



Executive Committee

Revised Agenda

Date: Wednesday, May 15, 2024
Time: 9:15 a.m.
Location: Electronic Meeting
Public venue to watch the livestream:
Islands Trust's Victoria Office: 200 - 1627 Fort Street, Victoria, BC V8R 1H8

	Pages
1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
2.1 Introduction of New Items	
2.1.1 <i>Addition to agenda item 8.1.1.1 - Supporting documents</i>	
Provided by the CAO during the meeting.	
2.1.2 <i>Addition of new item: 8.1.2.1 Policy Statement Committee of the Whole Meeting</i>	
Verbal Update	
2.2 Approval of Agenda	
2.2.1 Agenda Context Notes	
3. RISE AND REPORT DECISIONS FROM PREVIOUSLY CLOSED MEETING	
Chair Luckham to rise and report that at the Executive Committee April 24, 2024, in-camera meeting the February 28, 2024, in-camera meeting minutes were adopted as presented.	
4. ADOPTION OF MINUTES	
4.1 Draft Executive Committee Meeting Minutes of April 24, 2024	5 - 14
5. FOLLOW UP ACTION LIST AND UPDATES	
5.1 Follow Up Action List/Director/CAO Updates	15 - 23
5.2 Local Trust Committee Chair Updates	
5.3 Islands Trust Conservancy Liaison Update	
6. BYLAWS FOR APPROVAL CONSIDERATION - None	

7. TRUST COUNCIL MEETING PREPARATION

7.1 Executive

- 7.1.1 Draft June Trust Council 3-day Schedule 24 - 24
- 7.1.2 Draft March Trust Council Meeting Minutes 25 - 43
- 7.1.3 June Trust Council Preparation - BRF 44 - 45

7.2 Planning Services - None

7.3 Administrative Services - None

7.4 Trust Area Services - None

8. EXECUTIVE COMMITTEE PROJECTS

8.1 Trust Council Initiated

8.1.1 Executive

- 8.1.1.1 Strategic Planning Update
CAO Hotsenpiller - Verbal update

8.1.1.1.1 Supporting documents 46 - 53

8.1.2 Trust Area Services

- 8.1.2.1 Policy Statement Committee of the Whole Meeting
Verbal update

8.1.3 Planning Services - None

8.1.4 Administrative Services - None

8.2 Executive Committee Initiated - None

8.2.1 Executive

8.2.2 Trust Area Services

8.2.3 Planning Services

8.2.4 Administrative Services

9. NEW BUSINESS

9.1 Executive/Trust Council

9.1.1 Invitation to Coast Salish Leaders for Discussion on Governance in the Trust Area - Notice of Motion

That staff work with Trustee Elliott (and/or others) to explore interest and options for First Nations leaders toward potentially hosting a gathering to hear Coast Salish perspectives on vision and governance in the Islands in the Trust Area, in a separate session before or around September Trust Council 2024.

9.1.2 Preparation of an RFD for Trust Council regarding Disposition of Delegations - Verbal

54 - 54

Trustee Peterson

9.1.3 Consideration of a session for a future Trust Council meeting on Protocols, MOUs, and Letters of Understanding or Agreement between Islands Trust and other agencies, governments, and First Nations - Verbal

Trustee Peterson

9.1.4 Review of fees bylaw policy for referrals from other agencies

Vice-Chair Elliott - Deferred from April 24, 2024 Executive Committee meeting.

9.1.5 Recovering Meeting Costs from Absent Trustees - BRF

55 - 58

9.2 Trust Area Services

9.2.1 LTC Chairs Report on Local Advocacy Topics

9.3 Planning Services - None

9.4 Administrative Services

9.4.1 Trustee and CAO Expense Claims and MasterCard Charges - Approval Workflow Changes

Verbal update

10. CORRESPONDENCE (for information unless raised for action)

10.1 2024-03-19 Islands Trust Conservancy Report to local trust committees and Bowen Island Municipality

59 - 60

10.2 2024-04-25 F Attorp - Proposed Major Update to Salt Spring's OCP

61 - 70

10.3 2024-04-29 Justice Saunders - Canna Northwest Enterprise v Salt Spring Island Local Trust Committee

71 - 91

10.4 2024-05-01 F Attorp - Message for Trust Council

92 - 95

10.5 2024-05-02 K Langereis - Former Trustees - Concerns About Sec 3

96 - 99

10.6 2024-05-02 P Frinton - Consensus Agreement September 26, 2023 Islands Trust Object

100 - 101

11. WORK PROGRAM

11.1 Review and amendment of current work program

102 - 104

12. NEXT MEETING

The next scheduled Executive Committee meeting will be held electronically on June 5, 2024 at 9:15 a.m.

13. CLOSED MEETING

That the meeting be closed to the public subject to Sections 90(1)(i) of the Community Charter for the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and that staff attend the meeting.

14. ADJOURNMENT



Executive Committee

Minutes of a Regular Meeting

Date: April 24, 2024
Location: Electronic Meeting

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

Staff Present: Russ Hotsenpiller, Chief Administrative Officer
Clare Frater, Director, Trust Area Services
Julia Mobbs, Director, Administrative Services
Stefan Cermak, Director, Planning Services
Alexandra Trifonidis, Acting Executive Coordinator

Members of the public present: A member of the public was present.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:16 a.m. acknowledging that the meeting attendees are meeting virtually across Coast Salish territory.

Vice-chairs and staff introduced themselves.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

For consideration to amend the agenda as follows:

- Item 10.2 2024-04-05 R Botterell - June Trust Council Presentation Request. R. Botterell emailed Chair Luckham on April 23, 2024, to remove his request, as he would not be available in June to present.
- Vice-Chair Elliott gave a notice of motion for the May 15, 2024 Executive Committee meeting on the topic of holding a forum prior to the September Trust Council meeting to hear from Coast Salish leaders on governance in the Trust Area.

2.2 Approval of Agenda

By general consent the agenda was approved as amended.

2.2.1 Agenda Context Notes

As presented for the following items:

- 7.1.4 June Trust Council 3-day Schedule
- 10.3 General Vessels Technical Working Group

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

4. ADOPTION OF MINUTES

4.1 Draft Executive Committee Regular Meeting Minutes of March 27, 2024

By general consent Executive Committee adopted the March 27, 2024, minutes as presented.

4.2 Draft Executive Committee Special Meeting Minutes of April 17, 2024

By general consent Executive Committee adopted the April 17, 2024, minutes as presented.

5. FOLLOW UP ACTION LIST AND UPDATES

5.1 Follow Up Action List/Director/CAO Updates

Staff gave the following verbal updates:

- Recognition sent to all administrative staff today, Administrative Professional's Day.
- Staffing updates welcomed Senior Indigenous Relations Advisor (SIRA), Joe Elliott; A co-op student planner to start at the Gabriola office.
- Chair training and refresher on common understanding.
- Sue Big Oil FUAL item in progress for May 15 meeting.
- City View software roll out proposed for May 13, 2024.
- Director, Administrative Services FUAL item 2. – research self-insurance, is completed, can be removed.
- Dust n Bones screenings moving forward with Lasqueti Local Trust Committee and potentially other local trust committees.
- Director, Trust Area Services FUAL items discussion included:
 - Item 6 - Provincial assistance for heritage protection discussion for future meeting.
 - Item 8 - Ministry of Transportation and Infrastructure (MOTI) southern gulf islands meeting scheduled April 29, a MOTI working group for northern islands for addition.
 - Item 12 – Remedy to Chair letter re: Salt Spring LTC Bylaw 537 for consideration.

5.2 Local Trust Committee Chair Updates

Local trust committee chairs provided updates on recently attended and upcoming local trust committee meetings.

5.3 Islands Trust Conservancy Liaison Update - None

The meeting recessed for break at 10:22 a.m. and reconvened at 10:31 a.m.

6. BYLAWS FOR APPROVAL CONSIDERATION - None

7. TRUST COUNCIL MEETING PREPARATION

7.1 Executive

7.1.1 Code of Conduct - RFD

CAO Hotsenpiller presented the request for decision (RFD).

Discussion ensued on the following topics:

- Current Policy 2.1.2 Standards of Conduct needs updating.
- Examples from other organizations be made available to trustees for comparison, i.e. Capital Regional District, include for reference.
- Noted error in *F.2.5 Mayor/Chair and Councillor Director*. Remove Mayor and Councillor language.

EC-2024-049

It was MOVED and SECONDED,

that the Executive Committee forward the draft Code of Conduct to Trust Council Committee of the Whole in June 2024 for discussion and recommendation to Trust Council.

CARRIED

7.1.2 Accommodation Charge Back

Discussion ensued regarding motions TC-2024-041 and TC-2024-042 from Trust Council's March meeting regarding charging back accommodation costs to trustees.

EC-2024-050

It was MOVED and SECONDED,

that Executive Committee request staff to provide some options on the implications of charging accommodation costs back to trustees and report back to the May Executive Committee meeting.

CARRIED

7.1.3 Transport Canada Presentation to Trust Council June 2024

Transport Canada staff recently presented on the *Wrecked, Abandoned or Hazardous Vessels Act* at the Association of Vancouver Island Coastal Communities Convention held April 12-14. Vice-Chair Maude has

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recommended that Ryan Greville give a similar presentation at June Trust Council.

EC-2024-051

It was MOVED and SECONDED,

that Executive Committee request staff to request Ryan Greville from Transport Canada to provide a presentation to Trust Council in June on Salt Spring Island.

CARRIED

By general consent item 8.1.1.1 was addressed next.

8.1.1.1 Strategic Planning Update – BRF

CAO Hotsenpiller spoke to the briefing.

Discussion ensued on the following:

- “Corporate Planning Process Roadmap” table: suggestion to add a progress bar to measure what has been done, what is being done now, and how far to go for each strategy.
- Formatting: In favour of the “Islands Trust Focus Areas and Strategic Directions” table with the objectives and the “Corporate Planning Process Roadmap”. Use going forward.
- Need to find facilitator for June Trust Council session as Cheeying Ho, who facilitated the March Trust Council session, is not available.
- Scheduling and timeline of rollout of project.
- Budget considerations in regards to completing this process in time for next year’s budget cycle.
- Staff work time until end of June.
- Measurable outcomes versus outcomes that are not measurable, i.e. when has a goal been reached.

By general consent Executive Committee requested a full day strategic planning session, lead by a facilitator; be arranged for June’s Trust Council meeting.

7.1.4 June Trust Council 3-day Schedule - Draft

See Item 2.2.1 Agenda Context Notes.

Discussion ensued on the following items:

- Hold strategic planning session from 9-3 p.m. on Wednesday, leaving 3-5 p.m. for a department section.
- Scheduling for a Committee of the Whole meeting on the topic of the Code of Conduct: not during Trust Council but possibly before or after.

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- Draft Trust Policy Statement Update: Where does it fit on the schedule? Include in the Trust Areas Services section.
- Trustee updates section: In consideration of time, trustees requested to provide written reports, does not need to be verbal. This section will be received for information only.
- Disposition of Delegations section:
 - Address delegations from previous Trust Council to allow time to research and prepare responses, not addressing delegations that presented in the current meeting.
 - Ideas from March Trust Council on how to address disposition of delegations:
 - Possibility of booking a two hour session two weeks after Trust Council to discuss.
 - Refer to a future Committee of the Whole for discussion.
 - Create policy to provide guidance when requested by the public to take action.
 - Bring request to a future Executive Committee meeting regarding how to address disposition of delegations for approval of inclusion on the June Trust Council meeting agenda.
- Keep Trustee Roundtable section.

7.2 Planning Services - None

7.3 Administrative Services - None

7.4 Trust Area Services - None

8. EXECUTIVE COMMITTEE PROJECTS

8.1 Trust Council Initiated

8.1.1 Executive

8.1.1.1 Strategic Planning Update – BRF

Addressed before item 7.1.4.

8.1.2 Trust Area Services - None

8.1.3 Planning Services - None

8.1.4 Administrative Services - None

8.2 Executive Committee Initiated

8.2.1 Executive - None

8.2.2 Trust Area Services - None

8.2.3 Planning Services - None

8.2.4 Administrative Services - None

9. NEW BUSINESS

9.1 Executive/Trust Council

9.1.1 Review of fees bylaw policy for referrals from other agencies

By general consent refer item 9.1.1 “Review of fees bylaw policy for referrals from other agencies” to the May 15, 2024, Executive Committee meeting as Director Marlor was not available to comment.

9.2 Trust Area Services

9.2.1 LTC Chairs Report on Local Advocacy Topics

Local trust chairs reported on the following topics:

- Denman and Hornby Local Trust Committees (LTC’s) are considering inviting the Minister of Transportation to their respective islands to look at the road/ferry issues.
- Hornby LTC: Potential for a joint meet and greet with K’ómoks First Nation.
- The Thetis Island Local Trust Committee defends their decision to turn down a rezoning application, regarding shellfish tenure, from Abrupt Shellfish Inc.’s. More information on the topic can be found in the Thetis Local Trust Committee meeting agenda of April 30, 2024.

9.3 Planning Services

9.3.1 Gabriola Local Trust Committee - Approval of Funds for Legal Review of Covenant

Director of Planning Services (DPS) Cermak introduced the request for decision noting that if the funds are approved Gabriola Island Local Trust Committee will overspend their budget.

EC-2024-052

It was MOVED and SECONDED,

that the Executive Committee approve up to \$4,500 for a legal review of a covenant, to be charged to the Gabriola Local Trust Committee budget.

CARRIED

9.4 Administrative Services – None

The meeting recessed for lunch at 12:16 p.m. and reconvened at 1:01 p.m.

12. ISLANDS TRUST CONSERVANCY BOARD JOINT SESSION

Chair Luckham opened the EC/ITC joint session acknowledging, with gratitude, that we are living and working across Coast Salish territory, home to First Nations since time immemorial.

Islands Trust Conservancy (ITC) Board members in attendance:

- Chair, Risa Smith, Provincial appointee
- Tobi Elliott, Gabriola Trustee, Executive Committee Representative
- Susan Yates, Gabriola Trustee
- Lisa Gauvreau, Galiano Trustee
- Charles Kahn, Provincial appointee

Regrets:

- Ken Thomas, Provincial appointee

Staff:

- Kate Emmings, Manager, Islands Trust Conservancy

Chair Luckham invited ITC Chair Smith to preside over the joint session agenda items.

ITC Chair Smith raised the following topics for inclusion on the next EC/ITC joint session agenda:

- Cultural heritage, a fulsome discussion with EC and Trust Council.
- Islands Trust Conservancy's 5 year plan, EC and Trust Council support.
- Need for a professional biologist across the organization.

12.1 Geographic Information System (GIS) Funding and the Property Management Team Lead

ITC Chair Smith thanked Executive Committee and Trust Council for approving the budget requests to fund these two positions.

CAO Hotsenpiller provided the following hiring updates:

- Filling the Senior Technical Analyst vacancy is currently underway.
- Recruitment for the GIS and Property Management positions are proceeding, updates will be provided to the Islands Trust Conservancy (ITC) team.

12.2 Islands Trust Conservancy Presentation to June Trust Council

Discussion ensued on presentation topics. The following ideas were heard:

- Natural Area Protection Tax Exemption Program (NAPTEP)
- Climate change
- Indigenous Protected and Conserved Areas (IPCAs)
- Island Trust Conservancy 5 Year Plan, next steps and opportunities
- Enhance presentation with visuals to segue into a topic/issue.
- Highlight big ITC successes i.e. connecting ecosystems celebrating the 50th Anniversary.
- ITC Chair Smith will reach out to all trustees for input i.e. provide examples of conservation work/successes from their local trust areas.

12.3 Addressing the Climate Change Emergency Together – BRF

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ITC Chair Smith spoke to the briefing that addresses ways EC and ITC can work collaboratively to advance its commitment to climate change action.

Discussion ensued on the following topics:

- A need for science based data (cumulative and specific) that backs up climate change decisions/actions pertaining to land use issues such as carry capacity of islands, ground water supply, shoreline protection, tree cutting.
- Need for further ecosystem mapping i.e. eel grass, Coastal Douglas Fir zones, ground water mapping
- Ecosystem loss in the Islands Trust Area, mapping that indicates trends for decision-making.
- Update ITC 2018 publication titled “Conservation Status of Local Trust Areas”
- Suggested spending of \$111,000 funds received from the Local Government Climate Action Program included Terrestrial Ecosystem Mapping, continue eelgrass mapping project.

At 2:00 p.m. the EC/ITC joint session was concluded.

10. CORRESPONDENCE (for information unless raised for action)

10.1 2024-03-25 Metro Vancouver - Letter re: Proposed Regional Park at Cape Roger Curtis

Director of Planning Services (DPS) Cermak summarized the correspondence and request from Jeffrey Fitzpatrick, Division Manager, Regional Parks, Metro Vancouver.

DPS Cermak will work with DLS Marlor to respond to Manager Fitzpatrick regarding the referral process.

Received for information.

10.2 2024-04-05 R Botterell - June Trust Council Presentation Request

R. Botterell sent an email dated April 23, 2024 to Chair Luckham rescinding his request.

10.3 2024-04-05 General Vessels Technical Working Group - Interest in Islands Trust Representative

See Item 2.2.1 Agenda Context Notes for information.

EC-2024-053

It was **MOVED** and **SECONDED**,

that Executive Committee requests staff to send a notice out to all trustees looking for expressions of interest for the General Vessels Technical Working Group.

CARRIED

10.4 2024-04-08 Minister of Housing - Bill 16

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CAO Hotsenpiller forwarded the letter to all trustees on April 23, 2024.

10.4.1 Update – Housing Statutes Amendment Act (Bill 16) - BRF

Director Cermak spoke to the briefing that addresses proposed amendments to the Act via Bill 16.

By general consent Executive Committee requested that Director Cermak forward item 10.4.1 all trustees via email.

10.5 **2024-04-09 D Rapport - Requesting Trust Council's Response to Serious Concerns Regarding Trust Actions**

EC-2024-054

It was MOVED and SECONDED, that Executive Committee requests staff work with Chair Luckham and Vice-Chair Elliott to respond to correspondent Rapport regarding Trust Council's response to serious concerns.

CARRIED

10.6 **2024-04-11 Ministry of Housing - Bill 35**

Received for information.

10.7 **2024-04-18 Vancouver Island Coastal Communities - Climate Summit May 6 & 13**

EC-2024-055

It was MOVED and SECONDED, that Executive Committee requests staff forward correspondence from Vancouver Island Coastal Communities to trustees for information and participation.

CARRIED

11. **WORK PROGRAM**

11.1 **Review and amendment of current work program**

Received for information.

13. **CLOSED MEETING**

EC-2024-056

It was MOVED and SECONDED, that the meeting be closed to the public subject to Sections 90(1)(a) and (c) and (2)(b) of the Community Charter in order to consider matters related to personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and labour relations or other employee relations; and the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or

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between a provincial government or the federal government or both and a third party;
and that staff attend the meeting.

CARRIED

The meeting was closed to the public at 2:34 p.m. and reconvened in open meeting at 2:55 p.m.

14. NEXT MEETING

The next Executive Committee meeting will be held electronically on May 15, 2024, at 9:15 a.m.

15. ADJOURNMENT

By general consent the meeting was adjourned at 2:56 p.m.

Peter Luckham, Chair

Certified Correct:

Alexandra Trifonidis, Acting Executive Coordinator/Recorder

Minutes are not official until adopted at a subsequent meeting.

Follow Up Action Report

Executive Committee

Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 Explore future education/workshop sessions on decision-making to benefit trustees.	Russ Hotsenpiller	Meeting: 24-May-2023 Target: 26-Sep-2023	In Progress
2 Add "extend invitation to all First Nations" to the proposed June Trust Council schedule for further Executive Committee decision.	Russ Hotsenpiller	Meeting: 27-Mar-2024 Target: 15-May-2024	Completed
3 Arrange for a full day strategic planning session for June's Trust Council and line up a facilitator for the session.	Russ Hotsenpiller	Meeting: 24-Apr-2024 Target: 18-Jun-2024	Completed

Director Legislative Services

Activity	Responsibility	Dates	Status
1 Staff to provide a briefing with respect to options for better understanding of the policy regarding Code of Conduct for vice-chairs, trustees and the public. 2023-10-11 EC update: review against Provincial guidelines and provide recommendation for any amendments.	David Marlor	Meeting: 12-Apr-2023 Target: 26-Jul-2024	Completed
2 Staff to discuss, with interested trustees, requirements and options and report back on possibilities and effort required to improve Trustee access to key documents. On hold pending administrative staffing availability.	David Marlor	Meeting: 29-Jun-2023 Target: 26-Jul-2024	In Progress



Follow Up Action Report

Executive Committee

Director Legislative Services

Activity	Responsibility	Dates	Status
3 Staff consider options and report back on possibilities and effort required to provide Trustee view access to integrated calendar of Trust Meetings. On hold pending IT staffing availability.	David Marlor	Meeting: 29-Jun-2023 Target: 26-Jul-2024	In Progress
4 Circulate to Executive Committee a script on recording of public meetings which can be read at the opening of LTC meetings.	David Marlor	Meeting: 27-Mar-2024 Target: 15-May-2024	Completed
5 Report back to EC on Sue Big Oil re: Trustee Yates 2024-03-30 correspondence.	David Marlor	Meeting: 27-Mar-2024 Target: 15-May-2024	Completed
6 Staff to forward the draft Code of Conduct to Trust Council Committee of the Whole in June 2024 for discussion and recommendation to Trust Council.	David Marlor	Meeting: 24-Apr-2024 Target: 07-Jun-2024	In Progress
7 Staff to work with Chair Luckham and Vice Chair Elliott to respond to correspondent Rapport regarding Trust Council's response to serious concerns.	Clare Frater David Marlor	Meeting: 24-Apr-2024 Target: 18-Jun-2024	In Progress

Director of Planning Services

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Executive Committee

Director of Planning Services

Activity	Responsibility	Dates	Status
<p>1 Staff to: a) evaluate the implications of a longer referral response window, and; b) consider how Trust Council and local trust committees (LTC's) might consult with First Nations to better understand what changes to the current referral process should be made to both improve communication and to further reconciliation, and report back to Trust Council.</p>	<p>Clare Frater Stefan Cermak</p>	<p>Meeting: 29-Jun-2023 Target: 05-Sep-2024</p>	<p>In Progress</p>
<p>2 Staff to assist Chair Luckham in responding to the letter writers of Bylaw 537 thanking them for their letter and that their issues were considered in light of the Policy Statement. Note: The Committee noted that the response to 10.1.9 from the Tsawout First Nation will need to be customized.</p>	<p>Clare Frater Stefan Cermak</p>	<p>Meeting: 28-Feb-2024 Target: 01-Apr-2024</p>	<p>Completed</p>
<p>3 Provide to EC and ITC options for sharing GIS resources.</p>	<p>Stefan Cermak</p>	<p>Meeting: 31-Jan-2024 Target: 30-Sep-2024</p>	<p>In Progress</p>
<p>4 Prepare a grant application to the Science Horizons Youth Internship Program, to hire a Sustainability Science Technician intern to advance the development of the Suitable Land Analysis tool.</p>	<p>Stefan Cermak</p>	<p>Meeting: 27-Mar-2024 Target: 24-Apr-2024</p>	<p>Completed</p>
<p>5 Forward <i>10.4.1 Update - Housing Statutes Amendment Act (Bill 16) - BRF</i> to all trustees via email.</p>	<p>Stefan Cermak</p>	<p>Meeting: 24-Apr-2024 Target: 15-May-2024</p>	<p>Completed</p>



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: 18-Sep-2024	In Progress
2 Staff to research the possibility of self-insurance for the organization.	Julia Mobbs	Meeting: 29-Jun-2023 Target: 11-Dec-2024	Completed
3 Staff to provide some options on the implications of charging accommodation costs back to trustees and report back to the May Executive meeting.	Julia Mobbs	Meeting: 24-Apr-2024 Target: 15-May-2024	Completed

Director, Trust Area Services

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p>1 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. As SSI LTC and Gabriola LTC initially expressed an interest in hosting a screening, Vice Chairs Peterson and Elliott will assess if the interest remains and will be involved in outreach and organizing those screenings.</p>	Clare Frater	Meeting: 26-Feb-2020 Target: 31-Mar-2024	In Progress
<p>2 Investigate options for policies or policy updates for formal opportunities for First Nations presentations and engagement at Trust Council meetings.</p>	Clare Frater	Meeting: 07-Oct-2021 Target: 31-Mar-2024	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p>3 Staff to develop policy regarding s. 8 (2) (h.1) (iii) and (iv) of the Islands Trust Act. This request responded to changes to the Islands Trust Act to give Trust Council new discretionary powers relating to supporting and give financial assistance to others to</p> <p>(iii)engage in activities to gain knowledge about the unique amenities and environment of the trust area and to increase public awareness, understanding and appreciation of the unique amenities and environment;</p> <p>(iv)preserve and protect the unique amenities and environment of the trust area.</p> <p>Executive Committee has discussed there may be an opportunity to concurrently review the secretariat services, and grants in aid policies with the intention of identifying administrative efficiencies.</p>	Clare Frater	Meeting: 12-Apr-2022 Target: 30-Jun-2024	In Progress
<p>4 Staff to: a) evaluate the implications of a longer referral response window, and; b) consider how Trust Council and local trust committees (LTC's) might consult with First Nations to better understand what changes to the current referral process should be made to both improve communication and to further reconciliation, and report back to Trust Council.</p>	Clare Frater Stefan Cermak	Meeting: 29-Jun-2023 Target: 05-Sep-2024	In Progress
<p>5 Staff to add to a future EC agenda: Honoraria for Indigenous elders providing welcomes or presentations at local trust committee meetings.</p>	Clare Frater	Meeting: 20-Dec-2023 Target: 08-Mar-2024	In Progress



Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p>6 The Committee request this Advocacy for provincial assistance re: heritage protection BRF be brought back to the joint meeting on January 31, 2024.</p> <p>JAN 26: On the Chair's (Luckham and Smith) request this item has been deferred until the next joint meeting.</p>	Clare Frater	Meeting: 20-Dec-2023 Target: 31-Jan-2024	In Progress
<p>7 Staff to develop a project charter for a webinar in 2024 on the role of Islands Trust.</p>	Clare Frater	Meeting: 20-Dec-2023 Target: 31-Mar-2024	In Progress
<p>8 Discussion on a coordinated approach by Islands Trust Conservancy and EC to advance the request to the Province to review the funding model and governance structure of the Islands Trust, highlighting the successes of the Conservancy in protecting and preserving valuable ecological areas for the benefit of the Province and residents of BC, be added to the agenda for the Jan 31 EC/ITCB joint meeting.</p>	Clare Frater	Meeting: 17-Jan-2024 Target: 31-Jan-2024	In Progress
<p>9 Staff to send an invitation to San Juan County to attend Trust Council in June or Sept and indicate their preference.</p>	Clare Frater	Meeting: 31-Jan-2024 Target: 12-Mar-2024	In Progress
<p>10 Staff to assist Chair Luckham in responding to the letter writers of Bylaw 537 thanking them for their letter and that their issues were considered in light of the Policy Statement.</p> <p>Note: The Committee noted that the response to 10.1.9 from the Tsawout First Nation will need to be customized.</p>	Clare Frater Stefan Cermak	Meeting: 28-Feb-2024 Target: 01-Apr-2024	Completed

Follow Up Action Report

Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p>11 Deliver a two hour webinar to trustees, regarding the legislative framework of, and responsibilities under, the Canadian Species at Risk Act.</p>	Clare Frater	Meeting: 27-Mar-2024 Target: 10-Sep-2024	In Progress
<p>12 Prepare a project charter for a project that requests the Province for NAPTEP funding changes. Apply for one-time Grant for Local Governments to Advance Biodiversity Conservation on Private Lands in preparation for request to Province.</p>	Clare Frater	Meeting: 27-Mar-2024 Target: 15-May-2024	In Progress
<p>13 Staff to arrange a Trust Council Committee of the Whole meeting in May 2024 for consideration of the new draft of the Policy Statement and the process by which it will be considered.</p>	Clare Frater	Meeting: 17-Apr-2024 Target: 31-May-2024	Completed
<p>14 Staff to schedule a special meeting of Executive Committee, after the Trust Council Committee of the Whole meeting (May 2024), for consideration of next steps of the draft Policy Statement project.</p>	Clare Frater	Meeting: 17-Apr-2024 Target: 15-Jun-2024	In Progress
<p>15 Staff to request Ryan Greville from Transport Canada to provide a presentation to Trust Council in June on Salt Spring Island.</p>	Clare Frater	Meeting: 24-Apr-2024 Target: 18-Jun-2024	Completed
<p>16 Staff to send a notice out to all trustees looking for expressions of interest for the General Vessels Technical Working Group.</p>	Clare Frater	Meeting: 24-Apr-2024 Target: 15-May-2024	Completed

Follow Up Action Report


Executive Committee

Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p>17 Staff to work with Chair Luckham and Vice Chair Elliott to respond to correspondent Rapport regarding Trust Council's response to serious concerns.</p>	<p>Clare Frater David Marlor</p>	<p>Meeting: 24-Apr-2024 Target: 18-Jun-2024</p>	<p>In Progress</p>
<p>18 Staff to forward correspondence from Vancouver Island Coastal Communities to trustees for information and participation.</p>	<p>Clare Frater</p>	<p>Meeting: 24-Apr-2024 Target: 06-May-2024</p>	<p>Completed</p>

DRAFT Islands Trust Council Schedule

June 18-20, 2024

Tuesday, June 18		Wednesday, June 19		Thursday, June 20	
9:00	Executive Committee Bellenas-Winchelsea LTC Meeting	9:00	Strategic Planning Session	9:00	Closed Meeting
10:00	Executive Committee Meeting				Public are welcome to attend all sessions excluding the Closed Meeting
					Rise and Report
12:00	Lunch			10:00	Break
12:30	Territorial Welcome			10:15	New Business
1:00	Land Acknowledgement				Trustee-Initiated Requests for Decision
	Call to Order and Approval of Agenda				Placeholder (Trustee Morrison - Notice of Motion from March Trust Council)
	General Business Arising				Placeholder (Trustee Elliott - Postponed Motion from March Trust Council)
	Consent Agenda Item(s)				
	Adoption of Minutes	10:30	Break	11:15	Disposition of Delegations from previous Trust Council Meeting (March)
	Resolution Without Meeting				Correspondence
	Trust Council Follow-up Action List	10:45	Strategic Planning Session (Continued)		
1:30	Trustee Roundtable			11:30	Presentation: Ryan Greville - Transport Canada
	Emerging issues and island updates				
					Trustee Updates about Working in Cooperation with Others (Written Updates Received for Information Only)
2:15	Delegations / Public Comment				Atl'ka7tsem/Howe Sound Biosphere Region
					Baynes Sound/Lambert Channel Ecosystem Forum
3:00	Break	12:00	Lunch		Southern Gulf Islands Forum
					Salt Spring Island Watershed Protection Alliance (SSIWPA)
3:15	Executive	1:00	Strategic Planning Session (Continued)		VICC Climate Leadership Steering Committee
	Consent Agenda Item(s)				Snaw-naw-as Nation/ Islands Trust Joint Working Group
	Decision/Discussion Items				First Nations Relations
	Council Work Program				Shellfish Aquaculture Management Advisory Committee
	Executive Committee Work Program				Freighter Anchorages/Oceans Protection Plan Update
	Governance Committee Report				BC Ferries Advisory Committees
4:00	Trust Area Services				Priorities Chart
	Consent Agenda Item(s)				September Trust Council Draft Schedule
	Decision/Discussion Items				
	Trust Programs Committee Work Program				
	Islands Trust Conservancy Work Program (45 min presentation)	3:00	Break	12:30	Adjournment (approx.)
5:30	Planning Services	3:15	Administrative Services		
	Consent Agenda Item(s)		Consent Agenda Item(s)		
	Decision/Discussion Items		Decision/Discussion Items		
	Local Planning Services Work Program		Financial Planning Committee Work Program		
6:30	Adjourn for the Day (approx.)	5:30	Adjourn for the Day (approx.)		
*times are provided for information and may vary					
					Visit the meeting webpage:
					https://islandstrust.bc.ca/event/trust-council-quarterly-meeting-2/
					~ to view the agenda package
					~ to join the meeting electronically, view livestream or attend by phone-in



Trust Council

Minutes of a Regular Meeting

Date: March 12-14, 2024
Location: Chemainus / Port Alberni Room, Coast Bastion Hotel
11 Bastion Street, Nanaimo BC

Executive Present:

1. Peter Luckham, Chair, Thetis
2. David Maude, Vice-Chair, Mayne
3. Tim Peterson, Vice-Chair, Lasqueti
4. Tobi Elliott, Vice-Chair, Gabriola

Trustees Present:

5. Judith Gedye, Bowen Island Municipal Trustee
6. Sue Ellen Fast, Bowen Island Municipal Trustee
7. Sam Borthwick, Denman Trustee
8. David Graham, Denman Trustee
9. Susan Yates, Gabriola Trustee
10. Lisa Gauvreau, Galiano Trustee
11. Kate-Louise Stamford, Gambier Trustee
12. Mikaila Lironi, Lasqueti Trustee
13. Jeannine Dodds, Mayne Trustee (periodically attended electronically)
14. Deb Morrison, North Pender Trustee
15. Aaron Campbell, North Pender Trustee
16. Laura Patrick, Salt Spring Trustee
17. Mairead Boland, Saturna Trustee (attended electronically)
18. Kristina Evans, South Pender Trustee
19. Dag Falck, South Pender Trustee (attended electronically)
20. Ken Hunter, Thetis Trustee
21. Grant Scott, Hornby Trustee
22. Lee Middleton, Saturna Trustee (periodically attended electronically)
23. Jaime Harris, Salt Spring Trustee (attended electronically)

Regrets:

24. Alex Allen, Hornby Trustee
25. Joe Bernardo, Gambier Trustee
26. Ben Maberley, Galiano Trustee

Staff Present:

Russ Hotsenpiller, Chief Administrative Officer
David Marlor, Director, Legislative Services
Clare Frater, Director, Trust Area Services
Julia Mobbs, Director, Administrative Services
Stefan Cermak, Director, Planning Services
Renee Jamurat, Regional Planning Manager
Tyler Brown, Senior Policy Advisor
Morgana van Niekerk, Communications Specialist
Alexandra Trifonidis, Acting Executive Coordinator

Tuesday, March 12, 2024

The in-person meeting was recorded, livestreamed, and made available for electronic attendance.

1. CALL TO ORDER / LAND ACKNOWLEDGEMENT

At 10:30 a.m., Chair Luckham called the meeting to order and acknowledged the meeting was held in Snuneymuxw First Nation territory.

There were 18 trustees present.

Chair Luckham introduced and welcomed Snuneymuxw Elder Lolly Good who provided a blessing and prayer.

Trustees and staff introduced themselves.

2. AGENDA

2.1 Review of the Agenda

The following additions to the agenda were presented for consideration:

13.3 Rob Botterell, Naacaluk re: Open Letter to Premier David Eby dated March 4, 2023

TC-2024-001

It was MOVED by Trustee Falck and SECONDED by Trustee Gedye,
that Trust Council by 2/3 majority vote add the letter to BC Premier David Eby
written by Rob Botterell as a new item to the agenda.

CARRIED

2.2 Approval of Agenda

By general consent, the agenda was approved as amended.

3. GENERAL BUSINESS ARISING

3.1 Consent Agenda Items

Item 3.1.3 was pulled from the consent agenda items for discussion.

By general consent Trust Council adopted the recommendation as presented in
items 3.1.1 and 3.1.2.

3.1.1 December 5-7, 2023, Trust Council Meeting Draft Minutes

That Trust Council adopt the minutes as presented.

3.1.2 Trust Council Resolutions Without Meeting

None

3.1.3 Trust Council Follow Up Action List (FUAL)

Trustees asked questions, for clarification, on some FUAL list items.

Discussion on amending the FUAL report status tab ensued.

TC-2024-002

It was MOVED by Trustee Evans and SECONDED by Trustee Yates, that Trust Council request staff to amend the follow-up action report status tab that a percentage complete for each line item be added.

CARRIED

3.2 Discussion / Decision Items

3.2.1 Trustee Roundtable

Trustees provided updates on the work of their local trust committees.

Trustee Morrison gave notice that she intends to bring a motion to June's Trust Council meeting on the question of requesting a Provincial review, taking next steps and invited other trustees to work with her.

Trustee Campbell joined the meeting at 11:23 a.m.

The meeting recessed for lunch at 12:08 p.m. and reconvened at 1:00 p.m.

Trustee Scott joined the meeting at 1:00 p.m.

4. EXECUTIVE SERVICES

4.1 Consent Agenda Items

4.1.1 Chief Administrative Officer – Report

By general consent Trust Council received item 4.1.1 as presented.

4.1.2 Executive Committee Work Program

Discussion ensued on the status of EC Active Projects item 3, "Request for Provincial Review and Provincial Funding Strategy."

CAO Hotsenpiller noted that a comprehensive report to the minister on actions the Trust has taken to reform its governance and management structure within its existing authority are the next steps needed to advance this work.

4.1.3 Governance Committee Work Program

Request for update on Governance Committee on preparation of a letter to the Province. The CAO provided an update.

Chair Gedye provided an update on the activities of the Governance Committee since last Trust Council.

By general consent Trust Council approved item 4.1.2 and 4.1.3 as presented.

4.2 Discussion / Decision Items

4.2.1 Committee of the Whole - Meeting Procedures Bylaw Amendment - RFD

DRAFT

Director of Legislative Services Marlor provided review of the request for decision (RFD).

TC-2024-003

It was MOVED by Trustee Fast and SECONDED by Trustee Yates, that Trust Council Bylaw 196, cited as “Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 1, 2024”, be read a first time.

CARRIED

TC-2024-004

It was MOVED by Trustee Borthwick and SECONDED by Trustee Gauvreau, that Trust Council Bylaw 196, cited as “Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 1, 2024”, be read a second time.

CARRIED

TC-2024-005

It was MOVED by Trustee Borthwick and SECONDED by Trustee Morrison, that Trust Council Bylaw 196, cited as “Islands Trust Council Meeting Procedures Bylaw, 2004, Amendment Bylaw No. 1, 2024”, be read a third time.

CARRIED

DLS Marlor informed Trust Council that adoption of the bylaw, by resolution without meeting (RWM), can be initiated no sooner than 24 hours after the meeting is adjourned.

4.2.2 Records Management System Bylaw No. 195 – RFD

DLS Marlor provided review of the request for decision.

TC-2024-006

It was MOVED by Trustee Evans and SECONDED by Trustee, that Trust Council request Staff amend draft Bylaw No. 195 be amended in .6, to add words “, the “Islands Trust Council Records Management System Manual” (the “Manual”), “ after “manual of procedures and policy”.

CARRIED

TC-2024-007

It was MOVED by Trustee Borthwick and SECONDED by Trustee Evans, that Islands Trust Council Bylaw 195, cited as the “Islands Trust Council Records Management System Bylaw, 2024”, as amended, be read a first time.

CARRIED

DRAFT

TC-2024-008

It was **MOVED** by Trustee Fast and **SECONDED** by Trustee Yates, that Islands Trust Council Bylaw 195, cited as the “Islands Trust Council Records Management System Bylaw, 2024”, be read a second time.

CARRIED

TC-2024-009

It was **MOVED** by Trustee Evans and **SECONDED** by Trustee Gedye, that Islands Trust Council Bylaw 195, cited as the “Islands Trust Council Records Management System Bylaw, 2024”, be read a third time.

CARRIED

5. LOCAL PLANNING SERVICES

5.1 Consent Agenda Items

By general consent Trust Council received item 5.1.2 as presented.

5.1.1 Director of Planning Services – Report

Question about the elements of the Director report and some of the planned work. The Director of Planning Services Cermak provided explanations. Questions about building permit referral process, and suggestion of having a shoreline model bylaw for the entire Trust Area.

5.1.2 Regional Planning Committee Work Plan

That Trust Council approve the Regional Planning Committee Work Program as presented.

The meeting recessed for break at 2:01 p.m. and reconvened for the Strategic Plan - Goals and Priorities session at 2:15 p.m., which was not livestreamed.

6. STRATEGIC PLAN - GOALS and PRIORITIES SESSION

Trustees undertook a strategic planning goals and priorities session facilitated by Cheeying Ho, WCS Engagement and Planning.

Trustee Boland left the meeting at 5:14 p.m.

Trust Council recessed for the day at 5:30 p.m.

Chair Luckham reconvened the meeting at 8:30 a.m., Wednesday, March 13, 2024.

Vice-Chair Elliott was not in attendance.

Wednesday, March 13, 2024

7. ADMINISTRATIVE SERVICES / FINANCE

7.1 Consent Agenda Items

By general consent Trust Council received item 7.1.1 and approved items 7.1.2, and 7.1.4 as presented.

DRAFT

7.1.1 Director of Administrative Services – Report

7.1.2 Third Quarter Financial Report - RFD

That the Islands Trust Council approve the third quarter Financial Report as presented.

7.1.3 Third Quarter Financial Forecast - BRF

Question about the financial report. The Director provided an overview of the financial forecast.

That the Islands Trust Council approve the third quarter Financial Forecast as presented.

7.1.4 Financial Planning Committee Work Plan

That Trust Council approve the Financial Planning Committee Work Program as presented.

7.2 Discussion / Decision Items

The Vice-Chair of the Financial Planning Committee introduced the draft budget for Fiscal year 2024/25, and provided an overview of the Financial Planning Committee budget process. Trustees asked questions about the draft budget.

7.2.1 Draft 2024/25 Budget Session

7.2.1.1 Draft Budget Session Outline

7.2.1.2 Draft Budget Assumptions and Principles

7.2.1.3 Budget Overview – BRF

The Director provided an overview of the proposed budget for Fiscal Year 2024/25.

Vice-Chair Elliott joined the meeting at 8:53 a.m.

TC-2024-010

It was MOVED by Trustee Boland and SECONDED by Trustee Hunter, that Trust Council remove the proposed new staff position for Islands Trust Conservancy (Protected Areas Manager) from the 2024/25 draft budget.

DEFEATED

Trustees Hunter and Harris requested that their vote in favour be recorded.

The meeting recessed at 10:40 a.m. and reconvened at 10:55 a.m.

DRAFT

TC-2024-011

It was MOVED by Trustee Peterson and SECONDED by Trustee Gauvreau,
that Trust Council add back the Stewardship Education amount of \$15,000 to the draft 2024/25 budget.

CARRIED

TC-2024-012

It was MOVED by Trustee Peterson and SECONDED by Trustee Yates,
that Trust Council add back the Secretariat Services amount of \$10,000 to the draft 2024/25 budget.

CARRIED

The MOVER clarified this is for a total of \$15,000.

TC-2024-013

It was MOVED by Trustee Evans and SECONDED by Trustee Borthwick,
that Trust Council reduce the Freedom of Information budget to \$5,000 for the draft 2024/25 budget as per the previous year's budget.

CARRIED

TC-2024-014

It was MOVED by Trustee Evans and SECONDED by Trustee Yates,
that Trust Council reduce the "Applications Sponsored by Executive Committee" by \$5,000 for the 2024/25 budget to align with currently expected spend.

DEFEATED

TC-2024-015

It was MOVED by Trustee Evans and SECONDED by Trustee Yates,
that Trust Council reduce "First Nations Engagement Plan" by \$10,000 for the draft 2024/25 budget and remain at the previous year's budget as no spending occurred last year.

DEFEATED

TC-2024-016

It was MOVED by Trustee Evans and SECONDED by Trustee Gauvreau,
that Trust Council adjust telephone and training for the draft 2024/25 budget so it remain at previous year's spend, \$12,000 and \$10,000 respectively, for a joint reduction of \$5,000.

CARRIED

TC-2024-017

It was MOVED by Trustee Gauvreau and SECONDED by Trustee Yates,
that Trust Council reinstate funding for the Galiano Islands Trust office for the 2024/2025 budget.

CARRIED

TC-2024-018

It was MOVED by Trustee Graham and SECONDED by Trustee Gauvreau,

that Trust Council return \$10,000 to the Executive Committee expense amount, regarding Local Trust Committee Chair expenses budget amount.

CARRIED

TC-2024-019

It was MOVED by Trustee Evans and SECONDED by Trustee Campbell,

that the “Project: Islands Trust Conservancy Plan First Nation Engagement” remain at the previous year’s budget total by reducing the Islands Trust contribution by the Species At Risk grant contribution of \$8,000.

DEFEATED

The meeting recessed for lunch at 12:10 p.m. and reconvened at 1:00 p.m.

Trustees Dodds, Scott, and Middleton left the meeting.

8. ENGAGEMENT / COLLABORATION

Chair Luckham opened the engagement/collaboration session. The trustees introduced themselves.

8.1 Delegations

8.1.1 Ian Peace - Gulf Islands Alliance

The delegation arrived late and presented following the public comments. Mr. Peace, representing the Gulf Islands Alliance, spoke to the Islands Trust Council Statement on the scope and meaning of Section 3 of the Islands Trust Act. Written documentation on the topic was received from Mr. Peace on page 330-332 of the agenda.

8.2 Public Comments

The Chair invited members of the public to speak to council.

- Graham Brazier, Denman Island - spoke to interpreting the Islands Trust mandate.
- Jennifer Margison, Friends of the Gulf Islands - spoke to the purposes of a communications strategy and the fact that the goals session on Tuesday was not live-streamed.
- Ted Olynyk, Communications Manager for BC Hydro - spoke to his proposed presentation to Trust Council in June on the work that BC Hydro has done on the islands.
- Dan Rogers, Keats Islands - spoke to agendas and public comment period, would be useful to hold the public comment period prior to the Trust Council discussion on the budget.

DRAFT

- Michael Sketch, North Pender Island - spoke to governance and the Trust Policy Statement.

Trustee Dodds joined the meeting at 1:30 p.m.

Trust Council resumed item 7.2.1.3 Budget Overview after the Engagement section.

7.2.1.3 Budget Overview – BRF

TC-2024-020

It was MOVED by Trustee Boland and SECONDED by Trustee Morrison, that Trust Council replace the Islands Trust Conservancy Protected Areas Manager staff position, with a temporary staff position for Islands Trust Conservancy, in the draft 2024/25 budget.

DEFEATED

TC-2024-021

It was MOVED by Trustee Morrison and SECONDED by Trustee Campbell, that the Trust Council reduce the \$30,000 from the budget for the "Housing Strategy and Housing Options Toolkit" project by the Regional Planning Committee.

Trust Council recessed conversation on this motion and picked it up after the Media & Social Media Training Session.

9. MEDIA & SOCIAL MEDIA TRAINING SESSION

Trustees undertook a training session on social media from Jan Enns Communications.

The meeting reconvened at 5:30 p.m. following the media training session.

7.2.1.3 Budget Overview – BRF (Continued)

TC-2024-021

It was MOVED by Trustee Morrison and SECONDED by Trustee Campbell, that Trust Council remove \$30,000 from the budget for the "Housing Strategy and Housing Options Toolkit" project by the Regional Planning Committee.

DEFEATED

TC-2024-022

It was MOVED by Trustee Evans and SECONDED by Trustee Boland, that Trust Council reduce the budget for the "Housing Strategy and Housing Options Toolkit" project by \$10,000.

DEFEATED

7.2.1.4 Draft Budget Funding Requests

7.2.1.4.1 Business Case Summaries

DRAFT

7.2.1.4.2 Strategic Plan Projects

7.2.1.4.2.1 EC: Policy Statement Amendment Project

7.2.1.4.2.2 TPC: Secretariat Services

7.2.1.4.2.3 RPC: Housing Needs Assessment: North/South Gulf Islands

7.2.1.4.2.4 RPC: Housing Strategy and Housing Options Toolkit

7.2.1.5 Operational Projects and Staffing

7.2.1.5.1 Building Footprint GIS Data Layer Update

7.2.1.5.2 Bylaw Portal Licensing and Implementation

7.2.1.5.3 SSI Office Relocation

7.2.1.5.4 Microsoft 365 Upgrade - BRF

7.2.1.5.5 GIS Coordinator

7.2.1.5.6 CAOHC: Hiring an Executive Search Firm

7.2.1.6 ITC Board Budget Requests - BRF

7.2.1.7 LTC Projects - Budget Requests and Feasibility

7.2.1.7.1 Planning Services – Projects Feasibility Assessment - BRF

7.2.1.7.2 Denman - OCP and LUB Housing Policy Review

7.2.1.7.3 Gabriola - OCP and LUB Comprehensive Review

7.2.1.7.4 Mayne - Housing Options

7.2.1.7.5 North Pender - Housing Access and Affordability

7.2.1.7.6 Hornby - Relationship Building Actions with K'ómoks First Nation

7.2.1.7.7 Salt Spring - OCP and LUB Review

7.2.1.7.8 Salt Spring - Ganges (Shiya'hwt/SYOWT) Village Area Plan

7.2.1.8 Proposed Unfunded Project Requests

7.2.1.8.1 TPC: Stewardship Education Program

7.2.1.8.2 Eelgrass Mapping - Phase 2 - BRF

7.2.1.9 SSI Water Sustainability Projects - RFD

TC-2024-023

It was MOVED by Trustee Patrick and SECONDED by Trustee Peterson, that Trust Council, despite Policy 6.3.2, authorize the Salt Spring Island Local Trust Committee to use unspent special property tax requisition funds from previous fiscal years to undertake water sustainability projects under the delegated authority of Bylaw 154, and under the land use planning powers of s.29 of the Islands Trust Act.

CARRIED

Trust Council recessed for the day at 6:00 p.m.

Chair Luckham reconvened the meeting at 8:30 a.m., Thursday, March 14, 2024.

Thursday, March 14, 2024

10. CLOSED MEETING (Separate Agenda)

TC-2024-024

It was MOVED by Trustee Dodds and SECONDED by Trustee (missed the seconder), that the Islands Trust Council meeting be closed to the public subject to Section 90(1) of the Community Charter in order to consider matters related to:
(c) labour relations or other employee relations,
(g) litigation affecting the Islands Trust; and
(i) receipt of advice that is subject to solicitor-client privilege;
and that CAO Russ Hotsenpiller and staff be invited to attend the closed session.

CARRIED

The meeting was closed to the public at 8:34 a.m. and reopened to Rise and Report at 9:45 a.m.

10.1 RISE AND REPORT

Chair Luckham reported that Trust Council adopted in-camera minutes, received a litigation report, an update from CAO Hiring Committee, and will be publicly releasing a briefing from the CAO Hiring Committee.

11. FINANCIAL BYLAWS APPROVAL

The Director of Administrative Services Mobbs provided an update on the draft 2024/25 budget based on amendments made by Trust Council at the meeting yesterday.

11.1 Bylaw 193 - Financial Plan Bylaw 2024/2024 – RFD

The Director of Administrative Services Mobbs presented the five-year Financial Plan Bylaw for 2024/45.

Trustee Morrison raised a concern the money had not been earmarked for potentially joining the Sue Big Oil movement.

DRAFT

TC-2024-025

It was **MOVED** by Trustee Morrison and **SECONDED** by Trustee Yates, that Islands Trust include \$15,256 in the 2024/25 budget to join the Sue Big Oil class action lawsuit, funds eligible for spending only upon Trust Council formally resolving to join the movement.

DEFEATED

Trustee Morrison requested that her vote in favour be recorded.

TC-2024-026

It was **MOVED** by Trustee Evans and **SECONDED** by Trustee Gauvreau, that Islands Trust Council Bylaw 193, cited as the "Financial Plan Bylaw 2024-2025", be read a first time.

CARRIED

Trustee Harris requested that his vote in opposition be recorded.

TC-2024-027

It was **MOVED** by Trustee Evans and **SECONDED** by Trustee Yates, that Islands Trust Council Bylaw 193, cited as the "Financial Plan Bylaw 2024-2025", be read a second time.

CARRIED

Trustee Harris, Hunter, Campbell, and Morrison requested their vote in opposition be recorded.

TC-2024-028

It was **MOVED** by Trustee Evans and **SECONDED** by Trustee Gedye, that Islands Trust Council Bylaw 193, cited as the "Financial Plan Bylaw 2024-2025", be read a third time.

CARRIED

Trustee Harris and Morrison requested their vote in opposition be recorded.

TC-2024-029

It was **MOVED** by Trustee Evans and **SECONDED** by Trustee Gauvreau, that Islands Trust Council Bylaw 193, cited as the "Financial Plan Bylaw 2024-2025", be forwarded to the Minister of Municipal Affairs for approval consideration.

CARRIED

Trustee Harris requested that his vote in opposition be recorded.

11.2 Revenue Anticipation Borrowing Bylaw - RFD

TC-2024-030

It was **MOVED** by Trustee Yates and **SECONDED** by Trustee Evans, that Islands Trust Council Bylaw 194, cited as "Islands Trust Council Revenue Anticipation Borrowing Bylaw 2024-2025", be read a first time.

CARRIED

DRAFT

TC-2024-031

It was **MOVED** by Trustee Gedye and **SECONDED** by Trustee Borthwick, that Islands Trust Council Bylaw 194, cited as “Islands Trust Council Revenue Anticipation Borrowing Bylaw 2024-2025”, be read a second time.

CARRIED

TC-2024-032

It was **MOVED** by Trustee Fast and **SECONDED** by Trustee Gedye, that Islands Trust Council Bylaw 194, cited as “Islands Trust Council Revenue Anticipation Borrowing Bylaw 2024-2025”, be read a third time.

CARRIED

TC-2024-033

It was **MOVED** by Trustee Yates and **SECONDED** by Trustee Evans, that Islands Trust Council Bylaw 194, cited as “Islands Trust Council Revenue Anticipation Borrowing Bylaw 2024-2025”, be forwarded to the Minister of Municipal Affairs for approval consideration.

CARRIED

Trust Council resumed the Local Planning Services section at item 5.2 Discussion / Decision Items.

5.2 Discussion / Decision Items

5.2.1 Bylaw Compliance & Enforcement Statistical Report – BRF

By general consent Trust Council received the Bylaw Compliance and Enforcement Report for information

5.2.2 Bylaw Compliance and Enforcement Review Project - RFD

Director of Planning Services Cermak introduced the request for decision.

TC-2024-034

It was **MOVED** by Trustee Patrick and **SECONDED** by Trustee Campbell, that Trust Council approve Bylaw Compliance and Enforcement Review Project Charter V1.

CARRIED

12. TRUST AREA SERVICES

12.1 Consent Agenda Items

By general consent Trust Council received item 12.1.1 and approved item 12.1.2 as presented.

12.1.1 Director of Trust Area Services – Report

12.1.2 Trust Programs Committee Work Program

That the Islands Trust Council approve the top priorities of the Trust Programs Committee Work Program Report.

12.2 Discussion / Decision Items

12.2.1 Policy Statement Amendment Project Update – Request for Decision

The Director of Trust Area Services Frater introduced the request for decision.

TC-2024-035

It was MOVED by Trustee Evans and SECONDED by Trustee Boland, that Trust Council request Staff to create a detailed workplan in addition to the existing project Charter to clarify, and specify, the work involved within each step of the policy Statement Amendment Project.

CARRIED

TC-2024-036

It was MOVED by Trustee Patrick and SECONDED by Trustee Morrison, that Trust Council request that the “Policy Statement Amendment Project - Project Charter V8” be amended to have the Draft Policy Statement be initially provided to Trust Council at a special meeting.

CARRIED

TC-2024-037

It was MOVED by Trustee Fast and SECONDED by Trustee Evans, that Trust Council endorse the Policy Statement Amendment Project Charter Version 8 as amended.

CARRIED

To accommodate timing needs, Trust Council moved to item 12.3 Islands Trust Conservancy Report.

12.3 Islands Trust Conservancy Report

Chair Smith updated Trust Council on the activities of the Islands Trust Conservancy. Trust Council received the report for information.

Trust Council resumed at item 12.2.2 Communications Plan – BRF.

12.2.2 Communications Plan – BRF

The Director of Trust Area Services presented the communications plan. Trust Council received for information with suggestions to remove the first sentence in section 1. Context, and instead start with the second sentence: “An updated communications...”

In section 3, 3.2 Creating a Communication Plan, a recommendation was presented to have a workplan format instead of a project charter style.

12.2.3 Legislative Monitoring - RPT & BRF

The Director of Trust Area Services presented the legislative monitoring chart. Trust Council received for information.

12.2.4 Climate Change – BRF

DRAFT

The Director of Trust Area Services presented the climate change briefing. Trust Council received this for information.

13. NEW BUSINESS

13.1 Advice to Trust Council - Improve Trustee Access to Agendas in HTML - RFD

The request for decision was provided by trustees: Boland, Borthwick, Elliott, Evans, Fast, Gauvreau, and Peterson.

TC-2024-038

It was MOVED by Trustee Fast and SECONDED by Trustee Borthwick, that Trust Council direct staff to prepare a report with options and recommendations for providing meeting agendas in HTML as well as PDF versions.

CARRIED

13.2 Selection of a location for the September 2024 Trust Council Meeting - RFD

TC-2024-039

It was MOVED by Trustee Elliott and SECONDED by Trustee Morrison, that the September Trust Council meeting be held on Gabriola Island.

CARRIED

TC-2024-040

It was MOVED by Trustee Elliot and SECONDED by Trustee Yates, that Trustees be polled to confirm their in-person attendance by April 15, 2024, and if the total number of Trustees is less than 3/4 of Trust Council (20 Trustees), that the meeting be re-scheduled as electronic.

DEFEATED

TC-2024-041

It was MOVED by Trustee Elliott and SECONDED by Trustee Gauvreau, that staff explore options to charge accommodation costs back to Trustees if they commit to attendance in person, but do not, with the exception of medical emergencies or extraordinary circumstances.

Trustee Hunter noted he will not be at the September Trust Council meeting.

Discussion ensued on the following:

- Work and other scheduling issues that arise last minute.
- Description of wording in the motion (extraordinary circumstances) and who decides what is a medical emergency or extraordinary circumstance.
- Costs associated to attend Trust Council per trustee.
- Staff resources versus last minute cancellations.
- Food waste.
- Trustee remuneration.

DRAFT

TC-2024-042

It was MOVED by Trustee Morrison and SECONDED by Trustee Evans,
that Trust Council defer this item to the June Trust Council meeting.

CARRIED

13.3 Business Letter to David Eby written by Rob Botterell re: moratorium on docks

TC-2024-043

It was MOVED by Trustee Falck and SECONDED by Trustee Campbell,
that Trust Council authorizes and directs Trust Chair Peter Luckham to write,
sign and send a letter regarding Dock Tenures to Honourable Premier Eby,
Honourable Minister Cullen, Honourable Minister Rankin and Honourable
Minister Kang by March 15th. The letter should be informed by the attached
letter from Rob Botterell (to the ministers) and be modeled on the Trust Council
draft letter provided by him.

TC-2024-044

It was MOVED by Trustee Stamford and SECONDED by Trustee Fast,
that the motion be amended to remove the date and delete the last sentence.

CARRIED

The question on the following motion, as amended, was then called:

That Trust Council authorizes and directs Trust Chair Peter Luckham to write,
sign and send a letter regarding Dock Tenures to Honourable Premier Eby,
Honourable Minister Cullen, Honourable Minister Rankin and Honourable
Minister Kang.

CARRIED

Trustee Morrison requested to note that her opposition is to the process not the intent of the motion.

13.4 From Budget discussion – Planning Staff Time Tracking

TC-2024-045

It was MOVED by Trustee Morrison and SECONDED by Trustee Campbell,
that Trust Council requests staff to report in the September and March Trust
Council meetings about the tracking of Planning staff time and application
revenue.

TC-2024-046

It was MOVED by Trustee Evans and SECONDED by Trustee Peterson,
that the motion be amended to add at the end “with regards to cost recovery”.

CARRIED

The question on the following motion, as amended, was then called:

DRAFT

That the Trust Council request staff to report in the September and March Trust Council meetings about the tracking of planning staff time and application revenue with regards to cost recovery.

CARRIED

13.5 From budget discussion – Planning Staff Time Tracking

TC-2024-047

It was MOVED by Trustee Boland and SECONDED by Trustee Evans, that the Islands Trust Conservancy use the comprehensive analysis created in support of the budget request for a new staff position, to make a strategic approach to the province, to request funding for the entire Islands Trust Conservancy budget going forward.

Trust Council recessed conversation on this motion for a break at 12:53 p.m. and resumed at 1:03 p.m.

TC-2024-048

It was MOVED by Trustee Evans and SECONDED by Trustee Gauvreau, that Trust Council defer this item to September Council.

DEFEATED

The question on the original motion was then called:

That the Islands Trust Conservancy use the comprehensive analysis created in support of the budget request for a new staff position, to make a strategic approach to the province, to request funding for the entire Islands Trust Conservancy budget going forward.

DEFEATED

14. SUMMARY / UPDATES

14.1 Trustee Updates about Working in Cooperation with Others

Chair Luckham asked for any updates and noted no written updates were received for this meeting.

Vice-Chair Peterson advised trustees that a report from the Xwe'etay/Lasqueti Archaeology Project was meant to be included in the agenda and has already been circulated to all trustees via email.

14.1.1 Atl'ka7tsem / Howe Sound Biosphere Region - None

14.1.2 Baynes Sound / Lambert Channel Ecosystem Forum - None

14.1.3 Southern Gulf Islands Forum - None

14.1.4 Salt Spring Island Watershed Protection Alliance (SSIWPA) - None

DRAFT

14.1.5 VICC Climate Leadership Steering Committee

Trustee Morrison asked trustees to reach out to her via email if anyone wants anything raised regarding the VICC Climate Leadership work. An email will be circulated with more details on future meetings and work once finalized.

14.1.6 Snaw-naw-as Nation / Islands Trust Joint Working Group - None

14.1.7 First Nations Relations - None

14.1.8 Shellfish Aquaculture Management Advisory Committee - None

14.1.9 Freighter Anchorages/Oceans Protection Plan Update - None

14.1.10 BC Ferries Advisory Committees - None

14.2 Trust Council Top Priorities Active Projects Chart

By general consent Trust Council received item 14.2 for information.

14.3 June Trust Council Draft Schedule

By general consent June's Trust Council draft schedule was received for information.

14.4 Disposition of Delegations and Town Hall Requests

Chair Luckham asked for any direction on disposition of delegations and town hall requests.

Trustee Morrison asked for a clarification on the Rise and Report coming out of the September Trust Council meeting.

14.5 CORRESPONDENCE

Chair Luckham asked if there is any action required in relation to the correspondence.

TC-2024-049

It was MOVED by Trustee Elliott and SECONDED by Trustee Yates, that Trust Council request Staff to work with the Chair to draft a letter in response to the correspondence 14.5.5 and 14.5.6.

CARRIED

By general consent the above letter to be sent to other letter writers (14.5.1 and 14.5.2) expressing similar concerns.

14.5.1 2024-01-19 Regional District of Nanaimo - Legislative Reform Initiative Update

By general consent Executive Committee forward the January 19, 2024 letter from the Regional District of Nanaimo to trustees advising them to contact the Chief Executive Officer of the Regional District of Nanaimo if they are interested in participating.

14.5.2 2024-02-05 M. Wilde - Trust Mandate

DRAFT

14.5.3 2024-02-06 E Kelly - Gabriola

14.5.4 2024-02-08 V Poster - Protect the Gulf Islands. It's your job!

14.5.5 2024-02-15 G Bywater - Secret Change to the Trust Act

14.5.6 2024-02-19 Maxine Leichter - Friends of the Gulf Islands Society

Forwarded by Executive Committee from their February 28, 2024 meeting for information.

14.5.7 2024-02-28 F Weller - Sue Big Oil Initiative

Discussed at item 11.1 Bylaw 193 - Financial Plan Bylaw 2024/2024 – RFD.

15. NEXT MEETING

Next meeting is for June 18-20, 2024, on Salt Spring Island.

16. ADJOURNMENT

By general consent the meeting was adjourned at 1:45 p.m.

Peter Luckham, Chair

Certified Correct:

David Marlor, Director Legislative Services

The minutes are not official until adopted at a future meeting.

To: Executive Committee **For the Meeting of:** May 15, 2024
From: CAO **Date Prepared:** May 9, 2024
SUBJECT: June Trust Council administration

PURPOSE: To consider June Trust Council scheduling and organizing issues and opportunities and to receive specific direction if required.

BACKGROUND:

Various:

- It is proposed that the Trust Council meeting start at 12:30 p.m. instead of 1 p.m.
- Is the Standards of Conduct COW meeting discussed at the last EC meeting recommended to be at the June Trust Council meeting or scheduled for an online meeting at another time?
- **Cooperation with others, trustee updates:** At the last EC meeting there was discussion of requesting that Trustee updates, regularly scheduled for late morning on Thursday, become a written exercise and that that we indicate that to trustees. Confirmation of this is helpful.
- **Disposition of delegations:** It is generally understood that disposition of delegations will not be provided in the agenda, immediately following the delegations session, rather that these would be considered at the next meeting in September.
- **First Nations:**
 - The Senior Indigenous Relations Advisor is working on inviting a representative to open the meeting.
 - Invitation to all First Nations to the June Trust Council meeting, pending discussion.
- **Relocate the public comment period:** The public comment period is offered on the Tuesday of the June Trust Council following the roundtable and prior to the Trust Area Services section, to allow for a full day of strategic planning.
- **Strategic plan session:** A consultant has been contracted to develop a follow up session with Trust Council for Wednesday, June 19.
- The Transport Canada session is pending confirmation from senior Transport Canada officials as to the presentation being live streamed.
- **Field trip:** The usual field trip at this point has not been developed, pending.
- **Recognizing the 50th**
 - The Premier has declined an invitation.
 - The Minister's response is pending.

- Accordingly we have not scheduled the recognition moment, however, Wednesday lunch makes the most sense at this time.

ATTACHMENT(S): **None**

FOLLOW-UP: as directed by EC

Prepared By: **CAO**

CORPORATE PLANNING PROCESS ROADMAP	TIMELINE	Status	NOTES	
PHASE 1: Assess the Environment (SWOT)	June 2023	Complete, updated in March 2024		
PHASE 2: Develop a Term Strategic Plan Part 1 – Direction & Goal Setting Step 1: Determine the Vision Step 2: Understand the Mission/Mandate Step 3: Determine Values	September 2023	Step 1. Complete Step 2. Complete Step 3. Undetermined (policy statement)		
Step 4: Determine & Prioritize Goals & Objectives	September 2023 to June 2024	Step 4. Session completed in March 2024 (Cheeying Ho	Analysis and policy development	
Part 2 – Strategy Implementation Step 1: Determine actions to achieve objectives Step 2: Prioritize actions & Assign Responsibilities			Part 1.4 through Phase 3 is significant and would be the next tasks in plan development.	
PHASE 3: Develop Departmental Plans to support strategies and financials				
PHASE 4: Develop the Annual Budget & Long-Term Financial Plan Step 1: Review Background Documents	August 2024 to March 2025		1. Relevant policies and planning needs to further integrate projects and financials	

Step 2: Budget Submissions Step 3: Draft Annual Budget & Draft Financial Plan Step 4: Senior Management Review Step 5: Financial Planning Committee Review Step 6: Trust Council Review Step 7: Public Feedback & Consultation with Municipalities Step 8: Financial Planning Committee Review Step 9: Trust Council Approval Step 10: Financial Plan Bylaw Submission to Minister			2. By the end of June the Corporate Plan process and framework, with policies, would be ready to be implemented for the 2025 budget cycle.	
PHASE 5: Monitoring, performance management and risk assessment	Post March 2025	3.	4. New process needs development	5.

1 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

This is a current strategic direction of Trust Council and the responsibility of both Executive Committee and Governance Committee. There will need to be the following staff resources dedicated to the project over the next 8 to 10 months.

Assumptions:

Working term: October 2023 to May 2024.
Committee meetings: October 2023 to May 2024: 9 meetings approx. for either subgroup or GC
Staff meetings: 5-6 half day meetings or equivalent October-May
Policy Development: Analysis of plan, committee planning, budget planning, link to LTC projects, other

Communications

Training: at this point this item is hard to approximate, depends on monitoring and reporting requirements.

	Notes	Hours	Totals
CAO	Main contact and project lead Department planning, Committee liaison Ongoing strategic management	5 hours a week for 32 weeks	160 hours
Executive Coordinator	Administration, agenda development	2 hours a week for 32 weeks	64 hours
Director of Leg Services	Policy Development, training	1 week of work	40 hours
Director of Admin Services	Corp/budget rationalization, FPC contact	2-4 hours week for 32 weeks	40-80 hours
Director of TAS	General policy development, analysis, training	1.5 week	60 hours
Dir of Planning Services	Policy development, training	1-2 hours week for 20 weeks	40 hours
Communications	Internal and external comms needed, mainly next fiscal year.	pending	
Sub Committee	1 meeting a month from Oct to May		
Governance Committee	3-4 meetings, Oct to May		

Islands Trust Focus Areas and Strategic Directions 2025-2028

Focus Area	Governance & Organizational Excellence	Growth Management & Community Resiliency	Ecosystem Health & Integrity	Climate Change	First Nations Relations & Reconciliation
Strategic directions (higher priority)	<ol style="list-style-type: none"> 1. Update the Policy Statement <ul style="list-style-type: none"> ○ Include First Nations relations and reconciliation lens ○ Include climate imperatives – mitigation, adaptation ○ Include strong engagement principles 2. Develop corporate plan <ul style="list-style-type: none"> ○ Include initiatives to improve organizational systems 	<ol style="list-style-type: none"> 1. Review and update OCP and LUB processes <ul style="list-style-type: none"> ○ Include policies and bylaws to support a diversity of housing types, increased access to housing for working residents and for lower income/workforce workers ○ Include climate action and resiliency policies 2. Clarify/better understand Islands capacity and constraints and their implications <ul style="list-style-type: none"> ○ Research and understand data on growth trends, projections; geological and hydrological capacities; infrastructure; current development rates and timing ○ Research into evidence-based constraints/thresholds that need to be understood for informed land use (place protection) planning for islands ○ Set limits to growth rooted in science 	<ol style="list-style-type: none"> 1. Update and implement freshwater strategy 2. Develop strategy for protecting and restoring ecosystems <ul style="list-style-type: none"> ○ Set targets for ecosystem restoration ○ Increase support for ITC ○ Protect and maintain forests and farmland ○ Improve opportunities for resident and landowner involvement in land, marine and freshwater stewardship ○ Increase/work with other partners 	<ol style="list-style-type: none"> 1. Develop innovative climate action strategy <ul style="list-style-type: none"> ○ Understand our (IT) role in climate action ○ Prepare for and communicate climate change preparedness 	<ol style="list-style-type: none"> 1. Increase recognition of co-governance 2. Strengthen relationships and engagement with First Nations 3. Update the Reconciliation Action Plan
Strategic directions (lower priority)	<ol style="list-style-type: none"> 3. Strengthen relationship with province <ul style="list-style-type: none"> ○ Secure increased funding and protocol agreement 4. Improve public engagement and communications 5. Improve transparency 	<ol style="list-style-type: none"> 3. Support diverse communities and businesses 4. Support sustainable businesses and employment opportunities 5. Ensure sufficient amenities and food security, including housing for aging and increasing population 	<ol style="list-style-type: none"> 3. Develop policies and bylaws for marine and foreshore protection 4. Protect marine and foreshore in cooperation with First Nations 		<ol style="list-style-type: none"> 4. Update/create protocol agreements 5. Transfer ITC properties to First Nations

Islands Trust – Strategic Planning Session

Wednesday, June 19, 2024 | 9 a.m. to 3 p.m. | Harbour House Hotel, Salt Spring Island
Facilitator: [Diana Mulvey](#), WCS Engagement + Planning

Background:

Islands Trust Council will participate in a full day strategic planning session on June 19, during the June 18 – 20, 2024 Islands Trust Council Meeting as part of *PHASE 2: Develop a Term Strategic Plan, Step 4: Determine & Prioritize Goals & Objectives* of the corporate planning process.

Desired Outcomes:

- Identify 2025 – 2028 Strategic Plan **Goals**
- Review, refine and confirm Strategic Plan **Directions (high and low priority)**
- Identify measurable Strategic Plan **Initiatives and Deliverables**
- Review components of **Draft Strategic Plan**

Agenda Overview:

Arrival
Welcome and Introductions
Present Workshop Agenda, Guidelines
Review March Workshop: What We Heard, Revised Strategic Framework
Discuss and Define Goals for Each Focus Area
Break
Revisit Strategic Directions for Each Focus Area
Lunch Break
Define Key Initiatives and Deliverables for Each Strategic Direction
Regroup on strategic framework, Determine Next Steps
Workshop Integration and Closing

Draft Session Guidelines (TBD: the container for session discussions):

Take Space and Make Space: Share your ideas. Ask questions. Get curious. Learn from each other. If we already knew all the answers, we wouldn't be here.

Keep Conversations in Motion: This is the start of a four-year plan. Keep ideas at a high level. Park detailed conversations. Aim for progress over perfection.

Focus on the Collective: Aim to preserve and protect the Trust area. Plan for all 5,200 km².

Focus on Your Role: You can't do everything. Focus your ideas on what's in your jurisdiction and power to change.

Be Here Now: Please step out if you need to use your phone. Feel free to stand up, knit, use the restroom, drink water.

2025 – 2028 Proposed Strategic Plan Framework

Focus Area	<p>Crucial big picture issues that the Islands Trust should focus on during a strategic plan term</p> <p>Provides an umbrella for a number of more specific, related topics to be covered</p>				
2025 – 2028 Focus Areas	<p>Governance & Organizational Excellence</p>	<p>Growth Management & Community Resiliency</p>	<p>Ecosystem Health & Integrity</p>	<p>Climate Change Action</p>	<p>First Nations Relations & Reconciliation</p>
Goals / Desired Outcomes	<p>Goal for each Focus Area over next 3 years (start with an action verb: Develop _____)</p> <p>And/or defined as a desired future outcome (start with defining statement: Islands Trust is _____)</p>				
Strategic Directions	<p>A high-level course of action or a direction for addressing the Focus Area Goal/Desired Outcomes</p> <p>Provides enough direction but is not a specific task/tactic</p> <p>Prioritization Criteria</p> <ul style="list-style-type: none"> ✓ Furthers the Islands Trust mandate ✓ Is supported by the Policy Statement ✓ Can “multi-solve,” i.e., address more than one Focus Area ✓ Addresses crucial SWOT ✓ Directly within the Islands Trust control and influence ✓ Within resources ✓ Is required/legislated ✓ Aligns with reconciliation/UNDRIP declarations <p>Higher Priority: must do/do now</p> <p>Lower Priority: nice to do/do when resources allow</p>				
Key Initiatives / Actions	<p>Specific deliverables for the Corporate Plan to address the Strategic Directions and Goals</p> <p>Measurable, by-when date</p>				

DRAFT Detailed Agenda (TBD depending on room set-up):

TIME	TOPIC	DETAILS	TIMING
9:00	Arrival, Welcome, Introductions		5 minutes
9:05	Present Workshop Agenda, Session Guidelines	General themes for Strategic Planning Process: Simple, Achievable, Cost Conscious	10 minutes
9:15	Review March Workshop: What We Heard, Revised Strategic Framework	Send overview with meeting agenda in advance. Provide high level review (power point). Confirm proposed format for strategic framework.	15 minutes
9:30	Discuss and Define Goals for Each Focus Area	Review draft goals for each Focus Area. Provide examples of what is and is not an goal. 4 Roundtables with questions to guide discussions. Regroup to share insights and recommendations.	60 minutes
10:30	Break		15 minutes
10:45	Revisit Strategic Directions for Each Focus Area	Review draft strategic direction for each Focus Area Review what is within Islands Trust mandate. 4 Roundtables with questions to guide discussions. Regroup to share insights and recommendations.	60 – 75 minutes
12:00	Lunch Break		60 minutes
1:00	Define Key Initiatives and Deliverables for Each Strategic Direction	Staff overview of what is in progress. Review March 12 workshop ideas. 4 Roundtables to discuss draft and new ideas. Discussion to organize High/Low priority initiatives.	60 minutes
2:00	Review Input to Strategic Plan and Agree on Next Steps	Gather and review all feedback from Roundtables. Review and Capture feedback for strategic plan draft based on what was shared through the day. Staff/CAO to confirm next steps and follow up.	60 minutes
3:00	Workshop Integration and Closing	Synthesize what was covered over the session. Sharing at tables on key learning/ insight. Closing	10 minutes

From: Timothy Peterson
Sent: Wednesday, April 24, 2024 12:44 PM
To: EC
Subject: May 15 meeting items

Follow Up Flag: Follow up
Flag Status: Completed

Hello all,

I would like to bring the following for consideration for an Executive Committee meeting:

-Preparation of an RFD for Trust Council regarding Disposition of Delegations.

-Consideration of a session for a future Trust Council meeting on Protocols, MOUs, and Letters of Understanding or Agreement between Islands Trust and other agencies, governments, and First Nations.

Regards,

Tim

Tim Peterson

Lasqueti Island Local Trustee,
Vice-chair Trust Council
Islands Trust

T 250.607.7094 | www.islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I am humbly thankful to live and work in the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXEŁ, Qualicum, Quw'utsun Tribes, scəwəḡən məsteyəxʷ, Scia'new, səlilwətaʔt, SEMYOME, shíshálh, Skw̓xwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SʔÁUTW, Stz'uminus, ʔaʔəmen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLEŁP, WSIKEM, Xeláltxw, Xwémalhkwu/ʔop qaymıxʷ, and xʷməθkʷəy̓əm.



BRIEFING

To: Executive Committee **For the Meeting of:** May 15, 2024
From: Administrative Services **Date Prepared:** April 24, 2024
SUBJECT: Recovering Meeting Costs from Absent Trustees

PURPOSE:

To provide Executive Committee (EC) with potential options to recover meeting costs associated with absent Trustees at Trust Council meetings.

CAO Comments: Any contemplation of the development of cost recovery policy for meetings will also need to be accompanied by development of a list of exemptions from the policy. For instance, a list of exemptions for missing a meeting could include sickness, personal emergency etc. This report does not address those factors, but would be included in any policy if Trust Council chooses to advance this matter.

BACKGROUND:

At its March 2024 meeting, Trust Council moved and seconded the following motion:

TC-2024-041

that staff explore options to charge accommodation costs back to Trustees if they commit to attendance in person, but do not, with the exception of medical emergencies or extraordinary circumstances.

The motion was not carried, but was deferred to the June Trust Council meeting, as per the following:

TC-2024-042

that Trust Council defer this item to the June Trust Council meeting.

At its meeting on April 24, 2024, EC passed the following motion directing staff to begin work on this subject:

EC-2024-050

that Executive Committee requests staff to provide some options on the implications of charging accommodation costs back to trustees and report back to the May Executive Committee meeting.

DISCUSSION:

Staff provide the following options for consideration if this initiative is a desired path by Trust Council. Policy amendments to reflect any decisions on this matter would be a required next step after any Trust Council decision on the topic. EC may make a recommendation to Trust Council associated with these options.

Option 1: Do Nothing

A sound analysis includes the status quo as an option and evaluates the impacts of staying the current course. Under the current approach, Trustee costs incurred for Trust Council meetings include the following:

- Trustee Remuneration (Trust Council Base Amount) – Trustees’ monthly base pay includes a portion of pay related to Trust Council work, which currently is paid regardless of whether or not a trustee attends a Trust Council meeting. This amount is \$1,028 per trustee per quarter, intended to compensate trustees for their work on Council-related work.
- Accommodation and Catering Costs at Trust Council – Where a trustee does not show up, or cancels their plans to attend TC meetings without adequate notice, the costs incurred for accommodation and catering associated with that Trustee are still billed to Islands Trust as we cannot recover these costs for late cancellations. Currently, these costs are paid for by the organization and not recovered in any manner from the absent trustee(s). This results in average added costs to Islands Trust of approximately:
 - \$160/night + taxes = \$187/night for accommodation for meetings on Vancouver Island
 - \$140/day + taxes/gratuuity = \$168/day for catering for meetings on Vancouver Island
 - \$165 - \$240/day + taxes = \$193 - \$289/night for accommodation for meetings in the Trust Area
 - \$130/day + taxes/gratuuity = \$156/day for catering for meetings in the Trust Area.

The above costs are average costs based on recent meetings in each area. Actual costs fluctuate depending on the meeting locations and time of year.

Option 2: Charge Missed Meeting Costs back to Trustees

2A – Charge a portion of costs for accommodation and catering back to the absent trustee

Trust Council may determine that a set percentage of actual costs incurred will be charged back to trustees (i.e.: 50%, 75%, etc.). The amount would fluctuate each Trust Council based on actual costs incurred.

2B – Charge 100% of accommodation costs and catering back to the absent trustees

Trust Council may determine that 100% of actual costs incurred will be charged back to trustees. The amount would fluctuate each Trust Council based on actual costs incurred.

Option 3: Charge a Predetermined Flat Fee to Trustees

Trust Council may determine a flat fee that trustees are charged for each missed meeting, regardless of actual costs incurred by the organization.

Option 4: Reduce Absent Trustee’s Remuneration Related to Trust Council Work

TC’s [policy on Trustee Remuneration](#) outlines the remuneration structure for trustees. This policy outlines that trustee pay is made up of four separately calculated amounts: 1 – Trust Council Base Amount; 2 – LTC Base Amount; 3 – Population Amount; and 4 – Folio Amount.

Section 2 of the policy speaks to the Trust Council base amount, as follows:

2. Trustee Remuneration will be calculated based on the sum of four factors:
 - 2.1 An amount for membership on Trust Council. This amount will be equal to the remuneration paid to municipal trustees and will be referred to as the “Trust Council Base Amount”.

This amount is \$4,111/year, or \$1,028/quarter.

Trust Council may consider reducing or removing a trustee’s Trust Council Base Amount remuneration for missing Trust Council meetings.

Implementing Cost Recoveries

Any cost recovery policy approved by Trust Council may be implemented by:

1. Requesting repayment directly from a trustees via e-transfer or cheque:
This is the preferred method of recovering costs or collecting fees. It is the simplest method of collection, and is the cleanest method of recovery for purposes of monitoring and reporting.
2. Deducting amounts owed to Islands Trust from trustee expense claims:
This can be difficult to action at many trustees do not submit expense claims if they do not travel from their LTA for Trust-related work.
3. Deducting amounts owed to Islands Trust from monthly trustee remuneration:
 - Reducing TC base remuneration – actioning this is fairly straight forward, trustees would simply not be paid for the work they did not complete (i.e.: attend TC meeting).
 - Deducting costs owed, or fees owed, from remuneration – wage garnishing by employers is permissible only with written consent of the person being paid. While Trustees are technically not ‘employees’, this standard may still be applicable. As such, this option could prove difficult to implement.

The nature of any approved cost recovery plan may influence how the recovery is implemented, but in general, direct reimbursement (number 1 in the list) is preferred for ease of monitoring and reporting on recoveries.

ATTACHMENT(S): None.

FOLLOW-UP: As directed by EC.

Prepared By: Director, Administrative Services

Reviewed By/Date: CAO/



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MARCH 19th, 2024 BOARD MEETING

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board received the Minister of Municipal Affairs' response on the Islands Trust Conservancy (ITC) Plan which included a request to engage further with First Nations regarding creation of the ITC Plan. Manager Emmings advised that any new acquisitions or covenants need to come to the Minister for review before the Board signs off on them. The ITC Board directed staff to respond to the Minister of Municipal Affairs acknowledging directions in the letter and requesting:
 - Authorization to invest ITC funds as permitted under the provisions of the *Trustee Act*
 - Direction on interaction with the Minister regarding property management of new acquisitions of covenants and nature reserves
- The ITC Board approved the Project Charter for the development of the 2026-2030 ITC Plan.
- The ITC Board amended three land securement and management policies, providing direction for early First Nations engagement prior to approval of securement projects.
- Trustee Elliot provided updates of interest to the ITC Board from Executive Committee including:
 - Executive Committee's interest in continuing to meet with Islands Trust Conservancy to strategize on how to gain support from the province
 - ITC presence at the 50th anniversary celebration of Islands Trust on Salt Spring Island
- The ITC Board requested that Executive Committee set aside time for an ITC presentation to Trust Council at the June 2024 meeting
- Trustee Gauvreau provided updates of interest to the ITC Board from Governance Committee including:
 - The roles and responsibilities of the committee to oversee the organization's governance structure, ensuring transparency and efficiency, and providing recommendations to Trust Council
 - The Committee is currently reviewing the 2022 governance review, which requires input from staff and trustees
 - The report needs to be reviewed and discussed at Trust Council before a letter is drafted to the province



2. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board approved a conservation proposal for the Doris McHardy NAPTEP conservation covenant on North Pender Island, subject to review of First Nations responses and Ministerial approval.
- Manager Emmings provided the Board with a status update on public applications for Crystal Mountain Nature Reserve, Robert Leader NAPTEP Covenant, and Koontz NAPTEP Covenant following the decision to decline approval of the ITC Plan by the Minister of Municipal Affairs.

3. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board instructed staff to proceed with the development of a risk management policy for all nature reserves, which includes warning users of the risk of danger trees.
- The ITC Board directed staff to begin work on signage for the S'ul-hween X'pey (Elder Cedar) Nature Reserve on Gabriola Island, to address risk management efforts.

4. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board approved a contribution of \$3,500 to support the 2024 Salish Sea Conservation Forum on Galiano Island.
- The ITC Board approved the request from the Galiano Conservation Association to install a water meter at the existing drilled well on Trincomali Nature Sanctuary to log water levels and temperature data to inform a water conservation project on Galiano Island. This approval is subject to:
 - Proper installation as guided by the Water Sustainability Act and Groundwater Protection Regulation regarding work in and around groundwater wells
 - Removal of all equipment at the end of the project

Learn more about Islands Trust Conservancy: <https://islandstrust.bc.ca/conservancy/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>

From: Frants Attorp <[REDACTED]>
Sent: Thursday, April 25, 2024 4:30 PM
To: Executive Admin
Subject: Re: Driftwood article for Tust Council

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Alexandra,

Does this mean that my March 3, 2024 letter to the Minister of Municipal Affairs has not been included in the TC agenda package? If so, please include it in the next one with a request that Trust Council take steps to not only investigate the irregularities and manipulations I have identified, but also prevent them from happening again. My Driftwood article *Words are not harmless* should be added as supplementary information. This issue must be discussed by Trust Council as a whole as two of the trustees I have identified were on the Executive Committee. One is currently chair of Trust Council.

Regards,

Frants Attorp
Salt Spring Island

On Thu, 11 Apr 2024 at 12:13, Executive Admin <execadmin@islandstrust.bc.ca> wrote:

Dear Mr. Attorp:

Thank you for your email. Your submission has been received.

For your information, the mentioned Driftwood article, *Words are not harmless*, has been previously circulated to all Islands Trust staff and trustees following our internal process (sending media materials concerning the Islands Trust Area to all staff and trustees), and sent via our media clipping service, on March 27, 2024.

Items of this nature, articles, that are not specifically addressed to anyone at Islands Trust and don't formally ask for any action to be taken, are not included on agendas but rather sent out as FYI's in email form – in the form mentioned above. At this time, I have not included said article for Executive Committee's approval of addition to the upcoming June Trust Council meeting agenda.

I encourage you to send a letter directly addressed to the Executive Committee if you would like it included in a future Executive Committee or Trust Council agenda.

Please let me know if I can be of further assistance.

Sincerely,

Alexandra Trifonidis

A/Executive Coordinator

Islands Trust | T 250.405.5171

From: Frants Attorp <[REDACTED]>
Sent: Wednesday, March 27, 2024 1:24 PM
To: Executive Admin <execadmin@islandstrust.bc.ca>
Subject: Driftwood article for Tust Council

Dear Islands Trust,

Please include the attached op-ed, published in today's Driftwood newspaper, in the agenda package for the next Trust Council meeting.

Best regards,

Frants Attorp

Salt Spring Island

From: Frants Attorp <[REDACTED]>
Sent: Sunday, March 3, 2024 8:33 PM
To: MUNI.Minister@gov.bc.ca; premier@gov.bc.ca
Cc: Olsen.MLA, Adam; May, Elizabeth - M.P.; SSIInfo; Executive Admin;
Russ Hotsenpiller; Stefan Cermak; Chris Hutton; Peter Luckham
Subject: Proposed Major Update to Salt Spring's OCP

Follow Up Flag: Follow up
Flag Status: Completed

The Honourable Anne Kang

Minister of Municipal Affairs

March 3, 2024

Re: Proposed Major Amendment to Salt Spring Island's OCP

Below is a summary of recent events relating to proposed changes to Salt Spring Island's Official Community Plan (OCP) and to the Islands Trust Policy Statement (TPS) – events that could seriously threaten the Islands Trust mandate and the sustainability of all islands in the Trust Area. I respectfully ask that you intervene in the process to ensure: a) that Trust staff do not take planning shortcuts as described in Point 5, but rather, reinstate the “comprehensive ecosystem approach” originally proposed; b) that complete scientific data relating to water, infrastructure, servicing and environmental impact are obtained prior to the OCP review; c) that the OCP review starts with full public consultation; and d) that the new TPS is developed according to the “special conservation-oriented responsibility” of the Islands Trust. In short, please ensure that the Islands Trust's 50-year mandate is effectively implemented.

Yours truly

Frants Attorp

Salt Spring Island

Betrayal of Trust – For the Record

By Frants Attorp

In 1974 Premier Dave Barrett and his NDP government had a dream: to prevent over-development of the Gulf Islands and save their natural environment and “unique amenities” in perpetuity for all British Columbians. To realize that dream, they passed the Islands Trust Act with its famous “preserve and protect” mandate. That legislation, along with the Trust Policy Statement and individual Official Community Plans serve one main purpose: to place constraints on human activities so as to protect ecosystems and prevent the islands from being developed like any other area.

On Salt Spring, we are about to embark on a review of our OCP. It is a perfect opportunity to come together as a community to discuss what is possible within those constraints. But unfortunately, failings of the Islands Trust regulatory and governance systems are enabling some trustees and their supporters to do an end run around, not just our OCP, but the Islands Trust Act itself. Here is the evidence:

1. September 2017 - After lobbying by some Salt Spring residents dissatisfied with the Islands Trust, the Liberal BC government holds a referendum here with the options of a) becoming an incorporated municipality, or b) retaining Trust and CRD governance. It becomes clear that incorporation is mainly supported by pro-development interests, whereas maintaining the status quo is largely the choice of those who support the Trust's "preserve and protect" mandate. The campaigns draw a high voter turnout: 72%. Salt Spring voters decisively reject incorporation by a 62/38% split.

2. March 2018 – The pressure group Salt Spring Solutions (SSS) is formed and starts to promote the pro-development policies that voters had just rejected. SSS leadership claims widespread zoning changes are necessary for “social and climate justice” while depicting support for Islands Trust core values as “aggressive NIMBY-ism” and “fear of change.” Thus began the false narrative that massive upzoning of private land will meet affordable housing needs—mostly without a covenant or housing agreement to ensure affordability and long-term rental, and despite Lady Minto Hospital reporting “the bulk of defacto workforce accommodation has been displaced by over 500 nightly vacation rentals.”

3. 2020 - SSS releases a promotional video expressing opposition to the Islands Trust Act: "It was a radical and visionary model for the 1970s, but our world has changed..."

4. Trustee Patrick and SSS adopt "per capita" talking points claiming growth limits as defined in our OCP are not needed if the environmental footprint of each individual is reduced. It is flawed logic since the overall environmental impact of each person is determined by much more than house size (e.g. water, septic, solid waste, traffic, ferries, health services). It doesn't address the growth issue which is central to the Trust mandate, and goes against the Trust's Climate Emergency goal of realizing "an absolute reduction in greenhouse gas emissions."

5. 2019-2020 - Acting on an LTC resolution, Trustee Patrick assembles a hand-picked "Housing Working Group" dominated by SSS activists who do not support the Islands Trust Act and environmental-protection measures in our OCP. This results in a report from the group "to develop new policies and regulations," and in creation of the Housing Action Program Task Force with a former director of SSS as chair. In a remarkable admission that shortcuts are being taken and some OCP update planning functions handed over to lobbyists, led by a trustee who shares their antipathy to Trust restrictions, Trust staff write that "the original proposal from staff was to develop a Housing Ecosystem Management Plan that will take a comprehensive approach," but due to time constraints and a lack of funding and resources "it is determined that a more effective and impactful effort is necessary." The LTC makes "a priority" of the housing activists' report and "directs staff to provide a Project Charter for the implementation of this project."

6. December 2020 - Trust Council narrowly approves an independent Governance Review of the whole Islands Trust— with notable opposition from Trustee Patrick who is also Vice-Chair of Trust Executive.

7. February 2021 - SSS launches a letter-writing campaign opposing efforts to prioritize environmental protection in the Trust Policy Statement.

8. March 2021 - Trustee Patrick helps defeat environment-first motions at Trust Council, while successfully arguing to "keep the definition of the mandate as broad as possible"— despite results from the *Islands 2050* public engagement process showing "most participants value having a connection to nature" and feel governments "are not doing enough to protect the islands."

9. February 2022 - The Governance Report is released. It is very critical of the Islands Trust, noting disagreement on the meaning of the mandate, a lack of representation by First Nations and the provincial government, and no data on sustainability.

10. June 2022 - A current co-chair of SSS writes to Trust Council calling for the "outdated" Islands Trust Act to be "reviewed."

11. After the 2022 Islands Trust local elections, Trustee Patrick and Trustee Jamie Harris, who was elected on a “Stop the Islands Trust” platform, join the committee responsible for implementing the recommendations of the Governance Report.

12. August 2022 – In violation of their Terms of Reference stipulating that members must “be guided by the general policy intent of Salt Spring’s OCP and Land Use Bylaw,” the Housing Task Force recommends sweeping zoning changes: secondary suites and accessory dwelling units in all residential zones; tiny home villages/mobile parks; multiple dwellings plus cottage on acreages over 1.5 acres, and more of the like. The report does not mention the elephant in the room: growth limits in our OCP. Rather, it seeks to “reduce environmental impact per capita”—in other words, ignore the long-term cumulative damage of unchecked population growth. Trust documents show previous efforts to change or delete the definition of density—arguably the single, most important word in our OCP.

13. November 2023 – Further to an earlier initiative by Trustee Patrick, the LTC asks the BC Housing Minister to treat Salt Spring “as if it were a municipality” under Bill 44, the provincial legislation that would “remove existing barriers in zoning bylaws” to allow higher densities. The Minister responds saying the Islands Trust is exempt “because of the Trust’s special mandate” and “pre-existing limitations to critical resources like drinking water and waste disposal.” But the LTC’s lobbying continues.

14. September 2023 – In an in-camera meeting with critical implications for the Trust Policy Statement and all the islands, Trust Council claims to have reached a “consensus” that “unique amenities” in the mandate “are broad-ranging and may include issues such as, but not limited to, housing, livelihoods, infrastructure and tourism.” In short, Trust Council blatantly ignores a 1986 Position Paper, endorsed by the Trust and the Ministry of Municipal Affairs, stating unequivocally that “unique amenities” means natural features in the environment.

15. Trustee Patrick, SSS, the Housing Task Force chair and even planners use the “low uptake” (few takers) argument with regard to a proposed bylaw to rezone thousands of lots for accessory dwelling units—with no housing agreement requirement. They cite short-term municipal data—without mentioning major population increases (even under existing zoning), long-term build-out, and the upward pressure mass rezoning will exert on property values.

16. October 2023 – The proposed bylaw (BL 530) is withdrawn after lawyers say it violates our OCP, and amid opposition from Tsawout First Nation, who have the only treaty reserve on Salt Spring.

17. January 2024 – In an op-ed, the SSS co-founder again promotes blanket rezoning with no mention of OCP constraints, build-out, or studies showing Salt Spring’s current zoning will already result in an unsustainable population—5,000 more than today.

18. 2022 to present - Trustees show increasing disregard for the public process by asking staff “to avoid an OCP amendment process to address the housing crisis” (April 2022), and finding creative ways to avoid Public Hearings. Such actions suggest the housing shortage is being exploited as justification for zoning changes that could, in the long run, threaten sustainability.

19. There has been a concerted effort by trustees, SSS and the Housing Task Force to push through major changes in violation of our OCP and with slim promise of significant gains in terms of affordable housing. Missing is an overall vision for the future, with discussion of broader issues such as settlement patterns, build-out, limited resources, ecosystem health and a long-term strategy for dealing with a housing shortage that, because of our proximity to major urban centres with surging populations, can be alleviated but never solved. Yet the private, profit-driven sector is presented as the great panacea, without that fundamental concept ever being presented to the community in the context it demands. This manipulation of the public process, particularly the fracturing of land-use discussions to focus on the parts but never the whole, on the short term rather than the long term, does not bode well for the upcoming OCP review.

20. Trustee Patrick has signalled that the OCP review will not be wide open. Rather, “the focus will be determined through a combo of data analysis and public engagement.” But which data? Trust staff have already said there is no data on water, infrastructure, servicing and environmental impact. Yet the initial report from the Housing Working Group to the Trust promised “a high level of preservation and protection of the island’s biodiversity and freshwater, marine, and forest resources.” And trustees and housing advocates insist the future is bright: “sustainable housing,” “sustainable logging,” “sustainable water supply” and “sustainable communities.” Even rural character will be “enhanced.” The Islands Trust is being spun out of existence.

Information Sources:

1. CRD

2. Jason Mogus’ LinkedIn page (<https://ca.linkedin.com/in/jasonmogus>); Jason Mogus Times Colonist article – August 6, 2020; Jason Mogus Driftwood article - July 10, 2019; Early SSS documents; SSS video – “Making A Stand In The Salish Sea”; Lady Minto Spring 2022 Newsletter; Ask Salt Spring, Salt Spring Exchange – July 20, 2020

3. Rhonan Heitzmann, narrator in SSS video *Making a Stand in the Salish Sea* (<https://vimeo.com/533663041>) and soon-to-be chair of the Housing Action Program Task Force: “In the 1970’s, a radical model to preserve and protect both the Gulf

Islands' natural environment and unique culture and community was enshrined into law. This unique model, valuing conservation over unchecked development, has been for the most part a roaring success. It was a radical and visionary model for the 1970's, but our world has changed quite a lot in the last 50 years, and not always for the better."

4. Ask Salt Spring - August 26, 2020; Driftwood article by HAPTF Chair Rhonan Heitzmann – August 17, 2022; SSS website; past SSS documents; HAPTF final recommendations - August 30, 2022

5. October 6, 2020 Trust staff report; January 19, 2021 Trust staff report (P. 45); January 22, 2021 Trust staff report; October 14, 2020 Driftwood – front page story; SSS video – Making a Stand in the Salish Sea; Salt Spring Exchange – Housing Working Group - September 30, 2020; Housing Working Group report (Housing Challenges and Solutions) – October 6, 2020; Trustee Patrick pre-election interview with Friends of the Gulf Islands: "I championed the request for a provincial review of the mandate...."

6. Minutes of December 3, 2020 Trust Council Meeting and statements of other trustees in attendance

7. Salt Spring Exchange article by Jason Mogus – February 14, 2021

8. Official minutes and videotape of March 2021 Trust Council meeting; Islands Trust News Release re Islands 2050 – "What We Heard" - July 20, 2020; Minutes of June 29, 2021 LTC meeting

9. Governance Review Report – February 2022

10. Driftwood article by Mairi Welman – June 22, 2022

11. Islands Trust - list of members on Governance Committee

12. HAPTF Summary of Recommendations; Terms of Reference for HAPTF; May 17, 2022 Trust staff report; February 15, 2022 staff report

13. Email from Trustee Patrick - November 22, 2022; LTC letter of November 21, 2023 to BC Housing Minister; January 8, 2024 letter of response from BC Housing Minister.

14. Islands Trust September 26, 2023 Rise and Report – Statement Re. 5.3 Mandate; 1986 Position Paper endorsed by Trust Council and Ministry of Municipal Affairs

15. Driftwood articles by HAPTF Chair Rhonan Heitzmann - August 10 and August 17, 2022; Driftwood article by Jason Mogus (signed SSS) – July 27, 2022; Staff reports re Proposed Bylaw 530 and wall map at Open House

16. Driftwood front page article – October 18, 2023

17. Driftwood Viewpoint by Jason Mogus - January 24, 2024; An Ecosystem Health Perspective by David Rapport – 2007; State of the Islands Indicator Project - 2019

18. Trust staff report - April 19, 2022; Letter from Tsawout First Nation re Proposed Bylaw 537 - February 2, 2024

19. Driftwood articles by Rhonan Heitzmann - August 10 and August 17, 2022; Trust staff report – April 19, 2022; Videotaped LTC meeting – March 16, 2023

20. Email from Trustee Patrick - July 20, 2023; Laura Patrick and Jamie Harris 2022 campaign material; SSS material; Mairi Welman article - SSS site; Trust staff report - April 13, 2023; Housing Working Group Report

Words are not harmless

BY FRANTS ATTORP

While the Driftwood deserves credit for covering the draft new Islands Trust Policy Statement, last week's historical recap — "Special meeting on for April" — missed an important detail: the results of the fall 2019 public engagement process.

According to the Trust, of the many hundreds who participated in "Islands 2050" at physical locations and on-line, "most expressed that they value having a connection to nature on the islands and support the Islands Trust's preserve and protect mandate."

So why isn't environmental protection the Trust's top priority today as required by law and reflected in public outreach results? Much of the explanation can be found on Salt Spring where a lobby group, led by a trustee with a shared antipathy to Islands Trust restrictions, took significant control of an official community plan (OCP) planning process and shifted the focus from the environment to housing.

Since individual OCPs are intricately linked to the Trust Policy Statement, the deregulation movement on Salt Spring has become a major contributor to the slow collapse of the regulatory system protecting all islands in the Trust Area.

Central to the matter is trustee Laura Patrick's long-standing relationship with housing activists. For eight months in 2020, she met with a small group of housing strategists, most of whom participated in a Salt Spring Solutions film that openly rejects the Islands Trust Act, and some who are outspoken critics of growth limits in our OCP. Working as a team, they produced a planning report "to develop new policies and regula-

VIEWPOINT

tions" and submitted it to the LTC.

Trustee Patrick was acting on an LTC resolution that directed staff to work

with her "to establish a housing working group." The resolution said nothing about becoming part of the group. Yet she listed herself as a member of the group, referred to "our report," and used the pronoun "we" when discussing the group.

What followed was even more shocking, at least in terms of optics: The LTC made the report "a priority" and "directed staff to provide a Project Charter for the implementation of this initiative." The charter was for a "Housing Action Program" leading to major amendments of Salt Spring's OCP and Land Use Bylaw. It became, for all intents and purposes, the guiding document for the review of our OCP.

Trust staff wrote that the original "comprehensive approach" for amending our OCP was being replaced by the housing group's initiative because of time constraints, "limited staff resources" and "lack of funding," and added: "It is determined that a more effective and impactful effort is necessary." They did not say who "determined" this.

The charter for the Housing Action Program says the Trust mandate extends to "a socially diverse population." It's a loaded term that became even more so last September when Trust Council met in-camera and extended interpretation of the mandate to "issues such as, but not limited to, housing, livelihoods, infrastructure and tourism." The words may sound harmless, but their long-term implications for more than 450 islands in the Salish Sea hardly bear thinking.

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Canna Northwest Enterprise Inc. v. Salt Spring Island Local Trust Committee*,
2024 BCSC 706

Date: 20240429
Docket: S238111
Registry: Vancouver

In the matter of the *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241

Between:

Canna Northwest Enterprise Inc.

Petitioner

And:

Salt Spring Island Local Trust Committee

Respondent

Before: The Honourable Mr. Justice A. Saunders

Reasons for Judgment

Counsel for the Petitioner:

N. Baker

Counsel for the Respondent:

A. Bradley

Place and Date of Hearing:

Vancouver, B.C.
March 13-14, 2024

Place and Date of Judgment:

Vancouver, B.C.
April 29, 2024

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Introduction

[1] In October 2022 the petitioner applied to the Liquor and Cannabis Regulation Branch (the “LCRB”) for a license to operate a retail cannabis store in the Village of Ganges on Salt Spring Island. Pursuant to s. 33(1) of the *Cannabis Control and Licensing Act*, S.B.C. 2018, c. 29 [CCLA], such licenses cannot be issued without the recommendation of the local government authority for the proposed area of operation.

[2] Accordingly, in December 2022 the petitioner applied to the respondent (the “LTC”) for land use approval (the “Application”). The LTC is the local trust committee for the Salt Spring Island Local Trust Area, and is constituted as a corporation pursuant to the *Islands Trust Act*, R.S.B.C. 1996, c. 239 [ITA]. At the material times, the LTC consisted of three trustees.

[3] Following a process of public consultation and internal review, the Application came before the LTC for consideration at a regular meeting held on June 22, 2023 (the “Meeting”). The LTC rejected the Application, under the following resolution:

That the Salt Spring Island Local Trust Committee deny application SS-LCB-2023.1 (109 McPhillips Avenue) for the following reason: the location is not appropriate due to the proximity to schools, the library and a public park.

(the “Resolution”)

[4] The petitioner seeks judicial review, on the grounds that the rejection of the Application by the LTC was unreasonable, and that the LTC breached the rules of procedural fairness and natural justice in arriving at the Resolution. The petitioner seeks an order quashing the Resolution, and remitting the Application to the LTC for reconsideration.

Statutory and Bylaw Requirements

[5] As stated above, it is a precondition to the issuance of a cannabis retail license that the local government authority recommends such issuance to the LCRB. Section 33(3) of the *CCLA* provides as follows:

(3) If a local government or Indigenous nation that receives notice under subsection (2) decides to give comments and recommendations, the local government or Indigenous nation must take into account any prescribed criteria and, in the prescribed circumstances, gather the views of residents of an area determined by the local government or Indigenous nation in respect of the application by one or more of the following methods:

- (a) by receiving written comments in response to a public notice of the application;
- (b) by conducting a public hearing in respect of the application;
- (c) by holding a referendum;
- (d) by using another method the local government or Indigenous nation considers appropriate.

[Emphasis added.]

[6] The “prescribed criteria” and “prescribed circumstances” are those prescribed by s. 13 of the *Cannabis Licensing Regulation*, B.C. Reg. 202/2018:

- (3) The prescribed criterion for the purposes of section 33 (3) of the Act is the location of a proposed retail store.
- (4) The prescribed circumstances for the purposes of section 33 (3) of the Act are that the issuance of the licence may affect nearby residents.

[7] In 2018 the LTC had adopted Standing Resolution SS-2018-178 (“SR 178”), setting out a process for consideration and approval of cannabis retail licensing applications: receipt by the LTC of an application; and, a public consultation process, to be determined following initial review of the proposal, including at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. SR 178 set minimum requirements for the content of notices to neighbours, and required, at a minimum, notification to all owners and residents within a 500-metre radius.

[8] The site at which the petitioner proposed to operate (the “Property”) was zoned for indoor retail sales, under Salt Spring Island, Bylaw No. 355, *Land Use*

Bylaw (1999). Retail cannabis sales at that location did not conflict with Salt Spring's Official Community Plan (the "OCP").

The Review and Consultation Process

The LTC's Previous Approvals of Retail Cannabis Sales

[9] The Property had previously been occupied by an unlicensed retail cannabis store, and in 2019 the operator, an entity known as Leaf Compassion Cannabis ("Leaf"), applied to the LCRB and the LTC for a license. This was the first such application to go through the LTC's process required by SR 178. No opposition to the Leaf application was expressed during the public consultation process, either in the public meeting or in correspondence received. The LTC also has an Advisory Planning Commission (the "APC"), established pursuant to Part 14, Division 2 of the *Local Government Act*, R.S.B.C. 2015, c. 1 and Salt Spring Island, *Bylaw No. 467, Advisory Planning Commission Bylaw* (2013) to advise the LTC on matters respecting land use and community planning; the APC was consulted and recommended that the LTC support Leaf's application. A staff report dated June 25, 2019 noted the absence both of any concerns expressed by the community and of any evidence of significant detrimental impact, and recommended the LTC support the application. The LTC subsequently passed a resolution, which was forwarded to the LCRB, stating that the LTC had considered the location of the proposed operation; that the potential impacts of the noise in the immediate vicinity of the establishment would be minimal; that the impacts on the community would be negligible; and, that the LTC recommended the application be approved.

[10] Ultimately, however, notwithstanding the recommendation of the LTC, the LCRB did not approve Leaf's license.

[11] The petitioner's principal Mr. Chouinard came to learn of the denial of Leaf's license application. In September 2022 he entered into discussions with the Property's owner around leasing the Property for the same purpose, and began making inquiries of LTC staff as to the process for obtaining approval. Staff advised him that notwithstanding the LTC's previous approval of the Property as a location

for the retail sale of cannabis, he would have to re-apply. Mr. Chouinard received assurance from a staff planner that there should not be any difficulty in obtaining the required approval.

[12] In or about April 2020, the LTC approved an application for what came to be Salt Spring Island's first licensed cannabis retail store, operated by an entity known as Harvest Moon. The Harvest Moon store is located more than one kilometre away from the Property.

The Petitioner Applies

[13] In October 2022 the petitioner applied to the LCRB for a retail license. By way of a letter dated December 22, 2022, the LCRB advised it had determined that the petitioner was "fit and proper for the purposes of the Act", and confirmed that a positive recommendation from the local government authority would be required. On or about December 27, 2022 the petitioner submitted the Application to the LTC.

The April 2023 Staff Report

[14] By way of a report dated April 13, 2023 (the "April Staff Report"), Islands Trust staff recommended that the LTC refer the Application to the APC for review and comment; that a public open house be held to gather community input; and that staff be directed to bring forward a second report following the public consultation period. The April Staff Report quoted SR 178 under which the LTC had approved the Leaf application in 2019.

[15] The April Staff Report went on to confirm the petitioner's proposed use would comply with Salt Spring's OCP and Land Use Bylaw. It noted that the proposed storefront use might present some neighbourhood impact in respect of pedestrian access and on-street parking. The Report further commented:

Staff are aware of the previous storefront approvals; however, each application should be considered on its own merits. Staff are also aware that other concerns may be raised by residents as their views are collected by Islands Trust staff.

Staff expect that further impacts on community and neighbours may be discovered as a result of the notification to neighbours, a public open house, posting of public notices and advertisement in a local periodical.

[Emphasis added.]

Consultation, and the June Staff Report

[16] The LTC followed the staff's recommendation, and the Application proceeded through the consultation process. The process is summarized in a staff report, prepared June 8, 2023 (the "June Staff Report"):

- a) the APC raised no concerns and recommended that the application "proceed as proposed";
- b) letters were mailed out to all neighbours within 500 metres, and, to the date of this staff report, no letters of support or opposition were received;
- c) a two-hour long public open house was held remotely, but only one person attended, and no questions were asked.

As there had been no neighbourhood impacts or concerns revealed through the public consultation process, the June Staff Report recommended that the LTC forward a resolution of support to the LCRB.

Correspondence Received from the Community

[17] Between June 19 and June 21, 2022, after the June Staff Report had been prepared and just prior to the LTC meeting at which the Application was voted on, the LTC received a slew of letters and emails (the "June Correspondence") respecting the petitioner's application.

[18] There were two emails from individuals who supported the Application, 28 opposed. Of the 28 opposed, it appears that at least two or three were employees of Harvest Moon, or supporters of Harvest Moon having a monopoly. Many of the emails simply stated the writers were opposed, without explanation. Many stated that one retail cannabis operation was enough, or raised other concerns related to

what could be termed market saturation. Some of the emails raised generalized social concerns, e.g., that a retail cannabis operation was not a good fit for the village. Eight of them raised concerns about the proximity of the proposed location to schools, parks, and other public spaces, including a youth centre. One email was from the director of the local public library; she stated,

I don't know the details of the application but I do know that during the time that there was a previous shop selling cannabis on McPhillips that most of the businesses and organizations on McPhillips saw an increase in vandalism, partying, littering, and noise.

Most mornings before we opened the Library, we were cleaning up cigarettes and cans, and often filling boxes with empty beer cans.

Based on this previous experience, I do not think McPhillips is a good location for this business.

[19] There was also one letter from the Retail Cannabis Council of B.C. (the "RCCBC"), which, while it did not expressly state a position on the Application, set out several factors it said had a bearing on the potential for success or failure of another retail cannabis store in Salt Spring, that it asked the LTC to take into account. Those factors included the inability of regulated retailers to differentiate themselves through pricing or marketing; the problem of excess concentration of retail operations in given locations; and "exceptionally low" profit margins.

[20] On June 20, 2023, Mr. Chouinard was advised by the staff planner who had authored the June Staff Report, Mr. Buchan, that the Application would be considered by the LTC on June 22; Mr. Buchan suggested he should attend. Mr. Buchan also noted that the LTC had received some public opposition, which had been posted to the website, and which he described as appearing to have been "coordinated".

[21] Mr. Chouinard reviewed the June Correspondence on the website, and in response submitted to the LTC a petition in support bearing 75 signatures. Prior to the June 22 meeting, Mr. Chouinard obtained another 15 signatures, which he filed with the LTC before the meeting.

The June 22, 2023 Meeting and Resolution

[22] The Meeting commenced at 9:30 a.m. The Agenda, posted in advance, provided for a 15-minute “Town Hall and Questions” beginning at 9:35 a.m. (the “Town Hall”). “Applications and Referrals” were scheduled to commence at 12:00 p.m., with the Application being the second of six items up for consideration.

[23] The minutes of the Meeting record that 25 members of the public spoke during the Town Hall session, on various issues including the Application. Eight persons spoke in opposition to the Application or raised concerns; none spoke in favour. Of those eight, some expressed concern with market saturation, or the impact on the Harvest Moon store. Three raised issues with the location; two of those three specifically mentioned proximity to schools or to the public library. Mr. Chouinard did not attend the Town Hall session.

[24] The transcript is in evidence and shows what transpired during the afternoon session, when the Application came up for consideration. The Planner Mr. Buchan spoke first. He reviewed the history and the consultation process. He noted that correspondence both supporting and opposed to the Application had recently been received; he described the Correspondence as identifying “issues such as market oversaturation, concerns over the proposed location, parking, impact to the existing black markets, and safety concerns in the Ganges area”. Mr. Buchan mentioned the previous approval of the Leaf application. He noted an issue with off-street parking compliance, and said his recommendation of support was based on the petitioner bringing the parking layout into compliance or successfully applying for variation. He noted the Application complied with the OCP – the Official Community Plan – and the land use bylaw.

[25] Mr. Chouinard was in attendance remotely. He was invited to speak. He introduced himself, noted that the LTC had his application materials, mentioned that his company felt welcome after having received 90 signatures in support, and said he was ready to answer questions. One Trustee asked if he was the same applicant

who had applied the previous year, and Mr. Chouinard said no, this was a different operation altogether.

[26] The Trustees then had a brief discussion. Trustee Patrick asked staff if the LTC had a policy on issues regarding competition; an unidentified speaker (“U.S. 1”), whom the petitioner identifies as LTC staff, replied that it was typically a local government function to regulate competition like this, and that competition was in the OCP, but “might be a bit of a different circumstance.”

[27] Trustee Harris then spoke. He began:

I’m not – you know, I’m happy to kind of wrap this up and, hopefully, send a letter off, you know, saying the we definitely – or I don’t support this. The stuff we heard from the RCCBC, the letters that came out spell out some very clear rationale for not having another cannabis store in town. We also heard from some folks in here today regarding not just the competition aspect of it, but of the location aspect, which is kind of more in my mind.

[28] Trustee Harris then moved that the Application be denied for the reasons of “location and competition”. In response to a question from the Chair, U.S. 1 advised that a rationale be provided, describing that as a “challenge”; they noted that there were no policy directions around cannabis use or retail. Trustee Harris suggested his motion wording be changed to “location and market saturation”. U.S. 1 noted that concerns around competition were “highly subjective” and suggested it would not be advisable. Trustee Harris referred to the RCCBC letter as providing a clear rationale. Mr. Buchan spoke up, suggesting the LCRB was more concerned with impact on the community, hours of operation, and location, and that these should be the focus. The Chair suggested that location was a valid rationale. Trustee Harris agreed, and the motion was amended to read, “...for the following reason: location”. Trustee Patrick suggested some elaboration; the Chair mentioned the library and school, Trustee Harris added, “public park”.

[29] At that point, Mr. Chouinard raised his hand to speak. U.S. 1 suggested that the motion be made, and seconded, and they could then go into a discussion. A second unidentified speaker then framed the motion in what became its final form, as quoted above.

[30] Mr. Chouinard was then invited to ask any clarifying questions. He began by remarking,

...Well, I suppose the decision has been concluded. That's just the way it's going to be.

Mr. Chouinard mentioned that in only four hours the previous day, he had obtained 90 signatures. He said he had learned from a member of the community that there were some “legacy stores” operating in proximity to the proposed location, and he argued that a licensed, regulated cannabis store would provide a clean supply, and would provide tax revenue.

[31] The motion was then put to a vote, and carried unanimously.

Analysis

Reasonableness Review under *Vavilov*

[32] It is common ground that the standard for review is reasonableness – both as to the reasons, and the outcome: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at paras. 83, 86–87. Expanding on what reasonableness requires, the SCC noted the following in *Vavilov*:

[99] A reviewing court must develop an understanding of the decision maker's reasoning process in order to determine whether the decision as a whole is reasonable. To make this determination, the reviewing court asks whether the decision bears the hallmarks of reasonableness — justification, transparency and intelligibility — and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision: *Dunsmuir [v. New Brunswick]*, 2008 SCC 9], at paras. 47 and 74; *Catalyst [Paper Corp. v. North Cowichan (District)]*, 2012 SCC 2], at para. 13.

[33] *Vavilov* further points to the importance of understanding the constraints imposed by the relevant statutory scheme on the exercise of discretion by an administrative body:

[68] Reasonableness review does not give administrative decision makers free rein in interpreting their enabling statutes, and therefore does not give them licence to enlarge their powers beyond what the legislature intended. Instead, it confirms that the governing statutory scheme will always operate as a constraint on administrative decision makers and as a limit on their authority. Even where the reasonableness standard is applied in reviewing a

decision maker's interpretation of its authority, precise or narrow statutory language will necessarily limit the number of reasonable interpretations open to the decision maker — perhaps limiting it to one. Conversely, where the legislature has afforded a decision maker broad powers in general terms — and has provided no right of appeal to a court — the legislature's intention that the decision maker have greater leeway in interpreting its enabling statute should be given effect.

[34] Where the nature of the decision-making process does not entail production of a single set of reasons, the whole of the record is to be reviewed in search of the decision's rationale:

[137] Admittedly, applying an approach to judicial review that prioritizes the decision maker's justification for its decisions can be challenging in cases in which formal reasons have not been provided. This will often occur where the decision-making process does not easily lend itself to producing a single set of reasons, for example, where a municipality passes a bylaw or a law society renders a decision by holding a vote... [citations omitted]. However, even in such circumstances, the reasoning process that underlies the decision will not usually be opaque. It is important to recall that a reviewing court must look to the record as a whole to understand the decision, and that in doing so, the court will often uncover a clear rationale for the decision: *Baker [v. Canada (Minister of Citizenship and Immigration)]*, [1999] 2 SCR 817, at para. 44. For example, as McLachlin C.J. noted in *Catalyst*, "[t]he reasons for a municipal bylaw are traditionally deduced from the debate, deliberations and the statements of policy that give rise to the bylaw": para. 29. In that case, not only were "the reasons [in the sense of rationale] for the bylaw . . . clear to everyone", they had also been laid out in a five-year plan: para. 33. Conversely, even without reasons, it is possible for the record and the context to reveal that a decision was made on the basis of an improper motive or for another impermissible reason, as, for example, in *Roncarelli [v. Duplessis]*, [1959] S.C.R. 121].

[35] Although articulated in reference to a municipality's enactment of a bylaw, the same process described in *Vavilov* of scrutinizing the record as a whole applies equally to reviewing a local government's approval of an application.

Discussion

Was the Decision Unreasonable?

[36] The petitioner submits that the decision of the LTC was unreasonable on a number of grounds.

[37] The petitioner submits that Trustee Harris proposed that the Application be rejected based on “location and competition”, or “location and market saturation”, despite the fact that no concerns about the location generally, nor proximity to schools, parks, or the library, had been raised by the April or June Staff Reports, the APC, or the public submissions at the Open House. It is submitted that only once staff advised the Trustees that competition and market saturation were not legitimate concerns, did the Trustees begin to “fine tune” and “reverse engineer” their rationale, “manufacturing” the justification of supposed location issues. The petitioner submits that the primacy of market concerns as the driving factor behind the LTC’s decision is evident from the fact that the only difference between the prevailing circumstances in 2019, when the Leaf application was approved by the Trustees, and those present in 2023, was that the Harvest Moon license had been approved in the interim. Thus, it is submitted, the Application must be seen as having been denied “because existing cannabis stores did not want any more competition”.

[38] This submission does not accord with the record, in several respects. First, the fact the Harvest Moon license had been issued in the interim was not the only change in circumstance. Another, critical distinction is that in the case of both the Leaf and the Harvest Moon application, there had been no location-based public opposition – nor, for that matter, opposition of any kind, at least as revealed by the record. There was such opposition in the present case. The fact that no opposition had been voiced during the Open House is of little weight, given that only one person attended. While it is a fact that the staff reports had not identified concerns with location, the June Staff Report was written before receipt of the June Correspondence, in which nearly one-third of the emails that stated opposition to the Application had identified location-related concerns. Further, the issue of location was cited by three of the eight persons who voiced their opposition to the Application during the Town Hall portion of the Meeting. It was entirely appropriate for the Trustees to have taken that public opposition into account.

[39] Second, the record does not reveal the Trustees in any sense having “reverse engineered” or “manufactured” their rationale. Trustee Harris had, in his initial remarks, cited location as one of two concerns. Having been advised that competition and market saturation were not appropriate considerations, he then proposed to limit the stated rationale for his motion to location only. This was not unreasonable; it was entirely transparent and intelligible.

[40] Third, to say that market concerns were the real, hidden motive for the LTC’s decision, is to ignore the record of what the Trustees actually said and did during the Meeting. Trustee Patrick inquired of staff as to the existence of policies relevant to market concerns, and was told there were none. Trustee Harris then suggested that market concerns could be provided as a rationale, when he offered his initial wording of the motion, but he explicitly stated that location was “kind of more in my mind”. The record does not disclose either Trustee Patrick or the Chair as having said their decision was based on competition issues. The resolution that the Trustees unanimously approved itself states that the Application was being denied because the “location is not appropriate due to the proximity to schools, the library and a public park”. This decision was justifiable, as reflecting concerns that had been communicated to the LTC by members of the public.

[41] Furthermore, it must be said that it is far from clear that competition/market saturation factors were or would have been inappropriate for the LTC to base its decision on, in any event. “Location” is a sufficiently broad concept that it could reasonably have been considered by the LTC to encompass concerns that the village’s business area only be populated by viable operations.

[42] Next, the petitioner submits that the decision was unreasonable, in that there was no evidence placed before the Trustees as to the actual proximity of the proposed location to schools, parks, and the library. There are two answers to this argument. First, Ganges is a small community, and it is reasonable to presume that the Trustees would have been fully aware of the geography, without the need for such evidence to be formally submitted. Second, it is the petitioner who, on judicial

review, bears the onus of proving that proximity was not a justifiable basis for refusing the Applications – that the decision was based on irrelevant considerations or erroneous assumptions. The petitioner must show that there was evidence before the LTC, or that could have been placed before the LTC, that could have or would have negated the location concerns that had been raised by members of the public, leaving the Trustees with no rational basis to deny the application. The petitioner does not point to any such evidence.

[43] The petitioner cites *Beedie (Keefer Street) Holdings Ltd. v. Vancouver (City)*, 2022 BCSC 2150, for the proposition that the LTC’s prior approval of the Leaf application, for the very same location, placed the LTC under a heightened obligation to explain and justify its position. *Beedie* is, however, an example of what was referred to in *Vavilov*, at para. 131, of an administrative decision maker being constrained by “longstanding practices or established internal authority”. In *Beedie*, it was held that the outright refusal of the applicant’s development permit application had defeated reasonable expectations created through the Board never having refused an application outright, and having approved, at least conditionally, 110 other applications over the previous six years. In contrast, the present case, with only one prior approval, is akin to the facts in *1909988 Ontario Ltd. v. North Cowichan (Municipality)*, 2021 BCCA 414. Mr. Justice Fitch, for the majority, disposed of the issue as follows:

[74] Third, in what I understand to be an alternative submission, the appellant says that one prior decision—the 2015 decision to grant the first development permit to the respondent—cannot, in any event, constitute the sort of longstanding practice the Court had in mind in *Vavilov* as triggering application of the explanatory principle. In support of its alternative position, the Municipality relies on *Bank of Montreal v. Canada (AG)*, 2020 FC 1014 at para. 155, in which it was held that “[o]ne prior decision does not constitute a practice.”

...

[82] In the context of this case, I am unable to identify any longstanding practice on the part of the Municipality or any established internal authority on the question of whether a circuit for the testing of vehicles is a permitted use of lands in the I2 Zone. There are no internal Municipal directives or statements of policy on point. The Municipality had only made one prior decision inconsistent with the decision made by Mr. Conway—the decision made by Mr. Mack in 2015. Indeed, Council was considering the matter on

reconsideration for the first time. While I appreciate that the Municipality held to Mr. Mack's position in the course of the 2018 litigation, this does not change the fact that only one prior permitting decision had been made. I agree with the conclusion reached in *Bank of Montreal* that it is an unacceptable overreach to conclude that the language in *Vavilov* supports invocation of a justificatory burden in the absence of a demonstrated deviation from historical practices or decisions.

[44] There is no established pattern of longstanding practice in the present case that could have given rise to a justificatory burden.

[45] The petitioner further says the decision is unreasonable, in that the LTC did not articulate the standard by which they were judging the location to be too proximate to schools, the park, and the library, citing *Yearsley v. White Rock (City of)*, 2009 BCSC 719, and a more recent decision in which *Yearsley* was cited approvingly, *Hammer Head Equities Inc. v. Rossland (City)*, 2023 BCSC 73. In *Yearsley*, the petitioners had been refused a development permit on a vote of city council. Although the application met all of the city's zoning requirements and was within the guidelines of the city's official community plan, several of the councillors voted against the permit on the grounds of aesthetic considerations, i.e. the project being out of character for the neighbourhood. In granting the petition, and ordering that the development permit be issued, Madam Justice Dillon said, at para. 28:

... Because a landowner is entitled to know what the requirements to obtain a development permit are, these requirements cannot be based upon the likes or dislikes of individual council members who are elected from time to time (*Westfair Foods Ltd. v. Saanich (District)* (1997), 30 B.C.L.R. (3d) 305 at paras. 34 and 39, 38 M.P.L.R. (2d) 202 (B.C.S.C.), citing *Re Doman Industries and District of North Cowichan* (1980), 116 D.L.R. (3d) 358 (B.C.S.C.); *Westfair Foods* at paras. 24 and 26). Nor is council bound by the views of neighbours or members of the public, especially if those views are not consistent with applicable zoning bylaws and the OCP guidelines (*511784 BC Ltd. [v. Salmon Arm]*, 2001 BCSC 245] at paras. 68-69).

[46] In *Hammer Head*, the petitioner had applied for both a development permit and a tree removal permit, in order to harvest trees on its land. It was clear from the minutes of the council's debate that the councillors were opposed to the properties being clear-cut, notwithstanding the fact that the application complied with both the official community plan and the tree removal bylaw. Madam Justice Lyster found the

city's interpretation of its official community plan, that it put forward to justify the decision, unreasonable to the point of absurdity (paras. 197-198), and held that the city had acted unreasonably in adopting that interpretation in order to advance their own subjective views of the desirability of the petitioner's plans. Justice Lyster referred to a comment in para. 121 of *Vavilov*, that a decision maker is not permitted to "reverse-engineer a desired outcome", and wrote:

[212] A review of Council's deliberations makes clear that Council fell into this very error. Members of Council were appalled by the petitioners' plans to clear cut the Lands, and despite knowing that the petitioners' plans complied with the OCP, set about reverse engineering to achieve their desired outcome of preventing the petitioners from doing so. Members of Council were entitled to their personal views about the petitioners' plans. What they were not entitled to do was to adopt an inferior, if marginally plausible, interpretation of the OCP in order to impose their personal views upon the petitioners, and deny their development permit applications.

[47] Here, the petitioner says that the LTC fell into the same error, importing its own subjective views of how proximate the location of a cannabis retailer should be to public facilities.

[48] As a pre-*Vavilov* decision, the issues in *Yearsley* were framed as matters of jurisdiction: did the municipality have the jurisdiction to act outside the guidelines set out in the official community plan. As such, the case was decided under the correctness standard. *Vavilov*, however, abolished "true questions of jurisdiction" as a separate category of judicial review, subject to the correctness standard (para. 65). Instead, an administrative decision maker's interpretation of its enabling statute is, as with all other aspects of its decision, subject to review on the reasonableness standard. The explanation is that set out in para. 68, quoted above.

[49] Viewed through the lens of *Vavilov*, the respondent municipalities in *Yearsley* and *Hammer Head* are seen as having acted unreasonably, because their own guidelines, procedures, or bylaws called for a different outcome. To adopt the language of para. 99 of *Vavilov*, their decisions could not be "justified in relation to the relevant factual and legal constraints" (emphasis added).

[50] In contrast, in the present case neither the *CCLA* nor the *Cannabis Licensing Regulation* constrain a local government in making a recommendation based on the prescribed criterion of the location of a retail store. To the contrary, “location” is not defined, and the *Cannabis Licensing Regulation* provides that where a local government has gathered the views of residents under s. 33(3) and provides comment, the comments must include the views of residents. The legislative scheme appears designed with the intention to grant discretion to local governments to account for public opinion and to vote accordingly.

[51] Furthermore, *Yearsley* and *Hammer Head* are distinguishable, in that here the LTC had not fettered its discretion by having set out, in the form of a bylaw or other binding instrument, criteria by which a cannabis retail license application would have to be judged. As such, the LTC was free to exercise its discretion in giving heed to the concerns that members of the public had raised. In one of the decisions relied on by the petitioner, *L.P. Management Corp. v. Abbotsford (City)*, 2006 BCSC 1426, Mr. Justice Joyce noted that a purely political decision cannot be justified if made through a political body having exceeded its jurisdiction:

[67] Considering the remarks of the council members in that way, I am satisfied that they did not put their minds to the merits of the objections that could be said to fall within the matters for consideration under s. 12 of the Bylaw, nor did they weigh those objections in light of the mitigation measures proposed and come to a conclusion as to whether in fact there would be an adverse effect. They made what was essentially a political decision to deny this application because the land came within a neighbourhood where the residents wanted no further gravel pits, even though the proposed operation was in an area where gravel extraction was permissible subject to obtaining a Soil Removal Permit. They acceded to the wishes of the opponents on the basis that as democratically elected officials they should do what the majority of their constituents wanted. In doing so they acted outside of the provisions of the bylaw and in excess of their jurisdiction.

[52] Here, however, while the Trustees made a political decision, there was, in pre-*Vavilov* terms, no excess of jurisdiction. The Trustees were free to exercise their discretion in a matter of political concern, and did so entirely within the framework of the legislation. They appear to have done what would have been expected of them as elected officials: they heard their constituents’ concerns, and acted on them as

they saw fit. That decision is deserving of the highest level of deference. While there were more signatures on the petition in favour than emails opposed, there was no legal requirement for the Trustees to follow the wishes of the majority of those who had made their opinions known. If there are to be consequences to the LTC having given effect to what may have been a minority view, that will have to be expressed through the ballot box, not through this Court second-guessing their decision.

Was the Petitioner Deprived of Procedural Fairness?

[53] The petitioner submits that it was deprived of the opportunity to respond to concerns about the proximity of the proposed location to parks, schools, and the public library. It is submitted that this unfairness was manifest in three ways:

- a) The petitioner was not made aware of concerns regarding location prior to the Meeting;
- b) The petitioner was not given notice that the Application would be discussed during the Town Hall; and
- c) Mr. Chouinard was not given a meaningful opportunity during the Meeting to address the issue of location.

[54] As to the first point, Mr. Chouinard acknowledges having been told by Mr. Buchan on June 20, 2023 that the LTC had received some expression of opposition to the Application. The June Correspondence was posted on the LTC's website, and Mr. Chouinard says that he read it. Mr. Chouinard clearly would have understood that concerns were being raised with regard to location. He ought to have known that the Trustees, as elected officials, might feel an obligation to respond to those concerns. If there were things to be said about location in response to those concerns, the petitioner had ample notice, and ample opportunity to prepare a response.

[55] Second, concerns regarding location were also voiced by members of the public during the Town Hall. Mr. Chouinard did not attend the Town Hall. He says in

his affidavit that he did not attend this part of the meeting as he had not been advised that the Application would be discussed.

[56] A town hall is commonly understood as an opportunity for elected officials to hear directly from their constituents. The Merriam-Webster Online Dictionary defines a “Town Hall” as:

2: an event at which a public official or political candidate addresses an audience by answering questions posed by individual members.

The Collins English Dictionary similarly defines it as:

...a meeting at which a public or company official addresses and answers questions from members of the public or staff.

A town hall, by definition, is not a meeting with a set agenda. There would have been no way for the LTC or its staff to anticipate what questions or concerns would be raised by those in attendance. Mr. Buchan had advised Mr. Chouinard to attend the Meeting; he did not advise Mr. Chouinard to attend only the portion of the Meeting where the Application was scheduled for consideration. Mr. Chouinard may not have understood what the Town Hall discussion would entail, but that does not mean that the process was unfair.

[57] Concerning the petitioner’s third point, as noted above, later on in the Meeting when the Application came up for discussion, Mr. Buchan made specific mention of issues that had been identified in correspondence. Mr. Chouinard was then invited to address the LTC. He did not say anything in response to any of the concerns Mr. Buchan had mentioned, or any other issues raised in the June Correspondence. He now provides no explanation for his failure to do so.

[58] After the motion addressing the Application was made and seconded, Mr. Chouinard was given another opportunity to speak, before the vote was taken. As noted, Mr. Chouinard began by saying,

Well, I suppose the decision has been concluded. That’s just the way it’s going to be.

Mr. Chouinard now says in his affidavit,

I understood that the Trustees had already voted to deny my application and noted that it now appeared to be too late because the decision had been made but I did make very brief submissions and advised that in the short time I had to respond to the objection letter, I had managed to get 90 signatures in support.

[59] The petitioner submits that given Mr. Chouinard's evident confusion, more should have been done to provide him with a meaningful opportunity to speak and to persuade the Trustees to support the Application. Nothing however had been said or done to indicate that a vote had been taken. In context, Mr. Chouinard's remark that he supposed "the decision had been concluded", could reasonably have been understood as expressing resignation – not a belief that a vote had been taken, or that it was procedurally "too late", but rather a belief that given the comments made by the Trustees, the outcome of the vote was a foregone conclusion. That Mr. Chouinard nevertheless went on to mention all the signatures he had obtained in support would have served as further indicating he did not believe the matter had been formally decided. If there was any confusion in Mr. Chouinard's mind that restrained him from substantively responding to the issue of location, that confusion did not arise out of any unfairness in the procedures followed.

Conclusion

[60] The LTC's denial of application SS-LCB-2023.1 (109 McPhillips Avenue) was not unreasonable.

[61] The petitioner was not deprived of procedural fairness.

[62] The petition is dismissed, with costs.

"A. Saunders J."

From: Frants Attorp <[REDACTED]>
Sent: Wednesday, May 1, 2024 1:10 PM
To: Executive Admin
Subject: Message for Trust Council
Attachments: IMG_1229.jpeg

Follow Up Flag: Follow up
Flag Status: Completed

Dear Trust Council,

Please read the following op-ed, published in the Gulf Islands Driftwood on May 1, 2024, and then answer this important question: How are you going to prevent more such abuses of power? I await your answer.

Regards,

Frants Attorp
Salt Spring Island

Trust Dream Fading Fast

By Frants Attorp

Advisory Planning Commission Bylaw 467 has been broken and the consequences for Salt Spring and the entire Islands Trust Area are enormous.

In a March 3, 2024 letter to the Minister of Municipal Affairs (copied to execadmin@islandstrust.bc.ca), I described how a Salt Spring trustee formed an advisory planning group consisting exclusively of Islands Trust objectors; how that hand-picked group, which included the trustee herself, met “informally” for many months in 2020; how it wrote a report and submitted it to a local government of which the trustee was part; and how that government implemented the group’s recommendations, effectively replacing a “comprehensive” Official Community Plan (OCP) review Trust planners had proposed.

The goal, as made evident in the media, has been to break free of growth limits in our OCP. A key part of the plan was to create an official Housing Action Plan Task Force operating outside the context of a comprehensive OCP review. That task force was legally established in accordance with Bylaw 467, but soon proceeded to violate its own terms of reference by making recommendations contrary to “the policy intent” of our OCP.

Bylaw 467 has many requirements: criteria for selecting members, appointment of members, election of a chairperson, a detailed referral, meetings that are open to the public, minute taking, and a stipulation that a trustee cannot be part of the group.

So why did the lobby group not follow the same rules? To be clear, unappointed community members have no responsibilities under Islands Trust law. But Trustee Patrick and the other members of the former LTC were bound by Bylaw 467 which is an extension of the Local Government Act, and, unfortunately, they decided to ignore it.

That the initial, unappointed lobby group was in fact an advisory planning body was made clear in the LTC resolution that created it. The group’s role was to “advise” the LTC and “provide advice and recommendations on policy and regulations.” This means Bylaw 467, which extends to “special projects” involving “land use and community planning,” should have applied.

The group admitted in their 2020 report that legal requirements were not met, claiming “the pandemic interrupted plans.” But the availability of modern technology negates that explanation.

That two of the trustees, Laura Patrick and Peter Luckham, were members of the Trust’s Executive Committee which is responsible for ensuring all policies and procedures are respected, makes the violation even more egregious. And that’s not to mention that Trustee Luckham was, and continues to be, chair of Trust Council, the Trust’s top politician.

So why are events of 2020 relevant today? Because, when the planned OCP review was derailed by the housing “initiative,” environmental protection became secondary. Suddenly, the agenda shifted to Trustee Patrick’s impossible dream of providing “safe, secure, appropriate housing options that are affordable for all demographics and household types in perpetuity.” It explains why, even after 16 years without a full review of our OCP, we are now being offered a “focused update” built around housing rather than a “comprehensive” review as originally proposed by Trust planners.

Since all Trust documents are interconnected, Trustee Patrick has, to realize her dream, “championed” efforts to amend the mandate. A new interpretation, reached in-camera by Trust Council last September, deprived the mandate of its environmental focus by making everything from tourism to infrastructure a priority. It will now guide development of the new Trust Policy Statement which governs all islands in the Trust Area.

A planning document for Salt Spring’s OCP project states: “The Islands Trust Policy Statement is currently undergoing a major amendment, the results of which will inform the scale of change that a renewed OCP can invite.” It seems the scale of that change is going to be significant and entirely dependent on the political leanings of trustees. The other Gulf Islands dream is fading fast.

Trust dream fading fast

BY FRANTS ATTORP

VIEWPOINT

Advisory Planning Commission Bylaw 467 has been broken, and the consequences for Salt Spring and the entire Islands Trust area are enormous.

In a recent letter to the Minister of Municipal Affairs, I described how a Salt Spring trustee formed a hand-picked advisory planning group; how that group, which included the trustee herself, met “informally” for many months in 2020; how it wrote a report and submitted it to a local government of which the trustee was part; and how that government implemented the group’s recommendations, effectively replacing a “comprehensive” official community plan (OCP) review Trust planners had proposed.

The goal, as made evident in the media, has been to break free of growth limits in our OCP. A key part of the plan was to create an official Housing Action Plan Task Force operating outside the context of a comprehensive OCP review. That task force was legally established in accordance with Bylaw 467, but soon proceeded to violate its own terms of reference by making recommendations contrary to “the policy intent” of our OCP.

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So why did the lobby group not follow the same rules? To be clear, unappointed community members have no responsibilities under Islands Trust law. But trustee Laura Patrick and the other members of the former LTC were bound by Bylaw 467, which is an extension of the Local Government Act, and, unfortunately, they decided to ignore it.

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That two of the trustees, Laura Patrick and Peter Luckham, were members of the Trust’s Executive Committee which is responsible for ensuring all policies and procedures are respected, makes it even more egregious. So why are events of 2020 relevant today? Because, when the planned OCP review was derailed by the housing “initiative,” environmental protection became secondary. Suddenly, the agenda shifted to trustee Patrick’s impossible dream of providing “safe, secure, appropriate housing options that are affordable for all demographics and household types in perpetuity.” It explains why, even after 16 years without a full review of our OCP, we are now being offered a “focused update” built around housing rather than a “comprehensive” review as originally proposed by Trust planners.

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A Salt Spring OCP project document states: “The Islands Trust Policy Statement is currently undergoing a major amendment, the results of which will inform the scale of change that a renewed OCP can invite.” It seems that change is going to be significant and dependent on the political leanings of trustees. The other Gulf Islands dream is fading fast.

From: KEES LANGEREIS <[REDACTED]>
Sent: Thursday, May 2, 2024 1:14 PM
To: Executive Admin
Cc: MUNI Minister
Subject: Islands Trust-concerns about section 3
Attachments: Former Trustees - Concerns About Sec. 3.pdf

To the Executive Committee of the Islands Trust.
Sending on behalf of the signatories to the letter.
Please find attached a letter from 34 former Islands Trust trustees. We respectfully request that it be included on the June 2024 Trust Council meeting agenda for consideration.
Thank you.
Sincerely,

Kees Langereis
Gabriola Island
[REDACTED]

May 2, 2024

To Executive Committee and Trust Council of the Islands Trust

As former Islands Trust trustees from various islands in the Trust Area, we are writing to inform you of our concerns regarding Trust Council's intention to broaden the meaning of the words 'unique amenities' in Section 3 of the Islands Trust Act (the Object). The spirit and intent of those words seem unmistakable in light of the 1986 Ministry of Municipal Affairs/Islands Trust "Position Paper; The Object of the Islands Trust: Renewing the Consensus", that specified a combination of many natural factors.

Following an in-camera meeting on September 26, 2023, it was reported that Trust Council had come to a "consensus" on how Section 3 of the Act that created the Islands Trust would (not 'should') be interpreted. What those conclusions were and how they had been agreed upon was not revealed. A silence, lasting almost four months, followed before the "[Islands Trust Council Highlights](#)" with a link to "[Trust Council's consensus statement](#)" was officially released on January 18, 2024.

It was then that the details of Trust Council's conclusion were revealed to the general public. 'Unique amenities' were to include, "but not be limited to, housing, infrastructure, livelihoods, and tourism". How and by whom these four categories were identified and selected for inclusion is not mentioned.

Apart from consideration of legal opinions, we question the propriety of holding this discussion during an in-camera meeting. We have heard different explanations of how Council's decision was arrived at - from staff, the Executive Committee, and from trustees. These contradictory responses are problematic and confusing. There is no evidence of a motion being passed by Council which would provide a record of Trust Council's approval for the addition of these items under the umbrella of 'unique amenities', or how individual trustees voted. It would have been helpful knowing whether this "consensus" was reached by referring to the 1986 Ministry of Municipal Affairs/Islands Trust "[Position Paper; The Object of the Islands Trust: Renewing the Consensus](#)" and the 2021 "[Discussion Paper: The Islands Trust Object: Past, Present and Future](#)".

These additional categories, now identified as 'unique amenities', are not unique to the Trust Area. Further, housing, infrastructure, livelihoods, and tourism are services provided by regional districts and government agencies. More alarming, this expansion and interpretation of 'unique amenities' has the potential of influencing or compromising environmental policies. The Trust is limited to regulating land use in

order to preserve and protect the natural environment and rural character of the Trust Area for all residents of BC, a duty specific to its intended purpose and function as a "trust".

How will this new interpretation of 'unique amenities' influence Trust Council as it embarks upon a review of the Trust Policy Statement? Will this decision result in environmental policies being compromised or excluded to facilitate development?

Pertinent and fundamental questions have been raised by numerous individuals and groups regarding both the process and the conclusions of that process over the course of the past six months and, as of this date, none have been addressed by the Chair of the Islands Trust Council.

We believe the credibility of the Islands Trust's promise of a transparent and open public process has been hurt by the manner in which this decision was reached, the lack of a rationale for this decision, and the lack of information provided.

We ask, therefore, that the Chair make a public statement with full disclosure of why the interpretation was not made in an open meeting, how a "consensus", unanimous or not, was arrived at, the reasoning used to arrive at this interpretation of the words 'unique amenities' and how this interpretation will influence the Trust Policy Statement review.

Sincerely,

Nerys Poole, 2008-2011 (Bowen Island) [REDACTED]

John Rich, 1976-1984 (Bowen Island) [REDACTED]

Kim Benson 1993-2008 (Gambier Island) [REDACTED]

Harlene Holm, 1978-1984 (Denman Island) [REDACTED]

Roxanna Mandryk 1992-1996 (Denman Island) [REDACTED]

David Critchley 2014-2022 (Denman Island) [REDACTED]

Deb Ferens 2011-2014 (Gabriola Island) [REDACTED]

Gisele Rudischer 1996 to 2008, 2011-2014 (Gabriola Island) [REDACTED]

Kees Langereis 2018-2022 (Gabriola Island) [REDACTED]

Debbie Holmes 1996-99, 1999-2002 (Galiano Island) [REDACTED]

Tahirah Rockafella 2018-2022 (Galiano Island) [REDACTED]

Sheila Anderson 2002-2005 (Galiano Island) [REDACTED]

Sandy Pottle 2008-2018 (Galiano Island) [REDACTED]

Tony Law 1996-2005, 2007-2018 (Hornby Island) [REDACTED]

Barry Kurland 1986-1990 (Lasqueti Island) [REDACTED]
Peter Johnston 2011-2015, 2018-2022 (Lasqueti Island) [REDACTED]
Tom Weinerth 1999-2002 (Lasqueti Island) [REDACTED]
Jen Gobby 2008-2011 (Lasqueti Island) [REDACTED]
John Barrett 1982-1986 (Lasqueti Island) [REDACTED]
George Ravenscroft 1996-1999 (North Pender Island) [REDACTED]
Ben McConchie 2018-2022 (North Pender Island) [REDACTED]
Christine Torgrimson 2008-2011 (Salt Spring Island) [REDACTED]
Peter Lamb 2005-2008 (Salt Spring Island) [REDACTED]
David Borrowman 1996-2002 (Salt Spring Island) [REDACTED]
Elaine Jacobsen 1986-1996 (South Pender Island) [REDACTED]
David Greer 2008-2011 (South Pender Island) [REDACTED]
Wendy Scholefield 2014-2018 (South Pender Island) [REDACTED]
Wendy Munroe 1984-1988 (South Pender Island) [REDACTED]
John Rumble 1996-2000 (South Pender Island) [REDACTED]
Cameron Thorn 2018-2022 (South Pender Island) [REDACTED]
Bruce McConchie 2014-2018 (South Pender Island) [REDACTED]
Liz Montague 2011-2014 (South Pender Island) [REDACTED]
Steve Wright 1982-1990, 1996-2000, 2018-2022 (South Pender Island) [REDACTED]
Doug Fenton 2018-2022 (Thetis Island) [REDACTED]

c.c. The Honourable Anne Kang, Minister of Municipal Affairs

From: [REDACTED]
Sent: Thursday, May 2, 2024 2:58 PM
To: Executive Admin
Subject: Re: Consensus Agreement September 26, 2023 Islands Trust Object

Follow Up Flag: Follow up
Flag Status: Completed

Thank you Alexandra. The correspondence should be forwarded to all Trustees that may vote on the issue, whether it be in committee or at Trust Council.

Peter Frinton

Retired Local/Regional politician- Municipal Councillor, Islands Trustee, Metro Vancouver Director, Member- Mayoral Council Regional Transportation (Translink), Member-LMTAC (Treaty Advisory Commission)
Pres.- Society for Atmosphere Solutions
<https://atmospheresolutions.ca>

[REDACTED]

[REDACTED]

From: [REDACTED] >
Sent: Monday, April 29, 2024 11:14 AM
To: Executive Admin <execadmin@islandstrust.bc.ca>
Subject: Consensus Agreement September 26, 2023 Islands Trust Object

This is the first I heard of the intent to further define 'unique amenities' as it pertains to the IT

Unique amenities really should be 'special' if not entirely unique. The process should be public- undoubtedly. The rationale should be stated clearly.

Long arguments at Council table about upholding the Trust Object have never turned on "housing, infrastructure, livelihoods, and tourism". While the Sept. 26, 2023 'Consensus Agreement' includes the germane clause:

"However, land use planning in the Trust Area must always include a focus on preserving and protecting the environment and communities of both local trust areas and the Trust Area generally and in a manner consistent with Reconciliation. "

[There is no stated logical basis for elaborating the so-called unique amenities.](#)

What has been central is the notion that in exchange for protections, the islands should be of benefit to all of BC, not just residents. While this does include tourism, there is focus, more importantly, on protection of eg 'ecological services' and unwarranted development. Many of the Policy Statements, such as no water pipelines from mainland or V. Island or the notorious 4.4.2 (no development of lands with water deficiencies) have been either functionally abjured/abrogated by allowing water tankers, or simply ignored. To me, the process of updating the Policy Statements is of much greater importance.

An easy example is to replace 4.4.2 with a statement about having to demonstrate adequate potable water (without downstream negative impacts) in deficient areas

But still, the intent is to specifically limit on-islands development, not to make the Trust area like all others, with an inclusion of development parameters and amenities.

Peter Frinton

Retired Local/Regional politician
Pres.- Society for Atmosphere Solutions
<https://atmospheresolutions.ca>

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Active Projects Report

Executive Committee

1. Update Islands Trust Policy Statement

With involvement from Trust Programs Committee as appropriate, co-ordinate a review of the Policy Statement including a First Nations and public engagement process. Updated Project charter approved March 2023. (Strategic Plan 3.1, 4.4 , 5.6, 5.7)

Responsible

Clare Frater
Russ Hotsenpiller

Dates

Rec'd: 26-Feb-2020
Target: 26-Sep-2023

2. First Nations Reconciliation

Develop Islands Trust First Nations Reconciliation and engagement planning (Strategic Plan Items 4.5 & 4.6)

Responsible

Russ Hotsenpiller

Dates

Rec'd: 02-Sep-2020

3. Provincial Funding Strategy

Develop a strategy to request additional funding from the Province, including revisiting the provincial grant funding formula to the Islands Trust.

Responsible

Russ Hotsenpiller

Dates

Rec'd: 07-Mar-2023

3. Request for Provincial Review

Per Trust Council request respond to Minister Kang to the effect that Trust Council will revisit the request for a review of Islands Trust mandate, governance and structure and provide the minister with an update.

Responsible

Russ Hotsenpiller

Dates

Rec'd: 08-Mar-2023
Target: 06-Dec-2023

Active Projects Report

Executive Committee

4. *Strategic Planning*

Responsible

Dates

Guide the development and implementation of the Islands Trust Strategic Plan.

Russ Hotsenpiller

Rec'd: 03-May-2023

5. *Communications*

Responsible

Dates

Development of an Islands Trust Communications Strategy.

Clare Frater
Russ Hotsenpiller

Rec'd: 03-May-2023

Future Projects Report

Executive Committee

1. <i>Marine Ecosystems</i>	Responsible	Date Received
Advance the preservation and protection of marine ecosystems.		03-May-2023
2. <i>MOTI MOU's</i>	Responsible	Date Received
To engage with the Ministry of Transportation on a updated Memorandum of Understanding.		03-May-2023
3. <i>Climate Change Emergency</i>	Responsible	Date Received
Programming associated with the Climate Change declaration of the Islands Trust.		03-May-2023
4. <i>Request to Minister for Review of Islands Trust</i>	Responsible	Date Received
To follow up on the request by Trust Council for a review of the Islands Trust by the Minister of Municipal Affairs.		01-Nov-2023
5. <i>Summary of requests by Trust Council to approach the Province to provide ongoing funding to the Islands Trust</i>	Responsible	Date Received
This work item is the combination of a number of requests by Trust Council (March 2023), (July 2023) and previous terms to develop a strategy to request further funding from the Province.		