Legislative Services**

Reviewed By/Date:

Policy:	2.3.1
Approved By:	Trust Council
Approval Date:	March 6, 1998
Amendment Date(s):	September 11, 2008; March 14, 2018; June 8, 2021; September 21, 2022, March ___ 2023
Policy Holder:	Chief Administrative Officer

COUNCIL COMMITTEE SYSTEM AND TERMS OF REFERENCE

Purpose

This Policy outlines the composition and general role of standing committees and select committees. The attachments include an overview of committee-specific functions for each established standing committee, and the terms of reference for each established standing committee.

A. Definitions

Governance means the structure and processes by which Trust Council, Executive Committee, local trust committees and council committees are directed, controlled, and held to account to achieve their goals and objectives.

Select Committee means a committee established and elected by Trust Council to consider or inquire into any matter and to report its findings, opinions and recommendations to Trust Council.

Standing Committee means a regular permanent committee of Trust Council.

Trustee means a "local trustee" or "municipal trustee" as defined in the *Islands Trust Act*

B. Policy

1. Establishment and Membership

1.1 Standing Committees

1.1.1 A Council Committee System is adopted by Trust Council comprised of four standing committees and the Executive Committee (see Attachment 1):

1.1.1.1 Regional Planning

1.1.1.2 Financial Planning

1.1.1.3 Trust Programs

1.1.1.4 Governance

1.1.1.5 Accessibility

1.1.2 Membership for the Regional Planning, Financial Planning and Trust Programs committees includes trustees who have been appointed by the Trust Council Chair.

1.1.3 The Governance Committee consists of seven members of Trust Council who have been elected by Trust Council. Election of the Governance Committee shall occur by the March Trust Council meeting in the calendar year following the quadrennial trustee election.

1.1.4 One Executive Committee member will be assigned by the Trust Council Chair to the Regional Planning Committee and the Trust Programs Committee.

1.1.4 The Financial Planning Committee is comprised of all members of the Executive Committee, the Chair (or designate) of the Regional Planning Committee, Trust Programs Committee, and the Governance Committee, a member chosen by the Islands Trust Conservancy Board and three (3) other local or municipal trustees.

1.1.5 By the second Trust Council meeting following the quadrennial trustee elections, or as required, the Chair of Trust Council will recommend appointments to the Regional Planning, Trust Programs, Accessibility and Financial Planning committees for ratification by Trust Council, based on an indication of interest by trustees and on Trust Area-wide considerations.

1.1.6 The Trust Council Chair is an ex-officio member of the Trust Programs, Regional Planning, and Governance committees.

1.1.7 One of the two Trust Council elected members of the Islands Trust Conservancy is an ex-officio member of the Governance Committee, as determined by the Chair of the Islands Trust Conservancy.

1.1.8 The Accessibility Committee membership must meet the requirements of the Accessible British Columbia Act. The Accessibility Committee membership is:

1. up to 4 people from organizations that support people with disabilities in the Islands Trust Area;
2. up to 3 people who are Indigenous;
3. up to 2 people from the Islands Trust Area;
4. up to 2 trustees appointed by Trust Council Chair and ratified by Trust Council;
5. The Chair of Trust Council as an ex-officio member; and
6. Half of the membership in 1 through 4 above must be people with a disability, or support, or are from an organization that supports people with disabilities.

1.1.9 Appointments under 1, 2, and 3 of Section 1.1.8 will be by advertisement or other means as determined appropriate by the Executive Committee. Advertising will occur shortly after the local government general election. The

Executive Committee will appoint members from the advertising or other process as soon as possible after the local government general election.

1.1.10 Membership appointed under 1.1.9 will continue until new members have been appointed. In the event a member resigns, the Executive Committee will determine the appropriate process to replace that person.

1.2 Select Committees

1.2.1 Select committee membership is comprised of trustees who have been elected by Trust Council.

1.2.2 Select committees must have terms of reference established and approved by Trust Council.

1.2.3 If the Trust Council Chair is not an elected member of a select committee pursuant to section 1.2.1, they or designate shall be an ex-officio member of each select committee.

1.2.4 The agenda for select committees should include:

1.2.4.1 Approval of previous meeting minutes

1.2.4.2 Follow-Up Action List (FUAL)

1.2.4.3 Trust Council referral items

1.2.5 A select committee resolution is required to expend monies from the committee's budget account assigned by Trust Council, if any.

1.2.6 A select committee shall refer any reporting and findings, including resource needs, to Executive Committee prior to reporting to Trust Council.

1.2.7 A select committee will cease to exist once it has reported its findings, opinions and recommendations to Trust Council.

2. Committee Chair

2.1 Committee members shall elect the Committee Chair and Vice-Chair at the first meeting of the term or as required.

2.2 The Trust Council Chair may appoint an interim Committee Chair when required.

2.3 The Committee Chair will normally chair the committee meeting. However, the Chair may designate the Vice-Chair to act as Committee Chair. In the absence of the Chair and Vice-Chair, the committee shall choose a committee member to act as Chair of a meeting.

3. Available Resources

3.1 Each committee, with the assistance of its management support, is responsible to conduct its activities within its assigned budget accounts.

3.2 A standing or select committee resolution is required to expend monies from the committee's assigned committee projects or budget account, if any.

4. Staff Support

4.1 Staff's primary function to a committee is to act in a support/advisory role and as such, a committee may make requests of staff.

4.2 It is the Chief Administrative Officer's (CAO) role to manage and direct staff support to the committees and concerns in this regard should be communicated by the Committee Chair to the CAO. Unresolved matters by the aforementioned means shall be dealt with by the Executive Committee.

5. Meetings

5.1 The number of standing committee meetings per year is four and any further meetings must be planned within the approved committee's meeting expense account.

5.2 Select committees will decide on a schedule of regular meeting dates at the first meeting convened after the establishment of the committee.

5.3 Changes to the Master Meeting Schedule of regularly scheduled committee meetings must be coordinated with the Executive Coordinator.

5.4 Committee meetings during the Trust Council quarterly meetings are to be avoided.

5.5 The practice of recessing committee meetings to continue at a future date and time should be used sparingly due to the impact of unplanned meetings on staff resources.

6. Agenda/Minutes Preparation

6.1 Committee meeting agendas will be prepared by the designated staff in consultation with the Committee Chair.

6.2 The agenda will be distributed to committee members and the CAO at least five calendar days before the meeting.

6.3 The agenda shall be determined as follows:

6.3.1 Additional items may be placed on the agenda by agreement of a majority of the committee members present at the meeting.

6.3.2 The agenda shall be approved as the first item of business.

6.3.3 The agenda for standing and select committees should include:

6.3.3.1 Approval of previous meeting minutes
6.3.3.2 Follow-Up Action List (FUAL)
6.3.3.3 Trust Council referral items

6.4 Minutes must be done in accordance with Trust Council Policy 6.13 Islands Trust Minutes Guidelines.

6.5 Each committee is required to maintain a FUAL using the Trust's standardized format.

6.6 The FUAL is updated within seven days of the Committee meeting and subsequently placed on the agenda of the next scheduled meeting. The FUAL is to be distributed to designated staff within seven days of the committee meeting.

6.7 Draft minutes of a committee meeting are considered for approval at the next meeting.

7. Council/Committee Relationship

7.1 Each standing committee shall maintain a work program - which must include:

7.1.1 Items referred to the committee from Trust Council (including referral date).
7.1.2 Projects, new initiatives, ideas, and issues identified by the committee.
7.1.3 The top three (3) priorities/strategies that it is working on, as approved by Trust Council, and must include any of Trust Council's priorities that it has assigned.

7.2 Each standing committee shall review and prioritize items within its work program, each Trust Council item referred to it, and shall report to Trust Council at the next quarterly Trust Council meeting on such items.

7.3 Standing committees are required to submit a Highlights Report to the Executive Coordinator in time for the Trust Council agenda package preparation deadline. The Highlights Report is to be presented by the Council Committee Chair (or designate).

7.4 All standing committee proposals and/or recommendations to be placed on the Trust Council agenda shall be referred to the Executive Committee to be placed on the Trust Council agenda. A select committee shall refer any reporting and findings, including resource needs, to the Executive Committee to be placed on the Trust Council agenda. These must be submitted for the Executive Committee's last meeting prior to when the Trust Council agenda package is distributed to trustees.

7.5 The Committee Chair (or designate) may request an opportunity to directly present committee matters to the Executive Committee.

7.6 It is the role of the Executive Committee members of Council Committees to ensure inter-committee liaison on relevant information, referrals, status on Council priorities/strategies, and to keep the Executive Committee apprised of the Council Committee's directions and activities and vice versa.

8. Rules of Conduct/Voting

8.1 Trust Council Meeting Procedure Bylaw 101 governs the proceedings of committees as applicable. In cases not provided for under Bylaw 101, Robert's Rules of Order Newly Revised shall apply to the proceedings of committees.

8.2 The quorum of a council committee is a majority of all of its members.

8.3 The Executive Committee member designate on the Regional Planning Committee and Trust Programs Committee shall have the full voting privileges of a committee member.

8.4 The Trust Council Chair, as ex-officio member of the Regional Planning Committee, Trust Programs Committee and select committees, shall be a non-voting member and shall not be included in determining quorum of a meeting.

9. Liaison

9.1 Liaison with provincial, federal, and local government politicians shall be requested by a Committee Chair to the Trust Council Chair or the CAO so that the Trust's political liaison can be coordinated. The Council Committee is expected to provide an outline regarding the purpose of the meeting, a proposed discussion strategy and recommended Islands Trust representation.

9.2 Liaison with provincial, federal, and local government staff shall be requested by the staff liaison member (in consultation with CAO when liaison is required with senior staff). It is expected that trustees, for the purpose of committee business, would meet other government staff with an Islands Trust staff member.

9.3 Liaison with the media shall be coordinated through the CAO and the Trust Council Chair who in turn may refer specific inquiries to the Council Committee Chair.

10. General Role of Standing Committees

10.1 To provide policy advice to Trust Council in response to Trust Council's referrals, committee initiatives and external requests of the Trust.

10.2 To provide feedback to staff on matters going to Trust Council.

10.3 To implement and maintain a committee-specific work program.

10.4 To make recommendations to Trust Council on inter-agency liaison or protocol initiatives.

10.5 To create sub-committees (or task forces) which may be comprised of trustees, staff or external persons as required for a specific duration to examine a particular committee matter upon approval by Trust Council.

10.6 To provide input and feedback to the annual budget process.

10.7 To provide input to Trust Council's organizational strategic planning process.

C. Legislated References

Trust Council Meeting Procedure Bylaw 101

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

Attachment 1: Standing Committee-Specific Functions

Attachment 2: Regional Planning Committee Terms of Reference

Attachment 3: Financial Planning Committee Terms of Reference

Attachment 4: Trust Programs Committee Terms of Reference

Attachment 5: Governance Committee Terms of Reference

Attachment 1: SUMMARY OF STANDING COMMITTEE-SPECIFIC FUNCTIONS

REGIONAL PLANNING COMMITTEE (RPC) 1. Growth Management Tools 2. Community Planning Tools 3. Development Management Tools 4. Local Planning Service Delivery	**TRUST PROGRAMS COMMITTEE (TPC)** 1. Environmental Policy 2. Research and Information Systems Program 3. Sustainable Communities Policy 4. Trust Area Program Initiatives
FINANCIAL PLANNING COMMITTEE (FPC) 1. Annual Budget 2. Long Term Financial Planning 3. Fiscal Controls 4. Annual Audit	**GOVERNANCE COMMITTEE (GC)** 1. Governance structure and processes 2. Governance Best Practices 3. Legislative Reform
ACCESSIBILITY COMMITTEE (AC) 1. Identify barriers to individuals in or interacting with the organization, 2. Advise the organization on how to remove and prevent barriers to individuals in or interacting with the organization. 3. Develop an Accessibility Plan, and advise on implementation of the Plan. 4. Review the Accessibility Plan every three years and seek public feedback on the Accessibility Plan and how to remove and prevent barriers to individuals in or interacting with the organization.	

Attachment 2: Regional Planning Committee Terms of Reference

The Regional Planning Committee provides advice to the Islands Trust Council and management by undertaking the following responsibilities:

1. Development Management – overseeing the procedures for processing of land use bylaws, permits etc., in an efficient and effective manner.
2. Local Trust Committee Functions – responding to local trust committee planning needs applicable throughout the Trust Area.
3. Local Planning Services – advising on the provision and allocation of resources to deliver local planning services to island communities.
4. Public Awareness/Education – promoting opportunities for the enhanced public awareness of land use planning and the Islands Trust's local planning services.
5. Emerging Issues – Identifying and reporting to Council on emerging issues related to the committee's areas of responsibility for Trust Council direction.
6. Policy Guidance – Developing guidelines, policies and models for use by staff and local trust committees and/or Trust Council as requested by Trust Council.
7. Liaison – Maintain liaison with Islands Trust Conservancy Board and Trust Programs Committee, as required.

Attachment 3: Financial Planning Committee Terms of Reference

The Financial Planning Committee provides advice to the Islands Trust Council and management by undertaking the following responsibilities:

1. Annual Budget Process

To facilitate Council's involvement in the annual budget process by:

1. providing direction to all program units, via management, in overseeing the process of budget preparation.
2. assisting Council in establishing the principles and assumptions for the development of the budget.
3. reviewing the base operating needs and all program requests against the principles and assumptions and make recommendations to Council.
4. representing the interests of Council, Executive Committee, and Council Committees throughout the budget process.

2. Budget and Financial Planning

To facilitate the linkage of the annual strategic planning process with the annual budget process through:

1. the interpretation of Council's priorities/strategies and related work programs into resource allocation requirements both for the annual budget and for long range planning practices.
2. direction to management in the development of long range financial planning and capital budgeting.
3. facilitating Council's involvement in the preparation of a three year operational and capital budget plan.

3. Financial Management

To report to and make recommendations to Council regarding the organization's financial management practices such as:

1. a regular financial reporting system.
2. development of financial management policies and procedures.
3. assessing/monitoring revenue generating and expenditure control practices, management recommendations for financial resource allocations within and during the annual budget.
4. review financial reporting documents for the Ministry/Treasury Board and/or public presentation via the Executive Committee.

4. Annual Audit

The Finance Committee will appoint from amongst its members, but excluding members of the Executive Committee and trustees who are not members of Trust Council, an Annual Audit Committee for the purposes of the annual audit and will report directly to Council by:

1. reviewing audit reports.
2. reviewing with management the management letter recommendations and determining necessary actions.
3. monitoring the implementation of the auditor's recommendations.
4. recommending an accounting firm to Trust Council, each year, to conduct the annual audit.
5. reviewing with the auditors the year end audit (and interim audit) work program.

5. Islands Trust Conservancy Support

To provide advice to the Islands Trust Conservancy Board on financial services and support available from the Islands Trust.

6. Management Advice

To monitor and review the Trust's financial management, budget and financial planning practices and to assess management's recommendations to Trust Council in these areas, through consultation with the Trust's auditors as required.

Attachment 4: Trust Programs Committee Terms of Reference

The Trust Programs Committee provides advice to the Islands Trust Council and management by undertaking the following responsibilities:

1. Identifying and reporting to Council on emerging issues related to the committee's areas of responsibility for Trust Council direction.
2. Maintaining a committee work program to manage committee initiatives and Council referrals for quarterly review by Trust Council.
3. Developing guidelines, policies and models for use by staff and local trust committees and/or Trust Council as requested by Trust Council.
4. Preparing recommendations for inter-agency initiatives and feedback on proposed inter-agency agreements.
5. Providing input to the continued development and maintenance of a useful research and information system.
6. Providing recommendations for legislation reform initiatives and feedback on proposed legislative amendments and legislation.
7. Maintaining a liaison with the Islands Trust Conservancy Board.

The responsibilities stated apply to the following areas:

8. Resource Management - promoting sustainability in the use of natural resources of the Trust Area.
9. Land Conservation - promoting protection and preservation of ecosystems throughout the Trust Area.
10. Water Management - promoting protection and preservation of groundwater and surface water supply and quality.
11. Marine Environment - promoting protection and preservation of coastal and deep water marine ecosystems.
12. Sustainable Communities - promoting liveable communities:
    - with sustainable and viable local economies;
    - with housing that accommodates socio-economic diversity;
    - with regard for the carrying capacity of supporting island environments.
13. Conservation Strategy - developing strategies beyond regulatory tools to achieve the Islands Trust's Object.
14. Public Awareness/Education - promoting enhanced public awareness of environmental, economic and social sustainability in island communities and opportunities for their improvement.

Attachment 5: Governance Committee Terms of Reference

The purpose of the Governance Committee is to provide focus upon improvement of governance, to develop and recommend to the Trust Council good governance and management approaches and frameworks, and to lead processes to support and evaluate the effectiveness of Trust Council and its committees

The Governance Committee provides advice to the Islands Trust Council and management by undertaking the following responsibilities:

1. Initially reviewing the Islands Trust Governance Report dated March 8, 2022 and submitting a prioritized list of the recommendations in that Report to Trust Council with advice as to possible actions.

2. Identifying, evaluating and providing, on an on-going basis, advice to Trust Council on emerging governance and management issues with respect to:
   - areas of concern;
   - best practices; and
   - appropriate structures and procedures;

   to allow Trust Council to function most effectively.

3. Maintaining a committee work program to manage committee initiatives and providing Trust Council with quarterly updates.

4. Providing recommendations to Trust Council for legislation reform initiatives to improve Trust Council governance and management

5. The Governance Committee may contract external expertise to provide advice subject to:
   - funding by Trust Council and
   - at the discretion of the committee.

The responsibilities stated apply to the following area:

6. Trust Council Governance and Management

Attachment 6: Accessibility Committee Terms of Reference

The Accessibility Committee is a mandatory requirement under the Accessible British Columbia Act effective September 1, 2023.

The Accessibility Committee provides advice to the Islands Trust Council and management by undertaking the following responsibilities:

1. Identify barriers to individuals (public, employees, trustees) in or interacting with the organization in offices, owned or leased locations, Islands Trust Conservancy lands owned or leased, including meeting and public hearing locations.
2. Identify barriers to individuals (public, employees, trustees) in or interacting with the organization electronically through the Islands Trust website, social media accounts, telephone, electronic meetings or other electronic means.
3. Advise the organization on how to remove and prevent barriers to individuals in or interacting with the organization.
4. Develop an Accessibility Plan that address the issues identified, with options and recommendations to remove the barriers, and advise on implementation of the Plan.
5. Review the Accessibility Plan every three years and seek public feedback on the Accessibility Plan; as part of the review, seek feedback generally from the public on potential accessibility barriers and how to remove and prevent barriers to individuals in or interacting with the organization.

The responsibilities stated apply to the following area:

7. Trust Council Governance and Management

BRIEFING

To:	**Trust Council**	**For the Meeting of:**	**March 8, 2023**
From:	**CAO**	**Date Prepared:**	**February 3, 2023**
SUBJECT:	**Bylaw Enforcement Policy and Practices Overview**		

1. **PURPOSE:**

   To provide an overview on Islands Trust enforcement policy and practice to Trust Council.

2. **CONTEXT**

   Following a delegation at the December 2022 Trust Council meeting regarding the application of bylaw enforcement procedures, Trust Council, during the disposition of delegations session, made the following motion:

   That Trust Council requests that Executive Committee include a session on bylaw enforcement policy and practice in the March 2023 Trust Council meeting agenda.

   To support Trust Council's direction the following actions are underway:

   1. Development of this report on current bylaw enforcement practice;
   2. A session for the March 2023 Trust Council has been developed including guest speakers from the Ombudsperson Office and the Attorney General's office, in order to speak to current best practices and any issues with the Islands Trust;
   3. An in-camera session has been planned for Trust Council to address issues associated with specific bylaw files.

   More specifically, these reports and the sessions will describe the bylaw enforcement process and authorities, describe the current authorities of local trust committees, trustees and Trust Council; describe the number and nature of open files; describe the issues and number and nature of complaints by citizens on how the service is delivered, including charges of bias, diversity, bullying and proportionality.

   Following receipt of this work, Trust Council may provide direction on how it wishes to proceed, either to continue with current practice or direct changes in either policy, practice or both.

3. BACKGROUND

3.1 BYLAW ENFORCEMENT AUTHORITY

The authority to enforce land use bylaws lies with the local trust committees. Section 28 of the *Islands Trust Act* gives the local trust committees all of the powers and authority of a regional district board in relation to bylaw enforcement. The only proviso is that any fines collected through bylaw enforcement are paid to Trust Council. The legislation does not compel local trust

committees, or any local government in British Columbia, to enforce its bylaws; the decision on whether to enforce a bylaw or not is up to the local government, including local trust committees.

Section 14 of the *Islands Trust Act*, however, gives control of the budget to Trust Council, not the local trust committees. Therefore, there is a role for Trust Council in approval of budgets for bylaw enforcement, as well as all other budget decisions.

As a result of the above legislative structure, Trust Council does not have authority to tell a local trust committee how to enforce its bylaws. However, Trust Council can provide guidelines for local trust committees to follow, and use those guidelines to help Trust Council determine appropriate funding and resourcing availability to local trust committees for bylaw enforcement.

Because of this division between legislated authority to undertake enforcement of bylaws, and the funding of bylaw enforcement, all requests by local trust committees to undertake significant enforcement action (usually through the British Columbia Supreme Court) requires approval for funding through the Executive Committee.

3.2 BYLAW ENFORCEMENT BYLAWS

All local trust committees have a "Bylaw Infractions Investigation Bylaw". This bylaw permits the bylaw enforcement officers to enter any property at any reasonable time to determine whether the local trust committee bylaw, or any issued permits are being complied with.

Most local trust committees have a "Bylaw Enforcement Notification Bylaw". This bylaw permits the bylaw enforcement officers to issues violation tickets (with a fine attached) for violations of the provisions of the land use bylaw. The infraction, and the fine amount, are established in the bylaw. The bylaw establishes the general process for the issuance and collection of the fine, as well as an appeal process for the person who receives the fine. Note that these bylaw infraction notices are only used in those local trust areas that have adopted a "Bylaw Enforcement Notification Bylaw".

3.3 TRUST COUNCIL BYLAW ENFORCEMENT POLICY

To provide guidance to local trust committees on resourcing for bylaw enforcement, Trust Council has adopted Policy 5.5.1 [Bylaw Compliance and Enforcement]. This policy is based on the Ombudsperson's "Bylaw Enforcement: Best Practices Guide for Local Governments, 2016", with adjustments to reflect the unique structure of the Islands Trust.

Generally, Policy 5.5.1 sets out when an enforcement investigation may be opened by bylaw enforcement staff. This is usually based on a complaint, but the policy also indicates certain situations where staff may proactively enforce without a complaint; these are generally to do with violations that may cause environmental damage, or health and safety issues.

The Policy also allows local trust committees to establish their own local policies for enforcement. This currently is being used by some local trust committees, who have "standing resolutions" instructing staff on either proactive enforcement on particular issues (such as short-term vacation rentals), or to withhold enforcement in certain situations (such as residential use that appears not to be lawful due to the affordable housing issue). While these policies require different enforcement standards in each local trust area, the work is undertaken with the resources allocated by Trust Council, and managed by the Manager of Bylaw Compliance and Enforcement. If a local trust committee policy direction requires additional resources, staff would advise the local trust committee of this, and the local trust committee would then ask staff to make the appropriate requests through Trust Council for additional resources to support the enforcement policy.

The policy also specifies that local trust committees and trustees will not get involved in the investigation of a complaint, or the writing of reports about the complaint. This is a best practice to ensure that the investigation and reporting is free from politics. Of course, should compliance not be achieved, the local trust committee will become involved when deciding whether or not to seek legal action to uphold the bylaw or to direct that a file be closed.

The policy also includes other aspects of enforcement such as mediation, confidentiality, and taking legal action.

3.4 ORIGINS OF THE CURRENT PROCESS

Roycroft Report

In 2007, Trust Council passed a resolution that directed the Director of Planning Services to complete a review of the bylaw enforcement program. The report was completed in 2008, and provided recommendations that established the current organization of the bylaw office, and the policies and procedures that they currently follow.

The Roycroft Report made the following key recommendations:

- that a supervisor was required, originally in the form of a coordinator, and eventually in a position designated as the manager;
- that a bylaw officer operate in each of the three geographic areas: Northern, Salt Spring and Southern;
- that communications information be provided to those subject to complaint;
- that the bylaw enforcement adjudication system be investigated for use by Islands Trust and it was ultimately adopted by ten Local Trust Areas; and
- that the CAO be involved in recommendations to proceed with litigation actions.

Trust Council Policy and Ombudsperson Best Practices were used to create the Bylaw Enforcement Best Practices Manual and it outlines the purpose of bylaw compliance and enforcement program and it details how complaints and bylaw files are to be processed and investigated. It provides guidance to staff on how to conduct operations and on file management and communications with respondents, complainants and Trustees.

An important element of the process is the notification to respondents, complainants and Trustees when a file is open. The notifying of those effected immediately upon opening a file is a non-confrontational way of proceeding with an investigation and it achieves success in opening a cooperative dialogue.

The manual is maintained in accordance with the procedural and administrative fairness measures outlined by the Ombudsperson guide on best practices for bylaw enforcement. This document can be edited and updated on a regular basis and it is a work in progress that is labeled a DRAFT.

Mediation is an option in the Trust Council Policy but it is not mandatory and there are no policies or procedures on how the process is to be conducted. However, training in mediation and negotiation from the Justice Institute of BC (JIBC) is required for bylaw staff. The JIBC courses provide the skill and knowledge base for how mediation is to be conducted. These courses are combined with courses on conflict resolution and negotiation.

Local Trust Committees make their own policies on bylaw enforcement by way of standing resolutions.

3.5 CURRENT DAY-TO-DAY PRACTICES

The current day-to-day practices for bylaw enforcement, generally, are as follows:

1. When a **complaint** is received, a bylaw file is opened to investigate on the authority of the Manager and the Manager assigns a Bylaw Officer to the file. The property owner is sent a **notice letter** and is asked to contact the bylaw officer assigned to the file.
2. Bylaw Officer assigned to the file begins to research and **investigate** the complaint and the property.

3. If the property owner contacts the officer as requested, he conducts an **interview and arranges a site visit.**
4. If contraventions are identified during a visit or inspection, respondent receives a **determination letter** identifying contraventions, which may include a deadline for compliance. If there are no contraventions, then the file can be closed. If there are issues relevant to other agencies, it could be referred for their action.
5. If there is no compliance by the deadline, a **bylaw violation notice** (BVN) may be issued by the bylaw officer. Bylaw Officer has the authority to issue BVNs for contraventions identified in an adopted Bylaw Enforcement Notice Bylaw (BEN).
6. Manager's recommended policy to Bylaw Officers is to give two deadlines for issuing a BVN: one of 90 days and then one of 45 days.
7. Property owner can pay or dispute a BVN. If they dispute, the BEN bylaw and policy will state who the appointed **screening officers** are. Manager is usually the screening officer but if the Manager writes a BVN, then the Regional Planning Manager becomes the screening officer.
8. Screening officer can uphold or cancel a BVN. There are adopted policies on when a bylaw notice can be cancelled. If upheld, a **compliance agreement** can be offered to correct the contravention. Most compliance agreements come with a 100 percent discount to encourage compliance.
9. If there is no resolution with a compliance agreement, the bylaw notice goes to an **adjudicator**.
10. Bylaw Manager will request an adjudicator on a specific date from the Ministry of Attorney General, and a hearing date will be confirmed. All parties notified of the hearing date.
11. Adjudicator will uphold or cancel a disputed BVN. Their decision cannot be appealed but judicial review of the decision is available based on factual errors or errors in law.

The day-to-day oversight of bylaw enforcement is delegated by Trust Council (Policy 5.5.1) to the Bylaw Compliance and Enforcement Manager (Manager), Trust Council Policy 5.5.1 states that the Manager will maintain the best practices operating manual, and the Manager reports to the Director of Planning Services, who is briefed on a regular basis. The CAO is briefed on bylaw enforcement issues and resource allocations and responds to individual complaints or problems as needed.

3.6 REPORTING

The Director of Planning Services receives updates and briefings on files as and when required. The Director briefs the Chief Administrative Officer (CAO) when appropriate or at the CAO's request.

Trust Council Policy 5.5.1 also states that Trustees will be advised when a bylaw file is opened, and that Trust Council will be informed of the volume and type of bylaw enforcement files bi-annually. The policy also states that Local Trust Committees may request reports about specific investigations and general enforcement activity.

The policies stated in section 10 of Trust Council Policy 5.5.1 mean that the Local Trust Committees have a more active participation in day-to-day enforcement than the CAO, or the Director, as the local trustees are advised of all file openings and some local trust committees have requested that they be notified of files closed. The CAO and the Director of Planning Services are not routinely advised of these activities.

Local Trustees who are contacted by respondents, or complainants, can and do contact the Manager for updates and guidance on how to respond to those enquiries.

3.7 INVESTIGATION

On receipt of a complaint, staff create a file and investigate the complaint. This is to determine if there is merit to the complaint, and if there is, to speak with the person in violation to seek voluntary compliance. While staff investigate complaints based on order of receipt, some

complaints that look like they may have environmental or health and safety concerns are usually investigated ahead of other complaints that do not seem to have a similar impact.

The determination of a contravention, and the requests for compliance by giving deadlines or issuing a bylaw warning notice, can initiate the following actions:

- respondent can state they will comply with the regulations and they provide a timeline;
- respondent can state they will not comply and the bylaw officer provides a deadline for compliance;
- respondent can request a mediation process; and
- respondent can state that the determination is incorrect and there is no contravention of the bylaw. They often demand that the determination be rescinded or they wish to appeal the decision.

Generally, about 90 per cent of violations are concluded using the voluntary process.

3.8 APPEAL OF BYLAW ENFORCEMENT DECISION PROCESS

Appeal Process – Bylaw Violation Notice (BVN) Issued

This bylaw dispute adjudication system was introduced in 2010 on Salt Spring Island and then in five other LTAs by 2011. The bylaw notice adjudication system was established by the Province as a 'bylaw court' that is not part of the court system. It was primarily designed to deal with minor bylaw contraventions but a wide range of local governments use the system to deal with all bylaw contraventions whether they be parking, noise, animal control, soil deposit and removal, or land use contraventions.

Bylaw Violation Notices are only issued in those local trust areas that have adopted a Bylaw Enforcement Notification (BEN) Bylaw, and only then for those items listed in the bylaw for which a notice can be issued. A Bylaw Violation Notice (BVN) is issued after a respondent has been given time to comply, which is usually a minimum of 90 days, and there may be an extension of 45 days if it is reasonable to do so.

The criteria used when considering the issuance of a BVN comes down to whether or not a compliance agreement is available under the relevant BEN bylaw, and whether or not a reasonable amount of time has been given for the respondent to achieve compliance.

If there is no compliance agreement available for a contravention, it is interpreted that there should be no time to comply given, or cannot be given. In these cases, a BVN would be issued once a contravention was confirmed. If there is a compliance agreement available for a contravention, it is then interpreted that time to comply can be given and that no BVN should be issued until a reasonable amount of time to comply has been given.

Screening Officer

Once a bylaw violation notice (BVN) has been issued, the respondent has 14 days to either pay the penalty or dispute the BVN. Once a dispute has been received, it is forwarded to a screening officer.

Screening officers are appointed by a Local Trust Committee and the powers and duties are adopted by policy. Options for officers are limited to a number of staff positions (See Attachment 1.). A screening officer can cancel a bylaw notice, negotiate a compliance agreement with the disputant, or forward the matter to an adjudication hearing. Screening officers are not authorized to approve legal actions as a part of their duties. Their role is to follow the LTC adopted policies on how and when a BVN may be cancelled or when it should not be forwarded to adjudication.

This is the first formal opportunity for a respondent/disputant to raise concerns about the process, conduct of staff, or the interpretation of a bylaw. Many concerns are addressed at this phase as the screening begins the process to negotiate a compliance agreement or even determine if the Screening Officer policies dictate that a bylaw notice be cancelled.

The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:

1. the Bylaw Violation Notice was issued to the wrong person;
2. an exception specified in the bylaw or related enactment exists;
3. a permit exists which authorises the alleged violation;
4. there is poor likelihood of success at adjudication for the Local Trust Committee.

   For example:
   a) The evidence is inadequate to show a contravention;
   b) The officer relied on incorrect information in issuing the Bylaw Violation Notice;
   c) The Bylaw Violation Notice was not completed properly;

5. It is not in the public interest to proceed to adjudication for one of the following reasons:
   a) The bylaw has changed since the Bylaw Violation Notice was issued, and now authorizes the contravention;
   b) The offence occurred as a result of a circumstance that made it impossible for the person to reasonably comply with the bylaw.

Adjudication

The Ministry of Attorney General maintains the roster of adjudicators and assigns them on a rotational basis. Local governments cannot ask for specific adjudicators to be assigned to a hearing.

Once a hearing date has been set, the process is to advise the disputant of the date and request how they wish to be heard. This is set out in regulation. They can appear in person, in writing, or by electronic means. We forward our reports that we wish to present to the adjudicator to the disputant two weeks prior to the hearing. Disputants are requested to do the same, but it is not mandatory. They can present their entire case and evidence on the day of the hearing.

An adjudicator's decision is final and there is no appeal. However, a judicial review can be requested if the disputant believes there has been an error in law.

Appeal Process – No Bylaw Violation Notice Issued

Bylaw Violation Notices are only issued in those local trust areas that have adopted a Bylaw Enforcement Notification Bylaw, and only then for those items listed in the bylaw for which a notice can be issued.

There is currently no formal process within Islands Trust to deal with an appeal of a determination made by a bylaw officer. If a respondent feels strongly that they have not contravened a bylaw, they typically take one of the actions listed below.

- raise the issue with the Manager and request a review of the determination;
- raise the issue with a Regional Planning Manager or Director of Planning Services and request that they review the determination;
- raise the issue with the CAO and may make an administrative fairness complaint; or
- make a complaint to the Ombudsperson.

Appeal Process – Actions of Bylaw Officers

When somebody has a concern about the way they have been treated by any staff (including bylaw compliance and enforcement officers), or trustees, they may make an in-formal or formal complaint to the Islands Trust. Trust Council has adopted two policies to guide how these complaints are received and how they are handled.

Trust Council Policy 7.1.1 [Administrative Fairness Principles], and Policy 7.1.2 [Handling of Administrative fairness Complaints] together outline the process for internally handling complaints about the actions of local trust committees, trustees and staff.

Generally, Policy 7.1.1 states that complaints about bylaw enforcement should be considered in regards to the procedures on bylaw enforcement (Policy 5.1.1). Normally this means that complaints about a decision of the local trust committee is not something Trust Council can adjudicate as the decision to enforce its bylaws or not, is the discretion of the local trust committee. This means complaints regarding a local trust committee's decisions would be referred to that local trust committee.

Policy 7.1.2 outlines the procedures for informal complaints and formal complaints. Formal complaints are generally in writing, are logged, and are dealt with according to the policy. Informal complaints are usually verbal (in person or on the phone) and usually dealt via a conversation with the Chief Administrative Officer or Chair, depending on whether it is staff or trustee/trust committee related.

Complaints regarding local trust committee actions, or trustee actions are handle through the Executive Committee, and Policy 7.1.2 outlines the process for this.

Complaints regarding staff are handled by the Chief Administrative Officer following the procedures outlined in Policy 7.1.2.

Policy 7.1.2 also provides avenue for appeal should people not be satisfied with the outcome, authorising the Executive Committee to undertake a review of the decision of the Chief Administrative Officer.

Appeal Process - Ombudsperson

In British Columbia anybody who is not satisfied with a decision of a local government may file a complaint regarding a local trust committee action or decision, a trustee action or staff action with the Ombudspersons Office. When they receive a complaint, the Ombudsperson will contact the Islands Trust to notify us of the complaint, and request our records about the issue.

The ombudsperson is interested to see what we did to resolve the issue. In some instances, the complaint is beyond the jurisdiction of the ombudsperson (such as a land use planning decision or bylaw enforcement decision), or the Ombudsperson is satisfied with the action taken by the Islands Trust. In some instances we may agree to take further action to resolve the issue. In all situations, when there is a complaint to the Ombudsperson's office, we work cooperatively with them to resolve the complaint. Under the *BC Ombudsperson Act*, the Islands Trust is compelled to provide all requested information, which we do.

3.8 DISCRETION AND PROPORTIONALITY The Ombudsperson Best Practise guide indicates that "administratively fair enforcement decisions are proportional, equitable and consistent." And more specifically, "Bylaw enforcement action should be proportional to the nature of the violation and appropriately address the harm that is caused by the violation."

So, how is proportionality evidenced at the Islands Trust and how does this relate to the discretion of bylaw enforcement? A related question is *when* is proportionality implemented or evidenced: on site with the bylaw enforcement officer, at an LTC meeting when a decision to proceed is made, or at the Executive Committee table when litigation funding is approved?

The Islands Trust Enforcement Best Practise and Procedures draft manual does not explicitly define proportionality, however it does reference that the enforcement service is conducted in keeping with the Ombudspersons Best Practise Guide, which does address proportionality. Further in practise, the sequence of compliance (i.e. voluntary compliance): education, mediation and enforcement is graduated. This is an important element in service delivery and indeed education itself contributes to 90% of files never getting to the bylaw notice stage. The BEN bylaw process has a proportional range of ticketing values that can be applied by LTCs. Nevertheless, there may be

merit in developing a set of agreed criteria that express the Islands Trust understanding of proportionality and how it may be applied in a different manner.

That being said, once a complaint has been made, the process relies on a relatively literal interpretation of the offence process as described by the land use bylaw. Bylaw staff have exercised limited discretion when it comes to enforcement options, that discretion lies with the Local Trust Committees who are the decision makers on whether or not to enforce their bylaw.

Generally proportionality/discretion at the bylaw enforcement officer level is expressed by giving and extending reasonable time to achieve compliance. A land use bylaw states that a contravention occurs each day a non-permitted use or siting occurs as opposed to one-time discrete events. While the Land Use Bylaw states that every day is a new contravention, rarely have respondents been fined on a daily basis. Respondents are given reasonable time to comply options so that they may find solutions or apply to the LTCs for permits. However, Bylaw staff cannot make determinations or give time to comply based on the perceived merits of a use or structure.

Policy 5.5.1 provides four conditions for the closing of a file and only two of those apply to bylaw officers: they may close the file if there is no contravention or if compliance has been achieved. The policy (S. 4.1.4) does permit the Manager and the Director to make determinations on minor contraventions and close files. This may mean that contraventions remain but it is not in the public interest to pursue or it may be unreasonable to pursue. This policy has not been used extensively and there may be value in providing a clearer path to apply for discretion under 4.1.4. The Director may also delegate the authority to the Manager. The LTC has unfettered authority on whether or not to enforce its bylaws and an LTC may direct that a file be closed. When each BEN bylaw is adopted, it is the LTC that reviews the penalty schedule for the Land Use Bylaw and they can establish the penalty amounts and whether or not a compliance agreement is available for a specific contravention.

Generally the practise has been that the criteria and principles for enforcement are based upon the land use bylaw, the BVN Notice criteria, and the relevant enforcement bylaw. Determinations of public interest have generally been made at the LTC table in considering individual violations and continued enforcement. Perhaps this balance needs to be revisited, and more discretion at the officer level be inserted into the system. Moving to a more staff lead approach could be challenging/undesirable, as it is that elected officials have a better insight into the public interest and the best means of achieving the mandate of the Trust. Another consideration is that the application of proportionality at the staff level is challenged by the number of Local Trust Committees, variety of land use bylaws that they are required to enforce, and the attendant desire by each community to have an independent regulatory regime.

3.9 LEGAL ACTION

Local Trust Committees may authorize legal action against property owners who fail to comply with the regulations. As bylaw notices cannot be issued for development permit area contraventions, legal action is the only means to enforce the regulations.

If bylaw staff believe that they cannot obtain compliance by using BEN or through negotiation, they will prepare a request for legal action that will be considered by the LTC. LTCs are the sole authority to determine if they wish to enforce their bylaws. Outside legal counsel provide opinions based on the investigations and facts provided by bylaw staff, the regulations in the relevant bylaw, and a review of judicial decisions.

Any legal action approved by an LTC must then be considered by the Executive Committee (EC) for funding.

3.10 MEDIATION

Trust Council policies establish the structure for day-to-day operations for both staff and Local Trust Committees regarding the opening and closing of files, the conduct of investigations, and the process for pursuing legal action.

For mediation, the policy was adopted as an alternative to regular enforcement steps and it recognized that its application would be limited. The mediation process was never intended to be a means to resolve disputes between bylaw staff and property owners, it was meant to provide a means to resolve neighbour disputes. It was fully recognized that the law cannot be mediated.

There are no procedures or policies written specific to the mediation process. A more robust mediation process could be developed at the direction of Council.

4. RELEVANT BYLAW ENFORCEMENT STATISTICS

- **Current number of files**
    - **598**
- **Number of files per year**
    - **The number of new files per year averages 260 over a four year period.**
    - **The number of files closed per year average 179 over a four year period.**
- **Number of files in abeyance or On Hold because of standing resolutions because of deferred enforcement on unlawful dwellings or general concern over the housing crisis.**
    - **112 all LTAs**
- **How many from written complaints, how many from standing resolutions**
    - **15 Siting (Gambier) - opened under Trust Council Policy regarding structures in setbacks from water bodies.**
    - **1 Land Use (Mayne) – opened under Trust Council Policy regarding health and safety issues.**
    - **Standing Resolution (Proactive)**
        - **115 STVR – all LTAs**
        - **12 Unenclosed/derelict vehicles (North Pender)**
- **How many complaints about bylaw enforcement conduct over the last 10 years?**
    - **Six in the past ten years from both respondents and complainants.**
        - **One to the Ombudsperson**
    - **Nature of complaints**
        - **Half of the complaints about enforcement are received from respondents with non-permitted home-based businesses.**

5. ANALYSIS AND ISSUE IDENTIFICATION

Trust Council has heard concerns expressed about the bylaw enforcement process and the conduct of bylaw officers. In the context of recent complaints, an issue to consider is whether or not Islands Trust is delivering the service to all stakeholders (Trustees, Respondents, Complainants) in a fair and functional manner, and also meeting the Trust Mandate to preserve and protect.

Islands Trust bylaw staff typically process more than 260 new compliance and enforcement files each year. Approximately 50 percent of files are resolved after the Notice to Respondent letter is received. Property owners will acknowledge obvious contraventions and take steps to comply within a reasonable amount of time after which no further action is necessary and the file can be closed.

The number of files that result in BVNs is minimal and does not amount to more than ten percent of the total number of open files. The average from the latest reporting cycles is eight percent. There are always disputants willing to sign compliance agreements and voluntarily comply. Those signing compliance agreements are given a 100 per cent discount on any penalty amounts.

If we are to use the Pareto principle, or 80-20 rule, 80 percent of the files are resolved without the need for any type of bylaw warning notice or bylaw violation notice. The remaining 20 percent require what could be considered the hard enforcement tactics of issuing warning notices, violation notices with penalties, or court action approved by an LTC. There are a limited number of disputed BVNs going to adjudication and almost all can be dealt with by holding four adjudication days per year.

Specific issues presented by the delegate at Trust Council focused on due process, communication and inappropriate conduct. As it is staff who deliver the enforcement service, it is difficult for them to provide an objective analysis of some of these sensitive issues. It would be more effective to address the issue through an external review or analysis. Nevertheless, the following commentary is provided as a general overview of the criticism of the bylaw enforcement process.

EQUITY AND FAIRNESS

Does bylaw enforcement disproportionality target working and non-elite residents?

- The records that are kept in TAPIS (Trust Area Property Information System) are for properties, and there is no separate identification of the specific characteristics or personal attributes of the property owner. Staff do not have data or information to indicate a structural bias is in place. Although the owner is ultimately responsible for contravention, the investigative process and the enforcement file is really for the property only. Bylaw staff are concerned about the physical structures on the lot and the actual uses on the lot, and any contraventions identified are for the land uses irrespective of the relative incomes or permanence status of the landowners. .

NO APPEAL PROCESS

Is there an appeal process for citizens/residents who claim to be unfairly enforced against?

- The combination of the administrative fairness process, Ombudsperson process, and the adjudication process function as an appeal processes available to citizens, however, Trust Council may wish to investigate an alternative or additional process to ensure fairness.

PREDETERMINED GUILT

Is guilt presumed through the complaint and bylaw enforcement process?

- Bylaw complaints are fully investigated before any determination of a contravention is made. Trust Council dictates that written complaints be processed, and if they are anonymous, use fake names, or impersonate others, or are vexatious, they are either not processed or the file closed.

BULLYING

Are citizens bullied by either the bylaw enforcement staff or the process?

- In the last approximately 10 years, there have been 6 complaints regarding staff conduct in this area, three of which refer to bullying or intimidation specifically. One went to small claims court and the matter was dropped, another was addressed through the compliance agreement process and the third was referred to the ombudsperson office and no findings against the Trust were made.
- Staff abide by the code of conduct standards for the Province. If a contravention is confirmed for a property, all owners are given time to comply and this is negotiated with them whenever possible. Those subject to enforcement are asked to estimate how much time they need to comply and if the time frame is reasonable, it is accepted by staff. Mediation is offered if it is reasonable to do so. The majority of those offered mediation with the complainants, or

complainants, refuse Islands Trust intervention if it just means sitting down and talking with their neighbours about the problem.

6. WHAT CAN BE DONE DIFFERENTLY?

If Trust Council wants to establish a different bylaw enforcement regime or practice, it could consider a number of avenues, including the following:

1. Initially, Trust Council may wish to undertake an independent analysis of the function and seek some recommendations for change. The Ombudsperson Office regularly conducts 3rd party independent reviews of this nature.
2. The Islands Trust could consider a more robust definition and practice associated with proportionality and the exercise of discretion they would like to see used by bylaw officers.
3. Trust Council could consider that a more formal appeal process for determinations made by Bylaw Officers to be established to deal with respondents concerns before any BVN is written.
4. An alternative to the Administrative Fairness process could be adopted to address staff actions/conduct.
5. The previous Trust Council Policy of giving respondents 90 days before any legal action was initiated should be reinstated. The compliance and enforcement policy is to seek voluntary compliance and give respondents time to comply and this is a more than reasonable policy to ensure that we are seeking compliance and not using punitive measures. The 90 day period was removed from the policy in 2019 may have caused enforcement to happen too quickly in 2020 and caused unnecessary stress for certain respondents.
6. LTCs can adopt their own policies on "time to comply" for specific contraventions if they wish, and it would be beneficial for some LTCs to follow such a policy to address community concerns.
7. LTCs could reconsider the use of "standing resolutions" on general or specific violations in order to lessen the number of instances of interaction between the organization and community members.
8. Trust Council could consider in more detail how the mandate of the Islands Trust is reinforced by the bylaw enforcement function and land use regulation.
9. Other matters identified by Trust Council.

8. ATTACHMENT(S):

1. **Example of screening officer policy (North Pender Island LTC)**

9. FOLLOW-UP: as directed by Trust Council

Prepared By:	**Russ Hotsenpiller, CAO**
	Stefan Cermak, Director of Planning Services
	Warren Dingman, Bylaw Enforcement Manager
Reviewed By/Date:	**David Marlor, Director, Legislative Services/February 3, 2023**

Islands Trust

North Pender Island Local Trust Committee

Bylaw Enforcement Notice Bylaw
Screening Officers' Powers and Duties Policy
January 27, 2012

Appointment of Screening Officers

Pursuant to section 7.2 of the North Pender Local Trust Committee Bylaw Enforcement Notification Bylaw No. 188, 2011 the persons holding the following positions are appointed as screening officers:

1) Regional Planning Manager;
2) Bylaw Enforcement Coordinator; and
3) Bylaw Enforcement Assistant

Screening Officer Powers and Duties

The powers and duties of the screening officer are contained in section 7.3 of the bylaw. However, it is the direction of the Local Trust Committee that these powers and duties only are carried out in respect to each of the above positions as follows:

1) **Regional Planning Manager**. In respect to Bylaw Violation Notices issued by the Bylaw Enforcement Coordinator only the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of Bylaw No. 188, 2011;

2) **Bylaw Enforcement Coordinator**. In respect to Bylaw Violation Notices issued by Bylaw Enforcement Officers only the Bylaw Enforcement Coordinator, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of Bylaw No. 188, 2011;

3) **Bylaw Enforcement Assistant**. In respect to Bylaw Violation Notices issued by the Bylaw Enforcement Coordinator and Bylaw Enforcement Officers the Bylaw Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of Bylaw No. 188, 2011.

Authorized Reasons to Cancel Bylaw Violation Notices

The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:

1) the Bylaw Violation Notice was issued to the wrong person;

2) an exception specified in the bylaw or related enactment exists;

3) a permit exists which authorises the alleged violation;

4) there is poor likelihood of success at adjudication for the Local Trust Committee. For example:

    a) The evidence is inadequate to show a contravention;
    b) The officer relied on incorrect information in issuing the Bylaw Violation Notice;
    c) The Bylaw Violation Notice was not completed properly;

5) it is not in the public interest to proceed to adjudication for one of the following reasons:

    a) The bylaw has changed since the Bylaw Violation Notice was issued, and now authorizes the contravention;
    b) The offence occurred as a result of a circumstance that made it impossible for the person to reasonably comply with the bylaw.

REQUEST FOR DECISION

To:	Executive Committee	**For the Meeting of:**	February 13, 2023
From:	Trust Area Services	**Date Prepared:**	February 7, 2023
SUBJECT	**Draft Revised Policy Statement Amendment Project Charter v6**		

RECOMMENDATION: That Executive Committee recommend Policy Statement Amendment Project Charter v6, Option 1 to Trust Council.

CAO COMMENTS: A significant amount of public and First Nations engagement and a full referral process have already been undertaken. As Executive Committee considers next steps for the project, there are two options presented:

1. Staff recommend that Trust Council undertake first reading, making any desired changes as needed, and then undertake further public engagement via a referral to local trust committees / Bowen Island Municipality for 90 days after first reading. Local trust committees and Bowen Island Municipality could undertake local public engagement, with some Trust Area Services staff support, at regular or special meetings to inform their referral responses. This approach is recommended by staff as it reflects best practice and respects the public's time and effort by avoiding engagement on concepts/policy directions that may not be supported by Trust Council. Staff consider a three-month (90 day) timeframe to be appropriate for referral to local trust committee / island municipalities and that this allows sufficient time for those bodies to invite public feedback.
2. Trust Programs Committee has recommended an approach of referring Draft 2 of the revised Policy Statement to local trust committees and Bowen Island Municipality for a six-month period so they can engage locally on the draft before Trust Council considers the document for first reading.

1 PURPOSE: To seek Executive Committee's approval of a revised Project Charter v6 for the Policy Statement Amendment Project.

BACKGROUND:

Trust Council's Policy Statement Amendment Policy (1.2.1) states that each term Trust Council will identify Policy Statement review and/or amendment tasks. Early on in the 2018-2022 term, Trust Council requested Executive Committee (EC), with involvement from Trust Programs Committee (TPC) as appropriate, to review the Islands Trust Policy Statement and develop recommendations for amendments. The 2018-2022 Strategic Plan specified Trust Council's priorities for amendments in the areas of reconciliation, climate change, and affordable housing. Trust Council further requested that the amendments be informed by engagement with First Nations and the public. The project began in 2019 with a first phase of early engagement with First Nation governments and a first phase of public engagement. TPC then developed three working groups to develop preliminary policy directions for amendments. These were summarized in a Policy Directions Report that was the subject of a second phase of public engagement held from January to March 2021. Following these phases of engagement, amendment drafting began in April 2021.

In May 2021, TPC and EC began revising the first draft of the new Policy Statement in an attempt to prepare it for Trust Council's consideration of first reading in July 2021 and subsequent engagement with the public, First Nations, and referral agencies. Although the project was not in a formal public engagement phase at that time, members of the public began following the committee's early deliberations through public meeting broadcasts and circulating the early drafts in their communities, along with inaccurate information and assumptions about both the policy content and the project itself. Due to high levels of public concern with the project, Trust Council paused consideration of first reading in July 2021, and requested enhanced levels of engagement on the draft that was to have been considered for first reading.

After the additional three streams of engagement and referrals that were requested by Trust Council concluded in spring 2022, the outgoing Trust Council reviewed all feedback received from the public, First Nation governments, and referral agencies in June and September 2022 and passed a series of 32 resolutions requesting staff to undertake further work on the project and further revisions to the draft Policy Statement, to be reviewed by the 2022-2026 Trust Council. More detailed project information is available on the Islands 2050 webpage.

Current Project Status:

Staff are currently working on the rewrite of the draft Policy Statement, as per Trust Council's 32 resolutions, and are engaging with internal and external staff partners in the process. Draft 2 of the new Policy Statement is expected to be presented to Executive Committee and Trust Programs Committee in May 2023 and to Trust Council in June 2023.

As directed in the 32 resolutions, staff are developing a communications strategy for EC's consideration at its February 22, 2023 meeting. Implementation of the communications strategy's recommendations is expected to cost approximately $25,000.

Also as directed in the 32 resolutions, staff have developed a revised project charter for EC's consideration (see Option 1 attached).

At its February 6, 2023 meeting, Trust Programs Committee passed the following resolution:

> ***that Trust Programs Committee recommend to Executive Committee that local trust committees and Bowen Island Municipality be given six months to provide their communities an opportunity to review and deliver feedback on the revised draft Policy Statement through their Advisory Planning Commissions or Regular or Special Meetings, as appropriate, prior to First Reading.***

Staff have developed an alternate draft project charter that aligns with this TPC recommendation (Option 2 attached), for EC's consideration.

A proposed business case is provided for Executive Committee approval/amendment in a different agenda item outlining different cost scenarios which could apply to both options.

2 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: This policy amendment project requires a significant investment of organizational resources. In FY 2023-24, the project will occupy the majority of the Senior Policy Advisor's time and may require support from other staff across the organization. Without additional staff resources, Trust Area Service's regular workload will need to be reduced. During critical periods, a certain amount of overtime is expected to fulfill project needs.

FINANCIAL: Since 2019, over $250,000 has been spent on public engagement, First Nations engagement, and other project related expenses, in addition to considerable staff hours. The project budget and allocation of staff resources, while significant, are comparably lower than similar exercises conducted by regional districts and municipalities, many of which relate to a smaller geographical area and a smaller number of engagement partners.

POLICY: The Policy Statement Amendment Project aims to strengthen Trust Council's ability to adapt to current and future challenges facing the Islands Trust Area and to develop policy guidance in areas that were previously not contemplated in the Policy Statement, including reconciliation, climate change, and affordable housing.

IMPLEMENTATION/COMMUNICATIONS: Staff will prepare an RFD to Trust Council from Executive Committee reflecting Executive Committee's recommendation and requested changes to a project charter. Executive Committee will review the RFD on February 22, 2023 prior to its inclusion in the Trust Council agenda package.

The Islands 2050 webpage has been the primary web portal for Policy Statement Amendment Project communications since 2019 and continues to be the main source of accurate project information. Project correspondence is channelled to a dedicated islands2050@islandstrust.bc.ca email account and posted to the Islands 2050 webpage at regular intervals. News updates have been distributed via Islands Trust news releases, social media posts, print advertisements, flyers and mail outs, and an Islands 2050 email subscriber list.

Without a dedicated communications and engagement department at Islands Trust, and ongoing vacancies in the organization's sole Communications Specialist position, internal capacity for strategic, proactive communications related to this project is very low. Meanwhile, communities in the Trust Area are often far more engaged and interested in projects of this nature than is typically experienced in other jurisdictional areas. In Phase 3 of public engagement, external engagement and communications consultants added extra capacity to the project team which enabled a number of project fact sheets, discussion guides, and other proactive communications materials to be produced around key areas of concern. These materials proved helpful in dispelling some myths about the project and facilitating more meaningful dialogue with the public.

FIRST NATIONS: There have been two phases of early engagement and associated capacity funding with First Nation governments on the Policy Statement Amendment Project thus far and a third phase is taking place from February to April 2023. Early engagement to date has facilitated important relationship building opportunities with First Nation government staff, and has provided Trust Council with valuable feedback on how Policy Statement amendments can assist Trust Council to better recognize and respect Indigenous rights and preserve and protect culturally significant sites, areas, and species for Indigenous Peoples, consistent with its commitments to reconciliation. Early First Nations engagement and policy amendments have also been guided by reconciliation principles set out by the Truth and Reconciliation Commission and the UN Declaration on the Rights of Indigenous Peoples that fall within Trust Council's jurisdiction.

OTHER: None.

3 RELEVANT POLICY(S): Policy Statement Amendment Policy

4 ATTACHMENT(S):

1. **Option 1 -** Draft Policy Statement Amendment Project Charter v6 + Timeline Slide
2. **Option 2 -** Draft Policy Statement Amendment Project Charter v6 + Timeline Slide

RESPONSE OPTIONS

Recommendation: That Executive Committee recommend Policy Statement Amendment Project Charter v6, Option 1 to Trust Council.

Alternatives:

1. That Executive Committee approve the revised Policy Statement Amendment Project Charter v6, Option 2.
2. That Executive Committee request staff to make revisions to a Project Charter.

Prepared By: Dilani Hippola, Senior Policy Advisor, Trust Area Services

Reviewed By/Date: Clare Frater, Director, Trust Area Services / February 7, 2023
Russ Hotsenpiller, Chief Administrative Officer / February 7, 2023

OPTION 1: Policy Statement Amendment Project - DRAFT Project Charter v6

Purpose To support Trust Council's update of the Islands Trust Policy Statement bylaw, incorporating feedback from First Nations, the public, and referral agencies, and approval by the Minister of Municipal Affairs.

Background Trust Council has assigned Executive Committee, with involvement from Trust Programs Committee as appropriate, the task of updating the Islands Trust Policy Statement through the lenses of reconciliation, climate change, and affordable housing, and to undertake early engagement with First Nations and the public in the process.

Objectives

- To adopt an updated Policy Statement bylaw that supports Trust Council's commitments to reconciliation, climate change, and affordable housing, and reflects feedback from the public, First Nations, and partner agencies.

In Scope

- Policy analysis, amendment drafting, communications, legal review, and implementation planning
- First Nations engagement, public engagement, and agency referrals
- Four readings by Trust Council

Out of Scope

- Treaty or territorial negotiations or accommodation
- Consequential amendments to official community plans and land use bylaws

Workplan Overview

Major Deliverable/Milestone	Dates
Past Years (FY 2019-20, 2021-22, 2022-23) -First Nations early engagement Phases 1 (2019-2021), 2 (2021-2022), and 3 (2023) -Public engagement Phases 1 (2019-2020), 2 (2021), and 3 (2022) -Policy review and analysis by Trust Council's committees/working groups and staff (2020-22) -Amendment drafting and legal review Phase 1 (Apr-Jun 2021), Phase 2 (Dec 2022-Mar 2023)	2019-2023
Present (FY 2023-24) -Amendment drafting; EC/TPC and Trust Council receive revised draft Policy Statement -As requested by TC...EC and TPC develop recommendations for further revisions -Trust Council considers TC/EC recommendations and passes resolutions on further revisions required **-First Reading by Trust Council** -3-month referrals period (LTCs/IMs, ITC Board, First Nations, Regional Districts)	Apr-Jun 2023 Jul-Aug 2023 Sept 2023 **Dec 2023** Jan-Mar 2024
Next Steps (FY 2024-25) -Collation and consideration of all feedback and preparation of document for Second / Third Reading -**Second / Third Reading** (incorporate any desired revisions during same meeting) -Refer proposed bylaw to Minister with final FN engagement report; allow six months for review	Apr-Aug 2024 **Sep 2024** Oct 2024 +6 months
Final Adoption (FY 2025-26) -Receive approval from Minister **-Fourth Reading/Adoption** -Final graphic design and distribution, celebration event, implementation planning	Apr 2025 **Jun 2025** July-Sep 2025

Project Team

Executive Committee Trust Programs Committee Clare Frater (Director, TAS)	Project Champion Policy Content Advisors Project Director
Dilani Hippola, Sr. Policy Advisor	Project Manager & Policy Writer
Gillian Nicol, Program Coordinator	Public Engagement Coordinator
Morgana van Niekerk, Comms Sp.	Communications Coordinator
Sr. Intergovtl Policy Advisor	First Nations Engagement Coordinator

Approved by:	**Endorsement:**
Clare Frater, Director, TAS	Date:

Budget

Item	FY 23-24	FY 24-25	FY25-26
Communications	$25,000	0	$8,000
Public Engagement	$20,000	0	0
Legal Review	$5,000	$2,500	0
Total Activity Costs:	**$50,000**	**$2,500**	**$8,000**

Policy Statement Amendment Project

DRAFT OPTION 1 - Possible Next Steps

May 2023 - Trust Programs Committee (TPC) and Executive Committee (EC) receive revised draft Policy Statement and could make early recommendations to Trust Council (TC) for further revisions, if desired

June 2023 - Trust Council receives revised draft Policy Statement (and any early committee recommendations), discusses the new draft, and passes resolutions on next steps… possibly requesting EC/TPC to undertake a more detailed review and develop further recommendations for TC's consideration at its September meeting

July (special meeting) **or August** (regular meeting) **2023**
Trust Programs Committee could develop recommendations to TC for further revisions

September 2023
Executive Committee could develop recommendations to TC for further revisions

September 27-29, 2023
Trust Council could review TPC & EC recommendations and pass resolutions requesting staff to make Trust Council's desired changes and to bring next revised draft to December TC meeting

First Reading

December 5-7, 2023
Trust Council could receive the next revised draft incorporating its September 2023 resolutions and consider first reading of the document

Engagement & Referrals

January - March 2024
90-Day Engagement & Referral Period (Local Trust Committees/Island Municipalities; First Nations; Regional Districts; Islands Trust Conservancy Board; and other parties as desired)

April – August 2024
Trust Council review feedback and request further changes

Second and Third Reading — Sept 2024

Ministerial Approval — Apr 2025

Fourth Reading & Adoption — Jun 2025

OPTION 2: Policy Statement Amendment Project - DRAFT Project Charter v6

Purpose To support Trust Council's update of the Islands Trust Policy Statement bylaw, incorporating feedback from First Nations, the public, and referral agencies, and approval by the Minister of Municipal Affairs.

Background Trust Council has assigned Executive Committee, with involvement from Trust Programs Committee as appropriate, the task of updating the Islands Trust Policy Statement through the lenses of reconciliation, climate change, and affordable housing, and to undertake early engagement with First Nations and the public in the process.

Objectives

- To adopt an updated Policy Statement bylaw that supports Trust Council's commitments to reconciliation, climate change, and affordable housing, and reflects feedback from the public, First Nations, and partner agencies.

In Scope

- Policy analysis, amendment drafting, communications, legal review, and implementation planning
- First Nations engagement, public engagement, and agency referrals
- Four readings by Trust Council

Out of Scope

- Treaty or territorial negotiations or accommodation
- Consequential amendments to official community plans and land use bylaws

Workplan Overview

Major Deliverable/Milestone	Dates
Past Years (FY 2019-20, 2021-22, 2022-23) -First Nations early engagement Phases 1 (2019-2021), 2 (2021-2022), and 3 (2023) -Public engagement Phases 1 (2019-2020), 2 (2021), and 3 (2022) -Policy review and analysis by Trust Council's committees/working groups and staff (2020-22) -Amendment drafting and legal review Phase 1 (Apr-Jun 2021), Phase 2 (Dec 2022-Mar 2023)	2019-2023
Present (FY 2023-24) -Amendment drafting; EC/TPC and Trust Council receive revised draft Policy Statement -6-month referral to local trust committees (LTCs) and island municipalities (IMs) -Collation and consideration of LTC/IM feedback; Trust Council resolutions on further revisions required	Apr-Jun 2023 Jul-Dec 2023 Jan-**Mar 2024**
Next Steps (FY 2024-25) -Amendment drafting and **First Reading by Trust Council** -3-month referral to First Nation governments, ITC Board, regional districts, other agencies as desired -Collation and consideration of feedback and preparation of document for Second / Third Reading -**Second / Third Reading** (incorporate any desired revisions during same meeting)	Apr-**Jun 2024** Sep-Nov 2024 Dec 2024-Feb 2025 **Mar 2025**
Final Adoption (FY 2025-26) -Refer proposed bylaw to Minister with final FN engagement report; allow six months for review -Receive approval from Minister **-Fourth Reading / Adoption** -Final graphic design and distribution, celebration event, implementation planning	Apr 2025 + 6 months Oct 2025 **Dec 2025** Jan-Mar 2026

Project Team

Executive Committee Trust Programs Committee Clare Frater (Director, TAS)	Project Champion Policy Content Advisors Project Director
Dilani Hippola, Sr. Policy Advisor	Project Manager & Policy Writer
Gillian Nicol, Program Coordinator	Public Engagement Coordinator
Morgana van Niekerk, Comms Sp.	Communications Coordinator
Sr. Intergovtl Policy Advisor	First Nations Engagement Coordinator

Approved by:	**Endorsement:**
Clare Frater, Director, TAS	Date:

Budget

Item	FY 23-24	FY 24-25	FY25-26
Communications	$25,000	0	$8,000
Public Engagement	$20,000	0	0
Legal Review	$5,000	$2,500	0
Total Activity Costs:	**$50,000**	**$2,500**	**$8,000**

Policy Statement Amendment Project

DRAFT OPTION 2 - Possible Next Steps

May 2023 - Trust Programs Committee (TPC) and Executive Committee (EC) receive revised draft Policy Statement and could make early recommendations to Trust Council (TC) for further revisions, if desired

June 2023 - Trust Council receives revised draft Policy Statement (and any early committee recommendations), discusses the new draft, and passes resolutions on next steps…possibly referring the document to local trust committees and island municipalities for a period of 6 months, requesting written feedback by end of Dec 2023

July – December 2023
6-month referral of Draft Revised Policy Statement to local trust committees and island municipalities

March 2024
Trust Council could review LTC/IM feedback and pass resolutions requesting staff to make Trust Council's desired changes and to bring next revised draft to June TC meeting

First Reading

June 2024
Trust Council could receive the next revised draft incorporating its March 2024 resolutions and consider first reading of the document

Engagement & Referrals

September to November 2024
90-Day Engagement & Referral Period (First Nations; Regional Districts; Islands Trust Conservancy Board; and other parties as desired)

December 2024 – February 2025
Trust Council could review feedback and request further changes

Second and Third Reading — Mar 2025

Ministerial Approval — Oct 2025

Fourth Reading & Adoption — Dec 2025

REQUEST FOR DECISION

To:	Executive Committee	**For the Meeting of:**	February 13, 2023
From:	Kim Stockdill, Island Planner	**Date Prepared:**	February 1, 2023

SUBJECT: **Request for Executive Committee Sponsorship of Temporary Use Permit & Development Variance Permit Application Fee**

RECOMMENDATION: **THAT the Executive Committee approve financial sponsorship of $4050 for Temporary Use Permit application GL-TUP-2023.1 (Parfit) & Development Variance Permit application GL-DVP-2023.1 (Parfit) application which would temporarily permit the community arts facility use, legalize existing buildings and structures, and permit parking areas within a setback.**

CHIEF ADMINISTRATIVE OFFICER COMMENTS: The attached application for Executive Committee sponsorship of development application fees complies with Islands Trust Policy 4.1.xiii.

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1 PURPOSE:

The purpose of the Request for Decision (RFD) is to request the Executive Committee to consider the Development Variance Permit and Temporary Use Permit application fee sponsorship application from Yellow Arts Centre Society.

2 BACKGROUND:

Staff have reviewed the Temporary Use Permit / Development Variance Permit applications and the fee for both applications is $4050. See receipt of applications and fee in Attachments. The Temporary Use Permit application is to temporarily permit the community areas use on a Village Residential 2 (VR2) zoned property. The Development Variance Permit is to legalize existing buildings and structures and permit parking areas within a setback. The applicants are requesting sponsorship of development application fees by the Executive Committee.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:
None.

FINANCIAL:
Approval of the application for sponsorship would reduce the funds that would otherwise be received from the rezoning application fee. Trust Council has allocated funds to cover costs for applications that are approved for sponsorship.

POLICY:
The attached application for Executive Committee sponsorship of development application fees complies with Islands Trust Policy 4.1.xiii.

IMPLEMENTATION/COMMUNICATIONS:
Staff will inform the applicant of the outcome of their request of the Executive Committee and proceed with processing the Temporary Use Permit & the Development Variance Permit application.

FIRST NATIONS:
None.

OTHER:
None.

4 RELEVANT POLICY(S):
Islands Trust Policy 4.1.xiii

5 ATTACHMENT(S):

1. Temporary Use Permit & Development Variance Permit Application Fee Sponsorship Application Form
2. Fee payment receipt
3. Trust Council Policy 4.1.13

RESPONSE OPTIONS

Recommendation:
THAT the Executive Committee approve financial sponsorship of $4050 for Temporary Use Permit application GL-TUP-2023.1 (Parfit) & Development Variance Permit application GL-DVP-2023.1 (Parfit) application which would temporarily permit the community arts facility use, legalize existing buildings and structures, and permit parking areas within a setback.

Alternative:
THAT the Executive Committee not approve financial sponsorship of $4050 for Temporary Use Permit application GL-TUP-2023.1 (Parfit) & Development Variance Permit application GL-DVP-2023.1 (Parfit) which would temporarily permit the community arts facility use, legalize existing buildings and structures, and permit parking areas within a setback.

Prepared By: Kim Stockdill, Island Planner

Reviewed By/Date: Robert Kojima, RPM – February 2, 2023

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Salt Spring

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Fax: (250) 247-7514
northinfo@islandstrust.bc.ca
Gambier, Lasqueti, Hornby, Denman, Gabriola, Thetis, Ballenas-Winchelsea

Development Application Fee Sponsorship Application Form

Under Islands Trust Policy 4.1.xiii, Trust Council Executive Committee may sponsor development application fees. When applying for sponsorship, please submit this form, or the details in a letter, ***with your development application.*** *Applicants are encouraged to file this form with or after their development application.*

To be eligible for Executive Committee Sponsorship:

- ✓ The applicant is a non-profit agency or organization seeking to establish, expand or modify a facility for the benefit of the community at large and consistent with goals in the Official Community Plan (OCP).
- ✓ The applicant is an established or establishing institution supported by taxpayers that is seeking to establish, expand or modify a community facility. (Potential sponsorship of up to one half of the costs of the application)
- ✓ The applicant seeks to implement specific objectives of an OCP with broad community benefits.

The following are NOT eligible for Executive Committee Sponsorship:

- ✗ The applicant is a registered for-profit corporation under the Corporations Act.
- ✗ The applicant is a non-profit agency or organization seeking to establish, expand or modify a facility that would not benefit the community at large.
- ✗ An applicant claims that he or she cannot afford the cost of the application, and the application would not otherwise qualify for sponsorship or initiation.
- ✗ ALR and Subdivision referral application fees are not eligible.

SECTION 1: APPLICANT INFORMATION

(Please print or type all sections)

Organization Name: Yellowhouse Art Centre Society

Primary Contact: Roksan Parfitt

Address: 2517 Sturdies Bay Road Galiano Island BC V0N 1P0

Telephone: 778 918 9302 E-mail: info@yellowhouseartcentre.ca

Charitable Status Number (If applicable): _____

Organization Mandate (Attach bylaws, constitution or cite organization website): _____

yellowhouseartcentre.ca

Bylaws, constitution and mendate documents are attached.

Board Members (Name, Position): Board members document is attached.

SECTION 2: DEVELOPMENT APPLICATION INFORMATION

Check development application where fee refund is requested:

- ☐ Official Community Plan
- ☐ Zoning Bylaw Amendment
- ☐ Development Permit
- ■ Development Variance Permit
- ■ Temporary Use Permit
- ☐ Other: _____

Development Application Submitted? ■ Yes ☐ No Application #: _____

Development Application Fees Paid (Amount): $4,050.00 Receipt #: _____

SECTION 3

Objective of Development Application: Supporting the sole Community Arts Organisation's activities on Galiano Island. Please see attached letter for more details.

Describe how the Development Application furthers official community plan goals: Please see attached letter.

SECTION 4

I/we declare that all of the above statements and the information contained in the material submitted in support of the application are to the best of my/our knowledge true and correct.

Printed Name: Roksan Parfitt

Signature: R. Parfitt Date: Jan 31 2023

Contact Information (e-mail and/or phone): 778 918 9302

INFORMATION TO BE COMPLETED BY ISLANDS TRUST

Date of Executive Committee Consideration: _____ Decision: _____

Financial Details: _____

Fee Refunded: _____

Organization Charitable Status Number: _____

LTC Notified (Date): _____

Applicant Notified (Date): _____

Incoming Payments

Generated on: Fri Jan 20 11:38:42 EST 2023

Reference Number:426188616-230120113838		**Customer ID:**	
Sender	**Email**	**Amount**	**Deposit Account**
YELLOWHOUSE ART CENTRE SOCIETY		$4050.00	
Deposit Date		**Status**	
2023-01-20 11:38:38.0		CONFIRMED	
Message From Sender			

Policy:	4.1.13
Approved By:	Trust Council
Approval Date:	June 10, 2004
Amendment Date(s):	March 9, 2011; December 6, 2017
Policy Holder:	Director of Local Planning Services

GUIDELINES FOR EXECUTIVE COMMITTEE SPONSORED OR LOCAL TRUST COMMITTEE INITIATED DEVELOPMENT APPLICATIONS

Purpose

To clarify the circumstances when it is appropriate for a committee to sponsor or initiate a property-specific development application.

Note: This policy does not apply to general changes to Official Community Plan policies or zoning regulations that would apply to many properties and that are initiated by a local trust committee as part of a general review of policies or regulations.

A. Definitions

Executive Committee Sponsored Application – means when the Executive Committee assumes sponsorship of a development application for a specific property or properties and pays the appropriate fee on behalf of an applicant.

Trust Committee Initiated Application – means when a local trust committee initiates a development application for a specific property or properties without fee on its own behalf or on behalf of a property owner.

B. Policy

1. Development Applications

May include Official Community Plan and Zoning Bylaw Amendments, Development Permits, Development Variance Permits and Temporary Use Permits.

2. Covenants

Covenants are not considered development applications. If a covenant results from a development application approval condition, the costs of preparing the covenant are to be borne by the applicant.

3. Conditions appropriate for Executive Committee sponsorship of a property-specific development application are:

3.1 When the applicant is a non-profit agency or organization seeking to establish, expand or modify a facility for the benefit of the community at large and consistent with goals in the Official Community Plan (OCP).

3.2 When the applicant is an established or establishing institution supported by taxpayers that is seeking to establish, expand or modify a community facility.

3.3 When the applicant seeks to implement specific objectives of an OCP with broad community benefits.

4. Conditions not appropriate for Executive Committee sponsorship or local trust committee initiation of a property-specific development application include:

4.1 When the applicant is a registered for-profit corporation under the *Corporations Act.*

4.2 When the applicant is a non-profit agency or organization seeking to establish, expand or modify a facility that would not benefit the community at large.

4.3 When an applicant claims that he or she cannot afford the cost of the application, and the application would not otherwise qualify for sponsorship or initiation.

5. Conditions appropriate for a local trust committee initiated development application on a specific property or properties.

5.1 Where a local trust committee has made an error (e.g., as part of a bylaw consolidation) in assigning an appropriate designation or land use regulation to a specific property and moves to correct the error.

5.2 Where a local trust committee wishes to modify an existing land use regulation on a specific property or properties as an alternative to entertaining a host of development variance applications that it believes are appropriate.

6. Where the Executive Committee wishes to sponsor a property-specific application, the costs of the relevant application fees will be charged to the fund for the sponsorship of development applications that is allocated to the Executive Committee in the base budget following an appropriate resolution from the Executive Committee.

7. Initiation of a development application by a local trust committee does not fetter the discretion of the local trust committee when it makes decisions about the outcome of the application. Local trust committee members and staff must ensure that applicants and members of the public are fully aware of the distinction between a local trust committee's sponsorship or initiation of an application and the local trust committee's role in decision-making regarding that application.

8. Sponsorship by the Executive Committee for a development application that requires approval of the Executive Committee under s.27 of the *Islands Trust Act* does not fetter the discretion of the Executive Committee. Executive Committee members and staff must ensure that applicants and members of the public are fully aware of the distinction between the Executive Committee's role in decision making regarding that application.

C. Legislated References

1. *Corporations Act*
2. *Islands Trust Act, Section 27*

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

n/a

BRIEFING

To:	Executive Committee	**For the Meeting of:**	February 13, 2023
From:	**CAO**	**Date Prepared:**	January 26, 2023

SUBJECT: **Update on request to the Province for a tree cutting authority**

PURPOSE: Executive Committee have provided the following direction:

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.

This report provides the background and status of this project.

BACKGROUND:

Trust Council has expressed interest in obtaining some authority to regulate tree cutting throughout the Trust Area and in 2020, directed that a request be made to the Minister to discuss what options are available. The table below provides an overview of the timeline and key developments associated with the request.

September 2020	Trust Council motions *THAT Executive Committee reviews the recommendations of Raincoast Conservation foundation regarding the policy reform to protect endangered forests and habitats within the islands trust area and provide recommendations to trust Council.* *THAT the Islands Trust request the Province enhance the Trusts jurisdiction over tree cutting bylaws to make its jurisdiction equal to that of municipalities under Section 8 of the community Charter.*	This direction was a disposition of delegation action. Key recommendations for EC review. 1. Establish Development Permit Areas to protect forest ecosystems and regulate forest practices on private lands 2. Seek enforceability of Development Permits 3. Pursue the implementation of tree cutting permits and forest management regulations. 4. Use zoning (i.e. Conservation Zoning) as a way to regulate tree removal and retention on private lands

		5. Continue to pursue and support other tools available for "protecting and preserving the islands unique amenities and environment"
Executive Committee November 18, 2020	Potential legislative and procedure change by the Islands Trust in relation to forest protection - Briefing	Initial report to EC
Letter to Minister from Chair, November 30, 2020	Letter sent to Minister Osborne outlining the request of Trust Council	Letter sent introducing topic to Minister
Met with Ministry staff	General introduction of topic and key points	General meeting of relevant staff Indication from Ministry that this is a significant request, has Province implications from regional governance perspective. Explanation from Ministry that "the Trusts authority in relation to trees is longstanding and complex, a review of the request will require a consideration of policy choices made when the municipal authority was created, noting that this authority is primarily aimed at trees in urban environments."
Met with FLNRO (Ministry of Forests, Lands and Natural Resource Operations)	Re: PMFL, reviewed report on PMFL (Private Managed Forest Lands)	Ongoing meetings with FLNRO, however specifically discussed PMFL, potential for community input, their current study or Trust Area PMFL.
February 2021	Staff meeting: General discussion on approach, staff research roles, approach	
May 2021	Greater management meeting on overall forestry strategy	
June 3, 2021	PMFL meeting	follow-up
June 7, 2021	Meeting with Ministry: Tara Faganello, ADM to set project	Re-engage on the project. Re-established key staff on ministry side to work the request.
March 17, 2022	Meeting w Kara Woodward, Executive Director, Ministry	Moved off of Sec 8 towards amending our own Act. Specific request from Province to have more information from the Islands

	Key Point: Amending Section 8 of Charter to apply to Trust is less likely an option than separate amendment to Islands Trust Act.	Trust on what is core issue being addressed, how the authority would be implemented, what structures the Islands Trust would develop to deliver such an authority.
November 17, 2021	Summary of September Trust Council session on development of a tree cutting authority. See pages 498-512 of November 17, 2021 Executive Committee agenda package.	Session with Trust Council to determine what they want to accomplish, goals, how the authority would be delivered, level of interest.
September	Communication to Ministry of results of Trust Council session on tree cutting and land disturbance.	
Ongoing	Policy Statement engagement process	Staff/consultants conducted two engagements across the trust area with communities regarding the Policy Statement project, including the inclusion of forest policy in the document. Substantial public commentary was received at the Islands Trust as well as letters generated to the Ministry.
May 4, 2022	Met with Minister Cullen	Discussed status of request for some forest authority, discussed the letters to his office re the Policy Statement process and the forest issue.
Ongoing	There has been no correspondence or meetings with Ministry staff on the request for a forest management authority since spring of 2022.	

Current status:

There have been no conversations with the Ministry since the spring of 2022. At a recent meeting with Minister Kang, the matter was not discussed. Generally, this request is on hold, until the Islands Trust reaches out with further specifics or an updated request. Likely, the Ministry will want to see where the new 2022-2026 Trust Council is on this matter.

Staff continue to meet with FLNRO on a variety of topics, including PMFL and First Nations forestry issues/interests, however there are no new developments to report.

There remain options for local trust areas to develop conservation zoning measures and utilize development permits to aid in forest protection, though there are current limits to enforceability of permitting as a core strategy.

ATTACHMENT(S):

1. Backgrounder for Trust Council session on tree cutting authority

FOLLOW-UP:

Prepared By: **R Hotsenpiller**

Reviewed By/Date: **January 30, 2023**

200-1627 Fort Street, Victoria BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155

Toll Free via Enquiry BC in Vancouver 604.660.2421. Elsewhere in BC **1.800.663.7867**

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

November 30, 2020 File No.: 11-4960-30

Via email: MAH.minister@gov.bc.ca

The Honourable Josie Osborne
Minister of Municipal Affairs
PO BOX 9056, STN PROV GOVT
Victoria BC V8W9E2

Dear Minister:

RE: Enhance Islands Trust's Jurisdiction Over Tree Cutting

Congratulations on your recent election success and appointment as Minister of Municipal Affairs. The Islands Trust Council is looking forward to working with you over the next four years to advance protection of the Islands Trust Area. I am writing to advise you that during its September 15-16, 2020 meeting, the Islands Trust Council passed the following motion:

That Islands Trust request the Province enhance the Trust's jurisdiction over tree cutting bylaws to make its jurisdiction equal to that of municipalities under section 8 of the Community Charter.

The protection of sensitive forest ecosystems is a top priority for Islands Trust and a cornerstone of our 2018-2022 Strategic Plan. In addition to this request for additional local trust committee powers, we want you to know that we are still requesting that the Province change legislation so that local trust committees could regulate, but not prohibit, forest activities on Private Managed Forest Lands within the Islands Trust Area.

In March 2019, Islands Trust Council joined First Nations and governments around the world in declaring a Climate Emergency, calling for an urgent response to the threats and costs posed by climate change. Proper management and protection of forest ecosystems and green carbon sinks in the Trust Area will be critical to the Trust's climate mitigation and adaptation efforts.

Thank you for considering this request.

Sincerely,



Peter Luckham
Chair, Islands Trust Council
pluckham@islandstrust.bc.ca

cc:

BOḰEĆEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees) Nation
Lyackson First Nation
MÁLEXEŁ (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation
Snuneymuxw First Nation
Sḵwxwú_7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SȾÁUTW̱ (Tsawout) First Nation
Stz'uminus First Nation
SXIMEŁEŁ (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tsleil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
W̱JOŁEŁP (Tsartlip) First Nation
W̱SIḴEM (Tseycum) First Nation
xʷməθkʷəy̓əm Musqueam
First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Nanwakolas Council
Naut'sa mawt Tribal Council
Te'mexw Treaty Association
Bowen Island Municipal Council
Islands Trust Council
Islands Trust website

BRIEFING

To:	**Trust Council**	**For the Meeting of:**	September 21, 2021
From:	**CAO**	**Date Prepared:**	August 25, 2021

SUBJECT: **Backgrounder for Trust Council session on tree cutting authority**

PURPOSE: To provide Trust Council with information in support of a structured discussion on the potential for the Islands Trust to adopt an authority to regulate tree cutting similar to the Section 8, Community Charter authority currently available to municipalities in British Columbia.

CONTEXT:

Trust Council has amended its Strategic Plan to include a number of forestry related initiatives:

- Establishment of development permit areas for Coastal Douglas-fir ecosystems
- Enforcement of developments via municipal ticketing
- Advocacy to increase community input to the Private Managed Forest Land program
- The development of heritage overlay mapping for cultural heritage sites, which includes discussions with FLNRORD regarding Crown Lands
- Seeking a tree cutting authority under S 8 of the Community Charter, similar to municipal governments in BC

This briefing and related Trust Council session is focused upon potentially the most significant project, that being the request to the province for a tree cutting authority. Islands Trust has made a request for such a power to the Minister as per Trust Council direction and has discussed the matter with ministry staff. To assist in advancing this request the Islands Trust needs to provide further information on its need to exercise a tree cutting authority and a proposal for how it would implement a tree cutting regulatory program.

Accordingly, a session has been organized for September Trust Council to allow trustees to discuss the core concerns that they have with forestry activity in their local trust areas, to contemplate what outcomes could be possible with the application of this regulatory power, and to consider how it would organize and implement such a program. These questions were the subject of a trustee roundtable at a previous Trust Council meeting; however, a deeper discussion is needed to focus our request and further this goal. The results of this discussion will be built into the problem definition statement provided to the Ministry of Municipal Affairs.

Key considerations: The following are some foundational questions for trustees to consider:

- What are the activities that are causing concern with regard to habitat and biodiversity loss in your local trust area?
- What do you want to protect generally?
- Specifically would you a envision an authority that focuses upon:
    - Protected species of trees
    - Big trees
    - Area-based contiguous areas protection
    - Small lots, large lots.

- Scope: would a bylaw apply to your entire local trust area or selected areas?
- If your local trust area and the region implemented a regulatory authority for trees, how would you measure success?
- What would be acceptable exemptions to a tree cutting bylaw?
- Given that a new regulatory process would need to be implemented are you in favor of additional staff resources including forestry expertise be added to the Islands Trust?
- What would be some benefits of such a regulatory power in connection with wildfire risk, resiliency, and healthy forests?
- How could this authority assist with culturally modified tree protection in your local trust area?

BACKGROUND:

By way of information the following provides a brief review of the key elements of a potential Section 8 Community Charter authority. Much of this has been provided to trustees under an earlier report.

Limits on Section 8 of the Community Charter Bylaws

A bylaw enacted under Section 8 of the Community Charter cannot prohibit the uses permitted in the zoning bylaw. If the tree protection bylaw does prohibit the use, the landowner would be entitled to compensation. The Section 8 bylaw also has no effect on Crown lands, woodlots, and Private Managed Forest Lands.

Municipalities

In municipalities, trees located on private lots, road rights-of-way and in municipal parks have an aesthetic quality, as well contributing to the character of the place. Trees also act to reduce heat and retain moisture in the built environment. Municipalities use the authority under Section 8 of the Community Charter to protect these trees. There are a variety of approaches to doing this, from outright prohibiting cutting of trees over a certain size without a permit, to prohibiting cutting, topping or pruning of certain species of trees. Because Section 8 bylaws are not limited in the approach or reason for the bylaw, the local government may consider a wide variety of approaches to the tree protection.

Most municipalities are made up of private land and land owned by the municipality or regional district, and a tree protection bylaw can be applied to all of these ownerships. If there is Crown land inside a municipality (woodlot, BC park, Federal park for examples), the tree protection bylaw would have no effect on those lands.

Local Trust Committees

If the Ministry amends legislation to give local trust committees the same power as municipalities to regulate trees under Section 8 of the Community Charter, then:

1. Local trust committees would have ability to draft bylaws to protect trees for any reason in their local trust areas, provided that the restrictions did not prohibit uses as permitted in the zoning bylaw; and

2. Local trust committees could draft bylaw to prohibit tree cutting, regulate tree cutting, and/or require a permit for the cutting or modifications of trees, but would have no effect on woodlots, land in under the *Private Managed Forest Land* (PMFL) *Act*, or land covered under the *Forest Act* (e.g. Crown land, community woodlots, road rights-of-way owned by the Ministry of Transportation and Infrastructure).

The tree protection bylaw under Section 8 could not prohibit the uses permitted on the land. For example, for land zoned residential, tree removal would likely be required and would need to be permitted under the bylaw to allow the land to be used as per the zoning. Land in the Agricultural Land Reserve (ALR) may need to be cleared to permit the agricultural use of the

property; this use is protected in the *Agricultural Land Commission Act* and local bylaws cannot prohibit the agricultural uses.

Enacting a Tree Protection Bylaw

To enact a tree protection bylaw under Section 8 of the Community Charter, if the power was granted to local trust committees, the local trust committee would go through the bylaw process to adopt a tree protection bylaw for all or part of the islands, recognizing that such a bylaw cannot prevent the property being used for the zoned purpose, cannot prevent tree cutting on PMFL land, cannot prevent tree cutting on a woodlot, cannot prevent tree cutting on Crown land (including the road rights-of-way) and cannot prevent clearing for agricultural purposes in the ALR. The bylaw could be specific in types of trees and whether a permit would be required or not. Exemptions could be included for things like firewood gathering, pruning trees, trees under a certain size or any other.

Administration and Enforcement in the Islands Trust Areas

Such a bylaw could then apply to all other land, or on targeted locations. On larger lots, enforcement of the bylaw could be problematic; a clear cut would be obvious and likely warrant enforcement action, but removal of a few trees selectively may have little impact and not worth the resources to enforce the bylaw.

Tree protection bylaws would require staff support for administration and enforcement. Likely a tree protection bylaw would have a permit system included, where a permit would be issued to allow cutting or tree modification in certain instances. Therefore, there would likely be the need to allocate staff resources to a tree protection bylaw program.

Development permit vs tree cutting bylaw

Development permits can protect trees, but only for the reasons provided in the justification for the particular development permit (protection of natural environment, protection of development from hazardous conditions, landscaping for multi-family, commercial, industrial and intensive residential uses, reduction of green-house gas emissions). Some of the protections available under Section 8 for trees could be done by development permit areas. However, Section 8 tree protection bylaws are less restricted on the reasons for the protection, and could be applied more widely. For example, Section 8 of the Community Charter tree protection bylaw could be purely for aesthetic or visual landscape reasons.

A Section 8 of the Community Charter tree protection bylaw wouldn't do anything much different to using a development permit (other than not as limited in reason for the protection), and is subject to the same restrictions on use, PMFL, woodlots and Crown lands. A tree cutting bylaw could expand on the reason for tree protection, whereas a development permit would need to be for one of the specified objectives. So a tree cutting bylaw could deal with aesthetics, whereas a as DPA (other than form and character for commercial, industrial and multi-family development) could not.

Given this, the tree protection bylaw would likely be more limited to situations where protection of trees is for a reason that cannot be covered by the development permit area designations.

ATTACHMENT(S):

1. **Appendix 1. Benefits, Costs and Risks to the Islands Trust**
2. **Development of a tree cutting authority for implementation by Islands Trust – session outline**

FOLLOW-UP:

Prepared By: Chief Administrative Officer, Russ Hotsenpiller

Reviewed By/Date: September 2, 2021

APPENDIX 1: Benefits, Costs and Risks to the Islands Trust

Excerpt from "*Tree Protection Bylaw Authority: Discussion Paper*", attached to report to Executive Committee "*Potential legislative and procedure change by the Islands Trust in relation to forest protection*" dated November 18, 2020.

1. Benefit to the Islands Trust

The question arises as to what greater benefit could be derived from granting the Islands Trust the same authority as a Municipality under Section 8 (3) (c). While local trust committees may currently adopt tree cutting bylaws in relation to hazardous land or for screening, they do not have the same broad discretion as municipalities. In addition to the ability to regulate tree removal in hazardous areas as per s. 500 of the *LGA,* to regulate screening or landscaping for the purposes noted in s. 527 of the *LGA*, and to designate DPAs which may result in tree protection, the broader power to protect, prohibit or regulate the removal of trees could provide the following benefits:

- Greater control during site development (e.g. establishment of requirements for a minimum treed area or specification of types of trees to be planted, or requirement for disturbed areas to be replanted);
- The ability to regulate the volume or rate of tree removal (e.g. general permission to landowners to remove two trees per year);
- The ability to protect specific varieties of trees, wildlife trees, heritage or culturally-significant landmark trees;
- The ability to require compensation for trees that are removed either through tree replacement or through financial compensation; and
- Greater control over the visual appearance or rural aesthetic qualities of islands, which is intrinsically related to both islanders' quality of life and local economics (i.e. tourism, the arts, recreation, etc.).

2. Costs of change, including general resource considerations.

Provided local trust committees would wish to adopt tree protection bylaws, this would require a community consultation process. Such bylaws should reflect community goals and objectives for tree protection and, more broadly, conservation. Community consultation would logically be led by Islands Trust planners or consultants.

Once adopted, tree protection bylaws would need to be administered by Islands Trust staff. This would ideally include a certified arborist to review tree permits and to conduct any necessary inspections prior to or following tree removal or planting. On the applicants' side, it is anticipated that professionals such as arborists or foresters would need to be retained in order to advise on tree health assessment, and removal, retention and replanting options and plans.

Furthermore, tree protection bylaws would require a combination of education and enforcement in order to be effective.

3. Risks or challenges of change.

A significant challenge would be obtaining public buy-in regarding the adoption of tree protection bylaws. Many islanders believe that they are already good stewards of their land and do not wish to have further regulations imposed upon them. In fact, many islanders may have moved to the islands where they believe there are less onerous requirements or costs related to land development.

Particular challenges would need to be overcome dealing with waterfront property owners with entrenched property rights as they relate to their ability to maintain views as justified by their property values and taxes.

In un-serviced areas such as Lasqueti Island, there is a particular challenge related to the use of trees as a source of heat energy. It is expected that many islanders would be opposed to a tree protection bylaw that would limit their ability to cut trees for firewood.

There is a risk that if tree protection bylaws are proposed, this may have the unintended consequence of land-clearing where property owners attempt to beat the clock by cutting their trees before they need to apply and pay for a permit.

There is also a challenge with enforcement of tree protection bylaws. It should be expected that bylaw violation complaints would rise in response to illegal cutting or clearing. In some cases, it may be challenging for Islands Trust staff to follow-up on bylaw complaints due to the remoteness of some islands or because of perceived personal safety risks.

BRIEFING

To:	Executive Committee	**For the Meeting of:**	February 13, 2023
From:	Financial Planning Committee	**Date Prepared:**	January 25, 2023
SUBJECT:	**Draft Budget 2023/24 Review of Funding Requests**		

PURPOSE:

To request that the Executive Committee review their funding request(s) for the 2023/24 fiscal year and report back to Financial Planning Committee with additional information and identified reductions where possible.

BACKGROUND:

At its regular meeting on January 18, 2023, Financial Planning Committee (FPC) reviewed the latest version of the draft 2023/24 budget, which reflects the following:

- Total proposed planned spending of $9.8M:
  - Operating budget $9.0M
  - Projects budget $700,000
  - Capital budget $127,000
- A proposed local trust area general tax increase of 2.75% plus an additional 8.0% in tax revenue generated from new construction and development in the Trust Area.
- A proposed Bowen Island Municipal tax increase of 3.0% plus an additional 6.6% in taxes generated from new construction and development on Bowen Island.
- A proposed draw from the General Revenue Surplus Fund of $269,000, resulting in a potential deficit to the minimum balance required to be held in the fund of approximately $115,000.
- A proposed draw from the LTC Project Reserve Fund of $52,000.

During its budget discussions, FPC received as a late item from a committee member, a list of budget items for potential reduction (attached). FPC discussed the items and felt additional information was needed from Committees and staff prior to making decisions on any specific item. To this end, the Committee made the following resolution:

> *that Financial Planning Committee (FPC) request that Regional Planning Committee, Trust Programs Committee, Governance Committee, Executive Committee, [the] Islands Trust Conservancy Board and staff review the budget areas in the draft budget revision list proposed by a trustee on January 18, 2023, and not yet voted on by the FPC, and propose possible reductions for Financial Planning Committee's consideration and respond with their respective views by February 7, 2023.*

A specific desire was expressed by some Trustees at FPC that Council committees and the Islands Trust Conservancy Board review each of their funding requests and provide information on the following:

- Does the Committee/Board believe the proposed work/funding request is urgent or essential in the next fiscal year, or could the work be deferred to a future year?
- Does the Committee/Board believe the proposed work/funding request should be given priority in the 2023/24 budget?
- Could the funding request associated with the work be reduced? Please provide the impacts of doing so, if any.

A response with respective Committee/Board's views should be provided for FPC's consideration. If a Committee/Board identifies amendments to their proposed work/funding request in terms of rationale or requested dollars, a revised business case should be prepared and forwarded to FPC for their review.

CAO Comments

Staff have reviewed the list and have made the following notations:

- Line 38: 'Senior Policy Advisor' should read 'Senior Intergovernmental Policy Advisor'
- The assumption that staff hours saved as a result of suspending activities can be reassigned to new duties needs to be considered in the context of collective agreements.
- The estimated staff hours for Trust Area Services did not come from staff who are still finalizing work plans to determine available resources.
- The ecosystem mapping amount should read $13,800.

ATTACHMENT(S):

1. Trustee-proposed Draft Budget Revisions List

FOLLOW-UP:

Staff will amend funding request documents as directed by the Committee and forward the revised information to FPC as requested.

Prepared By: Director, Administrative Services

Reviewed By/Date: Chief Administrative Officer/ January 25, 2023

Page in FPC Agenda Jan 2023	Notes	Name	Business Area	Source	Proposed Reduction	Staff Hours Associated	Staff Resource	Notes re staff hours
38	Pause until Senior Policy Advisor position is filled and this implementation plan can be created.	Reconciliation Action Plan Implementation		GR Surplus	30000		TAS	Fulltime Senior Policy Advisor
37	Suspend and redeploy the staff hours.	History and Heritage Funding Grant in Aid		GR Surplus	10000	100		
48	Further action to be determined by Trustees.	Policy Statement Amendment Project	Trust Council - Trust Area Services	GR Surplus	50000	1100	TAS	Fulltime Senior Policy Advisor
53	Suspend. Stabilise the (existing) communications position. Redeploy resources released by suspended activities. Consider delivering this program digitally with existing materials.	Stewardship Education Program	Trust Programs Committee	GR Surplus	20000	50	TAS	50 hours of Program Coordinator.
62	IT is short of resources to manage meetings and general administration. Pause. Redeploy resources released by suspended activities.	Secretariat Services	Trust Council - Trust Area Services	GR Surplus	15000	100	TAS	100 hours Program coordinator
56	Business Case for Freshwater Communications portal considered. ($50K and .5FTE) No business case for other activities of Regional Planning Committee.	Bookmark for Regional Planning Committee	Regional Planning	GR Surplus	50000	550	Regional Planning	estimated .5FTE
61	No external experts required for the moment. If legal advice is required the regular budget can be used.	Funding for Governance Committee		GR Surplus	15000	40	TAS	
111	This resource is requested to manage live meetings for LTAS. Suspend and deploy staff hours (TAS and LPS) released by suspended programs. Consider the positive impact of filling positions which are currntly vacant.	Meeting Administrator (Fulltime)	Legislative Services serving Local Trust Committee Services	Taxes	65700			
119	This resource is requested for increased admininistrative support. Suspend and deploy staff hours (TAS and LPS) released by suspended programs. Consider the positive impact of filling positions which are currntly vacant.	Administrative Coordinator	Administration	Taxes	75250			
123	A challenge to support this year due the financial situation. (6 staff involved. To what degree has this been discussed with the staff affected?)	Planning Services Admin Adjustment	Planning Services	Taxes	33000		Regional Planners and Freshwater	
127	Focus on using existing staff resources for all activities. (est. 285 hours of senior staff time in addition) Not supported until vacancies are resolved and staff hours ((TAS and LPS)) released by suspended programs are deployed.	Freshwater Technical Coordinator - Co-op Student	Local Planning Services	Taxes	21993	285	Freshwater Specialist	on-boarding, planning workshop etc
	Focus on using existing staff resources for all activities. Deploy staff hours ((TAS and LPS)) released by suspended programs.	Planning Staff - Co-op Student	Local Planning Services	Taxes	22000			
138	Reduce by $12800 Ecosystem mapping ($18000) partially funded by Species at Risk (SAR) grant ($5200) (Is co-op student ($19399) funded by SAR grant ?)	ITC Budget Request	ITC	Taxes	12800			
				TOTAL (savings)	**420743**	**2225**		
						Staff Hours (savings)	**Tax Reduction based on 1% = $75K**	
				Surplus (savings)	**190000**	**1940**		
				Taxes (savings)	**230743**	**285**	**3.1**	

BRIEFING

To:	Executive Committee	**For the Meeting of:**	February 13, 2023
From:	**CAO**	**Date Prepared:**	January 30, 2023
SUBJECT:	**Draft Budget 2023/24 Review of Funding Requests**		

PURPOSE:

To respond to a request from Financial Planning Committee to review Executive Committee funding request(s) for the 2023/24 fiscal year and report back to Financial Planning Committee with additional information and identified reductions where possible.

BACKGROUND:

Executive Committee is the sponsor/reviewer of a number of funding requests for the upcoming 2023/24 budget cycle, those being:

1) Funding for the Reconciliation function at the Islands Trust
2) 1 new (full-time equivalent) FTE for a meeting administrator
3) 1 new FTE for an administrative coordinator
4) Funding for the History and Heritage grant in aid program at the Islands Trust
5) Planning Services administration reclassifications (6 positions)

Staff have reviewed the business cases and provided new information if required. Below is a summary of the budget items and notes/recommendations from staff for Executive Committee consideration.

Current budget submissions to 2023/2024 Budget by Executive Committee

1. **Provision of $30,000 for Reconciliation Action Planning and Reconciliation work;**

   This funding is ongoing operational funding to the reconciliation function of the Islands Trust and the Senior Intergovernmental Policy Advisor position and as such does not have a business case (usually provided for singular or project based funding requests). This funding is directed primarily to First Nations outreach, contractor support, honoraria and protocol, but most importantly to support the development of protocol agreements with interested nations. In past years the funding level for this work was in the range of $15,000. While it is expected that there will be increased reconciliation work in the coming year, Executive Committee could consider reducing the budget request by $5,000/10,000 if it preferred. Some funding in this area is essential for the service in the coming year. **This request is directly related Strategic Plan strategy 4.6 "to implement a Reconciliation Action Plan."**

   Recommendation: That the budget include 30,000 for Reconciliation Action Planning and First Nations engagement.

2. **Meeting Administrator - $65,700**

   This position is recommended so that LTCs can continue to provide either fully electronic or hybrid meetings for the public. The Islands Trust has taken on this function over the last 2 years, however, has not provided resources to make the providing of electronic meetings a permanent service of the Trust. At present, staff resources have simply been displaced to account for this function. If this position is not filled, the organization will need to consider whether it wishes to continue providing electronic access to all meetings, or to revert to a live meetings only approach. This matter is relatively urgent**. This request is directly tied to Strategic Plan Strategy 4.1: "to develop the capacity to broadcast public meetings".**

   Recommendation: That the meeting administrator (full-time, 1 FTE) be funded in the upcoming 2023/24 budget as described in the business case.

3. **Administrative Coordinator - $75,250**

   This request for additional staff resourcing is intended to increase a mid-level administrative gap at the Islands Trust. In particular, there has been an increase in programming such as a new Governance Committee, a new Accessibility Committee and a need to provide administrative support to reconciliation work, including support to the SIPA and to assist in protocol agreement development. If Committee wishes to not fund the position some consideration will need to be given to how the functions described above will be resourced and the work undertaken. **This request is related to Strategic Plan 5.3 "Undertake a Governance and Management Review" and Strategic Plan 4.6 "to implement at Reconciliation Action Plan."**

4. **History and Heritage - $10,000**

   Executive Committee have a current year budget of $4000, and have overspent by $2000 for a total of $6000. This program tends to be oversubscribed and the increase in budget for the coming year was to acknowledge the interest in the program. Executive Committee could reduce the budget request of $10,000, eliminate it, or leave as is. The Committee should know that First Nations communities have applied for this program in the past and that it provides an opportunity for the Islands Trust to fund mutually beneficial projects. This is important to the organization however is not urgent**. This request is not directly tied to a Strategic Plan objective.**

5. **Planning Services administration reclassifications - $33,000**

   This request is to reclassify the Planning Team Assistant and Legislative Clerk positions within Planning Services. Each office has both one Planning Team Assistant and one Legislative Clerk making this request to reclassify six positions in total. The Planning Services Renewal Program has led to increased efficiencies and effectiveness in service delivery during the last term and the intent is to continue these improvements via this business case. Each position has been performing work duties that exceed their duties listed within their job profile - most notably the leadership provided by the Legislative Clerks. Inclusion of the actual duties performed into a new job profile justifies the compensations at the appropriate pay grid. Moreover, retirements and workforce transition encourage development of a more progressive workforce structure encouraging retention and allowing upward movement not traditionally available to administrative staff. **This request is not directly related to a Strategic Plan objective.**

ATTACHMENT(S):

1. Executive Committee sponsored business cases

FOLLOW-UP:

Staff will amend funding request documents as directed by the Committee and forward the revised information to the Financial Planning Committee (FPC) as requested.

Prepared By: CAO, January 30, 2023
Reviewed By/Date:

Budget Funding Request
Short-Form Business Case

Completion of this form initiates a request to the management team, FPC, and ultimately Trust Council for allocation funding in the next fiscal year budget. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

TO BE COMPLETED BY INITIATOR

Initiated by (name, title):
David Marlor, Director, Legislative Services

Business Area:
Legislative Services serving Local Trust Committee Services

Name of Request:
Meeting Administrator (full-time): **$65,700**

Budget Source (select all that apply):

☐ **Specific Project Funding** (select all that apply)
- ☐ Third Party Contractors
- ☐ Staff Travel Expense
- ☐ Staff Overtime Expense
- ☐ New Staff Member – Temporary for project
- ☐ Computer Hardware/Software

☐ **Furniture & Equipment**

☐ **Computer Hardware/Software/Supplies**

☒ **New Staff Resources** (see Staff Costing Tool)
- ☒ **Permanent**
- ☐ **Temporary**

Temp Duration: _____

☐ **Other – please describe:** _____

Date of Funding Request Submission:
11/8/2022

Funding Required for (date range):
- **$65,700** for 2023/24 (10 months (June 1 to March 31))
- **$78,000** plus collective agreement salary increases for subsequent years

ISSUE/OPPORTUNITY:

Prior to the return of live meetings administrative staff (i.e. Planning Team Assistants, Administrative Assistants, and Legislative Clerks) were responsible for hosting purely digital public meetings in the form of Zoom webinars. Primary duties included management of town hall speakers, breaks (communicating return times), initiation of live stream and recording, and basic user support (microphone and camera management). Although these duties did not require 100 percent of their attention, fluctuating meeting

demands required a portion of their focus at all times, thereby excluding them from other duties that required their full attention (i.e. front desk management, application processing, etc.).

Upon returning to in person public meetings, local trust committee wanted to retain the electronic portion of their meetings. At the most basic, this involved livestreaming, and at the more complex this involves full public participation either electronically or in-person.

To accommodate the basic support of live-streaming, the Local Trust Committee (LTC) chairs were provided hardware kits that included a laptop, combination camera, speaker and microphone, Wi-Fi hub and tripod. The laptop was preconfigured with Zoom and an open source video record and/or live streaming package (OBS). When sufficient internet connectivity was available a scheduled Zoom meeting was provided to the chairs to initiate and host. Meeting management was limited to starting the live stream and recording, and ensuring all remote participants were present. In the absence of internet connectivity the chairs were directed to record the meeting using the OBS software and ftp the resultant file to staff post meeting.

For some local trust committee where full electronic participation was required, administrative staff had to provide support by administering the meeting from the office. This involved ensuring that people wishing to speak were able to do so, and managing the meeting electronically. Technical support was provided by Islands Trust Information Systems as needed.

This deployment model for the basic level has proven successful to date in a number of respects.

- Reduced time demands on Administrative staff, thereby freeing up some time for duties associated with their defined jobs.
- Hardware management and audio/video capture quality feedback has been positive.
- Majority of the in person meetings have been successfully recorded, streamed, and published to the Islands Trust website.

However, after surveying (See Appendix A) LTC Chairs, Meeting Administrators and IS staff a number of concerns have been raised.

LTC Chair concerns are largely centered on logistics associated with hardware transport, and the time and focus demands of meeting administration, as described below.

- Limited time between arrival at venue and scheduled start of meeting, with hardware setup contributing to already tight timelines.
- Weight of the kits have proven challenging given remote nature of some of the LTC venues (i.e. no road access or preference to travel via bicycle).
- Confusion surrounding when to use Zoom or OBS software (follow up training has been provided).
- Overseeing meeting hardware and software requires a portion of focus, which should be directed fully to chairing meeting. (i.e.-adjusting camera focus, starting/stopping recording, etc)

Meeting administrators indicated that they have sufficient information (i.e. venue internet bandwidth) and time to effectively schedule and publish meetings. A number of individuals did however note growing pressure, from trustees and the public, to provide greater digital access to LTC meetings (i.e. increasing time spent reviewing electronic documents for privacy issues, uploading and managing files to the internet, etc). Administrative staff expressed concern that this would lead to an even greater demand for administrative time and resources.

The current approach has resulted in an increased demand for staff time and resources relating to the deployment and support of the LTC hardware kits.

- Support calls, primarily associated with meeting setup have increased.
- Recording management is a new resultant service request, as recordings often require editing and encoding in preparation for publication.

Overall there is general agreement amongst those surveyed that the current approach is not sustainable, and that increasing digital access would only exacerbate the situation. LTC Chairs, meeting administrators and IS have all suggested that digital LTC Meetings would benefit from the addition of an individual responsible for hardware setup and administration, and expanded meeting administration.

PROJECTED RESULTS/DELIVERABLES:

The projected results/deliverables associated with this funding request include:

- Administrative capacity to manage and administer most local trust committee meetings, including special meetings, public hearings, and community information meetings
- Reduction of workload for existing planning administrative staff to allow them to focus on the administration of planning application, local trust committee agendas and administrative support to local trust committee land use projects

RISK ASSESSMENT:

From an organizational perspective there is significant risk that if the position is not created that staff continue to displace their work leading to backlogs in reporting, agenda maintenance, correspondence and other required duties. Conversely, if the position is not filled, electronic meetings could be discontinued at the Islands Trust, and staff return to their original jobs/functions, however there would be a corresponding reduction in public transparency.

Risks	Impact	Mitigation
One person will not be able to attend all LTC meetings, and therefore will not be able to deliver or manage on-site equipment to every meeting	Medium	• Still require other administrative staff to support on some Islands
Classification may come back at higher classification to that requested	Medium	• Cost would be higher than estimated; adjustment to future budgets would be required

ALTERNATIVES CONSIDERED:

Option 1 – Do nothing:
Maintain existing digital meeting strategy, continuing to deploy audio/visual hardware via Committee Chairs, with them also functioning as meeting host, and tasking administrative staff with pre-meeting coordination and configuration and live meeting streaming and recording.

This option does not address any of the concerns expressed by LTC Chairs, or Administrative and IS staff.

Option 2 – Private Contracted Coordination
Contract out administration of local equipment and online meeting to individual private contractor.

- Potential high cost for contracted services

Option 3 – Minute Taker Contracted Coordination

Contract out administration of local equipment and online meeting to island minute takers. Note that this approach would require the purchase of additional hardware kits, to be distributed to the respective islands.

- Minute takers would need to be trained to undertake these additional duties
- Still potential need for Information Services support, and as such may not reduce workload for Islands Trust staff.

Option 4 – Planning Services Staff Coordination

Direct planning services staff meeting attendance and administration of local equipment and online meeting. No additional equipment required.

- This would require the Island Planner to set up, take-down and administer the meeting. This would take away from the planners primary professional role of providing advice to the local trust committee.

Option 5 – LTC Meeting Administrator (full time)

Hire a public meeting Administrator, managing all aspects of digital committee meetings, including attending meetings when necessary (and possible), work with management to establish meeting standards and ensure they are met, review and upload meeting recordings, coordinate the setup, management and take-down of the electronic equipment at the meeting, and administering digital meetings. Essentially this position, reporting to the Director, Legislative Services, would over-see all aspect of the electronic component of local trust committee regular meetings, special meetings, public hearings, and community information meetings. The role would have elements of information system knowledge and skills to troubleshoot and ensure smooth operation of the meeting, but would not replace need for Information System support in certain situations.

Staff researched other local governments and their approaches. The City of Waterloo in Ontario has implemented a similar position for comparison and consideration (See Appendix B).

This project will provide the following benefits:

- Reduction in workload for local planning services administrative staff, freeing them to focus on land use planning and meeting agenda support to the local trust committees
- Protect the Island Planner from becoming meeting administrators by virtue of being the only staff at the meeting and a need to set up, management and take down recording, streaming and live electronic meeting management equipment.
- Reduce workload on local trust committee Chairs by not requiring them to transport, setup and administer recording, streaming and live electronic meeting management equipment.
- Provide front-line basic Information System support to help reduce workload for Information Systems staff.
- Ensure all local trust committees can record, stream and hold live electronic meetings as required to conduct their business
- Savings in cost of minute taking, as this would be primarily taken on either in-person or remotely by the new position

CRITICAL SUCCESS FACTORS:

- Having the job description created and classified as requested (grid 9)
- Successful recruitment for the position
- Having buy-in from the organisation

RECOMMENDED OPTION:

Staff recommend Option 5: LTC Meeting Administrator (full time).

Based on the unique geography and political structure of the Islands Trust, the Coordinator role would assume the following responsibilities.

Procedures

- Work with the Director, Legislative Services to develop and maintain procedures for running of electronic meetings, recordings, and streaming.
- Monitor and ensure consistent processes that comply with legislation, Trust Council bylaws, policies and Islands Trust procedures
- Website
- Oversee and support the publication of attendance and recording links on website.

Webinar, Live Stream, recording

- Oversee and support the scheduling and execution of webinars (public electronic access), live stream and recording. Ensure efficient delivery of the final electronic document in ready to post online format and to best admin standards for file retrieval.

Venue Selection

- Gather and maintain documents on venue specific resources (i.e. internet connectivity, on site audio/visual equipment etc.).

Hardware and Software

- Coordinate deployment of equipment as required.
- Overseeing delivery and setup of audio/visual hardware.
- In person support provided as needed.
- Remote support as needed, providing onsite staff with dedicated setup and management support.
- Understanding of the software used, and training and support to others for the use of the software.
- Liaison with Information Systems to ensure back-end support for electronic local trust committee meetings

Minutes

- provide primary minute taking role
- support backup minute takers with training on using electronic equipment and software

Host/Administration

- Host meeting, coordinating in meeting management of panelists, attendees, delegates and staff.
- When scheduling conflict exists responsible for coordinating and supporting alternate host.

PURCHASING PROCEDURE:

Hiring to follow Islands Trust and Public Service Agency protocols.

PROPOSED IMPLEMENTATION STRATEGY:

Recruitment to begin following budget approval – earliest implementation would be June 2023.

STAFF RESOURCING:

Staff resources to develop job description, obtain classification and recruit.

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:

Management by managers and supervisors on new processes, and transition from current staff and processes to new staff position and new processes. Communication to staff and LTC on new process.

David Marlor, Director, Legislative Services	November 2,1 2022
Initiator Name, Title	Date
Reviewed by Department Lead: Name, Title	Date

Budget Funding Request
Short-Form Business Case

Completion of this form initiates a request to the management team, FPC, and ultimately Trust Council for allocation funding in the next fiscal year budget. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

TO BE COMPLETED BY INITIATOR

Initiated by
Russ Hotsenpiller,
Chief Administrative Officer

Business Area: Administration

Name of Request:

Administrative Coordinator

$75,250

Budget Source (select all that apply):

☐ **Specific Project Funding** (select all that apply)
- ☐ Third Party Contractors
- ☐ Staff Travel Expense
- ☐ Staff Overtime Expense
- ☐ New Staff Member – Temporary for project
- ☐ Computer Hardware/Software

☐ **Furniture & Equipment**

☐ **Computer Hardware/Software/Supplies**

☐ **New Staff Resources** (see Staff Costing Tool)
- ☒ **Permanent**
- ☐ **Temporary**

Temp Duration: _____

☐ **Other – please describe: _____**

Date of Funding Request Submission:

September 29, 2022.

Funding Required for (date range):

$75,250 for Fiscal Year 2023/24 (June 1 to March 31)
$90,000 plus collective agreement increases for subsequent years

ISSUE/OPPORTUNITY:

Administration Coordinator (full-time)

There is a deficient of administrative support at the Islands Trust relative to Administrative, Trust Area Service and Planning core service delivery. Expanding workloads of these core service areas over the last decade including Reconciliation, declaration of a climate emergency, increased public engagement and outreach, water stewardship, provision of electronic meetings to/with the public, the creation of 2

new committees at the Islands Trust, increasing complexity of land use planning reporting, legislative changes, greater professional mobility/lack of staff experience, and generally rising performance expectations, have not been met with a corresponding increase in administrative support. Specifically, the position would address the following:

- *Increased processing of current applications, managing of changing applications processes (including managing provincial portal process changes)*
- *Increased land title filing duties*
- *Increased demand for managing file management issues*
- *Increased demand for managing an increasing complex database of First Nations and agency contacts, communications, and responses*
- *Increased demand for managing FOI and Ombudspersons requests*
- *Increased demand for assisting bylaw enforcement officers and other Victoria office administrators*
- *Increased demand for successional and cross duty training.*

1. This position would also increase the experience and responsibility level of administrative staff at the Islands Trust. The gap between the current administration classifications of Grid 9 and Grid 14 and respective management is too large. A senior administrative role at the mid Grid level will establish balance and ensure high level administrative practices are identified and implemented.

   In particular, this position would be responsible for the following:

   i. Development and redevelopment of standard operating procedures throughout the organization.

   ii. Oversight on office procedures throughout the organization.

   iii. Assistance to the Senior Intergovernmental Policy Advisor (SIPA) in developing and maintaining protocol agreements with First Nations and First Nation contact database development

   iv. Development and maintenance of a Trust-wide contact database program

   v. Assistance to the Council Committee structure of the Islands Trust, which now includes two new Committees, the Governance Committee and a future legislated Accessibility Committee

RISK ASSESSMENT: *(Discuss potential risk factors associated with this work, if identified. Discuss the options that exist to mitigate identified risks)*

If this position is not supported the following outcomes are possible/likely:

a. Current administrative staff are overworked leading to increased sick days, stress and poor morale
b. Lack of staff retention;
c. Reduced efficiency within the organization in terms standardizing operations across the regional offices.
d. That the Governance Committee does not have appropriate administrative support
e. That the Accessibility Committee does not have appropriate administrative support
f. That programming/protocol agreements with First Nations are not functionally supported.

Requesting administrative staff to constantly take on new duties while continuing to perform existing duties is unrealistic and runs the risk of losing staff and/or a reduction in performance.

ALTERNATIVES CONSIDERED:

1. Fund and implement a new Administrative Coordinator position;
2. Not fund a new position and reallocate administrative needs based on situational analysis.
3. Contract out for services on an annual basis. Some version of this occurs already in terms of on call service assistance through the year. We could develop a more formal, casual administrative work pool, that is funded on an annual basis.

RECOMMENDED OPTION: *(State your recommendation, and summarise why you chose it over others.)*

Hire a new Administrative Coordinator that would:

1. Development and redevelopment of standard operating procedures throughout the organization.
2. Oversight on office procedures throughout the organization.
3. Assistance to the Senior Government Policy Advisor in developing and maintaining protocol agreements with First Nations and First Nation contact database development and First Nations records management
4. Development and maintenance of a Trust-wide contact database program
5. Assistance to the Council Committee structure of the Islands Trust, which now includes two new Committees, the Governance Committee and a future Accessibility Committee

Position would report to the Director, Legislative Services.

PURCHASING PROCEDURE:

As per collective agreement and hiring policy of the Islands Trust

PROPOSED IMPLEMENTATION STRATEGY:

To be initiated following passage of the budget in March 2023. Development of job profile, and submission for classification, then recruitment. Earliest possible hiring would be June 2023.

STAFF RESOURCING:

Discussion with Public Service Agency regarding job duties and classification: 20 hours
Preparation of duties and integration with Administration unit of Planning Services: 20 hours

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:

Ongoing discussions with administrative units and respective managers. This request represents a request by current administrative staff for assistance, as well as management assessment of current productivity.

Russ Hotsenpiller	September 29, 2022
Initiator Name, Title	Date
Reviewed by Department Lead: Name, Title	Date

Budget Funding Request
Short-Form Business Case

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TO BE COMPLETED BY INITIATOR

Initiated by (name, title):

Stefan Cermak, Director Planning Services

Business Area:
Planning Services

Name of Request:
Planning Services Administrative Adjustment: $30,000

Budget Source (select all that apply):

☐ **Specific Project Funding** (select all that apply)
- ☐ Third Party Contractors
- ☐ Staff Travel Expense
- ☐ Staff Overtime Expense
- ☐ New Staff Member – Temporary for project
- ☐ Computer Hardware/Software

☐ **Furniture & Equipment**

☐ **Computer Hardware/Software/Supplies**

☒ **New Staff Resources** (see Staff Costing Tool)
- ☒ **Permanent**
- ☐ **Temporary**

Temp Duration: _____

☐ **Other – please describe:** _____

Date of Funding Request Submission:
Sept. 26, 2022

Funding Required for (date range):
$33,000: April 1, 2023 – March 31, 2024 and ongoing annually

ISSUE/OPPORTUNITY:

The need to assess Planning Services administrators (admin staff) admin staff duties has been an intended part of the Planning Services renewal program for several years. Admin staff face significant changes in personnel, proposed office re-locations, and shifting demands of time allocation due to a combination of increased workload and managing an increasing and shifting complex series of legislative processes and file management. There has been reconsideration of admin staff needs since 2008 aside from part time support for bylaw enforcement and compliance needs.

The current structure of the admin staff is the following:

Grid level	Position	Primary duties (in brief)

9	Office Admin Assistant (North and SSI)	Administrative support. Reception, supplies, office needs, information technology needs, records management, meeting coordination, webposting
9	Bylaw Compliance & Enforcement Assistant (Victoria)	Administrative support for bylaw compliance and enforcement team – includes reception, research, taking minutes, preparing reports and assisting the Director (40%)
9	Planning Team Assistant	Planning team and LTC administrative support. Application management, meeting coordination, enquiry support, assist with agenda preparation, webposting
14	Legislative Clerk	Leadership and guidance regarding LTCs legislative and legal processes (including Public Hearings, bylaw adoption, notification requirements, permits, RWMs, agendas, oaths, deputy secretary)

The proposal is to adjust the duties of staff to better meet the current and anticipated demands. The proposal includes creating specialists in order to meet more complex demands (ex: FOI requests and harmonization of legislative, procedural, and operational procedures) while also creating opportunities for advancement within the organization. The specialists would see the evolution of Legislative Clerks into a higher grid level. This in turn would require some deferral of responsibilities to the Planning Team Assistants which in turn would lead to a higher grid level for that position. This has already been organically happening within respective teams but without proper compensation for the leadership roles that Legislative Clerks have been taken and without recognizing the significant efforts and achievements of other admin staff. The success of the admin staff has been primarily due to their willingness to help one another above and beyond their respective duties. This may change as office locations change, staff retire, and efforts are made to centralize processes. Thus the need to prepare for these changes includes creating opportunities for new staff that reflects reality and anticipated near future events.

PROJECTED RESULTS/DELIVERABLES:

The projected result would be a redistribution of duties and hierarchy of admin staff within Planning Services. This presents better opportunities for learning, advancement, and staff retention while meeting the demands both current and anticipated. Specifically, three Planning Team Assistants (one in each office) would be elevated from grid level 9 to grid level 11 while the three Legislative Clerks (one in office) would be elevated from grid level 14 to grid level 18 with a total financial impact of approximately $25,000 - $30,000.

RISK ASSESSMENT:

Risk: Incoming staff see little opportunity for advancement and/or little reason to strive for advancement. This reduces resiliency and creates vulnerability. Implementing the change will mitigate.

Risk: Public Service Agency (PSA): reclassification of positions requires agreement from the PSA. While staff have researched benchmark positions for comparable provincial staff positions, the PSA has yet to be engaged. PSA staff will need to be engaged and a thorough argument presented.

Risk: Other admin positions within the Islands Trust staff may seek similar reconsideration of their duties and respective grid level. This is an opportunity to review more admin needs within the organization.

ALTERNATIVES CONSIDERED:

Option 1: Do nothing. Admin staff have performed admirably for years. The evidence is sometimes in that no negative impacts have occurred (ex: no process related litigation has been brought against the Islands Trust or few ads/notices/permits have needed corrections). However, this assumes the status quo and ignores retiring admin staff, staff leaving for better opportunities (both for advancement and pay), and fails to meet the demand presented today and in the near future.

Option 2: Fully implement. The benefits are discussed above. The impact is a comparatively small financial commitment (all other positions in the organization are better compensated).

CRITICAL SUCCESS FACTORS:

Fully implement. The impacts of not implementing are summarized in Option 1 above.

RECOMMENDED OPTION:

Option 2. The next year will see at least two admin staff retire, likely one relocate and several seek better opportunities. While some of these changes are inevitable, some are due to a lag in meeting Admin staff and organizational needs.

COST/BENEFIT ANALYSIS:

Quantitative Analysis:
Rates effective April 11, 2021

Current Grid	*# of positions affected*	*Range of pay ($)*	*Grid change*	*Range of Pay ($)*	*Difference ($)*
9	*3 (PTAs)*	*64,000*	*11*	*68,000*	*4,000 (X3) = 12,000*
14	*3 (Leg Clerks)*	*81,000*	*18*	*88,000*	*7,000 (X3) = 21,000*
				Total	***= 33,000***

The overall financial impact is approximately $33,000 annually.

Qualitative Analysis:
The changes would help create better opportunities and meet current demands.

PURCHASING PROCEDURE:

Reclassification of existing positions requires a process between the union (BCGEU) and the employer (PSA).

PROPOSED IMPLEMENTATION STRATEGY:

Staff will engage discussions with PSA and the Union once the budget is approved. It is anticipated that this process will take several months thus be fully implemented In June or July 2023.

STAFF RESOURCING:

Senior management and the employee coordinator will need to prepare for and meet with relevant BCGEU and PSA staff.
Several meetings with Admin staff will need to occur (and have already begun) to reconsider duties. Training opportunities will be encouraged and promoted and are already considered in the budget.

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:

Management have had several meetings with admin staff both recently and over the last numerous years. These discussion will remain ongoing.

Stefan Cermak, Director of Planning Services	Sept. 29, 2022 (updated Nov. 7, 2022)
Initiator Name, Title	Date
Reviewed by Department Lead: Name, Title	Date

REQUEST FOR DECISION

To:	Executive Committee	**For the Meeting of:**	February 13, 2023
From:	Trust Area Services	**Date Prepared:**	February 7, 2023
SUBJECT:	Revised Policy Statement Amendment Project Business Case FY 2023-24		

RECOMMENDATION:

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

- **Reducing Policy Statement Amendment Project funding to $50,000, and forwarding the amended Policy Statement Amendment Project 2023/24 business case to the Financial Planning Committee.**

CAO COMMENTS: The recommendations reflect renewed advice from Financial Planning Committee and staff since Executive Committee passed motions regarding budget recommendations on October 5, 2022 and November 2, 2022.

1 PURPOSE: For Executive Committee to make changes to its recommended budget allocations for the Policy Statement Amendment Project in Fiscal Year 2023/24.

2 BACKGROUND:

In August 2022, Trust Programs Committee requested that Executive Committee include funding for an enhanced communications strategy within the 2023/24 business case for the Policy Statement Amendment Project.

At its October 5, 2022 meeting, Executive Committee received a draft Policy Statement Amendment Project Business Case for 2023/24 with a proposed $140,000 budget. Executive Committee requested that the business case be revised to reflect a $100,000 budget.

On November 2, 2022, the Executive Committee received a revised business case for review with a $100,000 budget. Executive Committee directed amendments to the business case to include in-person staff attendance at LTC/BIM meetings for a proposed 2023/24 project budget of $105,500. The business case was forwarded to Financial Planning Committee.

On November 25, 2022, the Financial Planning Committee received the business case and directed staff to adjust the budget for the Policy Statement Amendment project to be capped at $50,000 and that options be provided to Trust Council to adjust the scope of work pending approval of the budget in due course.

As a result, staff have prepared a revised business case for Executive Committee review and approval that reflects a $50,000 budget. This business case has been provided to Financial Planning Committee with a note that it is pending Executive Committee approval.

The recommended business case includes:

- $25,000: Implementation of Communications Strategy (design, development and distribution of engagement materials and supports, promotional ads, mail-outs, etc.)
- $20,000: Public Engagement Phase 4
  (in-person engagement events/special meetings for some LTCs/IMs as desired, staff travel, etc.)
- $5,000: Legal Services

Staff believe the project can be successfully delivered on this budget but caution that Trust Area Services will have lower capacity for other work. The business case supports public engagement via local trust committees and island municipalities which can undertake local engagement at their discretion to inform their referral responses.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Minimal.

FINANCIAL: Staff will advise Financial Planning Committee and amend the draft budget as requested.

POLICY: N/A

IMPLEMENTATION/COMMUNICATIONS: Staff have provided the draft business case to Financial Planning Committee for the February 14, 2023 meeting and will advise Financial Planning Committee of any Executive Committee changes verbally at their meeting.

FIRST NATIONS: The proposed business case assumes that no capacity funding will be provided to First Nations for the referral after First Reading, as is the practice at Islands Trust. Capacity funding is being provided in 2022/23 for the third round of early engagement with First Nations.

OTHER: N/A

4 RELEVANT POLICY(S): Policy 6.3.1 Budget Process Policy; Policy Statement Amendment Policy

5 **ATTACHMENT(S):** Revised Policy Statement Amendment Project 2023/24 business case ($50,000)

RESPONSE OPTIONS

Recommendation:

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

- **Reducing Policy Statement Amendment Plan funding to $50,000, and forwarding the amended Policy Statement Amendment Project 2023/24 business case to the Financial Planning Committee.**

Alternatives:

1. Amend the resolution or draft business case and request that staff convey the requested budget changes/amended business case to Financial Planning Committee.

Prepared By: Clare Frater, Director, Trust Area Services

Reviewed By/Date: Russ Hotsenpiller, CAO / February 7, 2023

Budget Funding Request
Short-Form Business Case

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TO BE COMPLETED BY INITIATOR

Initiated by (name, title):
Executive Committee
DRAFT TO BE REVIEWED/APPROVED BY EXECUTIVE COMMITTEE ON FEB. 13, 2023

Business Area:
Trust Council Initiatives - Trust Area Services

Name of Request:

Policy Statement Amendment Project (PSAP)
$50,000

(NOTE: In Nov 2022, EC recommended reducing the draft budget from $140,000 to $105,500.
In December 2022, FPC recommended the project budget be capped at $50,000 and that options be provided to Trust Council to adjust the scope of work pending approval of the budget in due course).

Budget Source (select all that apply):

- ■ **Specific Project Funding** (select all that apply)
  - ■ Third Party Contractors
  - ■ Staff Travel Expense
  - ■ Staff Overtime Expense
  - ☐ New Staff Member – Temporary for project
  - ☐ Computer Hardware/Software
- ☐ **Furniture & Equipment**
- ☐ **Computer Hardware/Software/Supplies**
- ☐ **New Staff Resources** (see Staff Costing Tool)
  - ☐ **Permanent**
  - ☐ **Temporary**
- ■ **Other – please describe: _____**

Revised Budget Breakdown:
-$25,000: Implementation of Communications Strategy (design, development and distribution of engagement materials and supports, promotional ads, mail-outs, etc.)
-$20,000: Public Engagement Phase 4
(in-person engagement events/special meetings for some LTCs/IMs as desired, staff travel, etc.)
-$5,000: Legal Services

Date of Funding Request Submission:
February 13, 2023

Funding Required for (date range):
April 1, 2023 – March 31, 2024

ISSUE/OPPORTUNITY:

Trust Council's Policy Statement Amendment Policy (1.2.1) states that each term, Trust Council will identify Policy Statement review and/or amendment tasks. Early on in the 2018-2022 term, Trust Council requested Executive Committee, with involvement from Trust Programs Committee as appropriate, to review and develop recommendations for amendments to the Islands Trust Policy Statement, primarily through the priority lenses of reconciliation, climate change, and affordable housing. This multi-year project commenced in 2019 and has involved, to date, three phases of public engagement, two phases of early and meaningful engagement with First Nation governments, substantial review and analysis by Trust Programs Committee and Executive Committee, and periodic Trust Council discussion. The project will reach completion after the draft new Policy Statement bylaw has achieved first, second, third, and fourth reading by Trust Council and final adoption by the Minister of Municipal Affairs.

In September 2022, Trust Council passed the following resolution**:**

That Trust Council request staff to prepare a Policy Statement Amendment Project Communications Strategy for the consideration of the incoming Executive Committee and Trust Council in early 2023.

Staff have contracted a communications consultant in FY 2022-23 to develop the communications strategy which will be delivered to Executive Committee at its February 22, 2023 meeting.

The funding requested via this business case will support implementation of a project charter approved by Trust Council. The requested funds would be spent as follows:

- $25,000: Implementation of Communications Strategy (design, development and distribution of engagement materials and supports, promotional ads, mail-outs, etc.). It is recommended that these materials are prepared prior to any engagement on the new draft.
- $20,000: Public Engagement Phase 4 (in-person engagement events/special meetings hosted by some LTCs/IMs as desired, staff travel, etc.)
- $5,000: Legal Services

PROJECTED RESULTS/DELIVERABLES:

The project will result in Draft 2 of the revised Policy Statement, legal review of the draft, development of communications materials, and referrals to local trust committees and Bowen Island Municipality who may undertake local public engagement, with some Trust Area Services staff support, at regular or special meetings to inform their referral responses, as well as referrals to the Islands Trust Conservancy Board, First Nation governments and regional districts in FY 2023-24.

RISK ASSESSMENT:

The lack of a proactive communications strategy at the outset of the project, lack of political consensus, ongoing vacancies in the TAS Communications Specialist position, and widespread misinformation about the project have slowed progress on the Policy Statement Amendment Project in recent years. To mitigate these risks going forward, Trust Council requested staff in September 2022 to develop a communications strategy to be implemented in FY 2023-24. Learning lessons from the project's evolution to date, the communications strategy stresses that the development of proactive, engaging, and substantive communications materials are necessary prior to the next draft of the Policy Statement being publicly available.

ALTERNATIVES CONSIDERED:

Option 1: $50,000 – As described above
Option 2: $30,000 – As described above, without $20,000 budget for local engagement events
(no special LTC/IM meetings or engagement activities; no in-person staff participation; public engagement opportunities would be restricted to regular LTC/IM meetings and virtual staff participation)
Option 3: $15,000 – Preparation of very basic engagement materials and legal review
(no implementation of communications strategy; no special LTC/IM meetings; no in-person staff participation)

CRITICAL SUCCESS FACTORS:

- Full staffing levels within Trust Area Services
- Adequate internal and external communications to build a shared understanding by members of Trust Council, First Nations, referral agencies, and the public, on the revised draft Policy Statement and the project purpose, scope, and timeline.

RECOMMENDED OPTION:

Option 1 is recommended at this time.

COST/BENEFIT ANALYSIS:
Quantitative Analysis:
Comparative regional growth strategy/official community plan update processes in BC local governments have notably higher budgetary estimates and cover smaller geographic areas.
Qualitative Analysis:
Amending the Islands Trust Policy Statement will enable Trust Council to more effectively carry out its mandate to preserve and protect the unique amenities and environment of the Trust Area. It will also help to fulfill Trust Council's commitments to address reconciliation, climate change, and housing.

PURCHASING PROCEDURE:
All expenditures will be in accordance with Procurement Policy 6.5.3.

PROPOSED IMPLEMENTATION STRATEGY:
As outlined above and as per the new Policy Statement Amendment Project Charter and Communications Strategy to be endorsed by the new 2022-26 Trust Council.

STAFF RESOURCING
In FY 2023-24, the project will occupy the majority of the Senior Policy Advisor's time and may require support from staff across the organization. Without additional staff resources, Trust Area Service's (TAS) regular workload would need to be reduced. During critical periods, a certain amount of overtime is expected to fulfil project needs.

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION: (*Are there any concerns and how will these be addressed? Have other stakeholders been identified*?)
Change management, communications, and collaboration will be addressed via the development of a communications strategy for the project, along with an updated project charter, as directed by Trust Council and its committees in early 2023.

Clare Frater, Director, Trust Area Services	**February 7, 2023**
Initiator Name, Title	Date
Reviewed by Department Lead: Name, Title	Date

REQUEST FOR DECISION

To:	Executive Committee	**For the Meeting of:**	February 13, 2023
From:	**Trust Area Services**	**Date Prepared:**	February 6, 2023
SUBJECT:	**Agreement with Snaw-Naw-As First Nation**		

RECOMMENDATION: That Executive Committee request staff to cooperate with Snaw-Naw-As First Nation to develop a protocol agreement for Trust Council's consideration.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: Development of a protocol agreement with Snaw-Naw-As First Nation demonstrates Council's commitment to building collaborative relationships with First Nations in the Trust Area.

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1 **PURPOSE:** To seek Executive Committee direction for staff to negotiate a protocol agreement with Snaw-Naw-As First Nation.

2 BACKGROUND:

In late 2022, staff were contacted by legal counsel for Snaw-Naw-As First Nation regarding the possibility of a protocol agreement. On December 5, 2022 a preliminary meeting was held with Snaw-Naw-As First Nation leadership and Chair Luckham, Trustee Elliott, Trustee Lironi and Trustee Peterson. In January 2023, Snaw-Naw-As First Nation forwarded a draft 'term sheet' which staff are still reviewing. Snaw-Naw-As First Nations has indicated that they would like the agreement negotiations concluded by the end of March 2023.

As indicated in s. 9(1)(e) of the Islands Trust Act, the Islands Trust Council can enter into agreements with First Nations on its own behalf, or on behalf of one or more local trust committees. The protocol agreement would not take effect until it has been approved by the Minister of Municipal Affairs.

If adopted, the protocol agreement would make some organizational commitments, including the creation of a working group that would meet on a regular basis.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: This is expected to take a two days of time for the Trust Area Services Director (in the absence of a Senior Intergovernmental Policy Advisor) and will require review by the CAO and Legislative Services Manager. Other staff may also be involved in meetings as appropriate.

FINANCIAL: Approximately $2,000 for legal review, as needed.

POLICY: None. The lessons learned from this process may result in future recommendations for policy/bylaw amendments.

IMPLEMENTATION/COMMUNICATIONS: Staff will propose amendments to the draft document provided by Snaw-Naw-As First Nation for discussion with Snaw-Naw-As First Nation in February 2023. Following that meeting, staff will draft further changes and, depending on the outcome of that meeting, may prepare the agreement for first reading by Trust Council in March 2023 (late item for the Executive Committee February 22, 2023 meeting).

Staff will also advise Ministry staff that a draft agreement is in progress and will be provided to the Minister for approval in due course.

FIRST NATIONS: Development of an agreement with Snaw-Naw-As First Nation could strengthen the relationship, reduce the likelihood for misunderstandings and promote relationship building.

OTHER: None.

4 **RELEVANT POLICY(S):**
Policy on Coordination Agreements: https://islandstrust.bc.ca/document/policy-2-1-4-coordination-agreements-process/

Trust Council's Bylaw No. 65: https://islandstrust.bc.ca/document/trust-council-protocol-process-bylaw-no-65/

5 ATTACHMENT(S): None.

RESPONSE OPTIONS

Recommendation: That Executive Committee request staff to cooperate with Snaw-Naw-As First Nation to develop a protocol agreement for Trust Council's consideration.

Alternative: Request staff to not proceed with the project.

Prepared By: Clare Frater, Director, Trust Area Services

Reviewed By/Date: Russ Hotsenpiller, CAO, February 8, 2023

BRIEFING

To:	**Executive Committee**	**For the Meeting of:**	February 22, 2023
From:	**Director, Administrative Services**	**Date Prepared:**	February 3, 2023
SUBJECT:	**Actual and Forecasted Over Expenditures**		

PURPOSE:

To inform Executive Committee of actual and forecasted overspending in individual general ledger (GL) accounts for the fiscal 2022/23 year, in accordance with Islands Trust Council Policy 6.5.2 *Budget Control and Adjustment Authority*.

BACKGROUND:

Trust Council Policy 6.5.2 *Budget Control and Adjustment Authority* provides the authority by which periodic adjustments can be made to the approved annual operating budget and the timing when Trust Council and the minister have to be notified of either changes to the budget or anticipated operating deficits. Section D. 3 reads:

> *"When an actual or anticipated over expenditure (whichever comes first) exceeds $20,000 for a project or general ledger budget line within an Operational Unit, management must inform the Executive Committee at the next scheduled Executive Committee meeting, and continue to provide reports on the status of the project or budget line to the Executive Committee on a monthly basis, or as frequently as requested by the Executive Committee. Upon being informed of an over expenditure, the Executive Committee will decide what initial corrective action will be taken, if any. Copies of all Executive Committee notifications and reports on over expenditures will be copied to members of the Financial Planning Committee."*

Third quarter financial forecasts prepared based on December 31, 2022 actual information adjusted for anticipated spending for the remainder of the fiscal period have identified general ledger budget lines which are forecasted to be overspent in excess of $20,000. Staff provide information to inform Executive Committee of these areas, per policy direction, as follows:

General Ledger Budget Line	Approved Annual Budget ($)	Forecasted Annual Spending ($)	Forecasted Over-spending ($)	Reason	Mitigation suggestion, if required
Legal – General	48,784	72,000	*23,216*	Increased legal requests associated with: ITC 5-year plan, New Council term logistics, North Pender LTC legal enquiries	This forecasted overspending is offset by almost equal forecasted underspending in Legal – Bylaw Enforcement Litigation costs. As such, no further action is planned to address this line.

Legal – Litigation Defence	85,551	152,000	*66,449*	Higher than anticipated costs for defending challenges to local trust committees' land use bylaws.	As directed by EC, if required.

There are several general ledger items which are forecasted to be underspent within the Islands Trust budget. As Policy 6.5.2 does not provide directive to report on the specifics of these line items, no discussion is advanced on significant areas of underspending in this report unless they have been intentionally used to offset significant areas of overspending, as noted in the above table. However, areas of underspending that are not mentioned will offset the above areas of overspending in the overall Trust budget. Details of all forecasted overspending and underspending by line item can be found in the December 31, 2022 Financial Forecast presented to FPC at their February 14, 2023 meeting.

On an overall basis, the approved budget provided for spending of approximately $9.3M. Forecasted spending is anticipated at approximately $8.9M for the fiscal year, generating a net underspending of approximately $400,000. Adjustments to remove capital spending at year-end will further increase the noted level of underspending. As such, it is reasonable to conclude that the areas of individual overspending noted above will not put the total Islands Trust budget in jeopardy.

ATTACHMENT(S):

1. None.

FOLLOW-UP:

A copy of this Executive Committee notification report has been provided to members of the Financial Planning Committee in accordance with Policy 6.5.2 s3. Further direction may be received from Executive Committee.

Prepared By: Director, Administrative Services
Reviewed By/Date:

From: LWRS Coast Marine LWRS:EX <LWRS.CoastMarine@gov.bc.ca>
Sent: Monday, January 16, 2023 2:29 PM
Subject: Invitation to register for the BC Coastal Marine Strategy Policy Forum

Hello! We are pleased to invite you to register for the

BC Coastal Marine Strategy Policy Forum

Date: March 7 (afternoon), March 8 (full day), 2023
Location: Vancouver, BC

CLICK HERE TO REGISTER

The Province is developing a Coastal Marine Strategy with First Nations that will lay out a plan for addressing priorities for coastal-marine ecosystem health and community well-being.

We are in the early stages of policy development that starts with an Intentions Paper that presents a vision for protecting the ecological, cultural, and economic benefits provided by the coastal marine environment. It outlines what we want to do, and why. Specific projects, programs, or prescribed approaches to implementation will take shape as the Coastal Marine Strategy is developed over the next 12 months.

Last December, the public was invited to review and comment on the Intentions Paper. Public consultation remains open until April 14, 2023.

The purpose of this Forum is to gather stakeholders and local government together to share impressions of the policy direction outlined in the Intentions Paper, and to discuss priorities for management of the coastal-marine environment over the next 20 years. Looking ahead to development of the Coastal Marine Strategy, we'd like to spend time talking about potential solutions to address our shared challenges and opportunities.

Forum Schedule

This event will be held in-person at the Morris J Wosk Centre For Dialogue, 580 Hastings St W, Vancouver BC. The schedule, which is subject to change, is as follows:

March 7, 2023 - 1:00pm-4:30pm

March 8, 2023 - 9:00am-4:00pm

Lunch will be provided on March 8; there will be refreshments on both days.

Agenda

A detailed agenda and additional logistical information will be circulated to registrants in advance of the forum.

Event Registration

Please note that due to space constraints, registration is limited at this time to 1 representative from each organization/group. If there is a strong desire to have multiple representatives, please send us an email at lwrs.coastmarine@gov.bc.ca and we will add you to a waitlist.

Please click on the registration icon above to confirm your attendance. We encourage you to register early as the event is anticipated to fill up quickly. Registration will close January 31. If you are unable to attend at the last minute, we would appreciate an email notifying us of your cancellation.

Preparatory Session

An overview of the Intentions Paper will be provided at an upcoming virtual information session on **February 16, 2023 from 10:00am-12:00pm (email sent separately to registrants). Note that there are no limits on attendance for this preparatory session and registration is not required.*

We greatly value your input and look forward to engaging with you at the forum.

The Coastal Marine Strategy Team

From: Katherine Pearce <kpearce@communityenergy.bc.ca>
Sent: Friday, January 20, 2023 3:21 PM
To: Tobi Elliott <telliott@islandstrust.bc.ca>; information <information@islandstrust.bc.ca>
Cc: Russ Hotsenpiller <rhotsenpiller@islandstrust.bc.ca>; mayor@duncan.ca
Subject: Item for Board Agenda: VICC-CLP steering committee representation

Good afternoon,

Please find attached a letter from Mayor Staples, Chair of the Vancouver Island and Coastal Communities Climate Leadership Plan (VICC-CLP) Steering Committee requesting an appointee(s) from the Islands Trust to the committee. We kindly request that this item be added to the agenda of your upcoming board meeting.

Warm regards,

Katherine Pearce, Climate Collaboration Coordinator
Phone: 250-469-6783 ext. 715

Community Energy Association

Connecting Communities, Energy & Sustainability

January 20, 2023

Dear Regional District Chair,

Congratulations on being elected this past October to serve your community and on becoming board chair. I am writing to you on behalf of the Vancouver Island and Coastal Communities Climate Leadership Plan (VICC-CLP) Steering Committee. In 2019, your regional district appointed a representative to work on a joint committee of RD representatives in the AVICC region to lead the development of an Island and Coastal community wide climate action plan. We have reconvened following the latest election and are writing to request an updated appointee from your regional district to serve on this steering committee for this new term.

The committee was formed following AVICC 2019 and led by three chairs, then Mayor Josie Osbourne of Tofino, then Mayor Lisa Helps of Victoria and myself. While we were able to continue work through Covid, it set our work plan back as it did with so many things yet we continued on and made significant progress. At this time I am the remaining chair and am looking forward to the addition of two more co-chairs once appointments are completed by AVICC area regional districts.

The mission of the VICC-CLP steering committee is to create a climate action plan for Vancouver Island and Coastal Communities that draws on and builds from the unique circumstances of our individual communities – rural and urban – at the same time as thinking and working as a whole region. The idea to form a steering committee was developed from a climate workshop that took place at the Association of Vancouver Island and Coastal Communities convention in April 2019. Over fifty elected officials from across the island and coast attended, with key areas of discussion including the impacts of climate change already being felt in communities across the region, the lack of capacity for small and rural local governments and First Nations to mitigate and adapt to climate change, and the desire to learn from each other and share best practices. At the end of the meeting, the group agreed to create a working group comprised of one elected official from each sub-region.

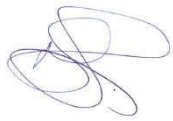
Since that time, climate events and their impacts on our communities have intensified. We have made significant progress in working together to build relationships, gather data, and engage with stakeholders, and are close to completing a 2030 Vancouver Island and Coastal Communities Climate Leadership Plan (VICC-CLP) for the AVICC region which will enhance local efforts and drive deeper collaboration. Work completed to date has included Phase 1: Research and Data Collection and Phase 2: Engagement. The next step, Phase 3, involves the completion of the plan. Recognizing that our ad hoc Steering Committee needs a home and project coordination as we move from the development of the VICC-CLP to implementation, we have partnered with the Community Energy Association (CEA) to act as the secretariat for VICC-CLP in Phase 3 and potentially beyond as we advance the project from planning to implementation. CEA is also launching a parallel regional peer network for local government staff in the corresponding geographic region which will offer an opportunity for staff to share and receive

feedback and provide a linkage between the goals of the VICC-CLP steering committee and the work being done in communities, furthering opportunities for collaborative implementation.

We hope this can be on your next agenda as we have our first working group meeting in February following LGLA and look forward to working with either the returning or new representative(s) to the VICC-CLP Steering Committee.

Please let me know if you have any questions.

Sincerely,



Mayor Staples, Duncan, VICC-CLP Steering Committee Co-Chair
mayor@duncan.ca

For more information about VICC-CLP and the work completed to date, please visit:
http://www.viccclp.com/

From: Dr. Ian Cameron <ianc@uvic.ca>
Sent: Sunday, January 15, 2023 9:48 PM
To: Ian Cameron <ianc@uvic.ca>
Subject: Upcoming SIPS Roundtable

Good day. You are receiving this email because you are on the list as someone who has attended Roundtables on the Saanich Inlet, organized by the Saanich Inlet Protection Society (SIPS). If you would like to be removed from this list, please let me know.

There are two items. First, the next Roundtable will be held at 2:00 PM on February 23, at SHOAL Centre in Sidney. Please put it on your calendar. The agenda will be sent out early in February, and will include a session on Bamberton, which brings me to the second item.

An application has been made to effect a huge increase in the activities at Bamberton, including the size of the rock quarry and acceptance of contaminated soil. SIPS has requested an environmental hearing on this issue, and the SIPS board urges you to make your voice heard. To find out how, visit the SIPS website and hit the link to BAMBERTON on the home page. https://saanichinletprotection.org/ There is a link on the Bamberton page that will tell you what to do. Public Feedback and Virtual Information Session.

I hope to see you at the Roundtable.

Ian Cameron

From: Joan Robertson <[redacted]
Sent: January 24, 2023 11:52 AM
To: Peter Luckham; Timothy Peterson; Tobi Elliott; David Maude
Cc: Robert Kojima; Kim Stockdill
Subject: Application of Islands Trust Policy, STANDARDS OF CONDUCT

Dear Trust Executive and Staff,

I'm writing in reference to the application of the Islands Trust Policy 2.1.2, Standards of Conduct, with regards to one of Galiano Island's newly elected Trustees, Ben Mabberley. My concern is that both the civil court actions by the Galiano Local Trust Committee (BC Supreme Court File #S2010299 filed Oct. 15 2020) and by the Islands Trust Council (BC Provincial Court File #220252 filed July 15, 2022) remain ongoing at this time, putting in question the ability of this Trustee to perform 'the chief function (of any elected official of the Islands Trust organization) …. to adhere to the Trust Policy.' [Standards of Conduct B. Policy, 1. Performance of Duties: 1.1].

Thankfully, the Standards of Conduct B. Policy, 5. Review Process, outlines a sensible, straight-forward procedure for the Executive Committee (and the CAO) to address this concern.

Further, there is a clearly laid-out time-line. The sooner this issue is addressed and resolved, the better it is for everyone to get ahead with the challenges of running the business of the Islands Trust in a strong, efficient manner which 'foster(s) public confidence in the Islands Trust's integrity.'

Thanking you for your valuable work for the Islands Trust,

Joan Robertson

[redacted],

Galiano Island, BC

January 17, 2023

Re: GLTC Trustee Ben Mabberley

To Trust Executive and Trust Staff,

The undersigned residents of Galiano request that Island's Trust Staff formally refer this letter to the Executive Committee pursuant to Section B subsection 5 of the Standards of Conduct and that the Executive convene a Conduct Review Panel respecting Galiano Local Trustee Ben Mabberley.

1. Trustee Mabberley's activities were the subject matter of 2 civil court actions brought by the Galiano Local Trust Committee (GLTC) and Islands Trust Council at the time he was elected. Both of these files are available from Trust administration. Those actions are ongoing being:

    a. BC Supreme Court File # S2010299 filed Oct 15, 2020: GLTC v Mabberley.

    The Supreme Court action is to restrain Trustee Mabberley from carrying out various non permitted activities on his land zoned F1 (managed forest land) under Galiano Land Use Bylaws. Those activities include commercial firewood production using wood not from his land; commercial welding operation and commercial equipment storage. In addition, an Order is sought requiring Trustee Mabberely's land to be remediated as a result of unlawful gravel extraction and processing without a development permit and in contravention of a covenant held by Ministry of Transportation and the CRD. The gravel extraction is within areas designated for the purpose of protecting the natural environment, ecosystems and biological diversity. These activities remain ongoing in whole or in part in spite of court action being undertaken.

    The ongoing Supreme Court Action is brought in the name of the Galiano Local Trust Committee of which he is a member. How is this possible? How does this even remotely fit within what is contained in the Standards of Conduct?

    b. B.C. Provincial Court File# 220252 filed July 15, 2022: Island's Trust Council v Mabberley.

    The Provincial Court action taken by Bylaw Enforcement on behalf of Trust Council is for unpaid fines imposed for Non-Permitted Use in Forest 1 Zone and Non Permitted Building in Forest 1 Zone. Both fines remain unpaid by Trustee Mabberley.

2. The Purpose provisions of the Standards of Conduct include to "foster public confidence in the Islands Trust's integrity".

The Policy set out in paragraph B provides "that certain ethical Principles shall govern the conduct of any elected official who shall": (Note the mandatory requirement)

- **B 1.1:** "Recognize that the chief functions of a trustee are to serve the public, advocate the Trust mandate, and adhere to the Trust Policy";
- **B 1.2:** "Avoid situations that could impair or fetter their judgement in the performance of their duties, or give that impression to others";
- **B 1.3:** "Conduct themselves in a manner that does not detract from the public image, integrity or responsibilities of the Islands Trust"; and
- **B 1.4:** "Carry out their duties with impartiality and equality of service to all".

What is clear is that Trustee Mabberley's conduct:

- Conflicts with respect for and compliance with the authority of the Islands Trust;
- Creates a situation that could impair judgement in the performance of his duties or give that impression to others;
- Contradicts the image and integrity of the Islands Trust;
- Demonstrates partiality to the private interests of F1 landowners to the detriment of the public interest and purposes of the Islands Trust; and
- Breaches his sworn oath of office to uphold the preserve and protect mandate as evidenced by his own past and continuing unlawful activities on Forest lands.

3. In addition to the Standards of Conduct, **Sections 24 and 28 of the Islands Trust Act** provide that local trust committees are expected to enforce bylaws. Fines imposed or collected are to be paid to Trust Council.

   Trustee Mabberley sits at the table with members of Trust Council while having been fined for bylaw violations which he refuses to pay, although imposed by the GLTC. Trust Council has an unresolved collection action against Ben Mabberley, a sitting Trustee, who has both a statutory obligation to enforce bylaws and the legal requirement of all citizens to pay fines imposed by law. Islands Trust has and continues to incur significant legal costs and staff resources dealing with Trustee Mabberley.

Anyone having these facts would ask how residents of Galiano can be expected to respect and abide land use bylaws or pay a fine when their trustee clearly holds himself exempt. How can Ben Mabberley sit as a Trustee when his actions do not imply respect for either land use bylaws of the island of which he is a Trustee, nor to Trust Council to which fines are outstanding?

In the 46-year history of the Trust, there has never been an elected trustee to our knowledge among the hundreds who have served on Trust Council to be in the position Trustee Mabberley has deliberately placed himself in. Unequivocally Trust Executive and Council have a mandatory statutory

obligation to deal with this matter. If Trust Executive ignores the conduct of Trustee Mabberley they themselves will detract from the image and integrity of the Islands Trust and bring the Trust into disrepute. In conclusion, how would a reasonable person think about the integrity of the Islands Trust while reading a Times Colonist account of the court documents filed by the GLTC and Trust Council against a sitting Galiano Trustee?

We ask that Trust Executive proceed expeditiously with the Review Process set out in section 5 of the Standards of Conduct. In the interim it is submitted that there is sufficient evidence herein to preclude Trustee Mabberley from making motions, participating in Local Trust Committee discussions or voting on any land use issues or bylaw enforcement amendments respecting Galiano. We ask that Trust Executive deal with this interim measure on an urgent basis.

Sincerely,

Doug Latta
Elizabeth Latta
Brad Lockett
Jenna Falk
Don Anderson
Sheila Anderson
Mark Czuma
Louise Decario
Frank DeWard
Tahirih Rockafella
Allan Forget
Louise Decario
Brian Mitchell

Long-time residents of Galiano Island.

Form 1 (Rule 3-1 (1))

SUPREME COURT
OF BRITISH COLUMBIA
VANCOUVER REGISTRY

OCT 15 2020

S2010299

No.
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

GALIANO ISLAND LOCAL TRUST COMMITTEE

PLAINTIFF

AND:

BENJAMIN MABBERLEY

DEFENDANT

NOTICE OF CIVIL CLAIM

This action has been started by the Plaintiff for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

(a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and

(b) serve a copy of the filed response to civil claim on the Plaintiff.

If you intend to make a counterclaim, you or your lawyer must

(a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and

(b) serve a copy of the filed response to civil claim and counterclaim on the Plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the Plaintiff,

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71442 S2010299

(a) if you were served with the Notice of Civil Claim anywhere in Canada, within 21 days after that service,

(b) if you were served with the Notice of Civil Claim anywhere in the United States, within 35 days after that service,

(c) if you were served with the Notice of Civil Claim anywhere else, within 49 days after that service, or

(d) if the time for response to civil claim has been set by order of the court, within that time.

Claim of the Plaintiff

Part 1: STATEMENT OF FACTS

1. The Plaintiff, the Galiano Island Local Trust Committee (the "Local Trust Committee") is a local trust committee under the *Islands Trust Act*, R.S.B.C. 1996, c. 239 that has its administrative office at 200 - 1627 Fort Street, Victoria, BC V8R 1H8.

2. The Defendant, Benjamin Mabberley, is the registered owner of, and resides on, land legally described as PID: 023-531-975, Lot 1 District Lot 12 Galiano Island Cowichan District Plan VIP63916 (the "Property").

3. The Property is located on Galiano Island, which is within the "trust area" as defined in the *Islands Trust Act* of the Local Trust Committee.

4. The Property has the civic address of 1128 Montague Road, Galiano Island BC.

5. The Property is presently classified as managed forest land under the *Assessment Act*.

6. Since at least 2017, the Defendant has:

   (a) extracted, or allowed the extraction of, gravel and other minerals from the Property (the "Gravel Extraction Activities"); and

   (b) used equipment, or allowed the use of equipment, on the Property to process gravel and other minerals (the "Gravel Processing Activities").

7. The Extraction Activities and Processing Activities have been used to generate gravel and aggregate that is trucked off the Property and used for construction projects on Galiano Island.

8. Since at least 2017, the Defendant has been bringing onto the Property timber harvested elsewhere on Galiano Island and cutting the timber into firewood for commercial sale (the "Firewood Business").

9. Since at least 2017, the Defendant has been using a large building on the Property for a commercial welding operation (the "Welding Business").

10. The Defendant has also been parking and storing, or allowing the storage of, vehicles and equipment for a well drilling company (the "Commercial Storage Use").

No Development Permit for Gravel Extraction Activities

11. Portions of the Property are within the Development Permit Area 4 – Elevated Groundwater Catchment Area ("DPA 4") and Development Permit Area 7 – Steep Slope Hazard ("DPA 7"), development permit areas designated under the Galiano Island Official Community Plan Bylaw No. 108, 1995 (the "OCP Bylaw").

12. DPA 4 is designated for the purpose of protecting the natural environment, its ecosystems and biological diversity and for the establishment of objectives to promote water conservation.

13. DPA 7 is designated for the purpose of protecting development from hazardous conditions.

14. The Gravel Extraction Activities are occurring in DPA 4 and DPA 7.

15. The Defendant has not obtained a development permit for the Gravel Extraction Activities.

16. The Defendant has also not obtained a permit under the *Mines Act*, R.S.B.C. 1996, c. 293 or permission from Her Majesty the Queen in Right of British Columbia and the Capital Regional District under a no-build/no-land alteration covenant registered in the Land Title Office under charge number EK94049.

Prohibited Gravel Processing Activities

17. The Property is zoned Forest 1 under Galiano Island Land Use Bylaw No. 127, 1999 (the "Land Use Bylaw").

18. The only permitted uses of the Property under the Land Use Bylaw are

(a) timber production and harvesting; and

(b) accessory forestry uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries.

19. The Forest 1 regulations in the Land Use Bylaw that are applicable to the Property have not been amended since their adoption on March 1, 2000.

20. The Local Trust Committee says that the Land Use Bylaw does not permit the Gravel Processing Activities on the Property.

Prohibited Businesses

21. The Land Use Bylaw also does not permit the Property to be used for:

(a) the Firewood Business;

(b) the Welding Business; and

(c) the Commercial Storage Use.

22. Neither the Firewood Business, the Welding Business nor the Commercial Storage Use are part of the use of the Property as a private managed forest.

23. The Local Trust Committee has demanded the Defendant cease the prohibited uses on the Property and the Defendant has not done so.

Part 2: RELIEF SOUGHT

1. An order declaring that the Defendant has contravened section 489(c) of the *Local Government Act*, R.S.B.C. 2015, c. 1 by altering land within DPA 4 and DPA 7 without first obtaining a development permit.

2. An order declaring that the Defendant has contravened sections 1.1 and 7.1.1 of the Land Use Bylaw by using, or allowing the use of, the Property for the Gravel Processing Activities.

3. An order declaring that the Defendant has contravened sections 1.1 and 7.1.1 of the Land Use Bylaw by using, or allowing the use of, the Property for the Firewood Business.

4. An order declaring that the Defendant has contravened sections 1.1 and 7.1.1 of the Land Use Bylaw by using, or allowing the use of, the Property for the Welding Business.

5. An order declaring that the Defendant has contravened sections 1.1 and 7.1.1 of the Land Use Bylaw by using, or allowing the use of, the Property for the Commercial Storage Use.

6. An order restraining the Defendants from altering land, or permitting the alteration of land, including the extraction of gravel, within DPA 4 and DPA 7 designated by the OCP Bylaw without a development permit or as authorized by order of this Court.

7. A mandatory order requiring the Defendant to undertake rehabilitative measures on the Property, such measures to be specified by further order of this court, either upon application of the parties or as consented to by the parties.

8. An order appointing, or permitting the Local Trust Committee to appoint, an engineer with expertise in geotechnical matters to provide, for the purposes of assisting the court and the parties in relation to the order sought at paragraph 7, a plan for remediating land within DPA 4 and DPA 7, including soil preparation and other measures, in accordance with the guidelines in the OCP Bylaw that, as much as is possible, restores the Property to its condition prior to the unauthorized land alterations.

9. An order that the Defendants provide access to the Property for the purposes of preparing the above report and that they pay the costs of the report.

10. A mandatory order requiring the Defendant promptly cease the Gravel Processing Activities.

11. A mandatory order requiring the Defendant promptly cease the Firewood Business.

12. A mandatory order requiring the Defendant promptly cease the Welding Business.

13. A mandatory order requiring the Defendant cease the Commercial Storage Use and remove all vehicles and equipment used for well drilling within 7 days of the date of the order.

14. An interlocutory injunction.

15. Costs.

16. Such further and other relief that this Honourable Court deems just.

Part 3: LEGAL BASIS

1. Section 29 of the *Islands Trust Act* and Part 14 of the *Local Government Act* grant the Local Trust Committee the authority to regulate land use and development within its trust area.

2. Section 488(1)(a) of the *Local Government Act* permits the Local Trust Committee to designate, by official community plan bylaw, development permit areas for the protection of the natural environment, its ecosystems and biological diversity.

3. Section 488(1)(b) of the *Local Government Act* permits the Local Trust Committee to designate, by official community plan bylaw, development permit areas for the protection of development from hazardous conditions.

4. Section 488(1)(i) of the *Local Government Act* permits the Local Trust Committee to designate, by official community plan bylaw, development permit areas for the establishment of objectives to promote water conservation.

5. Through development permit area designation, the Local Trust Committee may require a development permit be obtained prior to the alteration of land (*Local Government Act*, s. 489(c); *Denman Island Local Trust Committee v. Ellis*, 2007 BCCA 536).

6. The OCP Bylaw designated DPA 4 under sections 488(1)(a) and (i) of the *Local Government Act*:

   (a) to protect and sustain access to a reliable and safe supply of drinking water for private wells:

   (b) to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services; and

   (c) to mitigate the impacts of development on sub-surface water supplies.

7. The OCP Bylaw designated DPA 7 under sections 488(1)(b) of the *Local Government Act* to ensure that land alteration, including tree removal, does not expose persons or property to an unacceptable probability of slope instability or other geological failure occurring under post-development conditions.

8. The Defendant has contravened section 489(c) of the *Local Government Act* by altering land within DPA 4 and DPA 7 without first obtaining a development permit.

9. Section 1.1 of the Land Use Bylaw provides that:

> Land or the surface of water in the Galiano Island Local Trust Area shall not be used, land shall not be subdivided, buildings and structures on land or the surface of water shall not be constructed, altered, located or used, and signs shall not be erected or located on any land except as specifically permitted by this bylaw.

10. Section 7.1.1 of the Land Use Bylaw provides that:

> In the Forest 1 zone the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Parts 2 and 3, and all other uses including residential uses are prohibited.
>
> 7.1.1.1 timber production and harvesting
>
> 7.1.1.2 accessory forestry uses including the sawmilling and planing of timber harvested on the same lot and the growing of seedlings in nurseries.

11. The Land Use Bylaw should be interpreted in the spirit of searching for the purpose broadly targeted by the enabling legislation and the elected council with a view to giving effect to the intention of the Local Trust Committee as expressed in the bylaw upon a reasonable basis that will accomplish that purpose (*Society of Fort Langley Residents for Sustainable Development v. Langley (Township)*, 2014 BCCA 271).

12. Sections 1.1 and 7.1.1 of the Land Use Bylaw do not permit the Gravel Processing Activities, the Firewood Business, the Welding Business or the Commercial Storage Use.

13. None of the prohibited activities are part of a managed forest use on the Property and the Land Use Bylaw prohibits such uses in any event (*Stevens v. Capital Regional District*, 2010 BCSC 445).

14. The Local Trust Committee may enforce the *Local Government Act* and its bylaws by civil proceeding (*Islands Trust Act*, s. 28; *Local Government Act*, s. 420; *Community Charter*, S.B.C. 2003, c. 26, s. 274).

15. Upon finding a breach of an enactment, the Court should issue an injunction (*Abbotsford (City) v. Weeds Glass & Gifts Ltd.*, 2016 BCSC 135; *Burnaby (City) v. Pocrnic*, 1999 BCCA 652).

16. An injunction to enforce a development permit requirement may include an order that remedial work be performed (*Denman Island Local Trust Committee v. Ellis*, 2007 BCCA 536).

17. The discretion of the court to decline an injunction to enforce an enactment is very narrow and is reserved for rare cases with exceptional circumstances (*North Pender Island Local Trust Committee v. Conconi*, 2010 BCCA 494 at para 38).

18. The determination of what remedial work is required as part of an injunction lies with the Court, however the Court may allow parties to submit an expert report, including a joint expert, to assist with its determination. (*Denman Island Local Trust Committee v. Ellis*, 2005 BCSC 1238 at paras 79-87).

19. The successful party is entitled to its costs pursuant to Rule 14-1(9) and a good reason is required to depart from the rule that costs follow the event (*Ngo v. South Pacific Development Ltd.*, 2007 BCCA 119).

Plaintiff's address for service:	c/o Michael Moll Young Anderson 1616 - 808 Nelson Street Box 12147, Nelson Square Vancouver, BC V6Z 2H2
Fax number address for service (if any):	604.689.3444
E-mail address for service (if any):	Not applicable.
Place of trial:	Vancouver
The address of the registry is:	800 Smithe Street, Vancouver

Date: 14/OCT/2020
[dd/mmm/yyyy]

Signature of ☑ lawyer for Plaintiff
Michael Moll

Rule 7-1 (1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

(a) prepare a list of documents in Form 22 that lists

(i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

(ii) all other documents to which the party intends to refer at trial, and

(b) serve the list on all parties of record.

Appendix

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

Land use regulation enforcement

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

- ☐ a motor vehicle accident
- ☐ medical malpractice
- ☐ another cause

A dispute concerning:

- ☐ contaminated sites
- ☐ construction defects
- ☐ real property (real estate)
- ☐ personal property
- ☐ the provision of goods or services or other general commercial matters
- ☐ investment losses
- ☐ the lending of money
- ☐ an employment relationship
- ☐ a will or other issues concerning the probate of an estate
- ☐ a matter not listed here

Part 3: THIS CLAIM INVOLVES:

- ☐ a class action
- ☐ maritime law
- ☐ aboriginal law
- ☐ constitutional law
- ☐ conflict of laws
- ☐ none of the above
- ☐ do not know

Part 4:

Ministry of Energy, Mines and Low Carbon Innovation

August 03, 2021 File: 14675-20-0800175

Mr. Brad Bowcott,
Galiano Excavating Ltd.

Galiano Island BC V0N1P0

Via email to:

ATTENTION: Mr. Brad Bowcott, Galiano Excavating Ltd.

Re: Application for *Mines Act* Permit – Mine Number 0800175
Property: 1128 Montague Harbour Rd, Galiano Island (DL12)

This letter serves as formal notice that the Notice of Work and Reclamation application dated January 19, 2021 for the above noted property has been discontinued for the proposed project.

I have reviewed information regarding the application (Application) for a *Mines Act* permit at 1128 Montague Harbour Road at the southern end of Galiano Island (the Property, also described as PID 023-531-975, Lot 1, DL 12, Galiano Island, Cowichan District, Plan VIP63916). The Property and surrounding property lines are shown in Figure 1. (Reference of a Covenant over Parts of DL 12, Galiano Island, dated March 1996).

The Application area at the south part of the Property is shown in Figure 2. (Plan Showing Proposed Gravel Quarry). This map was submitted by the applicant, Brad Bowcott of Galiano Excavating Ltd., and forms part of the Application. The Application proposes a gravel pit for construction aggregate of up to 8,000 tonnes per year for almost 12 years. I have decided to reject this Application; a summary of my reasons is outlined below.

Parts of the Property are covered by a restrictive covenant (the Covenant) registered in the Land Title Office under number EK94049 and jointly applied by the BC Ministry of Transportation and Infrastructure (MOTI) and the Capital Regional District (CRD), which restricts excavation, among other things, without the written consent of both the MOTI and the CRD.

A map of the Covenant area with a legal survey of the Covenant boundary is shown in Figure 3. This map overlays the location of the proposed gravel pit (in red) in relation to the Covenant boundary, property boundaries and other land features. Figure 3. indicates the proposed gravel pit is within the legally surveyed boundary of the Covenant and therefore subject to conditions of the Covenant.

On July 14, 2021, I sent an email to the Applicant, Mr. Bowcott of Galiano Excavating Ltd., and copied Mr. Ben Mabberly, the landowner upon which the gravel pit is proposed. My email included two maps which indicate the area of the proposed gravel pit is within the Covenant area. My email included three questions which I indicated would inform my decision on the Application:

- Do you have written authorization from both MOTI and the CRD to excavate and remove soil from the proposed gravel pit which is within the covenant area?

Ministry of Energy, Mines and Low Carbon Innovation
Mines, Competitiveness and Authorizations Division

Contact:
Phone: 778-698-3649
Email: SouthwestMinesDivision@gov.bc.ca

Mailing Address:
PO Box 9395, Stn Prov Govt
Victoria, B.C. V8W 9M9

- Are you aware that if a *Mines Act* permit is issued, you may not be able to proceed with the gravel operation due to the covenant restrictions?
- Do you have anything else to add in support of your application that I may consider?

I heard back from Mr. Mabberly later that same day. He wrote, "The new application would be outside of the Covenant area." and provided two maps. Figure 1. of this letter is one of the maps Mr. Mabberly provided in his response. It shows the Covenant area but not in relation to the proposed mine area. The other map provided by Mr. Mabberly is contained in the March 1994 geotechnical report by C.N. Ryzuk & Associates Ltd, which is attached to the Covenant as Annexure #2. The map appears to be a hand drawn sketch of the Property and Covenant boundary, with a note (Note 3.) that indicates field stations shown on the map represent the estimated location of the stations marked by labelled survey flagging, and that the locations are approximate.

The Covenant, signed by Mr. Mabberly in 1996, states that the Grantor (which includes), agrees that he will not cause the removal of any vegetation or soils from the Covenant area without first obtaining the written permission of the MOTI and the CRD.

On July 15, 2021, I received an email from Galiano Excavating Ltd. in response to my email of the previous day, which indicated that they would get back to me soon. As of the writing of this letter I have not heard back from Galiano Excavating Ltd.

In response to my questions above, it appears to me that neither Mr. Bowcott (nor Galiano Excavating Ltd.) nor Mr. Mabberly have, or are expecting to receive, written authorization from both the MOTI and CRD to excavate within the Covenant area. Without such written authorization, excavation within the Covenant area may not proceed, even if a *Mines Act* permit was issued. I have not received additional information from Mr. Mabberly or from Mr. Bowcott or Galiano Excavating Ltd. since their respective emails to me of July 14 and 15, 2021.

I am aware that parts of the Property within the Covenant have been excavated in the past by mechanical means, most recently in 2020, to produce sand and/or gravel as construction aggregate.

The definition of a mine under the *Mines Act* includes:

> " a place where mechanical disturbance of the ground or any excavation is made to explore for or to produce coal, mineral bearing substances, placer minerals, rock, limestone, earth, clay, sand or gravel,"

The aforementioned excavation(s) constitutes a mining activity carried out without a written exemption, authorization or permit issued under section 10 of the *Mines Act*.

I am also aware that the proposed permit area is within two Development Permit Areas (DPAs) designated under the Galiano Island Official Community Plan. The DPAs are referred to as DPA 4 (Elevated Groundwater Catchment Area) and DPA 7 (Steep Slope Hazard).

I am aware that the availability, quantity, and quality of the groundwater resources on Galiano Island, and especially clean water for domestic use, are very sensitive and important issues for the residents and non-resident property owners on Galiano Island.

Ministry of
Energy, Mines and
Low Carbon Innovation

As an appointed Inspector of Mines under section 6 of the *Mines Act* and as a delegated statutory decision maker under section 8.3 of the *Mines Act*, I am not bound to the regulations of the Islands Trust or local government, but I may consider them in my decision-making.

The Southwest Mines office has already received various correspondence from members of the Galiano public with concerns about this Application, past excavations on the Property, and concerns about groundwater issues in the area of the Property. This correspondence has been received despite any public notice of the Application.

Having considered the above information, the primary basis for my rejection of the Application is that written permission from the MOTI or CRD to excavate within the Covenant area has not been provided to Mr. Mabberly as the landowner and Grantor of the Covenant; nor does it appear written permission is forthcoming from the MOTI or CRD. Without the required written permission, I will not consider further review of the Application.

Given the degree of interest in this Application at this stage, I see no need to proceed with further processing and review of the Application without the required written permission from the MOTI or CRD. The applicant or landowner is welcome to reapply for a *Mines Act* permit at this location when the required written permission is obtained, or at another location on the Property outside the Covenant area. I recommend any future *Mines Act* permit applications on the Property include, but not be limited to both a geotechnical (ground stability) study and a hydrogeological (groundwater) study prepared by Qualified Professionals with appropriate training and experience in these disciplines.

Future proposals for mining activities on the above noted property will require the submission of a new *Mines Act* permit application via the on-line Notice of Work form. Should you require further information or have questions please do not hesitate to contact me.

Regards,

Don Harrison
Inspector of Mines

Email: Donald.Harrison@gov.bc.ca
Phone: 778-698-7014

cc: Ben Mabberly, ( )
Haley Leech, MOTI (Haley.Leech@gov.bc.ca)
Shawn Carby, CRD (scarby@crd.bc.ca)
Robert Kojima, Islands Trust (rkojima@islandstrust.bc.ca)
Matthew MacLean, EMLI (Matthew.MacLean@gov.bc.ca)

Figure 1.

Reference of a Covenant over Parts of DL 12, Galiano Island, dated March 1996

(on following page)

01g.764

REFERENCE PLAN OF COVENANT OVER PARTS OF DISTRICT LOT 12, GALIANO ISLAND, COWICHAN DISTRICT.

B.C.G.S. 92B.084

PLAN VIP 63915

Deposited in the Land Title Office at Victoria, B.C. this 26 day of AUGUST, 1996.

EK 940498 D/ Registrar

Deposited pursuant to Section 99(1)(e) of the Land Title Act.

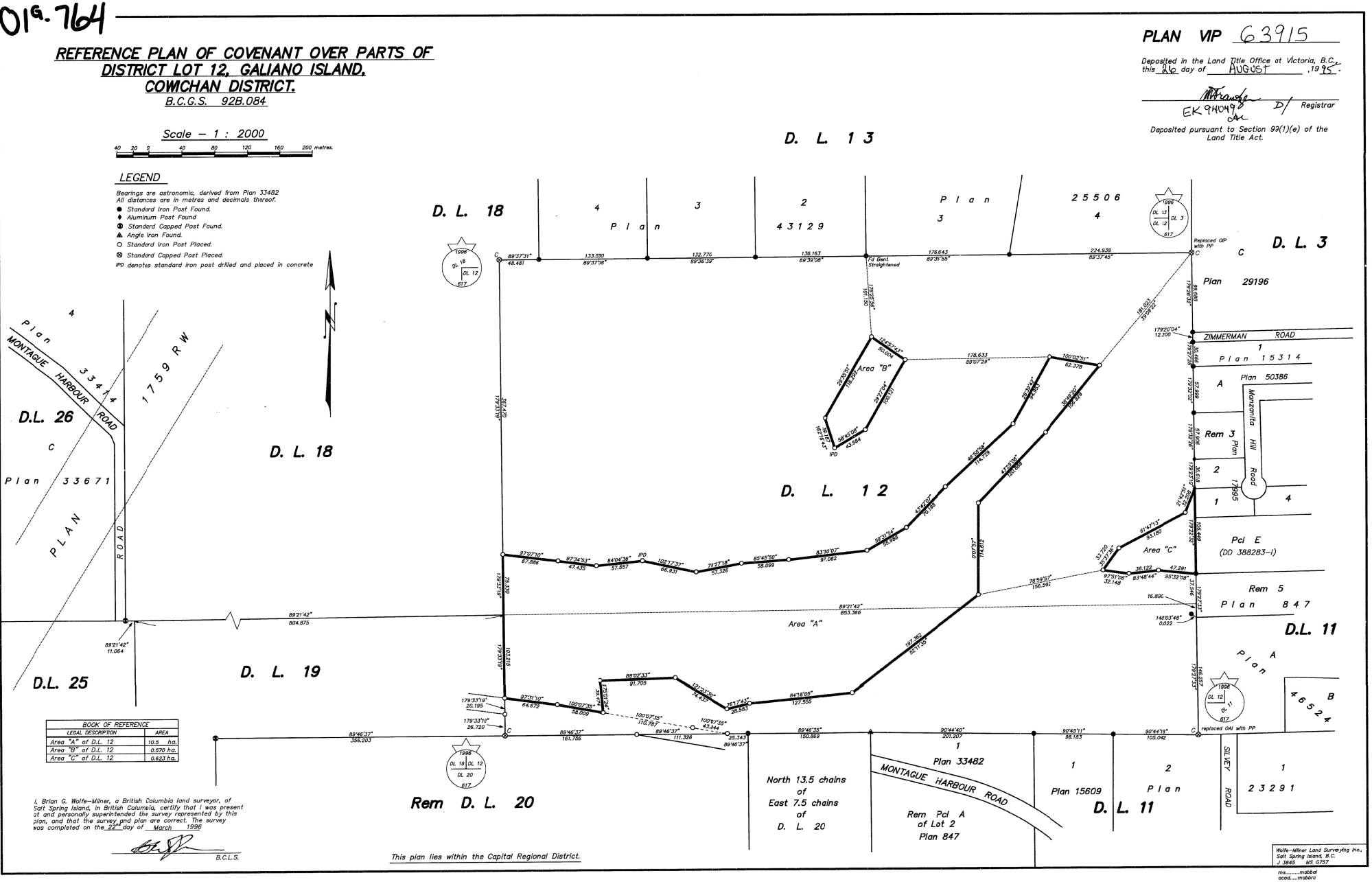
Scale – 1 : 2000

40 30 0 40 80 120 160 200 metres.

LEGEND

Bearings are astronomic, derived from Plan 33482
All distances are in metres and decimals thereof.
- ● Standard Iron Post Found.
- ♦ Aluminum Post Found
- ⊛ Standard Capped Post Found.
- ▲ Angle Iron Found.
- ○ Standard Iron Post Placed.
- ⊗ Standard Capped Post Placed.

IPD denotes standard iron post drilled and placed in concrete



BOOK OF REFERENCE	
LEGAL DESCRIPTION	AREA
Area "A" of D.L. 12	10.5 ha.
Area "B" of D.L. 12	0.570 ha.
Area "C" of D.L. 12	0.623 ha.

I, Brian G. Wolfe–Milner, a British Columbia land surveyor, of Salt Spring Island, in British Columbia, certify that I was present at and personally superintended the survey represented by this plan, and that the survey and plan are correct. The survey was completed on the 22nd day of March 1996

B.C.L.S.

This plan lies within the Capital Regional District.

Wolfe–Milner Land Surveying Inc., Salt Spring Island, B.C. J 3845 MS 0757

ms.....mabbal
ocad.....mabbrc

Figure 2.

Plan Showing Proposed Gravel Quarry

(on following page)

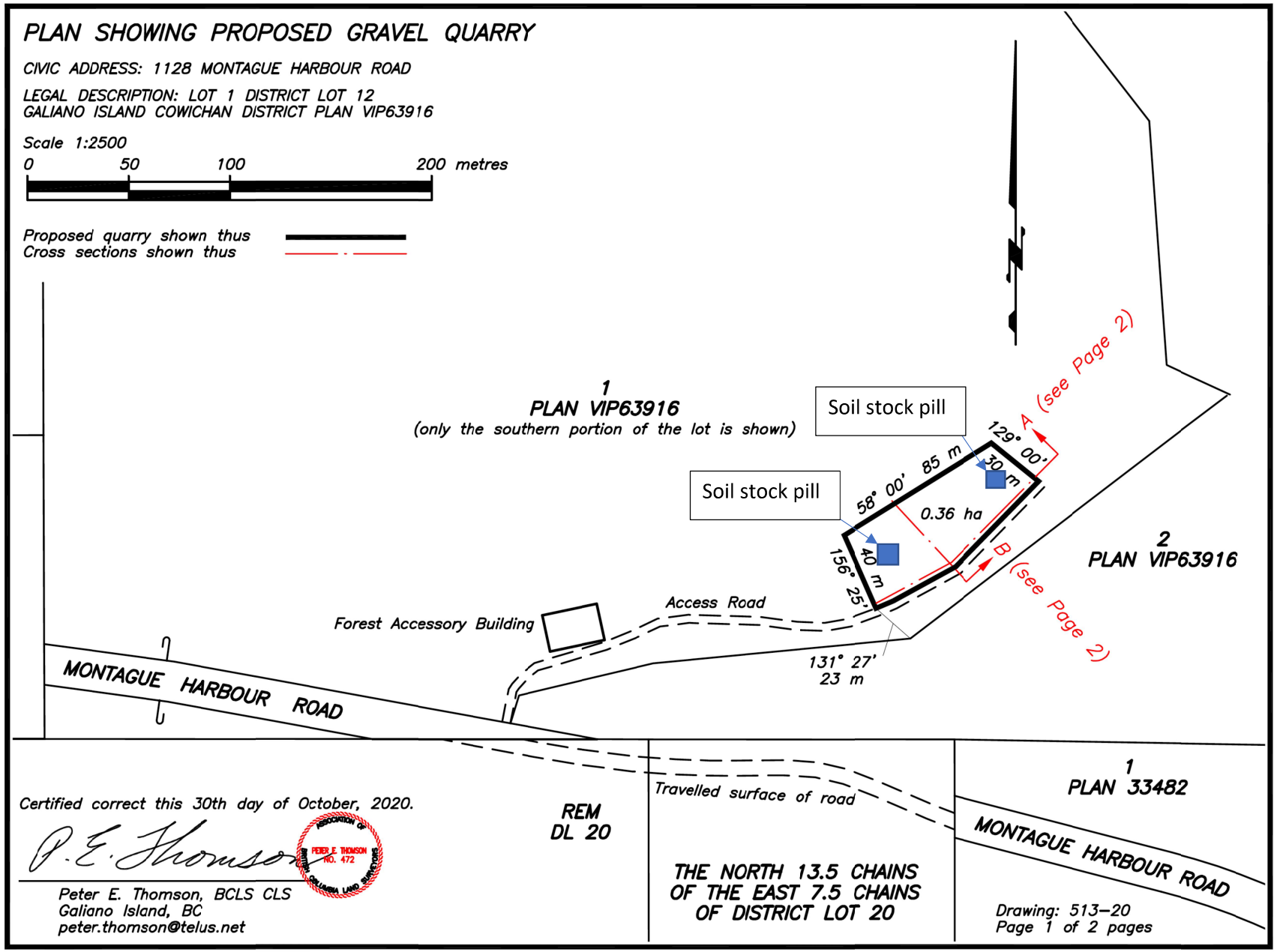
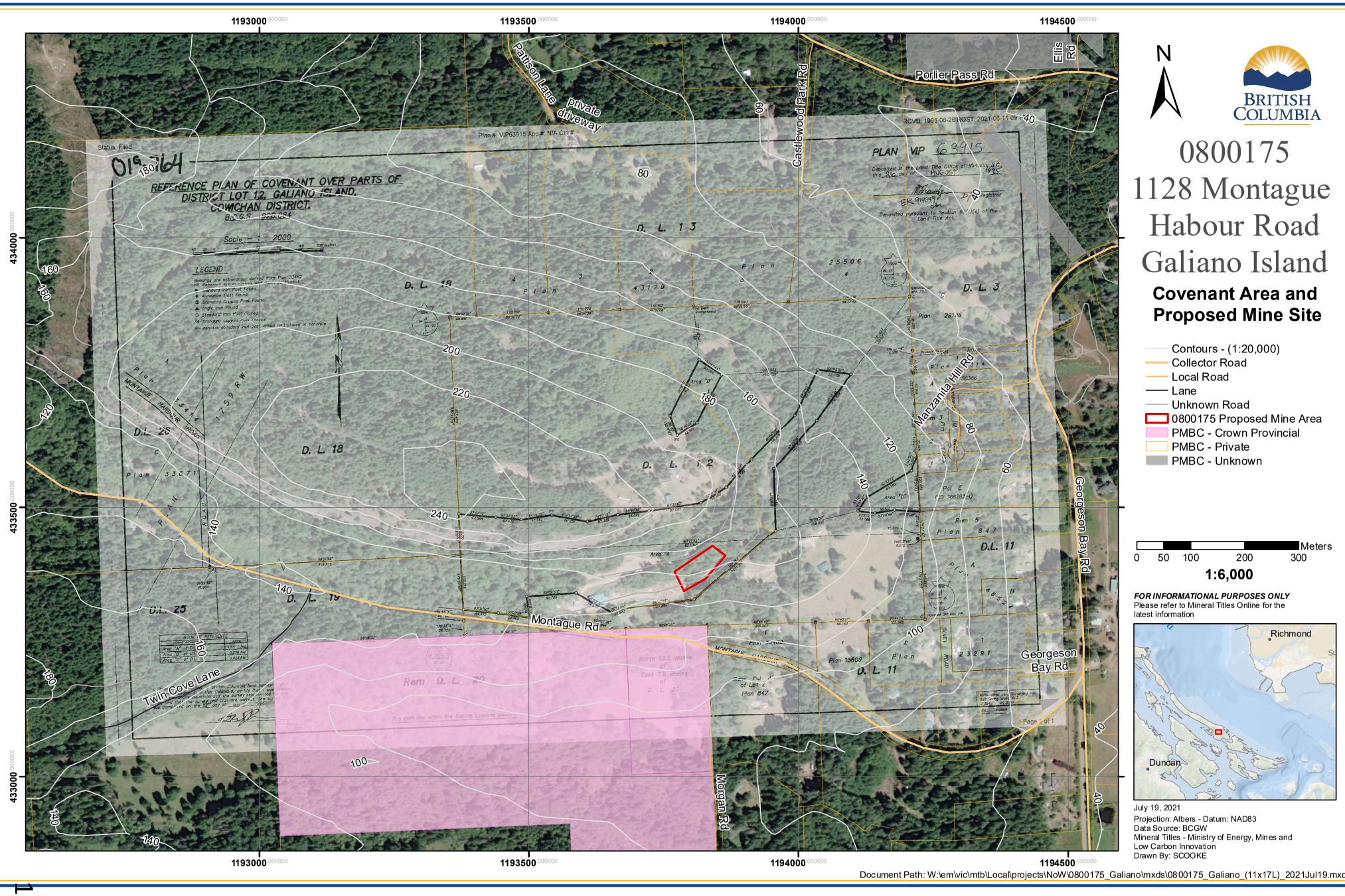

PLAN SHOWING PROPOSED GRAVEL QUARRY
CIVIC ADDRESS: 1128 MONTAGUE HARBOUR ROAD
LEGAL DESCRIPTION: LOT 1 DISTRICT LOT 12
GALIANO ISLAND COWICHAN DISTRICT PLAN VIP63916
Scale 1:2500
0 50 100 200 metres
Proposed quarry shown thus
Cross sections shown thus
1
PLAN VIP63916
(only the southern portion of the lot is shown)
Soil stock pill
Soil stock pill
A (see Page 2)
129° 00'
85 m
30 m
58° 00'
0.36 ha
40 m
156° 25'
B (see Page 2)
2
PLAN VIP63916
Access Road
Forest Accessory Building
131° 27'
23 m
MONTAGUE HARBOUR ROAD
Travelled surface of road
REM
DL 20
THE NORTH 13.5 CHAINS
OF THE EAST 7.5 CHAINS
OF DISTRICT LOT 20
1
PLAN 33482
MONTAGUE HARBOUR ROAD
Certified correct this 30th day of October, 2020.
P. E. Thomson
PETER E. THOMSON NO. 472
ASSOCIATION OF BRITISH COLUMBIA LAND SURVEYORS
Peter E. Thomson, BCLS CLS
Galiano Island, BC
peter.thomson@telus.net
Drawing: 513-20
Page 1 of 2 pages

Figure 3.

1128 Montague Harbour Road, Galiano Island - Covenant Area and Proposed Mine Site

(on following page)



N

BRITISH COLUMBIA

0800175
1128 Montague Habour Road Galiano Island

Covenant Area and Proposed Mine Site

- Contours - (1:20,000)
- Collector Road
- Local Road
- Lane
- Unknown Road
- 0800175 Proposed Mine Area
- PMBC - Crown Provincial
- PMBC - Private
- PMBC - Unknown

0 50 100 200 300 Meters

1:6,000

FOR INFORMATIONAL PURPOSES ONLY
Please refer to Mineral Titles Online for the latest information

July 19, 2021
Projection: Albers - Datum: NAD83
Data Source: BCGW
Mineral Titles - Ministry of Energy, Mines and Low Carbon Innovation
Drawn By: SCOOKE

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