



Trust Council Committee of the Whole Minutes of a Regular Meeting

Date: May 6, 2025
Location: Electronic Meeting

Executive Members Present:

1. Laura Patrick, Trust Council Chair, Salt Spring Trustee
2. Tobi Elliott, Vice-Chair, Gabriola Trustee
3. David Maude, Vice-Chair, Mayne Trustee

Members Present:

4. Timothy Peterson, Vice-Chair, Lasqueti Trustee
5. Sue Ellen Fast, Bowen Municipal Trustee
6. Judith Gedye, Bowen Municipal Trustee
7. Sam Borthwick, Denman Trustee
8. David Graham, Denman Trustee
9. Susan Yates, Gabriola Trustee
10. Joe Bernardo, Gambier Trustee
11. Jeanine Dodds, Mayne Trustee
12. Deb Morrison, North Pender Trustee
13. Mairead Boland, Saturna Trustee
14. Lee Middleton, Saturna Trustee
15. Kristina Evans, South Pender Trustee

Members Regrets: 16. Lisa Gauvreau, Galiano Trustee

Members Absent:

17. Ben Maberley, Galiano Trustee
18. Kate-Louise Stamford, Gambier Trustee
19. Alex Allen, Hornby Trustee
20. Grant Scott, Hornby Trustee
21. Mikaila Lironi, Lasqueti Trustee
22. Aaron Campbell, North Pender Trustee
23. Jamie Harris, Salt Spring Trustee
24. Dag Falck, South Pender Trustee
25. Ken Hunter, Thetis Trustee
26. Peter Luckham, Thetis Trustee

Staff Present:

Rueben Bronee, Chief Administrative Officer
Stefan Cermak, Director, Planning Services
Clare Frater, Director, Trust Area Services
David Marlor, Director, Legislative and Information Services
Julia Mobbs, Director, Finance and Employee Services
Joe Elliott, Senior Indigenous Advisor
Alexandra Trifonidis, Executive Coordinator
Lisa Millard, Meeting Administrator/Recorder

Others Present: There were two members of the public in attendance.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 5:32 p.m.

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Patrick acknowledged that the meeting was held on the territory of the Coast Salish First Nations and recognized that the previous day was Red Dress Day, a National Day of Awareness and remembrance for missing and murdered Indigenous women and girls (MMIWG) and 2slgbtqi+ people.

3. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

4. ADOPTION OF MINUTES / RESOLUTIONS WITHOUT MEETING

4.1 Draft Committee of the Whole Trust Meeting Minutes of February 6, 2025

By general consent the Committee of the Whole meeting minutes of February 6, 2025 were adopted as presented.

4.2 Draft Committee of the Whole Trust Meeting Minutes of February 21, 2025

By general consent the Committee of the Whole meeting minutes of February 21, 2025 were adopted as presented.

4.3 TC COW RWM 2025-01 Schedule Meeting

Received for information.

4.4 TC COW RWM 2025-02 Cancel March 31, 2025 Committee of the Whole Meeting

Received for information.

4.5 TC COW RWM 2025-03 Cancel April 15, 2025 Committee of the Whole Meeting

Received for information.

5. FOLLOW UP ACTION LIST

All previous items on the Follow Up Action List related to the draft Policy Statement Amendment Project have been moved to the Trust Programs Committee Follow Up Action List.

6. BUSINESS

6.1 Islands Trust Mandate - Discussion

6.1.1 Background

Chair Patrick provided written background information, included in the agenda package, which summarized a series of resolutions made by a previous Trust Council in 2021 and the 2022 Governance Report outlining the recommendation that Trust Council interpret the Object.

6.1.2 How did the September 2023 statement come about?

Trustees Gedye and Bernardo reviewed how the September 2023 *Islands Trust Council Statement on the Scope and Meaning of Section 3 of the Islands Trust Act* was prepared and highlighted the following:

- At the beginning of the term, the Governance Committee understood its task was to assess and prioritize the recommendations outlined in the Governance Report and bring forward implementation proposals for Trust Council’s consideration;
- The report identified the lack of an agreed upon interpretation of the Section 3 mandate resulting in challenges establishing policy direction due to trustees competing conceptions of its meaning;
- The Governance Committee asked staff to go through archives to find any past legal opinions that addressed Section 3 interpretation;
- Two of the legal opinions were prominent including one provided by the law firm Young Anderson prepared at Trust Council’s request in response to another prepared by the law firm Mandell Pinder requested by a third party;
- The Governance Committee discussed the legal opinions and determined to bring them to Trust Council’s attention as part of the discussion on interpreting the Object of the Islands Trust;
- The Governance Committee provided an accompanying summary of the key points and issues of the legal opinions and the summary became the basis for subsequent discussion during an in-camera meeting;
- The Committee did not provide this information to staff for input or recommendations;
- During the September 2023 in-camera meeting the Governance Committee explained, to the best of their ability, the legal opinions;
- The statutory interpretation of the Object was pivotal to taking three distinct elements into consideration;
- Following the in-camera meeting, the edited and published version of the rise and report did not have the same understanding of importance of items of consensus; and
- Following the publication of the rise and report, and subsequent removal of the link for the website, it became apparent from feedback there were significant community concerns.

6.1.2.1 Islands Trust Council Statement on the Scope and Meaning of Section 3 of the Islands Trust Act (Object Clause)

Statement included in agenda package for reference.

6.1.2.2 Publicly Released Legal Opinion

Opinion included in agenda package for reference.

Trustee Middleton joined the meeting at 5:55 p.m.

6.1.3 How do we understand the mandate?

Each trustee contributed to a roundtable discussion and the following common themes were heard:

Results of the in-camera session and content and release of the *Islands Trust Council Statement on the Scope and Meaning of Section 3 of the Islands Trust Act*

- The controversy and confusion as a result of the in-camera session and communication following the discussion and decision as outlined in the September 2023 Statement was unfortunate and not anticipated;
- The in-camera session consisted of thorough consideration of the various legal opinions and the term “consensus” used in the public communication led to the implication that a decision was made in-camera;
- The in-camera session was not a decision-making process about the mandate but a decision-making process about the legal interpretation of the mandate which was appropriate for a closed meeting;
- The Statement was intended to be a summary statement and came to be called a consensus statement and many consider the term consensus to mean unanimous;
- The September 2023 release stated consensus about the Object of the Islands Trust to preserve and protect three specific elements including the Trust area, its unique amenities, and the environment for the benefit of its residents and the people of BC and there was consensus on this; however, the statement that it is Trust Council’s view that unique amenities are broad ranging was not a consensus view;
- The rise and report left the community with the impression that the preservation and protection of the natural environment would no longer be a priority;
- The statement made to the public that Trust Council’s view is that unique amenities are broad ranging and may include issues such as, but not limited to, housing, livelihoods, infrastructure and tourism was problematic and not framed correctly;
- The rise and report language ought to have been more robust, communication could have been timelier, and an explanation of why the meeting was held in-camera is important.

The elements of the Islands Trust Mandate and the Trust Policy Statement

- The 1975 Trust Policy Statement states “recognition of the islands are, first of all, an existing community of people, and the welfare of those peoples, and those who join them and come after them, must always be a primary concern of the Trust” and these words speak to the intent of the founders of Islands Trust;
- The current Trust Policy Statement, and its meaning, remains valid and should be included in the amended Trust Policy Statement with the inclusion of First Nations reconciliation and obligations under the Declaration on the Rights of Indigenous Peoples Act (DRIPA);

- There is a misperception that Trust Council is attempting to redefine the Object;
- It is Trust Council's discretion to decide how much emphasis to put on each of the three elements of the mandate at any given time, or on any given issue while still balancing each of them;
- The statement reflects that a balance must be established between the needs of all stakeholders;
- The words preserve and protect the environment and the unique amenities show that there are parallel paths;
- Islands Trusts is a land use planning agency that must take the Object into consideration when making land use decisions;
- The Trust Area was not created as an ecological reserve and includes human and economic functions and environmental protections need to consider these factors;
- Positioning the Trust mandate to support inclusive, sustainable, healthy communities as separate from the mandate to enhance and protect the natural ecosystem will fail to serve either of them as people are not separate from the land and the water;
- Ministry staff have reinforced the view that the statement is open to interpretation intentionally to permit and allow Trust Council to work within the words; and
- It would be beneficial to publish an information piece on the website which explains the Mandate, and Trust Council's interpretation of it, more fully.

The 1986 Agreement between Islands Trust and the Province of BC

- The 1986 position piece had not been referenced in previous discussions and it remains relevant and could be used to create an updated version; and
- Trust Council needs to take time to review and consider the 1986 agreement between the Trust and the Province and expand on the public facing opinion received from Young Anderson with focus on the July, 2007 opinion and clarify the legalese to the public.

Chair Patrick summarized the roundtable discussion as follows:

- A thoughtful, plain language, website page summarizing what the mandate means should be published;
- Include a clear version of the interpretation of the mandate within the Trust Policy Statement and provide clarity on how the mandate connects to the Statement;
- Create summary notes of the May 6, 2025 Committee of the Whole meeting to release to the public; and
- There is support for an archivist to aid in research.

During the roundtable discussion at 6.1.3, Trustee attendance was recorded as follows:

Trustee Maude joined the meeting at 6:12 p.m.

Trustee Peterson left the meeting at 6:20 p.m. and returned at 6:23 p.m.

Trustee Dodds left the meeting at 6:30 p.m. and returned at 6:40 p.m.

Trustee Bernardo left the meeting at 6:40 p.m.
Trustee Borthwick left the meeting at 6:47 p.m. returned 6:51 p.m.
Trustee Middleton left the meeting at an unknown time and returned at 6:54 p.m.
Trustee Morrison left the meeting at 7:40 p.m.

6.1.4 Next steps

Discussion ensued regarding potential recommendations to Trust Council on next steps.

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It was MOVED by Trustee Peterson, and SECONDED by Trustee Yates,

that Committee of the Whole recommend that Executive Committee direct staff to produce a short summary of the Committee of the Whole meeting of May 6 for public release.

CARRIED

A trustee requested Trust Programs Committee consider Section II of the Islands Trust's Object and its meaning, Page 5, in the current Islands Trust Policy Statement, 1998 for inclusion in the current interpretation and reinstated in the new policy.

The Director of Trust Programs noted it would be prudent to look at feedback received from First Nations on language that was in the original Trust Policy Statement amendment.

Trustee Dodds left the meeting at 8:00 p.m.

At 8:00 p.m. quorum was lost due to a member leaving the meeting. As a result, the meeting was adjourned. A limited procedural action of confirming the next meeting date was taken during this time, but no formal voting was possible.

7. CLOSED MEETING (If needed) - None

8. RISE AND REPORT - None

9. NEW BUSINESS - None

10. NEXT MEETING

The next scheduled Committee of the Whole meeting will take place electronically on May 13, 2025 at 1:00 p.m.

11. ADJOURNMENT

Certified Correct:

Laura Patrick, Chair

Lisa Millard, Meeting Administrator/Recorder