

Governance Committee Agenda

Date: Friday, July 12, 2024
Time: 9:00 am - 12:00 pm
Location: Electronic Zoom Meeting

	Pages
1. CALL TO ORDER	
2. AGENDA	
2.1 New Items and Re-Ordering of the Agenda	
2.2 Approval of Agenda	
3. PUBLIC COMMENT PERIOD	
4. DELEGATIONS	
5. CORRESPONDENCE	
6. ADMINISTRATIVE COORDINATION	
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For adoption	
6.2 Draft Minutes of June 24, 2024	8 - 10
For adoption	
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For Information	
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For review	
7. BUSINESS - WORK PROGRAM ITEMS	
7.1 Provincial Review of Islands Trust - BRF	16 - 25
7.2 Trustee Remuneration Review	
Verbal update.	

7.3 Corporate Planning Update

Verbal update.

8. BUSINESS - OTHER

9. BUSINESS - NEW

10. WORK PROGRAM

26 - 26

For review and referral to Trust Council before each quarterly TC meeting

11. NEXT MEETING

12. CLOSED MEETING

If desired:

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90, (quote the pertinent section here, for example, (1)(a) personal information about...) and that the recorder and staff [attend/not attend] the meeting.

13. RISE AND REPORT

If requested

14. ADJOURNMENT

*Approximate time is provided for the convenience of the public only and is subject to change without notice.



Governance Committee

Minutes of Meeting

Date: May 13, 2024
Location: Electronic Zoom Meeting

Members Present: Judith Gedye, Chair, Bowen Island Municipal Trustee
Jamie Harris, Vice-Chair, Salt Spring Island Trustee
Joe Bernardo, Gambier Island Trustee
Laura Patrick, Salt Spring Island Trustee
Timothy Peterson, Lasqueti Island Trustee,
Kate-Louise Stamford, Gambier Island Trustee
Peter Luckham, Thetis Island Trustee & Trust Council Chair (ex-officio)
Lisa Gauvreau, Galiano Island Trustee, Islands Trust Conservancy (ex-officio)

Regrets: Lee Middleton, Saturna Island Trustee

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (CAO)
David Marlor, Director, Legislative Services (DLS)
Lori Foster, Executive Assistant/Recorder

Members of the Public Present: There was one member of the public in attendance.

1. CALL TO ORDER

At 9:00 a.m., Chair Gedye called the meeting to order and provided a land acknowledgement that the meeting was being held on Coast Salish traditional and treaty territory.

2. AGENDA

2.1 New Items and Re-Ordering of the Agenda

For consideration to add the following at:

- 9.1 Discuss the possibility of a Governance Committee recommendation to Trust Council regarding a voting threshold for the Islands Trust Policy Statement

2.2 Approval of Agenda

GC-2024-013

It was MOVED and SECONDED,
that the agenda be approved as amended.

CARRIED

3. PUBLIC COMMENT PERIOD - None

4. DELEGATIONS - None

5. CORRESPONDENCE

Discussion ensued regarding Executive Committee's May 15, 2024, agenda item 10.5 correspondence 2024-05-02 K. Langereis re: Islands Trust concerns about Section 3.

Governance Committee discussed adding the correspondence to its next business meeting agenda.

6. ADMINISTRATIVE COORDINATION

6.1 Governance Committee February 23, 2024 meeting minutes

Comments were heard that the Roman numeral point form used in a resolution was not best practice.

By general consent the minutes were adopted as presented.

6.2 Follow up Action List

For information.

6.3 Resolutions Without Meeting - None

7. BUSINESS - WORK PROGRAM ITEMS

7.1 Ex officio – Briefing

DLS Marlor spoke to the briefing as presented and addressed the history of ex officio appointments to committees within Islands Trust.

It was noted that Trustee Boland wishes to bring a request for decision regarding ex officio roles on committees to June Trust Council.

GC-2024-014

It was MOVED and SECONDED,

that the Governance Committee ask Trust Council to clarify the role of the Islands Trust Conservancy representative on the Governance Committee.

GC-2024-015

It was MOVED and SECONDED,

that motion **GC-2024-014** be amended by changing the "period" to a "comma" adding "and that the May 6, 2024, briefing "Ex officio" be added to Governance Committee's request to Trust Council".

CARRIED

Chair Gedye called the question on motion **GC-2024-014** as amended.

GC-2024-014

It was MOVED and SECONDED,

that the Governance Committee ask Trust Council to clarify the role of the Islands Trust Conservancy representative on the Governance Committee and that the May 6, 2024, briefing “Ex officio” be added to Governance Committee’s request to Trust Council.

CARRIED

7.2 Draft Code of Conduct Update – Briefing

DLS Marlor spoke to the briefing as presented.

Discussion ensued on next steps the Committee wished to take to address the draft Code of Conduct.

Chair Gedye commented that this item to be added to the work program matrix as urgent and important/high priority.

GC-2024-016

It was MOVED and SECONDED,

That Governance Committee schedule a Special Meeting at the earliest possible convenience to discuss and work on the Code of Conduct draft policy.

CARRIED

The meeting recessed for a break at 10:38 a.m., and reconvened at 10:48 a.m.

7.3 Update on the Corporate Planning Process – Briefing

CAO Hotsenpiller spoke to the briefing and noted the following:

- The draft corporate plan process remains with the sub-working group and the draft strategic plan process is under Executive Committee’s purview.
- June’s Trust Council meeting will continue with the development of a strategic plan.
- Every Governance Committee meeting should include an update on the sub-working group’s progress.

7.4 Update on Project to Request Ministerial Changes with regards to Islands Trust – Briefing

CAO Hotsenpiller introduced the briefing.

Discussion ensued on the following:

- There should be a clear distinction between work on the March 2022 Governance Review Report, and a request to the Province for a review and changes.
- Development of a structured process for the Committee to address what legislative changes to consider.
- Committee members to bring discussion points regarding what legislative changes they wish the Province to make.

- Detailed consideration of resolution TC-2022-072, items a. through f. and whether those requests still apply:
 - a. An assessment of the optimum governance model to preserve and protect the Trust area pursuant to the Province's vision for the future of the Trust area.
 - b. The object of the Islands Trust Act and clarification of the mandate of the organization.
 - c. The governance structure of the organization.
 - d. The alignment of decision-making processes and structures with the Declaration on the Rights of Indigenous Peoples Act.
 - e. The geographic scope of the organization and in particular authority over marine areas.
 - f. The funding mechanisms provided to the organization in light of a clarified mandate.
- The democratic principle of representation by population.
- Governance Committee Chair to update Trust Council at its June/September meeting regarding its next steps to address this work item.
- Discussion followed that, in addition, for the July 12, 2024, Governance Committee meeting, members come prepared with any specific questions to ask the consultants of the Governance Review report.

Trustee Gauvreau left the meeting at 11:56. a.m.

8. BUSINESS - OTHER

8.1 2023/24 Annual Report Approval of Governance Committee Section - RFD

The Governance Committee reviewed the request for decision.

Discussion to add to the draft text for inclusion in the Annual Report (Attachment 1. Page 44 of the agenda package) under the 2023-24 Highlights, a bullet to describe the following:

- The Governance Committee continues work regarding a Provincial Review request on the legislative and governance structure of the Islands Trust.

GC-2024-017

It was Moved and Seconded,

That the Governance Committee delegate any amendments to Chair Gedye for revisions to the Annual Report text as presented, for Executive Committee's approval to Trust Council by May 28, 2024.

CARRIED

9. BUSINESS – NEW

9.1 Discuss the possibility of a Governance Committee recommendation to Trust Council regarding a voting threshold for the Islands Trust Policy Statement

Discussion followed that, this issue may be considered at the Committee of the Whole meeting being held May 30, 2024.

10. MATRIX WORK PROGRAM

DRAFT

Received as presented.

11. NEXT MEETING

The next Governance Committee meeting is scheduled to be held electronically July 12, 2024, beginning at 9:00 AM.

12. CLOSED MEETING - None

13. RISE AND REPORT - None

14. ADJOURNMENT

GC-2024-018

It was MOVED and SECONDED,

That the Governance Committee meeting be adjourned at 12:13 p.m.

CARRIED

Judith Gedye, Chair

Certified Correct

Lori Foster, Recorder

Minutes are not official until adopted at a subsequent meeting.



Governance Committee

Minutes of a Special Electronic Meeting

Date: June 24, 2024
Location: Electronic meeting, Public venue
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Members Present: Judith Gedye, Chair, Bowen Island Municipal Trustee
Jamie Harris, Vice-Chair, Salt Spring Island Trustee
Joe Bernardo, Gambier Island Trustee
Laura Patrick, Salt Spring Island Trustee
Timothy Peterson, Lasqueti Island Trustee,
Kate-Louise Stamford, Gambier Island Trustee
Peter Luckham, Thetis Island Trustee & Trust Council Chair (ex-officio)
Lisa Gauvreau, Galiano Island Trustee, Islands Trust Conservancy (ex-officio)
Lee Middleton, Saturna Island Trustee

Staff Present: Russ Hotsenpiller, Chief Administrative Officer (CAO)
David Marlor, Director, Legislative Services (DLS)
Lori Foster, Executive Assistant/Recorder

Members of the Public Present: None

1. CALL TO ORDER

At 10:00 a.m., Chair Gedye called the meeting to order and provided a land acknowledgement that the meeting was being held on Coast Salish traditional and treaty territory.

2. AGENDA

2.1 New Items and Re-Ordering of the Agenda

Add as Item 3.4 – Matrix Review

2.2 Approval of Agenda

By general consent the agenda was approved as amended.

3. BUSINESS

3.1 Schedule a Special Meeting re: draft Code of Conduct - Briefing

Received for information.

3.2 Code of Conduct Review – Briefing

Discussion ensued on the draft Code of Conduct policy as presented in the agenda package.

The following comments were heard:

- draft policy, sections F.8 and F.9 attempt to control and manage speech, merge sections F 8.5 and .6, analysis of Canadian Charter Section 2 for these sections.
- complaint process section does not outline acknowledging the respondent, reduction to chair/cao as arbiters of the complaint handling process, form an integrity committee.
- needs a section to address cultural sensitivity.
- people are uncomfortable with intimidating manners, encourage respectful dialogue.
- recommend the draft policy be addressed by a select committee.

GC-2024-019

It was MOVED and SECONDED

That the Governance Committee recommend to the Executive Committee that the Executive Committee refer the development of an updated Code of Conduct to a Select Committee of Trust Council.

CARRIED

3.3 District of Squamish Bylaw No. 2919 - Recommended Reading

For information.

3.4 Matrix Review

- From the Matrix, remove the item Governance Committee Code of Conduct which has been referred to Executive Committee.
- Response to the Province item focus for July business meeting.
- Is it permissible to hiring a lobbyist to the Province?

4. NEXT MEETING

The next Governance Committee business meeting is scheduled Friday, July 12, 2024, 9:00 a.m. to 12:00 p.m. to be held electronically.

5. ADJOURNMENT

GC-2024-020

It was MOVED and SECONDED

that the meeting be adjourned at 11:50 a.m.

CARRIED

Judith Gedye, Chair

Certified Correct

Lori Foster, Recorder



Resolutions Without Meetings Log

Governance Committee

Resolution Number	Action	Date
2024-002	Carried	19-Jun-2024
Schedule a Special Electronic Meeting		
That Governance Committee schedule a Special Electronic meeting to be held Monday, June 24, 2024, beginning at 10:00 a.m. for the purpose of reviewing the Code of Conduct Policy.		

Follow Up Action Report

Governance Committee

Chief Administrative Officer

Progress	Activity	Responsibility	Dates	Status
100%	1 That Governance Committee request staff to provide an analysis in respect to the Governance Review and report back to the Governance Committee.	Russ Hotsenpiller	Meeting: 09-Nov-2023 Target: 01-Jun-2024	Completed

Director Legislative Services

Progress	Activity	Responsibility	Dates	Status
100%	1 Report to the May 13th GC meeting on the process and appointment of the GC member to the Financial Planning Committee.	David Marlor	Meeting: 23-Feb-2024 Target: 13-May-2024	Completed
68%	2 Schedule a special meeting with the consultants of the Governance Review Report before the May 13 GC meeting to hear from the consultants regarding prioritizing of conclusions and recommendations in the report.	David Marlor	Meeting: 23-Feb-2024 Target: 13-May-2024	In Progress
100%	3 Bring a report on ex-officio roles and responsibilities within committee's frameworks.	David Marlor	Meeting: 23-Feb-2024 Target: 13-May-2024	Completed
100%	4 Bring to June Trust Council, a request to clarify the ex-official role of the Islands Trust Conservancy representative on the Governance Committee	David Marlor	Meeting: 13-May-2024 Target: 12-Jul-2024	Completed
100%	5 Remove "Code of Conduct" from the May 13 Updated Matrix.	David Marlor	Meeting: 24-Jun-2024 Target: 12-Jul-2024	Completed
20%	6 Governance Committee recommend to the Executive Committee that the Executive Committee refer the development of an updated Code of Conduct to a Select Committee of Trust Council.	David Marlor	Meeting: 24-Jun-2024 Target: 23-Jul-2024	In Progress

Follow Up Action Report

Governance Committee

Director Legislative Services

Progress	Activity	Responsibility	Dates	Status
100%	7 Schedule special meeting to review draft Code of Conduct policy.	David Marlor	Meeting: 13-May-2024 Target: 24-Jun-2024	Completed

Follow Up Action Report

Governance Committee

Director, Administrative Services

Progress	Activity	Responsibility	Dates	Status
23%	1 That the Governance Committee request the Financial Planning Committee and staff to continue developing a corporate planning process and that this work: ·Include a staff analysis of the potential operational implications of instituting a comprehensive corporate planning process, and that such analysis specifically identify the changes to the annual budgeting process that would be required to implement the new process; ·Identify the key differences between the current strategic planning and budgeting processes and the corporate planning process under development; ·Identify such policy changes as may be required to institute a trustee decision-making structure appropriate for a corporate planning process that unites strategic and budgetary planning; ·Include a proposal for trustee training. ·The Executive Committee is requested to follow the SWOT (strengths, weaknesses, opportunities and threats) analysis process in developing the draft strategic plan that is to be submitted to Trust Council this year.	Julia Mobbs	Meeting: 17-Apr-2023 Target: 03-Dec-2024	In Progress
50%	2 Referral from Trust Council, September 2023: THAT Trust Council request the Governance Committee to recommend and draft a request of the Province to review the Islands Trust.	Julia Mobbs	Meeting: 09-Nov-2023 Target: 15-Dec-2023	In Progress
0%	3 That Governance Committee recommend to Trust Council that it review the Governance Review in 2024 in a specially dedicated session.	Julia Mobbs	Meeting: 09-Nov-2023 Target: 01-Jun-2024	In Progress

Follow Up Action Report

Governance Committee

Director, Administrative Services

Progress	Activity	Responsibility	Dates	Status
50%	4 Staff to prepare a report that discusses the potential cost and other elements involved in engaging a qualified independent consultant to review policy 7.2.1 and the trustee remuneration values set out in the policy.	Julia Mobbs	Meeting: 15-Jan-2024 Target: 09-Sep-2024	In Progress
100%	5 Ask FPC to transfer its work on policy 7.2.1 to the GC.	Julia Mobbs	Meeting: 15-Jan-2024 Target: 29-May-2024	Completed
50%	6 Re: Trustee Remuneration Policy: that Financial Planning Committee request staff to bring back an amended Trust Remuneration Policy that includes consideration of an independent remuneration review by either task force or consultant once per trustee term, at least one year before the end of term.	Julia Mobbs	Meeting: 29-May-2024 Target: 16-Dec-2024	In Progress
50%	7 Re: Trustee Remuneration Policy: that Financial Planning Committee request staff to bring back an amended Trustee Remuneration Policy that includes consideration of the improvement opportunities identified in Appendix A: Assessment of UBCM elected official and board remuneration guide and Trust Council Policy 7.2.1 Trustee Remuneration.	Julia Mobbs	Meeting: 29-May-2024 Target: 16-Dec-2024	In Progress

To:	Governance Committee	For the Meeting of:	July 12, 2024
From:	Executive Office	Date Prepared:	July 4, 2024
SUBJECT:	Provincial Review of Islands Trust		

PURPOSE:

To summarize the historical activities, and to consolidate the work already completed, regarding the Islands Trust Council request of the Province to review its governance model and structure, its Object, its alignment with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), its geographic scope, and its funding mechanisms.

BACKGROUND:

Chronology of events in regards to asking the Province to review the Islands Trust:

2022-06-21

- Trustee initiated [Request for Decision to Trust Council](#) asking for a provincial review of the Islands Trust.
- Trust Council passed the following motions:
 - TC-2022-071*
That Trust Council request the Lieutenant Governor in Council for the Province of British Columbia to conduct a review of the Islands Trust's mandate, governance and structure.
 - TC-2022-072*
That the Islands Trust Chair, on behalf of Council, submit a letter to the Lieutenant Governor in Council making the review request under Section 8(2)(e) of the Islands Trust Act that outlines the potential scope of a review, including, but not limited to:
 - a. An assessment of the optimum governance model to preserve and protect the Trust area pursuant to the Province's vision for the future of the Trust area.*
 - b. The object of the Islands Trust Act and clarification of the mandate of the organization.*
 - c. The governance structure of the organization.*
 - d. The alignment of decision-making processes and structures with the Declaration on the Rights of Indigenous Peoples Act.*
 - e. The geographic scope of the organization and in particular authority over marine areas.*
 - f. The funding mechanisms provided to the organization in light of a clarified mandate.*

2022-08-07

- [Letter to Minister Cullen](#) from Peter Luckham, Chair, Islands Trust Council requesting a provincial review as outlined per Trust Council's resolution above.

2022-09-23

- [Response letter from Minister Cullen](#) to Peter Luckham, Chair, Islands Trust Council encouraging Trust Council to look at opportunities within its existing authorities to address some of the emerging concerns and pressures.

2023-03-07

- [Briefing to Trust Council](#) regarding the 2022-09-23 response from Minister Cullen.
- Trust Council passed the following motions:

TC-2023-005

That Trust Council direct Executive Committee to work with staff on a coordinated strategy and prepare a request that the Province revisit the provincial grant funding formula to the Islands Trust.

TC-2023-008

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

2023-05-03

- [Briefing to the Executive Committee from the Trust Programs Committee](#) on advocacy for provincial funding.

2023-09-26

- [Briefing to Trust Council](#) on request for a provincial review of the Islands Trust. Briefing provides a chronology from June 2022 to September 2023.
- Trust Council passed the following motion:

TC-2023-062

that Trust Council request the Governance Committee to recommend and draft a request to the Province to review Islands Trust.

2023-11-09

- [Briefing to Governance Committee](#) regarding referral from Trust Council (TC resolution 2023-062). The briefing included a chronology to date, Chair letter to the Minister (2022-08-27) and the Minister's response (2022-09-23).
- The Governance Committee passed the following resolutions:

GC-2023-039
that Governance Committee recommend to Trust Council that it review the Governance Review in 2024 in a specially dedicated session.

GC-2023-040
that Governance Committee request staff to provide an analysis in respect to the Governance Review and report back to the Governance Committee.

2024-01-15

- [Briefing to the Governance Committee](#) to develop a Trust Council session for the purpose of reviewing the 2022 Governance Report Recommendations.

- Governance Committee passed the following resolution:
GC-2024-007
that the Governance Committee table the item Request for Governance Review to Province: Trust Council Review of 2022 Governance Report and have it put on their next meeting agenda in February.

2024-02-23

- [Briefing to the Governance Committee](#) on an analysis of the 2022 Governance Report.
- Governance Committee passed the following resolution:
GC-2024-011
That the Governance Committee ask staff to schedule a special meeting of the Committee for the purpose of hearing the consultants who authored the Governance Report, and that the meeting be scheduled before the next regularly scheduled meeting of the Committee.

2024-03-12

- At Trust Council under the Executive Committee work program item, 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.

2024-05-13

- [Briefing to the Governance Committee](#) providing an update on the project to request ministerial changes with regards to the Islands Trust. No decision of Governance Committee made, however, the minutes note that members should come to the July 12, 2024 meeting prepared with any specific questions to ask the consultants of the 2022 governance report.

2024-06-18

- Trust Council passed the following motion:
TC-2024-057
That Trust Council reaffirm the role of the Governance Committee to advise Trust Council on the framework of the Islands Trust Act.

In reviewing the chronology, staff notice a few points for the Committee's consideration:

- Trust Council has directed the Executive Committee to work on a strategy to request a revision of the provincial grant funding formula for Islands Trust (see TC-2023-005). This relates to item f) in the original provincial request. If Governance Committee wishes to undertake this as part of the broader provincial request work, staff recommend it pass a resolution requesting or recommending that Trust Council reassign this task to them.
- Trust Council has not yet responded to the Minister to relay the message that Islands Trust is reviewing its request and will provide an update once complete (see TC-2023-008).
- The Minister's response to the Trust's original letter gives two statements for further action; both should be considered in the context of a revised provincial request:
 1. *"With local elections being held on October 15, 2022, the minister wants to understand the perspectives and opinion that the newly elected Trust Council has on the requested review."*
 2. *"I look forward to learning of the measures being taken by the Trust in response to the*

governance and management review and in relation to the broader issues being raised in the context of this request...”.

Staff understand the Committee’s July 12 meeting is geared primarily on the first of these two statements, which is a politically centered conversation amongst trustees. As process moves to address the second statement, the Committee may wish for staff to provide some insights and summary reporting of historical measures taken in relation to items identified in the political discussion.

ATTACHMENT(S):

- [June 2022 Trustee Sponsored RFD: Provincial Review of Islands Trust](#)
- [Letter to Minister Cullen re: Request for Provincial Review of Islands Trust](#)
- [Response from Minister Cullen re: Request for Provincial Review of Islands Trust](#)

FOLLOW-UP: As directed.

Prepared By: Director, Legislative Services
Interim Chief Administrative Officer
Reviewed By/Date:



REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** June 21, 2022

From: Trustee Paul Brent and Trustee Scott Colbourne **Date Prepared:** May 28, 2022

SUBJECT: Provincial Review of Islands Trust

RECOMMENDATION:

1. That Trust Council request the Lieutenant Governor in Council for the Province of British Columbia to conduct a review of the Islands Trust's mandate, governance and structure.

2. That the Islands Trust Chair, on behalf of Council, submit a letter to the Lieutenant Governor making the review request under Section 8(2)(e) of the Islands Trust Act that outlines the potential scope of a review, including, but not limited to:

- a) An assessment of the optimum governance model to preserve and protect the Trust area pursuant to the Province's vision for the future of the Trust area.
- b) The object of the Islands Trust Act and clarification of the mandate of the organization.
- c) The governance structure of the organization.
- d) The alignment of decision-making processes and structures with the Declaration on the Rights of Indigenous Peoples Act.
- e) The geographic scope of the organization and in particular authority over marine areas.
- f) The funding mechanisms provided to the organization in light of a clarified mandate.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: Notwithstanding the subject matter associated with this RFD, this is the second appeal to the Lieutenant Governor under S 8(2) e, of the Islands Trust Act in recent months. The other request was associated with a Housing Equity and Workforce Shortage Crisis RFD in December 2021 that has been referred to Regional Planning Committee.

Staff's understanding of this clause is that it is a formal avenue for Trust Council to 'have a say' with regard to carrying out the object of the Trust. For instance, it is a means for Trust Council to i) request of Cabinet some specific action or recommendations to further the Trust, or ii) to voice an opinion on an issue that impacts the object. It ensures that Trust Council has a voice with the Province with regard to Trust matters. It is perhaps less a means to request that the Province 'do something' or determine a course of action on behalf of the Trust. While this may be a distinction without a difference, writing to the Minister would likely satisfy Trust Council's interest in the proposed work.

As for the implications of the recommendation itself for the organization, they would be significant depending upon the interest of the Province in satisfying the request and the outcome of such a review.

1. BACKGROUND:

It has been nearly 50 years since the Islands Trust Act was initiated and 35 years since it was last reviewed by the Province.

Much has changed, much has stayed the same, but one factor stands out in 2022: The Trust, as a unique entity in British Columbia governance serving a special area, the islands of the Salish Sea, home to Coast Salish Nations since time immemorial, does not have the capacity on its own to adapt to the challenges of our time and live up to the expectations of the Trust mandate as it is currently presented.

This request for a review is this Trust Council's opportunity to live up to the mandate of the Trust, in all the ways we have defined it: To acknowledge we need help to take clear, community-supported actions that allow these special places and communities to be resilient and true to their shared histories, and it is the responsibility of this Council, with what we've learned over these past three years, to ask for that help.

This Trust Council, like its predecessors, has taken steps. It conducted a Governance Review in 2021 that is focused on the internal governance and operations of the Trust. This Request For Decision (RFD) does not replace nor ignore the findings of this recent review. This RFD expects Trust Council to continue to address the findings of the report to improve its governance and operations, as has been done for multiple terms.

It is illuminating to read, for example, the descriptions of the process to develop the Trust Policy Statement in the early 1990s. They read as if they were written today.

In a report titled "British Columbia's Islands Trust on the Local Government Continuum: Administrative Agency or Local Self-Government?" (David Keith Jones, 1994, Simon Fraser University), problems with the government structure identified in the 1990 public forums included: "The divisions of responsibilities between the Trust and the regional districts;" "the weakness of the representation and accountability of the Trust bureaucracy to islanders;" and the Islands Trust's "lack of authority and capacity to coordinate other agencies in important policy areas."

In this same 1994 report, it says, "The Trust Policy Statement ignited a great deal of criticism of the Islands Trust. The criticism was based on the perception that the Islands Trust was placing too much emphasis on conservation and not enough emphasis on people."

Here we are in 2022 still receiving similar criticism from the public and locked in disagreement at the Trust Council table as noted in the Governance Review report (2022). Meanwhile, the environment, social and economic conditions in the islands of the Trust Area are being impacted more than ever from the construction and renovation of houses in an overheated real estate market and by climate change, at a time when commitments to Reconciliation with First Nations are being better understood.

In other words, the challenges we face in the islands in the Trust are only becoming more complex. They involve multiple organizations, several levels of government and First Nations to be working together to make the best decisions.

Progress is best achieved through continuous learning and adaptation. In two years' time, the Islands Trust Act will be 50 years old. It is time for the Province to take a leadership role and conduct a public and comprehensive review with: An assessment of the optimum governance model to preserve and protect the Trust area pursuant to the Province's vision for the future of the Trust area; the object of the Islands Trust Act and clarification of the mandate of the organization; the governance structure of the organization; the alignment of decision-making processes and structures with the Declaration on the Rights of Indigenous Peoples Act; the geographic scope of the organization and in particular authority over marine areas; and the funding mechanisms provided to the organization in light of a clarified mandate.

2. IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: None.

FINANCIAL: None.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: To be coordinated with the Province.

FIRST NATIONS: The Province is the lead for First Nation engagement and consultation.

OTHER:

3. RELEVANT POLICY(S):

4. ATTACHMENT(S):

RESPONSE OPTIONS

Recommendation:

Alternative:

Prepared By:

Reviewed By Date:

CAO comments added: June 2, 2022



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1.800.663.7867

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

July 08, 2022

File No.: 0400-30 Ministries/MLA

Via email: MAH.minister@gov.bc.ca; nathan.cullen.MLA@leg.bc.ca

The Honourable Nathan Cullen
Minister of Municipal Affairs
PO BOX 9056,
STN PROV GOVT
Victoria BC V8W 9E2

Dear Minister Cullen:

Re: Request for Provincial Review of Islands Trust

Thank you again for your recent meeting with the Islands Trust Executive Committee. It was a pleasure to meet you. I am writing to you today on behalf of the 26-member Islands Trust Council to request that the Province of British Columbia conduct a review of the Islands Trust's mandate, governance and structure.

We are requesting that you, as the Minister responsible for Islands Trust, kindly bring this request to the attention of the Lieutenant Governor in Council (Cabinet). We make this request under Section 8(2)(e) of the *Islands Trust Act*.

The requested review could include, but need not be limited to, an assessment of:

- a) the optimum governance model to preserve and protect the Trust Area pursuant to the Province's vision for the future of the Trust Area;
- b) the object of the *Islands Trust Act* and clarification of the mandate of the organization;
- c) the governance structure of the organization;
- d) the alignment of decision-making processes and structures with the *Declaration on the Rights of Indigenous Peoples Act*;
- e) the geographic scope of the organization and, in particular, authority over marine areas; and
- f) the funding mechanisms provided to the organization in light of a clarified mandate.

This request comes after much deliberation and debate at the Islands Trust Council table this term. In our efforts to update the Islands Trust Policy Statement and respond to a Governance Review conducted by external consultants, we have encountered some divergent viewpoints and core questions related to our unique mandate and the efficiency and effectiveness of our governance model and structure. As we approach our fiftieth anniversary, it is vitally important that we coalesce around a common vision and that we have a supportive governance structure and sufficient resources to realize this vision now and into the future. However, we cannot do this work alone. As an agency of the Province, we require provincial leadership, direction, and resources to ensure that we are honouring the vision of 1974 while also addressing the new realities and challenges facing the Islands Trust Area today.

The Islands Trust Area is located within Coast Salish territory and is the homeland to many Coast Salish Peoples who have called this place home since time immemorial. Islands Trust Council has passed a Reconciliation Declaration and is working towards better acknowledging treaty and territorial rights,

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better protecting Indigenous cultural sites and harvesting areas, and building stronger collaborative relationships with First Nations to preserve and protect these special islands in the Salish Sea. Aligning the Islands Trust's governance model, structure, and mandate with the *Declaration on the Rights of Indigenous Peoples Act* will be key to fulfilling Islands Trust Council's (and the Province's) commitments in this regard.

It has been nearly 50 years since the *Islands Trust Act* was initiated and 35 years since it was last meaningfully reviewed by the Province. Islands Trust Council is grateful for the amendments to the Act provided in 2021 but believes that it is now time for a comprehensive provincial review of Islands Trust's mandate, governance, and structure to ensure that these special islands and waters are protected now and into the future. Islands Trust Council stands ready to assist and, to that end, has recently established a new Standing Governance Committee with seven elected members who will be well placed to advise a provincial review process, as needed.

Thank you for considering this important request. We look forward to hearing from you.

Yours sincerely,



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

cc:

The Honourable Janet Austin, Lieutenant
Governor of British Columbia
The Honourable John Horgan, Premier of British
Columbia
B.C. Cabinet Ministers
BOKEĆEN (Pauquachin) First Nation
Cowichan Tribes
K'ómoks First Nation
Klahoose First Nation
Lyackson First Nation
MÁLEXEŁ (Malahat) First Nation
Qualicum First Nation
scəwəθən (Tsawwassen) First Nation
Scia'new (Beecher Bay) First Nation
səilwətał (Tsleil-Waututh) Nation
SEMYOME (Semiahmoo) First Nation
shíshálh (Sechelt) First Nation
Skw̓xwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
Snuneymuxw First Nation
Songhees First Nation
Spune'luxutth (Penelakut) Tribe
SṪÁUTW (Tsawout) First Nation
Stz'uminus First Nation

łəʔəmen (Tla'amin) First Nation
T'Sou-ke First Nation
Ts'uubaa-asatx (Lake Cowichan) First Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
WJOŁEŁP (Tsartlip) First Nation
W̱SIKEM (Tseycum) First Nation
Xeláltxw (Halalt) First Nation
Xwémalhkwx (Homalco) First Nation
Xwsepsum (Esquimalt) First Nation
xʷməθkʷəy̓əm (Musqueam) First Nation
First Nations Leadership Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Nanwakolas Council
Naut'sa mawt Tribal Council
Te'mexw Treaty Association
W̱SÁNEĆ Leadership Council
Islands Trust Area MLAs
Islands Trust Area MPs
Bowen Island Municipal Council
Islands Trust Council
Islands Trust Website



September 23, 2022

Ref: 270776

Peter Luckham, Chair
Islands Trust
200-1627 Fort St
Victoria BC V8R 1H8

Dear Chair Luckham:

Thank you for your letter of July 8, 2022, requesting a recommendation to the Lieutenant Governor in Council to undertake a provincial review of the Islands Trust mandate, governance and structure. The Ministry of Municipal Affairs has responsibility for the *Islands Trust Act* and would be responsible for policy work to support any review that may be undertaken. I appreciate that there are a number of challenges facing the Islands Trust that you have identified in your letter.

The recent governance and management review undertaken by the Islands Trust has highlighted a number of actions the Islands Trust can take within its existing authorities to address some of the emerging concerns and pressures, and I encourage you to look at these opportunities. In addition, with local elections being held on October 15, 2022, the ministry wants to understand the perspectives and opinions that the newly elected Trust Council has on the requested review.

I look forward to learning of the measures being taken by the Trust in response to the governance and management review and in relation to the broader issues that are raised in the context of this request for a review of the Islands Trust governance, mandate and opportunities for alignment with the principles of the Declaration Act.

Thank you again for writing.

Sincerely,

Nathan Cullen
Minister

Islands Trust Governance Committee Work Program Matrix

Updated June 24, 2024

Not Urgent, Important	Urgent, High Priority
- Election of Executive Committee - Committees Structure: Clear mandates, review of size, champion proposals to Trust Council - Make Mandate of Conservancy More Prominent - Review of Trustee Compensation Policy	- Code of Conduct Update – referred to Executive Committee, remove from Matrix - Strategic/Corporate Planning/Visioning process and related operational review - Response to the Province Requesting A Review of Islands Trust - Meeting Process (Bylaw 101 & related policies) - Secretariat/hiring in-house legal counsel - needs research.
Not Urgent, Lower Priority	Urgent, Lower Priority
- Information to Trustee Candidates Before Election - Recording of Negative Votes (forward to Executive Committee)	<i>These items require preparation of other policies before they can be effectively addressed.</i> - Communications - Advocacy

Non-Urgent, Important items under close examined by other Council Committees

- Local planning issues: OCP numbers & updates (Regional Planning Committee)
- Policy Statement Update (Trust Programs Committee and Executive Committee)

Matters Outside Our Jurisdictions

Urgent and Important

- First Nations representation (possible referral to First Nations committee if it gets established, otherwise multiple protocol agreements not considered in report)

Not Urgent, Not Priority

- Representation of provincial interest on TC - simple idea, complex in execution, multiple solutions.