



Trust Programs Committee Electronic Meeting Agenda

Date: Wednesday, October 9, 2019
Time: 10:00 am - 3:00 pm
Location: Islands Trust - Victoria
200 - 1627 Fort Street, Victoria, BC

	Pages
1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
2.1 Introduction of New Items	
2.2 Approval of Agenda	
3. ADOPTION OF MINUTES/COORDINATION	
3.1 Minutes of Meeting	
3.1.1 August 21, 2019	3 - 6
3.2 Resolutions Without Meeting - None	
3.3 Follow Up Action List	7 - 10
4. TRUST COUNCIL BUSINESS	
4.1 Community Stewardship Awards Program Policy 2.1.1 and Nomination Form - RFD	11 - 22
5. BUSINESS	
5.1 Live Streaming of Trust Programs Committee Meetings - RFD	23 - 24
That Trust Programs Committee communicate to Trust Council its interest (or lack thereof) in filming and streaming its public meetings.	
5.2 TPC Strategic Plan Projects - Briefing	25 - 27
5.3 TPC Climate Change Speaking Notes - Late Item	
5.4 Islands 2050 - Verbal Update	
6. NEW BUSINESS	
6.1 Policy Statement Working Group - Verbal Update	
6.2 Baynes Sound Lambert Channel Ecosystem Forum - RFD	28 - 30
That the Trust Programs Committee contribute the requested \$2,900 to jointly sponsor the Baynes Sound / Lambert Channel Ecosystem Forum.	

6.3 Trust Programs Committee 2020 Meeting Dates

That the Trust Programs Committee adopt the following meeting dates for 2020:

Wednesday, February 12, 2020

Thursday, May 21, 2020

Tuesday, June 23, 2020

Thursday, August 13, 2020

Monday, October 19, 2020

Monday, November 16, 2020

7. WORK PROGRAM

7.1 Trust Programs Committee Work Program 31 - 32

8. CORRESPONDENCE

8.1 Trustee Langereis re Islands Trust Policy Statement and Object 33 - 36

8.2 Peter Frinton re Policy Statement Review General Commentary 37 - 39

8.3 Trustee Wright re Policy Statement and Islands Trust Act Interpretation 40 - 43

9. NEXT MEETING - November 6, 2019

10. ADJOURNMENT

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



Trust Programs Committee Minutes of Regular Meeting

Date: August 21, 2019
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

Members Present: Deb Morrison, North Pender Island Local Trustee (Chair)
Scott Colbourne, Gabriola Island Local Trustee (Vice-Chair)
David Critchley, Denman Island Local Trustee
Doug Fenton, Thetis Island Local Trustee (electronic)
Benjamin McConchie, North Pender Island Local Trustee
Peter Luckham, Islands Trust Chair, Thetis Island Local Trustee (ex-officio)

Members Absent: Alex Allen, Hornby Island Local Trustee
Dan Rogers, Gambier Island Local Trustee (EC Rep)

Staff Present: Russ Hotsenpiller, Chief Administrative Officer
Clare Frater, Director, Trust Area Services
David Marlor, Director, Local Planning Services
Lisa Wilcox, Senior Policy Advisor
Lesley Valour, A/Senior Policy Advisor
Robert Barlow, Recorder

1. CALL TO ORDER

Chair Morrison called the electronic meeting to order at 10:04 a.m. and acknowledged the meeting was being held on Coast Salish territory.

2. APPROVAL OF AGENDA

2.1 Introduction of New Items

Ministry of Transportation and Infrastructure Roadworks on Gabriola Island – Agenda Item 7.2.

2.2 Approval of Agenda

By general consent the agenda and addendum was approved.

3. DELEGATIONS

3.1 WWF Canada re: Baynes Sound Lambert Channel Ecosystem Forum

Kim Dunn of World Wildlife Fund Canada provided a review of previous events co-hosted by WWF Canada and Islands Trust. She outlined ongoing work by WWF Canada to identify legal, scientific and policy gaps that hamper coordinated sustainable management in Baynes Sound Lambert Channel and requested that the Islands Trust contribute \$5,000 towards a fall event.

4. ADOPTION OF MINUTES/COORDINATION

4.1 Minutes of Meeting

4.1.1 July 17, 2019

By general consent the July 17, 2019 minutes as presented were adopted.

4.2 Resolutions Without Meeting

None

4.3 Follow Up Action List

Provided for information.

5. TRUST COUNCIL BUSINESS

5.1 Follow-up from Trust Programs Committee climate emergency meeting - Briefing

Director Frater presented the briefing. Discussion ensued.

5.2 Draft 2018-2022 Islands Trust Strategic Plan – Briefing

CAO Hotsenpiller presented the briefing. Discussion ensued.

TPC-2019-010

It was MOVED and SECONDED,

that Trust Programs Committee recommend to the Executive Committee to edit the draft 2018-2022 Islands Trust Strategic Plan by replacing the wording of Strategy #12 with “Development of model Official Community Plans and land use bylaws to foster climate change resilience”.

CARRIED

TPC-2019-011

It was MOVED and SECONDED,

that Trust Programs Committee recommend to the Executive Committee to edit the draft 2018-2022 Islands Trust Strategic Plan by adding a new strategy 7 (Marine and Freshwater Stewardship): “Provide a secretariat role to Trust Area coordinating fora.”

CARRIED

The committee recessed at 12:10 p.m. and reconvened at 12:55 p.m.

5.3 Draft Climate Change Speaking Notes - Briefing (pending)

Trustee Morrison presented the draft notes. Discussion ensued.

TPC-2019-012

It was MOVED and SECONDED,

that Trust Programs Committee request Trustees Morrison and Colbourne to continue to work on the refinement of the draft speaking notes and backgrounder and to circulate revisions to the Committee.

CARRIED

TPC-2019-013

It was MOVED and SECONDED,

that Trust Programs Committee request Chair Morrison to finalize the climate change speaking notes and to forward them to the Executive Committee.

CARRIED

6. BUSINESS

6.1 Policy Statement Engagement Plan Implementation – Verbal

Director Frater provided a verbal update. The Islands 2050 project is getting close to launch with 19 community engagements events booked and many communication products being designed.

7. NEW BUSINESS

7.1 Proposed project to consider future Policy Statement amendments – Briefing

TPC-2019-014

It was MOVED and SECONDED,

that Trust Programs Committee amend its projects list by adding “Outline future phases of the Islands Trust Policy Statement engagement process”.

CARRIED

TPC-2019-015

It was MOVED and SECONDED,

that Trust Programs Committee support the inclusion of new members on Trust Programs Committee.

CARRIED

TPC-2019-016

It was MOVED and SECONDED,

that Trust Programs Committee inform the Executive Committee that it will initiate a new project to consider the requirements and scope of future phases of the Policy Statement Amendment Project.

CARRIED

TPC-2019-017

It was MOVED and SECONDED,

that Trust Programs Committee request staff to provide a briefing in regards to the required resources for the future phases of the Policy Statement Amendment Project.

CARRIED

7.2 Ministry of Transportation and Infrastructure Roadworks on Gabriola Island – Verbal Briefing

Trustee Colbourne requested an update from staff regarding an Islands Trust Chair letter. Staff responded that the Chair would have a draft to review within days.

8. WORK PROGRAM

8.1 Trust Programs Committee Work Program

No changes were suggested other than TPC-2019-014 (see above).

9. NEXT MEETING

The next meeting will take place on September 11, 2019.

10. ADJOURNMENT

By general consent the meeting adjourned at 2:59 pm.

Deb Morrison, Chair

Certified Correct

Robert Barlow, Recorder

DRAFT

Follow Up Action Report

Trust Programs Committee

29-Feb-2016

Activity	Responsibility	Dates	Status
1 Implement Crown Land Protocol project charter V2, circulate past RFD to TPC members, keep charter on future agendas until project is complete and consider inventory of current referrals, if it helps demonstrate the need for updating the letter of understanding.	Clare Frater	Target: 14-Nov-2016	In Progress
2 Implement the State of the Islands Project, and return the project charter to TPC until project is complete.	Clare Frater	Target: 06-Nov-2019	In Progress

20-Aug-2018

Activity	Responsibility	Dates	Status
1 that the Trust Programs Committee recommend to the next Trust Council that if the service integration work continues under Trust Programs Committee that it be given priority next term under the Strategic Plan.	Clare Frater Russ Hotsenpiller	Target: 12-Dec-2018	In Progress
2 that if examination of service integration issues proceeds as priority of Trust Programs Committee for next term the Committee recommends that the impact of the Ministry of Transportation and Infrastructure road standards agreement on village roadscapes be examined as a potential pilot project or case study.	Clare Frater David Marlor	Target: 12-Dec-2018	In Progress

Follow Up Action Report

Trust Programs Committee

15-May-2019

Activity	Responsibility	Dates	Status
1 that Trust Programs Committee approve the attached text as amended for inclusion in the 2018-2019 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.	Clare Frater	Target: 21-Aug-2019	Completed

12-Jun-2019

Activity	Responsibility	Dates	Status
1 Community Stewardship Awards proposed policy changes RFD	Clare Frater	Target: 06-Nov-2019	In Progress

14-Aug-2019

Activity	Responsibility	Dates	Status
1 Executive Committee recommend that the Trust Programs Committee amend its work program to add a project to consider the requirements and scope of future phases of the Policy Statement Amendment Project, and that Trust Programs Committee invite other trustees to participate in project discussions as ex-officio members.	Clare Frater	Target: 09-Oct-2019	Completed

21-Aug-2019

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Trust Programs Committee

21-Aug-2019

Activity	Responsibility	Dates	Status
1 that Trust Programs Committee recommend to the Executive Committee to edit the draft 2018-2022 Islands Trust Strategic Plan by replacing the wording of Strategy #12 with "Development of model Official Community Plans and land use bylaws to foster climate change resilience".	Clare Frater	Target: 06-Sep-2019	Completed
2 that Trust Programs Committee recommend to the Executive Committee to edit the draft 2018-2022 Islands Trust Strategic Plan by adding a new strategy 7 (Marine and Freshwater Stewardship): 'Provide a secretariat role to Trust Area coordinating fora.'	Clare Frater	Target: 06-Sep-2019	Completed
3 that Trust Programs Committee request Trustees Morrison and Colbourne to continue to work on the refinement of the draft speaking notes and backgrounder and to circulate revisions to the Committee.	Clare Frater	Target: 06-Sep-2019	Completed
4 that Trust Programs Committee request Chair Morrison to finalize the climate change speaking notes and to forward them to the Executive Committee.	Clare Frater	Target: 30-Aug-2019	In Progress
5 that Trust Programs Committee amend its projects list by adding "Outline future phases of the Islands Trust Policy Statement engagement process".	Clare Frater	Target: 06-Sep-2019	Completed
6 that Trust Programs Committee support the inclusion of new members on Trust Programs Committee.	Clare Frater	Target: 20-Sep-2019	Completed

Follow Up Action Report

Trust Programs Committee

21-Aug-2019

Activity	Responsibility	Dates	Status
<p>7 that Trust Programs Committee inform the Executive Committee that it will initiate a new project to consider the requirements and scope of future phases of the Policy Statement Amendment Project.</p>	Clare Frater	Target: 30-Aug-2019	Completed
<p>8 that Trust Programs Committee request staff to provide a briefing in regards to the required resources for the future phases of the Policy Statement Amendment Project.</p>	Clare Frater	Target: 30-Aug-2019	In Progress

- II. **Issue** – the current policy makes no reference to excluding self-nomination by individuals, businesses, or groups for a Community Stewardship Award. The intention of the program is for the community to recognize individuals, businesses, or groups and self-nominations may not be reflecting the feelings of the community if the nominee has not been nominated by someone from the community.

Proposed Amendment – add a clause under the ‘Nomination Eligibility’ section of the policy to exclude self-nominations from eligibility for a Community Stewardship Award.

- III. **Issue** – On March 14, 2019, Islands Trust unanimously adopted a First Nation’s Reconciliation Declaration; however, prior to 2019, the nomination process did not include consideration of a nominated project or work’s impact on First Nations. The intention of the proposed amendments to the policy and nomination form are to better align the Community Stewardship Award with the ongoing commitment of Islands Trust to establish and maintain mutually respectful relationships between Indigenous and non-indigenous peoples.

Proposed Amendments –

Within the Policy, include:

- under the ‘Nomination Eligibility’ section, add that the program is open to “Indigenous Persons, First Nation communities or organizations”;
- under the ‘Nomination Process’ section, add “reconciliation” as a category for which an individual or organization can be nominated;

Within the Nomination Form, include:

- in the opening paragraph, add that the program recognizes “Indigenous Persons, First Nation communities or organizations”;
- in the opening paragraph, change the language clarify that the award is to recognize those that enhance the community or environment in a manner consistent with the mandate; and
- add three questions, focused on the nominee’s work or project’s support of Reconciliation, incorporating traditional First Nations knowledge, and connection to First Nations communities or Indigenous peoples.

3. IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: Adopting the proposed amendments to the Community Stewardship Awards Program’s policy and nomination form will address the identified issues and bring the program into greater alignment with the newly adopted Climate Change Emergency and First Nations Reconciliation Declaration’s.

FINANCIAL: No financial implications.

POLICY: The recommendation will amend Islands Trust Community Stewardship Awards Program - Policy 2.1.11.

IMPLEMENTATION/COMMUNICATIONS: The revised policy will be circulated to holders of the Islands Trust Policy Manual and placed on the Islands Trust website. It will also be reviewed with all staff who are responsible for administering the Community Stewardship Award program. Staff will update the Community Stewardship Award Program Administration Procedure for the

Operations Manual. Communication of the changes be publicized when the next iteration of the Community Stewardship Awards Program is launched.

FIRST NATIONS: Strengthens intention of First Nations Declaration since multiple questions on the Nomination Form would be updated to ensure alignment with the First Nations Reconciliation Declaration and the impact on First Nations communities is specified.

OTHER: None.

4. **RELEVANT POLICY(S):** N/A

5. **ATTACHMENT(S):**

- A. Islands Trust Community Stewardship Awards Program – Policy 2.1.11
- B. Islands Trust Community Stewardship Awards Program – Nomination Form

RESPONSE OPTIONS

Recommendation: That the Islands Trust Council replace Policy 2.1.11 Administration of the Community Stewardship Awards Program dated September 16, 2009 with Policy 2.1.11 Community Stewardship Awards Program dated December 3, 2019.

Alternative:

- 1) That different revisions to Policy 2.1.xi Administration of Community Stewardship Awards Program be adopted.
 - 2) That Policy 2.1.xi Administration of Community Stewardship Awards Program not be amended at this time.
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Prepared By: Lesley Valour, A/Sr. Policy Advisor

Reviewed By/Date: Clare Frater, Director, Trust Area Services, October 4, 2019



Policy:	2.1.11
Approved By:	Trust Council
Approval Date:	March 7, 2003
Amendment Dates(s):	December 5, 2003; September 16, 2005; December 8, 2006; March 11, 2009; September 16, 2009; September 10, 2014; December 7, 2016; December 3, 2019
Policy Holder:	Director of Trust Area Services

COMMUNITY STEWARDSHIP AWARDS PROGRAM

Purpose

1. To define policies that will ensure a fair and effective Community Stewardship Awards program in accordance with related policies of the Islands Trust Council.
- ~~1.2.~~ To provide an opportunity for the Islands Trust to proactively and positively engage island communities in promoting stewardship within the Trust Area.

Definitions

n/a

Policy Intention

~~Policy-~~ General

1. The Islands Trust Council will establish an Islands Trust Community Stewardship Awards Program to recognize and encourage the actions of individuals and organizations that support the mandate of the Islands Trust.
- ~~1.2.~~ The Islands Trust Council will offer the Community Stewardship Awards program every two years, on odd-numbered years.
- ~~2.3.~~ The Trust Programs Committee of Trust Council will be responsible for initiating the Islands Trust Community Stewardship Awards Program in the first quarter of an odd-numbered year.

Nomination Eligibility

1. The program will be open to any individual, Indigenous Persons, First Nation community or organization, school (or classroom), community group, non-profit or business entity that has demonstrated efforts to enhance a community or its environment in the Trust Area in a manner consistent with the mandate of the Islands Trust.
2. A nominee who is subject to a current bylaw enforcement action is not eligible as an individual nominee.
3. A nominee cannot self-nominate themselves or a group that they are a part of.
- 2.4. Current staff members, contractors, and trustees are not eligible as an individual nominees and only become eligible twenty-four months after receiving final payment from the Islands Trust.
- 3.5. Organizations are not eligible as nominees if current staff members, contractors or trustees played a leadership role in the organization during the implementation of the nominated project or work.
- 4.6. Organizations that provide goods or services to the Islands Trust are eligible so long as the nominated project did not receive payment from the Islands Trust.
- 5.7. Projects that have received support from the Trust Fund-Conservancy Board are eligible if the value of the Islands Trust Fund-Conservancy cash and in-kind support is less than 50% of the project's budget.
- 6.8. Nominations can relate to either a single project, or to work carried out over a period.
- 7.9. At the time of nomination, the project or work must be ongoing or must have been completed within the previous twenty-four months.
- 8.10. Nominations must be received by the deadline established by the Islands Trust. Nominations submitted after the deadline will not be accepted unless the delay is due to a technical or logistical error on the part of the Islands Trust.

Nomination Process

1. Nominations will be invited under the categories of individuals, organizations, or other/additional. The 'other-additional' category may include, but is not limited to awards for enduring achievement, reconciliation, climate change (adaptation and/or mitigation), youth, or posthumous recognition.
2. Members of the public and other agencies may nominate individuals or organizations.
3. Each nominator may make one nomination per category every two years.
4. All nominators will be required to fill out the Islands Trust Community Stewardship Awards Nomination Form.
5. Each individual or organization nominated for an award must indicate acceptance of the nomination by signing the nomination form, or by sending an email ~~to~~ accepting the nomination and ~~to~~ confirm the information provided in their nomination form is accurate.

6. After the close of nominations, each nominee will receive a letter from the Islands Trust Chair recognizing their nomination.

Nomination Evaluation

1. In May of odd-numbered years, the Trust Programs Committee will evaluate and recommend award recipients to Trust Council for up to two awards in each of the individual and organizational categories, and for up to two additional awards in those or other categories while considering:
 - 1.1 the confidential comments provided by local trustees; and
 - 1.2 the following criteria:
 - relationship of project or work to the Islands Trust Policy Statement;
 - benefits to the community or Trust Area;
 - collaboration with others;
 - innovation;
 - community support;
 - time and effort; and
 - ongoing public service.
2. In June of odd-numbered years, the Islands Trust Council will decide upon the Community Stewardship Award recipients while considering the items [in section 18](#) above, as well as the Trust Program's Committee's recommendations.
3. Nominations will be evaluated based on the information in the nomination form. Letters of support or other supporting materials will not be part of the evaluation.

Award Presentation

1. Local trust committees and/or island municipalities will present the awards to the recipients. If an Islands Trust Council meeting is scheduled on [an recipient's](#) island in September, the local trust committee may choose instead to present the award(s) at that meeting.
2. The Awards will consist of framed certificates and/or small mementoes that represent the unique nature of the Islands Trust Area and, where practical, are constituted from products distinct to the Islands Trust Area.

Program Costs and Fees

1. The cost for each award will not exceed \$100.
2. Local trust committees may use up to \$100 from their local trust committee budgets to cover the costs of a public presentation ceremony.

Legislated References

1. Islands Trust Policy Statement, Part II - The Islands Trust Object and its meaning

to achieve its object, the Islands Trust must be an educator, coordinator, and initiator, guiding individuals, organizations and other agencies in support of the object. While the Islands Trust can provide the necessary leadership, responsibility for stewardship of the Trust Area rests with many. Individuals, other government agencies, organizations, and the Province itself all have important roles to play. Cooperative actions are required of other agencies, organizations and individuals to ensure that activities are carried out in a manner that is sensitive to the needs of Trust Area ecosystems and island communities

2. Islands Trust Council Policy 6.5.3 Purchasing Procedure

3. [Islands Trust Policy 6.1.1 First Nations Engagement](#)

Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

n/a



Islands Trust

Islands Trust Community Stewardship Awards

Nomination Form

Deadline for submission: ~~Friday, April 22nd, 2019 by 11:00 pm~~ [\[INCLUDE DATE AND TIME\]](#).

Trust Council uses the Community Stewardship Awards Program to recognize any individual, [Indigenous Person, First Nation's community or organization](#), school (or classroom), community group, non-profit, or business entity [that has demonstrated efforts to enhance a community or its environment in the Trust Area in a manner consistent with the mandate of the Islands Trust.](#) ~~individuals, businesses, and groups for programs or actions that have made a significant contribution towards preservation, protection, and stewardship of the Trust Area's amenities, environment, and resources.~~

Instructions: Please ensure that you have read the [Frequently Asked Questions](#) document before nominating a potential candidate, and ensure that your nominee has agreed to be nominated.

Nominator Information

Name of Nominator or Nominating Organization:	
Contact person for Nominating Organization (if applicable):	
Address:	
Phone Number:	
Email:	

Nominee Information

Name of project or accomplishment:	
Name of Nominee or Nominated Organization:	
Contact person for Nominated Organization (if applicable):	
Address:	
Phone Number:	
Email:	

Acceptance of Nomination

The nominee or representative of a nominated organization should sign below to accept the nomination and to confirm the information provided is accurate. Alternatively, if this form is submitted via email, the nominee may send an email to: csa@islandstrust.bc.ca to accept the nomination and to confirm the information provided is accurate.

Signature:	Date:
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Project Description

Please provide the following information about the nominated individual, project and/or body of work

1. What was/is the overall purpose of the project or body of work?

Please describe the activities and events of the project or body of work, including the timeline. Provide details about who was involved in the project—planning, promoting and funding it.

(250 words max)

2. Describe how the individual, project and/or body of work relates to the preserve and protect object of the Islands Trust:

How did the project or body of work encourage activities consistent with the mandate of the Islands Trust as outlined in the [Islands Trust Policy Statement?](#) (e.g. Did the work protect, enhance or restore the natural environment? Did the work support the protection and conservation of cultural, sacred, or archaeological areas?) (150 words max)

3. Describe the benefits of the project to community or the regional Islands Trust Area.

Describe how the project was or will be meaningful and lasting to the local community, or to the entire Islands Trust Area. Who benefits? How much? How long will the benefits last? (150 words max)

4. Describe how the nominee collaborated with others.

How did the nominee collaborate with others and broaden support for the project? How many people were involved in the project or body of work? Did the nominee share knowledge and create learning for the community and others? (150 words max)

5. Describe how the project or body of work was particularly innovative.

How did the project or body of work create new ways of doing things or develop new solutions? Was there innovation in the degree or type of community participation? (150 words max)

6. Describe the degree to which the community supported and became involved in the project or body of work.

How broadly did members of the community support the project or body of work, and become involved in it to achieve success? Did the nominee build community connections and reach out to those who might not be natural supporters of the project or body of work? (150 words max)

7. If the project or body of work addresses climate change, describe how the project or body of work prepares your community to adapt [or mitigate](#) to climate change. (150 words max)

[8. How or did the project or body of work support Reconciliation or raise awareness of Reconciliation within the community. \(150 words max\)](#)

[9. How or did the project or body of work incorporate understanding about, or enhance education of, Indigenous Traditional Knowledge regarding stewardship .\(150 words max\)](#)

[10. Is or did the project or body of work connect or reach out to First Nations communities or Indigenous Peoples within the Islands Trust Area. \(150 words max\)](#)

We recommend that you keep a record of your nomination.

Submit by email to csa@islandstrust.bc.ca.

~~If you cannot e-mail~~ you may also submit by fax to (250) 405-5155, or by mail to:

Community Stewardship Awards
Islands Trust
200-1627 Fort Street
Victoria BC V8R 1H8

Collection Notice: Personal information contained on this form is collected under the authority of the Local Government Act and is subject to the Freedom of Information and Protection of Privacy Act. The personal information will be used for purposes associated with the 2019 Community Stewardship Awards program.

Enquiries about the collection or use of information in this form can be directed to Carmen Thiel, Legislative Services Manager at 250-405-5188.



REQUEST FOR DECISION

To: Trust Programs Committee **For the Meeting of:** October 9, 2019
From: Clare Frater, Director,
Trust Area Services **Date Prepared:** October 4, 2019
SUBJECT: Live Streaming of Trust Programs Committee Meetings

RECOMMENDATION:

That Trust Programs Committee communicate to Trust Council its interest (or lack thereof) in filming and streaming its public meetings.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

Meeting streaming provides a new way for island constituents to engage in Islands Trust work. Challenges and opportunities related to this topic will be explored in a report to Trust Council in coming months.

1 PURPOSE:

To determine the level of interest in streaming Trust Program Committee meetings.

2 BACKGROUND:

At its June 19, 2019 meeting Trust Council made the following resolutions:

“That Trust Council request that each local trust committee and Trust Council committees indicate whether it has an interest in filming and streaming its public meetings.”

And,

“That Trust Council request staff to prepare a report about the costs and feasibility of filming and streaming videos of public meetings through the new Islands Trust website and social media.”

The report requested in the latter resolution is currently being prepared by staff.

Forming part of this discussion will be the level of interest of Council committees in pursuing this initiative for their own public meetings. As such, a committee decision is required for communication to Trust Council to inform dialogue and appropriate resource allocation.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: None.

FINANCIAL: None.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: The interest or lack thereof of Trust Programs Committee will be communicated to Trust Council as requested.

FIRST NATIONS: None.

OTHER: None.

4 RELEVANT POLICY(S):

None.

5 ATTACHMENT(S):

None.

RESPONSE OPTIONS

That Trust Programs Committee communicate to Trust Council its interest in filming and streaming its public meetings.

OR

That Trust Programs Committee communicate to Trust Council that it is not interested in filming and streaming its public meetings.

Prepared By: Clare Frater, Director, Trust Area Services

Reviewed By:



BRIEFING

To: Trust Programs Committee **For the Meeting of:** October 9, 2019

From: Clare Frater, Director Trust Area Services **Date Prepared:** October 4, 2019

SUBJECT: TPC Strategic Plan projects

PURPOSE: To advise Trust Programs Committee of the projects assigned to the Committee through the interim 2018-2022 Strategic Plan.

BACKGROUND: In September 2019, the Islands Trust Council adopted an interim Strategic Plan for 2018-2022 term. Staff have allocated the various projects to Council committees and are preparing business cases for Financial Planning committee review in November 2019. Trust Programs Committees' projects will be supported by business cases as follows:

Strategic Plan Item	Budget	Anticipated Actions
Develop <ul style="list-style-type: none"> a. a set of climate change, demographic and environmental data and b. performance criteria in order to identify the effects of climate change in the Trust Area and to measure mitigation and adaption efforts, 	\$5,000	<u>Step 1.</u> Determine, with contractor support, appropriate performance criteria that Islands Trust can measure climate change mitigation and adaption efforts against. <u>Step 2.</u> Develop RFP to hire consultant in 2021/22 to measure climate change, demographic and environmental data against performance criteria measures.
Develop and implement a stewardship education program directed towards the public, industry and stakeholders in the Trust Area.	\$15,000	Provide educational programming and materials on topics to be determined by TPC.

Strategic Plan Item	Budget	Anticipated Actions
Provide a secretariat role to forums within the Trust Area.	\$5,000	Provide secretariat support to one or more of the following groups: <ul style="list-style-type: none"> • Howe Sound Community Forum and subcommittee Ocean Watch Task Force • Baynes Sound / Lambert Channel Ecosystems Forum • Saanich Inlet Network • Coastal Douglas Fir Conservation Partnership • Multi-stakeholder and inter-jurisdictional affordability committee by region (as per high priority housing actions added to Strategic Plan in Sept. 2019).
Amend the Policy Statement introductory and definitions sections.	\$15,000 (anticipate that some of all of this funding will be leftover from project in fiscal 2019/20)	Consider adding to scope of project this fiscal or next: <ul style="list-style-type: none"> • Review the Islands Trust Policy statement and give consideration to: a) giving affordable housing a greater profile for its role in sustainable communities b) including a reference to affordable housing in its policy direction to LTCs and municipalities. (as per high priority housing actions added to Strategic Plan in Sept. 2019) • Review the Islands Trust Policy statement to ensure that it: a) includes clear and well-thought out definition of 'affordability' b) includes clearly articulated vision, goal and objectives for affordable housing c) gives affordable housing a greater profile for its role in sustainable communities d) includes a reference to affordable housing in its policy direction to LTCs and municipalities. (as per high priority housing actions added to Strategic Plan in Sept. 2019)
Determine if additional changes to the Policy Statement are desired by Trust Council.	N/A Meeting costs funded by TPC Meeting Expense Budget	Establish Policy Statement Working Group.

ATTACHMENT(S):

1. None

FOLLOW-UP: Staff will incorporate feedback from the committee into business cases for the 2020/21 budget.

Prepared By: Clare Frater, Director, Trust Area Services

Reviewed By/Date:



REQUEST FOR DECISION

To: Trust Program Committee **For the Meeting of:** October 9, 2019

From: Clare Frater, Director, Trust Area Services **Date Prepared:** October 4, 2019

SUBJECT: Funding request and invitation for staff and Trustees to attend the Baynes Sound / Lambert Channel Ecosystem Forum – November 15, 2019 at the Deep Bay Field Station

RECOMMENDATION: That the Trust Programs Committee contribute the requested \$2,900 to jointly sponsor the Baynes Sound / Lambert Channel Ecosystem Forum.

SENIOR STAFF COMMENTS: This recommendation supports Islands Trust’s commitment to healthy marine ecosystems and the Denman and Hornby Islands LTCs commitment to a healthy Baynes Sound and Lambert Channel. The participation of First Nations and other governments and diverse stakeholders in the forum, bodes well for the event resulting in continued dialogue and solution building amongst diverse partnerships.

- 1 PURPOSE:** Determine if Islands Trust will jointly sponsor the November 15, 2019 Baynes Sound / Lambert Channel Ecosystem Forum.
- 2 BACKGROUND:** In March 2019, the first Baynes Sound / Lambert Channel Ecosystems Forum was held, jointly hosted by Islands Trust and the World Wildlife Fund Canada (WWF). Trust Programs Committee committed up to \$6,000 for the March exchange and the WWF budgeted \$5,000. A third meeting of stakeholders is scheduled for November 15, 2019 at the Deep Bay Field Station in Courtney.

The group is composed of volunteers and local residents, and at present the group has no formal structure, mandate, or terms of reference. The group is in the process of determining its purpose and role in supporting environmental issues in the Baynes Sound / Lambert Channel area, including if the group should continue. Baynes Sound / Lambert Channel is the highest ranked cumulative spawning and rearing area for herring in the Strait of Georgia ecoregion, producing one-third of all herring in BC’s waters—positioning this area as a critical linchpin in terms of the ecosystem health of the BC Coast.

The organization of the November 15th meeting to date, has been supported financially and with staff resources from the WWF. Ms. Dunn from the WWF, expects secretariat support will only be able to continue for another eight months, at which time the group will need to be more structured and self-sufficient to continue.

WWF Canada has asked Islands Trust to jointly host the November 15th meeting, and invited staff and Trustees to attend the meeting, regardless of the partnership decision.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: The recommendation can be implemented without it impacting existing projects. One or two staff from Trust Area Services may attend the event.

FINANCIAL: TPC has \$22,000 of its \$25,000 Strategic Plan funding still available.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: The Senior Policy Advisor will work with finance staff to develop a contract for specific costs.

FIRST NATIONS: Islands Trust may, if possible, provide a small amount of funding to support the attendance of First Nations representatives and leadership. Note that any facilitator hired should be aware of protocol, appropriate communications, and dialogue when facilitating workshops with Indigenous and non-Indigenous participants. Facilitators should be aware of how to conduct protocol for Chiefs and Elders attending. The aim should be to renew and facilitate respectful, cooperative, and collaborative relationships with Indigenous participants and create a safe place for that dialogue to occur.

OTHER: None.

4 **RELEVANT POLICY(S):** None.

5 **ATTACHMENT(S):** Email, dated October 3, 2019, from Ms. Dunn outlining the expenses associated with supporting the November 15, 2019 Baynes Sound / Lambert Channel Ecosystem Forum.

RESPONSE OPTIONS

Recommendation: That the Trust Programs Committee contribute the requested \$2,900 to jointly sponsor the Baynes Sound / Lambert Channel Ecosystem Forum.

Alternative: Send staff and Trustees, as appropriate, to attend the meeting.

Prepared By: Lesley Valour, A/Sr. Policy Advisor, Trust Area Services

Reviewed By/Date: Clare Frater, Director, Trust Area Services, October 4, 2019

From: Kimberley Dunn <kdunn@wwfcanada.org>

Sent: Thursday, October 3, 2019 3:48 PM

To: Lesley Valour <lvalour@islandstrust.bc.ca>

Subject: Baynes Sound / Lambert Channel Ecosystem Forum, 15 November 2019

Hi Lesley,

I'm following up on our conversation earlier today to confirm that the upcoming Baynes Sound / Lambert Channel Ecosystem Forum gathering has been set for Friday, November 15, at the Deep Bay Field Station. I expect to circulate a "Save-the-Date" placeholder in the coming days.

The planning for the event is largely complete, and WWF-Canada is incurring the following approximate expenses:

- Venue, \$0 (in-kind contribution from the Deep Bay Field Station)
- Facilitator, \$1500
- Notetaker(s), \$800 (depending on final format of event)
- Catering, \$1500
- Accommodations (for select participants, facilitator, host), \$2000

Assistance in covering these expense would be appreciated, if possible. I look forward to continuing to work with the Islands Trust on this important and exciting initiative.

Warm regards,

Kim Dunn, MREM | Senior Specialist, Ocean Conservation | WWF-Canada
m: 250.889.4213 | kdunn@wwfcanada.org | wwf.ca

-
- A national habitat crisis: [Learn how we are protecting at-risk wildlife.](#)
 - This election, with your vote, you can help protect nature. [One Earth, One Vote.](#)
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Top Priorities Report

Trust Programs Committee

1. Review the Islands Trust Policy Statement

Responsible

Dates

Implement Policy Statement engagement plan
 State of the Islands project
 Outline future phases of the Islands Trust Policy Statement engagement process

Clare Frater

2. Trust Secretariat

Responsible

Dates

Provide a report to Trust Council with information about the implications of the Islands Trust taking on a secretariat role for the Howe Sound Community Forum that considers the needs of existing and potential regional coordination processes in the Baynes Sound/Lambert Channel and Saanich Inlet regions.

Clare Frater
Russ Hotsenpiller

Rec'd: 20-Jun-2018

3. Amend Crown Land Cooperation Agreements

Responsible

Dates

Engage Bowen Island Municipality and the Province of B.C. in updating and consolidating existing agreements into one. (Consider implications for First Nations relationships.)

Clare Frater

Rec'd: 15-May-2019



Trust Programs Committee

1. <i>Improve cooperation and integration with other levels of government.</i>	Responsible	Date Received
<p>Explore opportunities and benefits of cooperating with First Nations and others to seek nominations of the Trust Area as a UN Biosphere Reserve.</p> <hr/>		
2. <i>Enhance (protect / restore) community character, socio-economic diversity and economic</i>	Responsible	Date Received
<p>Develop advocacy program for sustainable, appropriate agriculture</p> <p>Facilitate exploration of intra and inter-island transportation routes</p> <hr/>		
3. <i>Improve the Delivery and Integration of Services</i>	Responsible	Date Received
<p>Identify changes that could improve the delivery and integration of services</p> <hr/>		

TO: Peter Luckham

September 12, 2019

Chair, Islands Trust

Please find following a summary of my research into the question of how the Islands Trust Object and Islands Trust Policy Statement (ITPS) interact. I believe it is important that we have a clear understanding of that interaction as we begin the review of the ITPS.

I would, therefore, ask that this be added as a late addition to the correspondence portion of the September 17, 2019 Trust Council agenda.

Thanks for your consideration.

Respectfully submitted,

Kees Langereis

Trustee, Gabriola Island Local Trust Committee.

ISLANDS TRUST OBJECT AND POLICY STATEMENT.

We are about to undergo a review of the Islands Trust Policy Statement, a policy that has not been reviewed in over 25 years. The Policy Statement is Trust Council's determination of how to achieve the Trust Object and provides direction to Local Trust Committees. Consequently, the Policy Statement must be consistent with the Trust Object.

In reviewing the Policy Statement, it is important to know what the Trust Object is attempting to achieve, whether it changed over the years and lastly how it meshed with the *Municipal Act* purpose. Once that is clear, we can better determine the Policy Statement's currency and completeness.

A review of the history of the Trust Object and its operationalization and the eventual establishment of the Policy Statement should help provide some clarity.

Prior to 1974, Regional Districts operated under the *Municipal Act*¹ for the purpose of meeting community need. That was and still is their purpose. Under that Act, Regional Districts provided services to communities and exercised land use regulation authority.

Government, recognizing the special significance of the Trust Area, became concerned about the rampant subdivision and development occurring there under the auspices of Regional Districts. It realized that the purpose of the *Municipal Act* to meet community need did not provide sufficient protection to this unique environmental area.

In response, the *Islands Trust Act* (ITA) was enacted with the purpose of protecting and preserving the Trust Area. With the ITA introduction, Regional Districts continued to exercise land use regulation powers, but that power in the Trust Area was now subject to approval by

¹ Subsequently replaced by the *Local Government Act*

either a general trust committee or a local trust committee, who could only approve Regional District bylaws if the bylaws consistent with the Trust Object.

In 1974, two distinct legislated purposes now governed the Trust Area with a hierarchy of purposes that placed environmental protection as paramount over the Municipal Act purpose (ie via a veto).

This approach continued until 1977. Concerns about administrative inefficiencies and a negative perspective had arisen as a result of one legislative body with a specific purpose having a veto over another legislative body with a different purpose. To address these issues, the ITA was amended giving trust committees the power under the *Municipal Act* to regulate land use in the Trust area. Regional Districts continued to provide the other range of services to the Trust Area, but no longer regulated land use in that area.

The transfer of power to trust committees was for the express purpose of the Trust Object. However, in exercising the authority under the *Municipal Act*, trust committees also assumed responsibility for the *Municipal Act* purpose.

The effect of the transfer did not alter the previous legislative scheme whereby the Trust Object was paramount over the *Municipal Act* purpose. Trust committees assumed the role previously held by Regional Districts, albeit subject to the hierarchy of purposes. It was an administrative change that added a new role to trust committees. This change has essentially continued to this day.

1989, the ITA was repealed and replaced with a new ITA. Under the new Act, the general trust committee was replaced with Trust Council and the Executive Committee. Local trust committees were not affected.

Under the reorganization, Trust Council replaced the general trust committee, did not hold any land use regulation power (other than appeals) and was responsible for achieving the Trust Object through the development of a Policy Statement. Executive Committee assumed the previous general trust committee authority to regulate land use for non-designated islands.

It was another organizational restructuring to improve administrative efficiencies that did not intend to alter the Trust Object. Simply put, the Trust Object, and by extension the Islands Trust Policy Statement, did not incorporate the *Municipal Act* purpose. That was left to local trust committees to consider when regulating land use.

The new ITA also introduced the Islands Trust Policy Statement. This legislated policy document presumably replaced more informal policies and guidelines used by trustees and their committees.

The Islands Trust Policy Statement² is about achieving the Trust Object. It is not about social issues, as those issues fall within the *Local Government Act* (LGA) mandate.

An Official Community Plan under the *Local Government Act* is a policy document guiding local government land use bylaws for the purpose of that Act. The Trust Policy Statement is what local trust committees must consider when deciding on land use bylaws. But that consideration is about the impact of the bylaw on achieving the Trust Object.

The following may be a stretch but in reviewing the legislation, I wonder whether the Policy Statement can actually direct what the provisions of a local land use bylaw or OCP should contain. I believe the Policy Statement is about outcomes of land use regulation. In some respects, the Policy Statement, like an OCP, establishes general policies directed to outcomes.

If the intention was to enable the Policy Statement to direct what a LGA bylaw provision should contain, the ITA would have cited the authority to do so, but it does not. The Trust Policy Statement is the litmus test of a bylaw's consistency with the Trust Object.

In reviewing the Islands Trust Policy Statement, I believe some policies stray into the *Local Government Act* purpose.

Are the current provisions of the Policy Statement reflective of the Trust Object?

Following are Trust Policy examples that I believe may not be consistent with the Trust Object:

- address the designation of areas for the landing of emergency helicopters.
- Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.
- Part V has the heading "Sustainable Communities" and a subheading "Healthy Communities."

Summary:

Trust Council in its deliberations and advocacy is tasked with achieving the Trust Object.

LTCs are tasked with two roles:

- (a) establishing land use regulation that meets community needs, and
- (b) ensuring that the environmental impacts of land use regulation do not run contrary to the preserve and protect mandate of the Island Trust.

² The trust policy statement (a) must be a general statement of the policies of the trust council to carry out the object of the trust,

As was the case when the ITA was first enacted, residents of the Trust Area have limitations on what is possible to ensure the Trust Area is protected for the benefit all British Columbians.

Appendix 1

Sets out the Trust’s organizational structures and powers established in 1974, 1977 and 1989.

1974		1977		1989	
Committee	LUB Powers	Committee	LUB Powers	Committee	LUB Powers
General Trust Committee	Veto RD bylaws applicable to more than one Trust Island area	General Trust Committee	Power to establish bylaws applicable to more than one island	Trust Council	Decide on appeals of Executive committee decisions on LTC bylaws
	Veto RD bylaws applicable to no-designate Islands such as Bellenas		Power to establish bylaws applicable to non-designated islands such as Bellenas		Establish Islands Trust Policy Statement
Local trust committee	Veto RD bylaws applicable to one island	Local trust committee	Power to establish bylaws applicable to one island	Executive committee	Acting as a LTC, power to establish bylaws applicable to non-designated islands such as Bellenas.
					veto LTC bylaws
				Local trust committee	Power to establish bylaws applicable to one island

September 11, 2019

ISLANDS TRUST POLICY STATEMENT REVIEW
 General Commentary-Peter Frinton

The Policy Statement was last consolidated in 2003, other than a more recent administrative review.

It remains a pivotal document, and referenced frequently when evaluating land use proposals within the Trust area. There is no question that the language needs to be updated, yet every time trustees and staff peer at it, a wave of fear descends and everyone quietly steps back from the cliff.

I will comment on just one Directive Policy-4.4.2, largely because it has been so contentious over the years, and is of seminal importance. In fact, water quality and availability may be the prime limiting factor affecting growth on the islands.

The current wording is noble and clear:

4.4.2 Local Trust Committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:

- *neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,*
- *water quality is maintained, and*
- *existing, anticipated and seasonal demands are considered and allowed for.*

It is written as an absolute- words such as ‘shall’, ‘ensure’ leave little wiggle room.

shall | SHal, SHəl |
 modal verb (third singular present **shall**)

- expressing a strong assertion or intention: *they shall succeed* | *you shall not frighten me out of this.*
- expressing an instruction or command: *you shall not steal.*

ensure | in 'SHōor, en 'SHōor |

- [no object] (**ensure against**) make sure that (a problem) shall not occur.

ORIGIN

late Middle English (in the senses ‘convince’ and ‘make safe’): from Anglo-Norman French *enseurer*, alteration of Old French *aseurer*, earlier form of *assurer* (see [assure](#)).

Unfortunately (or not) we do not live in a world of absolutes. What has repeatedly happened is that 4.4.2 has been ‘interpreted’, or overridden/ignored as the potential for water shortage is omnipresent.

The peril is episodic- seasonal or even once a decade. If enforced, 4.4.2 could be interpreted as saying that no further development should take place at all, anywhere in the Trust area. However, the directive ignores the fact that shortages and quality deficiencies occur at current densities. Issues such as St. Mary's Lake on Salt Spring or salt infiltration on Gabriola and Denman, necessitating water truck deliveries at times.

So it is the Directive which belies the reality.

There is no simple fix, nor any perfect wording. It is hard to craft new language that would not either water down the intent nor open a can of worms.

Notwithstanding this, I think an approach which analyses the elements of the issue, and proffers solutions is not that difficult.

1. Intent- This is pretty simple, to provide water security. The wording of the Directive should acknowledge the difficulties, in the face of unknowns, seasonal differences and longer term climate change, of providing certainty.
2. Approach to solutions- I think the emphasis should be on mitigations and a policy of 'continuous improvement' (ie what we can do now and staging of new water use regulations over time.
3. Specific actions- these have been visited many times, but never or rarely implemented as part of the Building Code or local bylaws. But water storage, grey water separation and reuse, broad water conservation measures, attention to groundwater hydrology whenever sites are disturbed could all, over time, significantly contribute to improving water outlooks.

Strictures are needed. It would be foolish to ignore that. But rather than stating no increase in density nor intensity of use shall take place in water deficient areas, the emphasis could be on requiring demonstration that sufficient measures will be undertaken such that there be a low likelihood of water problems.

That partially makes the problem an engineering one, but should be worded so that even if a proponent appears to be properly addressing issues, that there can be an external review to validate.

The other thing, again just from my perspective, is to not misuse directives as a way of thwarting initiatives. Instead, clear statements about community objectives, normally residing in OCPs, should be elaborated in Land Use Bylaws to make an overriding development framework. For this to work, for example to anticipate a 'number of folio' buildout, it is essential to get definitions correct and have a clear view of envisioned outcomes.

'Density' is a poor measure if a bachelor suite in multifamily housing is counted in the same way a four bedroom house might be. Similarly, if folios are counted, but 'accessory residential use is permitted' (Bowen allows attached and detached suites in most residential areas), then the overall intent gets compromised. A better metric might be 'number of pillows', as is used at Whistler, or aggregate residential footprints.

Parsing just one clause does beg questions about others, and there is always a chance effort will be misdirected, or taken to a certain point, then the process being truncated.

The cure for that is good process, both public and at the staff/trustee level. If there is clear agreement on overarching principles, the details do not work themselves out, but at least there are paths forward.

I think there is a need for iterations of an updated Policy Statement, not ‘here it is, yes or no’? That way, sticking points get elucidated at each stage and can be hopefully rectified.

Setting the time goal, eg new PS before end of current term, and providing appropriate resources without going to outside consultants except for syntax and legal, are more than helpful.

I really encourage the Trust to successfully do this work. It has been nearly two decades since the Programs Committee I was on attempted a rewrite.

Peter Frinton

Retired Municipal Councillor, Islands Trustee and Regional Director

May 28, 2019

To Peter Luckham,
Chair, Islands Trust Council

My following comments are derived from consultations with other trustees (past and present), staff within the Ministry of Municipal Affairs and Housing, legal opinions, reviewing Court cases, and relevant legislation. I am not professing to be an expert on law, and some of my interpretations may be incorrect. Nevertheless, I urge Council to read this, consider obtaining legal advice where necessary, and discuss how to proceed.

Before the review of the Policy Statement takes place, I believe that Council must first have a clear understanding of the Islands Trust Act, its purpose and limitations, as well as the critical role the Trust Policy Statement plays in our land use planning.

THE POLICY STATEMENT

The Islands Trust Policy Statement is directed by the Islands Trust Act to provide general policies for carrying out the object of the Islands Trust. Section 24 (2) (b) authorizes local trust committees to develop bylaws that regulate land use for the specific purpose of carrying out the Trust Object and pursuant to Section 15 (4), these bylaws may only be approved by the Executive/Council if they are not “contrary to or at variance with the Trust Policy Statement”. Consequently, it is important that the Trust Policy Statement and the interpretation of the Trust Object are consistent with one another. These instructions are no mere piety, it indicates the key importance the Policy Statement has in fulfilling the mandate as outlined in Section 3 of the Islands Trust Act. The Policy Statement should not be a wish list; it is intended to be an overall vision that must be adhered to.

During the 1994 review of the Trust Policy Statement, in response to significant pressure from constituents that the Islands Trust was focusing too much on conservation and insufficient attention to people, Council converted the Policy Statement from a federation (a Trust Area wide perspective), into a confederation of relatively independent communities. That weakened the important role the Policy Statement played in tying regional obligations to local matters and created greater degrees of adherence to those policies by local communities. As a consequence, Council and Trustees have expanded their perception of the mandate beyond the confines of the statutory mandate. One of the rationalizations for changing the focus from the natural environment to the human environment has been by interpreting the word “amenities” to include community social issues and culture.

This issue was considered in 2010 by a Task Force, formed as a subcommittee by Council under the Trust Programs Committee, to provide a report on a Policy Statement review. Their findings were:

“Definitions of amenity

A general dictionary definition of an amenity is “a pleasant or useful feature”. The word can also be applied in the following three ways:

- Natural amenities, such as viewsapes and beaches that make a particular area pleasant and attractive to humans*
- Developed amenities, such as parks, trails, community centres, playgrounds, etc that provide services to a neighbourhood*

- Real estate amenities, such as swimming pool, landscaping, sauna, etc that enhance value and comfort on a particular property.

Conclusions

The phrase “unique amenity”, as included in the object of the Islands Trust, has never been spelled out explicitly. However, a sense of its meaning can be inferred, particularly from the Islands Trust Policy Statement. When references in the Policy Statement are looked at in combination, a picture emerges of the “unique amenities” of the Trust Area as being a variety of qualities and features (natural amenities) - such as outstanding scenery and recreational resources - combined with community character (or unique character). This picture is reinforced by what is learned from the court judgments. The context does not seem to suggest that “developed” amenities, except where these might contribute to “community character”, are being referred to in the object.”

This finding is, I believe, half correct because it suggests that Council, through the Policy Statement, has decided that “unique amenities” is inferred to include “community character” although no such phrase appears in the Act. I would further suggest that to build upon that interpretation to include “healthy communities” and “culture” is equally incorrect. If one takes the words “unique amenities” in the Act at face value, it is clear that the intent of those words was to describe aspects of the Trust Area’s natural environment and its rural character. I believe the legislation used these words carefully to ensure clarity.

WHAT EXACTLY ARE WE?

The Islands Trust is continued by statute as a “trust”, and not a local government. The Legislature’s intention to create a “trust”, rather than a “local government”, is evident through the terms the legislation uses; “objects”, “trust” and “trustees”. The main characteristic of a “trust” whether private, public non-charitable, or political, is “the fiduciary relationship which exists between trustee and beneficiary of the trust” (Waters). In this case, it is assumed that the public is the beneficiary and the Islands Trust has the fiduciary duties of a trustee. This difference is confusing because in many ways, the Trust acts like a local government and Section 29 (1) states that LTCs “have all the powers and authority **of** a local government”. However, the Trust’s legislation stops short of recognizing LTCs **as** a local government as defined in the LGA. Otherwise, the Islands Trust Act could have stated the LTC is deemed to be a local government for the purposes of specific sections of the LGA, in which case the purposes of the LGA would have applied to the LTC. This of course would have created an internal tension between the purposes of the Trust Act (environment) and the LGA (community need).

In practical terms, this presents some difficulty for LTCs while carrying out their duties. For example, in a municipality, operating under the LGA, a zoning application that increases density may cause several impacts to the environment and its unique amenities. However, the municipality can determine that, regardless of those impacts, the increased density is in the best interests of their community. Not so for LTCs. The Islands Trust’s bodies cannot “trade off” the protection and preservation of the unique amenities and the environment for any other purpose (such as community and/or social needs.) *The LGA allows municipalities to consider other community values in their decisions, Trustees cannot.*

The Islands Trust Act, sections 8 & 9, (in relation to Trust Council), section 21 (in relation to the Executive), and section 24 (in relation to Local Trust Committees), compels their powers are to be exercised “for the purposes of carrying out the object of the Trust”. They are also provided with the authority and the powers through a number of specific provisions of the Local Government Act (LGA)

and Community Charter that are adopted with modification for application to the Islands Trust Act. Those provisions include land use planning and regulation, elections, enforcement of bylaws, heritage conservation, and specific subdivision regulation, among others. For example, the Local Government Act (LGA), gives the Islands Trust the authority to carry out its mandate through zoning, *but the Trust Act gives the Executive, Council, and LTCs, the direction and purpose for them to exercise their powers and specifies that those powers be used in fulfilling the object of the Trust Act.* It stands to reason then, that if those powers are granted to Trust bodies to fulfill the object, then they are also constrained by them. Therefore, I do not believe it can be inferred that the LGA gives the Islands Trust the authority to address other needs of their communities beyond those specified in the object of the Trust Act. The Executive, Council and LTCs, must consider the preservation and protection of the environment (including provisions of the Environmental Management Act; s. 34.1 of Trust Act), above all other matters in applications for zoning, siting, and use permits, Development Variance Permits, and Variances, or, when adopting a bylaw. *If the predominant purpose of the proposed bylaw does not preserve and protect the environment, then I submit it may be ultra vires the Trust Act and subject to a legal challenge.*

The Islands Trust is directed to work “in co-operation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.” That instruction does not mean that the Islands Trust has the authority to become involved, outside of advocacy, in other jurisdictions or any community social and cultural needs for which other agencies or levels of government have the responsibility. Trustees are also to exercise their powers “for the benefit of the residents of the Trust Area and of British Columbia generally”. This instruction imposes a duty of care upon the Islands Trust, in its decisions and actions, to further the object on behalf of all those in British Columbia, not just the residents of the islands within the Trust Area.

WHERE TO FROM HERE?.

For those of you who were present, or recall in 1995, MacMillan Bloedel went to Court to successfully challenge the Galiano LTC from adopting bylaws that MacMillan Bloedel argued were ultra vires the Trust Committee’s powers under the Act by attempting to change logging practices and preserve land without expropriation (BCJ No. 1763). The Galiano LTC sought to remove the building of homes in Forest zoned lands because they would dramatically alter the natural environment. The Court of Appeal overturned the lower court’s decision because it confirmed that the Galiano LTC enacted the bylaws to satisfy the requirements of s.3 of the Trust Act, that is, to preserve and protect the environment (Justices Southin and Finch). What makes this case particularly significant is that it confirms the view that “s.3 acts as an ultimate limit on the purposes for which Trust Bodies can use their powers” (Howard, Mandell Pinder).

It is for this reason that I believe the Islands Trust has exceeded its authority and jurisdiction by including “culture and communities” in its goals and in the Policy Statement. It goes without saying that the effort in responding to these topics has diverted attention from fulfilling the object of the Act, has cost an enormous amount of time and resources over the years, and has opened the Trust to potential Court challenges.

The Islands Trust and Council take some pride in the work the Conservancy has done, and is continuing to do, in recognizing and protecting sensitive areas. I believe that the principal reason for that success is their singular vision and goal. I don't believe LTCs will be as successful in protecting the remaining areas of our islands that are impacted by human activity unless they also have a unified and clear understanding of the Trust Act and its object. I assume that if the Trust is continued by statute for this purpose, then the Islands Trust would not be continued if it fails.

It is my hope that a complete review of the Policy Statement will remove any ambiguity about our legislation, responsibility, and vision, and motivate us in fulfilling a duty of care to the environment through our statutory mandate.

Respectfully,

Steve Wright.