

This document contains all current Trust Council and Islands Trust Conservancy Board Policies.

Please use the Bookmarks on the left to navigate to specific policies or use the Search function to locate policies that contain specific wording.



Policy:	1.2.1
Approved By:	Trust Council
Approval Date:	December 8, 1995
Amendment Date(s):	March 6, 1998; March 23, 2016
Policy Holder:	Director of Trust Area Services

POLICY STATEMENT AMENDMENT

Purpose

To outline the required steps for Trust Council to review and amend the Policy Statement Bylaw.

A. Definitions

1. “Engagement Plan” is a plan for engaging First Nations and stakeholders that is consistent with any protocol agreements in place (see C.4) and contains at least the following sections:

1. Context
2. Objectives
3. List of interested parties
4. Key messages
5. Engagement activities
6. Timing
7. Risks and mitigations
8. Resources

and considers the following audiences:

1. Trust Area electors
2. local trust committees/island municipalities
3. First Nations
4. regional districts operating within the Trust Area
5. school district boards, and improvement district boards,
6. the provincial and federal governments and their agencies, as determined in consultation with the ministry responsible for local government; and
7. other persons, organizations and authorities with interests the Islands Trust Council considers will be affected.

2. “Policy Statement Topic Review Inventory” is a document that compiles, at a minimum, suggestions for Policy Statement topics needing clarification or expansion and suggested new Policy Statement topics.

B. Policy

1. Requirements

- 1.1 The Policy Statement Bylaw may be amended by Trust Council with the approval of the Minister responsible for local government.

- 1.2 Each term, Trust Council will identify Policy Statement review and/or amendment tasks.
- 1.3 Trust Council will assign the Executive Committee, Trust Programs Committee or a select committee (delegated body) to coordinate the Policy Statement amendment process.
- 1.4 Adoption of Policy Statement amendments will occur only after Trust Council has undertaken a first, second and third reading and received approval of the Minister responsible for local government.
- 1.5 Ministerial approval is based on ensuring no conflicts with Provincial interests and adequate engagement with First Nations.

2. Topic Review Inventory

- 2.1 Upon request, Trust Council will consider suggestions for Policy Statement topic reviews and, by resolution, will direct inclusion in a Topic Review Inventory document.

3. Topic Review Process

- 3.1 If a newly elected Trust Council has undertaken public consultation to set its priorities for the current term, (e.g through a strategic planning process) Trust Council may use the results of the consultation to inform selection of Policy Statement topic review priorities. If no public consultation on priorities for the current term has occurred, Trust Council will engage with those identified in C.1 before selecting Policy Statement topic review priorities for the term.
- 3.2 Once Trust Council has selected topics for review, Trust Council will assign review of the selected priority Policy Statement topics to its delegated body and request recommendations regarding possible amendments to the Policy Statement Bylaw.
- 3.3 As part of its annual budget cycle, Trust Council will allocate resources required to review the selected topics.
- 3.4 Trust Council may establish or adjust Policy Statement topic review priorities at any time.
- 3.5 Once Trust Council has selected topics for review, Trust Council will inform the Ministry responsible for local government and invite First Nations in the Trust Area to participate in the next steps.

4. Amendment Process

- 4.1 The Executive Committee will guide agency referrals, public engagement, internal processing, and Policy Statement Bylaw amendment requirements, in accordance with its Terms of Reference.

- 4.2 As soon as practicable after the initiation of a Policy Statement amendment process, the Executive Committee must adopt an engagement plan per Section C.1., and must consider whether the opportunities for engagement with one or more of the persons, organizations and authorities listed in the plan should be early and ongoing.
- 4.3 Based on the engagement plan adopted by Executive Committee in 4.2, the Trust Council's delegated body will engage with stakeholders and First Nations about each topic proposed for amendment, prior to drafting a Policy Statement Amendment bylaw.
- 4.4 After first reading of the Policy Statement Amendment bylaw, Trust Council will request that the amendments be referred to First Nations, municipalities, regional districts and provincial and federal government agencies or departments having jurisdiction in the Trust Area. The minimum referral period to other agencies will be 45 days.
- 4.5 The Executive Committee, prior to third reading by Trust Council may provide for public input to Trust Council through correspondence, delegations or petitions in accordance with the Meeting Procedures Bylaw.
- 4.6 Trust Council, prior to third reading, will review input received from Islands Trust Council committees, local trust committees, the Islands Trust Conservancy Board, trustees or staff of the Islands Trust, First Nations, referral agencies and the public, and all input received through the engagement plan adopted in accordance with section C.1.
- 4.7 After Trust Council has adopted an amendment to the Policy Statement the Executive Committee will advise all consulted First Nations and referral agencies in accordance with the adopted engagement plan.
- 4.8 If Trust Council adopts an amendment to the Policy Statement that changes directive policies, Trust Council will advise local trust committees and island municipalities on resulting updates to official community plans.
- 4.9 If Trust Council adopts an amendment to the Policy Statement that changes directive policies, Trust Council will consider giving funding priority to local trust committee programs that implement the new directive policies during the budgeting process.

5. Communications

- 5.1 The Executive Committee will monitor and report on the implementation of this policy to Council annually while producing the Islands Trust Annual Report.

6. Policy Statement Review

- 6.1 The Islands Trust Council may, from time to time, initiate a public review of the entire Policy Statement.

C. Legislated References

1. *Islands Trust Act*: Sections 15, 16, 22 and 27
2. Policy Statement Bylaw (No. 17)
3. Policy and Procedures Manual:
 1. Policy Statement Implementation (1.3.1)
 2. Coordination Agreements Process (2.1.4)
 3. Meeting Procedures Bylaw 101 (2.2.4)
 4. Priority Setting/Review Guidelines (6.2.1)
 5. Budget Process Policy (6.3.1)
 6. Annual Report Policy (6.10.1)
4. Protocol Agreements:
 1. Islands Trust Council – Bowen Island Municipality Protocol Agreement
 2. Islands Trust Council – Snuneymuxw First Nation Protocol Agreement
 3. Islands Trust Council – Lyackson First Nation Protocol Agreement

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

n/a



Policy:	1.3.1
Approved By:	Trust Council
Approval Date:	June 11, 1994
Amendment Date(s):	March 11, 1995; December 8, 2000; June 16, 2005; and March 23, 2016
Policy Holder:	Director of Trust Area Services

POLICY STATEMENT IMPLEMENTATION

Purpose

To establish policy and procedures for statutory bylaw referrals and other implementation strategies in connection with the Islands Trust Policy Statement Bylaw No. 17.

A. Interpretation

1. The Islands Trust Policy Statement Bylaw includes three types of policies:
 - 1.1 Commitments of Trust Council state the position or philosophy of Trust Council on various matters. For this category of policy, several introductory phrases are used; for example, “Trust Council holds that”; “It is the position of Trust Council that”; and “It is Trust Council’s policy that”.
 - 1.2 Directive Policies direct local trust committees and island municipalities to address certain matters in their official community plans and regulatory bylaws under Part 14 of the *Local Government Act*. Where a policy requires a local trust committee or island municipality to address a particular matter, the official community plans must contain policies that implement the policy stated by Trust Council, unless the plan sets out explicitly the reasons and justifications for local policies that do not implement that policy. Directive policies commence with the phrase “Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address”.
 - 1.3 Recommendations of Trust Council serve as Trust Council’s encouragement to government agencies, non-government organizations, property owners, residents, and visitors to support the Policy Statement and the Islands Trust object, and specify principles of guidance for protocol agreements between the Trust and other agencies. These policies begin with the phrase “Trust Council encourages”.
2. The implementation of the Policy Statement Directive Policies is addressed under Section B.1 of this Policy.
3. The Commitments and Recommendations of Trust Council relate to other types of implementation strategies that are non-directive in that they merely provide suggestions and recommendations that may be related to land use bylaws or to other decisions and

activities of the Islands Trust or other agencies. The implementation of these non-directive policies is addressed under Section B .2.

4. As interpreted by the courts, "contrary to or at variance with," means that there is an absolute and direct collision between the local trust committee or island municipality bylaw and the Policy Statement.

B. Policy and Procedures

1. Statutory Bylaw Referrals

Background

- 1.1 Local trust committees and island municipalities are required to submit bylaws to the Executive Committee for approval as follows:
 - 1.1.1 Under Section 27 (1) of the *Islands Trust Act*, a local trust committee must submit its bylaws to the Executive Committee for approval before adoption.
 - 1.1.2 Under Section 38(1) of the *Islands Trust Act*, all island municipality bylaws adopting official community plans that apply to land in the Trust Area and all bylaws under Part 14 of the *Local Government Act* that apply to land in the Trust Area to which no official community plan applies, must be submitted to the Executive Committee for approval before adoption.
- 1.2 Local trust committees and island municipality bylaws have no effect until they are approved as follows:
 - 1.2.1 Under Section 27(2) of the *Islands Trust Act*, a bylaw of a local trust committee has no effect
 - 1.2.1.1 in all cases, until it is approved by the Executive Committee or, if a request is made under subsection 27(3), by the Trust Council, and
 - 1.2.1.2 in the case of a bylaw adopting or amending an official community plan, until it is approved by the Minister.
 - 1.2.2 Under Section 38(2) of the *Islands Trust Act*, an island municipality bylaw referred to under Section 38(1), has no effect until it is approved
 - 1.2.2.1 by the Executive Committee,
 - 1.2.2.2 on request under subsection 38(3), by the Trust Council, or
 - 1.2.2.3 on request under subsection 38(4), by the Minister.
- 1.3 Under Section 15(4) of the *Islands Trust Act*, a bylaw submitted to the Executive Committee by a local trust committee under Section 27(1), or an island municipality under Section 38(1), must not be approved by the Executive Committee, or Trust Council, if it is contrary to or at variance with the Islands Trust Policy Statement.

- 1.4 The Islands Trust Policy Statement requires local trust committees in their official community plans and regulatory bylaws, and island municipalities under Section 38(1) of the *Islands Trust Act*, to address certain matters from the Policy Statement, or give explicit reasons and justifications for not doing so. A bylaw will not be contrary to or at variance with the Policy Statement if it fails to include a particular policy or regulation, so long as the bylaw contains sufficient reason or justification for not doing so.
- 1.5 Where a proposed bylaw does not include a particular policy or regulation required by the Policy Statement and the bylaw sets out reasons for that, the Executive Committee and Trust Council will assess the sufficiency of those reasons using such criteria as:
- 1.5.1 whether the reasons are explicitly set out such that it is clear that the local trust committee directed its attention to the matter in question and made a considered decision not to include the policy or regulation.
 - 1.5.2 whether the reasons have to do with particular local circumstances that may not have been contemplated in the drafting of the Policy Statement.
 - 1.5.3 whether the reasons arise from the necessity of balancing two or more components of the Policy Statement that cannot be achieved simultaneously.
 - 1.5.4 whether existing planning studies or reports relied on by the local trust committee indicate that the Policy Statement is inapplicable in the circumstances.

Policy Statement Directives Checklist

- 1.6 The primary responsibility for demonstrating that an official community plan or regulatory bylaw is not contrary to or at variance with the Islands Trust Policy Statement rests with each local trust committee, or island municipality.
- 1.7 The Policy Statement Directives Checklist identifies the directives policies for each component of the Policy Statement that local trust committees and island municipalities are required to address in their bylaws (Attachment 1).
- 1.8 Staff will reference relevant sections of the Policy Statement in staff reports to the local trust committees and island municipalities. Staff may use the Directives Checklist to assess whether bylaw amendment applications in process and bylaws prior to first reading comply with the Policy Statement.
- 1.9 Planning staff will provide the local trust committees and island municipalities with a staff report that includes the proposed bylaw and the Directives Checklist to

assess that a bylaw complies with the Policy Statement before submitting it to the Executive Committee.

- 1.10 Planning staff assigned to work with local trust committees, or island municipalities, will refer to the Policy Statement and Directives Checklist while developing official community plans and regulatory bylaws to ensure that the bylaws address the required matters. Staff will also make recommendations that address the Policy Statement during the consideration of alternative policy and regulatory responses to particular issues in a local trust area.

Approval and Appeals

- 1.11 The Executive Committee will notify the local trust committee or island municipality staff of its decision as to whether to approve a bylaw within one month of receiving a submission including a completed Directives Checklist. Staff will then update the bylaw to show Executive Committee approval and submit it to the local trust committee or island municipality for adoption consideration. Where the decision is not to approve, the Executive Committee will advise the local trust committee, or island municipality, of its reasons and of the nature of the changes that would be required to enable the Executive Committee to approve the bylaw.
- 1.12 On referral of a bylaw to Trust Council under Section 27(3) or 38(3) of the *Islands Trust Act*, the local trust committee, or island municipality, will provide to Trust Council the Directives Checklist, the advice of the Executive Committee that accompanied its refusal to approve the bylaw, and the local trust committee or island municipality reasons why the bylaw cannot be changed in the manner the Executive Committee indicated.
- 1.13 Trust Council will notify the local trust committee or island municipality staff of its decision as to whether or not Trust Council has approved a bylaw and will deliver a decision as soon as practicable after giving such notice. Where the decision is not to approve, Trust Council will advise the local trust committee, or island municipality, of its reasons and of the nature of the changes that would be required to enable Trust Council to approve the bylaw.

2. Ensuring Decision and Activities are Consistent with the Policy Statement

Background

- 2.1 The goals of the Policy Statement will form the basis of Trust Council's strategic plan.
- 2.2 To ensure consistency between the Policy Statement and the activities of the Islands Trust bodies, staff will reference the Policy Statement and relevant policy sections in meetings, staff reports, work programs, inter-agency agreements

(including protocols, letters of understanding and memoranda of understanding) and agency referral responses.

2.3 Islands Trust staff preparing recommendations or information for an Islands Trust body will reference relevant sections of the Policy Statement.

2.4 All inter-agency agreements and external communications will be consistent with the Policy Statement.

3. Monitoring Activities

3.1 The Islands Trust Council will monitor and report on the implementation of the Policy Statement in the Islands Trust Annual Report.

C. Legislated References

1. *The Islands Trust Act:*

- 1.1 Part 2 – Trust Council, Section 15 (4) Trust Policy Statement and Section 16 Approval of Bylaws;
- 1.2 Part 3 – Executive Committee, Section 22 Approval of Bylaws; and
- 1.3 Part 4 – Local Trust Committees, Section 27 Approval requirement for bylaws of local trust committees.

2. The Islands Trust Council Bylaw No. 17, a Bylaw to Adopt a Policy Statement for the Trust Area, cited as “The Islands Trust Policy Statement Bylaw, 1993”.

3. The Islands Trust Policy and Procedures Manual:

- 3.1 Policy Statement Amendment (1.2.1)
- 3.2 Executive Committee Legislative Role (2.4.4)
- 3.3 Bylaw Checklist (5.7.1)
- 3.4 Annual Report (6.10.1)

D. Attachments

Attachment 1 - Directives Checklist - May 17, 2005



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No:

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
	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 for water are considered and allowed for.
	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

	4.6	Soils and Other Resources
	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
	5.8.6	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.

POLICY STATEMENT COMPLIANCE	
	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



Policy:	2.1.1 Guidelines
Approved By:	Trust Council
Approval Date:	June 11, 1994
Amendment Date(s):	March 9, 1996; September 19, 1997; December 5, 2003; September 9, 2014
Policy Holder:	Legislative Services Manager

STATUTORY RULES OF CONDUCT

Purpose

To acknowledge and facilitate compliance with the ethical conduct rules in accordance with the *Community Charter* and *Islands Trust Act*. The applicable statutory provisions are attached as Appendix A.

A. Details

1. Interpretation

In these guidelines

"Executive Committee" means the committee referred to in section 20(1) of the *Islands Trust Act*;

"Local Trust Committee" means the committee referred to in section 23(2) of the *Islands Trust Act*;

"Meeting" includes a meeting of the Trust Council, a Local Trust Committee, the Islands Trust Conservancy Board, or a committee of any of them, or a Resolution-Without-Meeting under sections 13 and 26 of the *Islands Trust Act*;

"Trust Council" means the Islands Trust Council referred to in section 5 of the *Islands Trust Act*;

"Islands Trust Conservancy Board" means the board referred to in section 40(1) of the *Islands Trust Act*;

"Trustee" means under section 1 of the *Islands Trust Act* a local trustee, municipal trustee and a trustee of the Islands Trust Conservancy, or any of them, as the context requires.

2. Conflict of Interest

2.1 Subject to Section 104 of the *Community Charter*, a trustee must not participate in the discussion of, or vote on, a resolution or bylaw in respect of which the trustee has a direct or indirect financial or monetary interest.

2.2 In addition to the disqualification for the financial or monetary interest, having a direct or indirect financial or monetary interest in the decision could result in the trustee's vote on the decision being invalid. In some cases, the decision itself will be invalid where the vote is invalid.

3. Declarations

- 3.1 If a trustee believes he or she is not entitled to participate in a decision, he or she must declare this under Section 100(2) of the *Community Charter*, subject to Sections 100(4) and (5).
- 3.2 Having made such a declaration, if a trustee determines on the basis of legal advice that they in fact may participate and vote, the trustee may do so after making a further declaration stating in general terms the basis on which they have determined that they may participate and vote.

4. Recording Declaration

- 4.1 If a trustee makes a declaration under Section 100 of the *Community Charter*, the person recording the minutes of the meeting must record the member's declaration, the reasons given for it, and the times of the member's departure from the meeting room and, if applicable, of the member's return.
- 4.2 In the case of a Resolution-Without-Meeting vote, if a trustee makes a declaration under Section 100 of the *Community Charter*, the trustee, or the person recording a Resolution-Without-Meeting vote must complete a Declaration Form (Appendix "B") to record the member's declaration, the reasons given for it, and the time of the member's declaration.
- 4.3 A Declaration Form must be completed for each Resolution-Without-Meeting relating to a matter in which a trustee makes a declaration under Section 100 of the *Community Charter*.
- 4.4 The completed Declaration Form must be filed with the secretary, and a copy of the completed form must be affixed to the Resolution-Without-Meeting Call for the Vote/Calling for a resolution and conducting the Vote forms.

5. Insider Information

- 5.1 A trustee must not use information that is gained in the execution of his or her office, and is not available to the general public, to further or seek to further the trustee's financial, monetary, personal, or private interest.

6. Influence

- 6.1 Subject to Section 104 of the *Community Charter*, a trustee must not use his or her office to seek to influence a decision to be made by another person, to further the trustee's financial, monetary, personal or private interest.

7. Gifts

- 7.1 A trustee must not accept a gift or personal benefit, except compensation authorized by the *Islands Trust Act* and the Islands Trust Regulation 119/90, as amended, that is connected directly or indirectly with the performance of his or her duties of office.

8. Exceptions and Disclosure of Gifts

- 8.1 As an exception, a trustee may accept a gift or personal benefit having a value of less than \$250 that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.
- 8.2 If the value of a gift accepted under this exception equals or exceeds \$250, or the value of such gifts from any single source exceeds that amount in any 12-month period, the trustee must file a disclosure statement in accordance with Section 106 of the *Community Charter*.

9. Contracts with the Islands Trust

- 9.1 A trustee, or person who was a trustee within the previous six months, must report to the Islands Trust Corporate Secretary any contract with the Islands Trust in which the trustee or former trustee has a direct or indirect financial or monetary interest, in accordance with Section 107 of the *Community Charter*.

10. Confidentiality

- 10.1 A trustee must keep in confidence any record held in confidence by the Trust Council, Islands Trust Conservancy Board or a local trust committee, until the record is released to the public, and must keep in confidence any information considered in any part of a Trust Council, Islands Trust Conservancy Board, Executive Committee or local trust committee meeting that was lawfully closed to the public, until the information is discussed at a meeting that is open to the public or released to the public.

11. Review Process

- 11.1 Trustees and staff may, at the cost of the Trust Council, communicate directly with the Trust's Legal Counsel to discuss matters pertaining to statutory standards of conduct.

12. Disqualification

- 12.1 Trustees violating statutory rules of conduct in relation to conflict of interest, use of insider information, inside or outside influence, receipt of gifts, disclosure of gifts, and disclosure of contracts are subject to disqualification from office under Section 110 of the *Community Charter*.

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

Appendix A and B

APPENDIX A

Community Charter

General voting rules

- 123** (1) Unless otherwise provided, a motion on a bylaw or resolution, or on any other question before council, is decided by a majority of the council members present at the meeting.
- (2) Each council member has one vote on any question.
- (3) Each council member present at the time of a vote must vote on the matter.
- (4) If a council member does not indicate how he or she votes, the member is deemed to have voted in the affirmative.
- (5) If the votes of the members present at a council meeting at the time of the vote are equal for and against a motion, the motion is defeated.
- (7) The voting rules established by this section also apply to council committees.

Division 6 — Conflict of Interest

Disclosure of conflict

- 100** (1) This section applies to council members in relation to
- (a) council meetings,
 - (b) council committee meetings, and
 - (c) meetings of any other body referred to in section 93 [*application of open meeting rules to other bodies*].
- (2) If a council member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has
- (a) a direct or indirect pecuniary interest in the matter, or
 - (b) another interest in the matter that constitutes a conflict of interest,
- the member must declare this and state in general terms the reason why the member considers this to be the case.
- (3) After making a declaration under subsection (2), the council member must not do anything referred to in section 101 (2) [*restrictions on participation*].

(4) As an exception to subsection (3), if a council member has made a declaration under subsection (2) and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may

- (a) return to the meeting or attend another meeting of the same body,
- (b) withdraw the declaration by stating in general terms the basis on which the member has determined that he or she is entitled to participate, and
- (c) after this, participate and vote in relation to the matter.

(5) For certainty, a council member who makes a statement under subsection (4) remains subject to section 101 *[restrictions on participation if in conflict]*.

(6) When a declaration under subsection (2) or a statement under subsection (4) is made,

- (a) the person recording the minutes of the meeting must record
 - (i) the member's declaration or statement,
 - (ii) the reasons given for it, and
 - (iii) the time of the member's departure from the meeting room and, if applicable, of the member's return, and
- (b) unless a statement is made under subsection (4), the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

Restrictions on participation if in conflict

101 (1) This section applies if a council member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 100.

(2) The council member must not

- (a) remain or attend at any part of a meeting referred to in section 100 (1) during which the matter is under consideration,
- (b) participate in any discussion of the matter at such a meeting,
- (c) vote on a question in respect of the matter at such a meeting, or
- (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.

(3) A person who contravenes this section is disqualified from holding office as described in section 108.1 *[disqualification for contravening conflict rules]* unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Restrictions on inside influence

102 (1) A council member must not use his or her office to attempt to influence in any way a decision, recommendation or other action to be made or taken

(a) at a meeting referred to in section 100 (1) *[disclosure of conflict]*,

(b) by an officer or an employee of the municipality, or

(c) by a delegate under section 154 *[delegation of council authority]*,

if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

(2) A person who contravenes this section is disqualified from holding office as described in section 108.1 *[disqualification for contravening conflict rules]* unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Restrictions on outside influence

103 (1) In addition to the restriction under section 102, a council member must not use his or her office to attempt to influence in any way a decision, recommendation or action to be made or taken by any other person or body, if the member has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

(2) A person who contravenes this section is disqualified from holding office as described in section 108.1 *[disqualification for contravening conflict rules]* unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Exceptions from conflict restrictions

104 (1) Sections 100 to 103 do not apply if one or more of the following circumstances applies:

(a) the pecuniary interest of the council member is a pecuniary interest in common with electors of the municipality generally;

(b) in the case of a matter that relates to a local service, the pecuniary interest of the council member is in common with other persons who are or would be liable for the local service tax;

(c) the matter relates to remuneration, expenses or benefits payable to one or more council members in relation to their duties as council members;

(d) the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter;

(e) the pecuniary interest is of a nature prescribed by regulation.

(2) Despite sections 100 to 103, if a council member

(a) has a legal right to be heard in respect of a matter or to make representations to council, and

(b) is restricted by one or more of those sections from exercising that right in relation to the matter,

the council member may appoint another person as a representative to exercise the member's right on his or her behalf.

Restrictions on accepting gifts

105 (1) A council member must not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the member's performance of the duties of office.

(2) Subsection (1) does not apply to

(a) a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office,

(b) compensation authorized by law, or

(c) a lawful contribution made to a member who is a candidate for election to a local government.

(3) A person who contravenes this section is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Disclosure of gifts

106 (1) This section applies if

(a) a council member receives a gift or personal benefit referred to in section 105 (2) (a) that exceeds \$250 in value, or

(b) the total value of such gifts and benefits, received directly or indirectly from one source in any 12 month period, exceeds \$250.

(2) In the circumstances described in subsection (1), the council member must file with the corporate officer, as soon as reasonably practicable, a disclosure statement indicating

- (a) the nature of the gift or benefit,
- (b) its source, including, if it is from a corporation, the full names and addresses of at least 2 individuals who are directors of the corporation,
- (c) when it was received, and
- (d) the circumstances under which it was given and accepted.

(3) A person who contravenes this section is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Disclosure of contracts with council members and former council members

107 (1) If a municipality enters into a contract in which

- (a) a council member, or
- (b) a person who was a council member at any time during the previous 6 months,

has a direct or indirect pecuniary interest, this must be reported as soon as reasonably practicable at a council meeting that is open to the public.

(2) In addition to the obligation under section 100 [*disclosure of conflict*], a council member or former council member must advise the corporate officer, as soon as reasonably practicable, of any contracts that must be reported under subsection (1) in relation to that person.

(3) A person who contravenes subsection (2) is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Restrictions on use of insider information

108 (1) A council member or former council member must not use information or a record that

- (a) was obtained in the performance of the member's office, and
- (b) is not available to the general public,

for the purpose of gaining or furthering a direct or indirect pecuniary interest of the council member or former council member.

(2) A person who contravenes this section is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Disqualification from office for contravening conflict rules

108.1 A person disqualified from holding office under this Division is disqualified from holding office

- (a) on a local government,
- (b) on the council of the City of Vancouver or on the Park Board established under section 485 of the *Vancouver Charter*, or
- (c) as a trustee under the *Islands Trust Act*

until the next general local election.

Court order for person to give up financial gain

109 (1) If a council member or former council member has

- (a) contravened this Division, and
- (b) realized financial gain in relation to that contravention,

the municipality or an elector may apply to the Supreme Court for an order under this section.

(2) Within 7 days after the petition commencing an application under this section is filed, it must be served on

- (a) the council member or former council member, and
- (b) in the case of an application brought by an elector, the municipality.

(3) On an application under this section, the Supreme Court may order the council member or former council member to pay to the municipality an amount equal to all or part of the person's financial gain as specified by the court.

(4) In the case of an application made by an elector, if the court makes an order under subsection (3), the municipality must promptly pay the elector's costs within the meaning of the Supreme Court Civil Rules.

(5) The court may order that costs to be paid under subsection (4) may be recovered by the municipality from any other person as directed by the court in the same manner as a judgment of the Supreme Court.

(6) Except as provided in subsection (4), the costs of an application are in the discretion of the court.

APPENDIX "B"

ISLANDS TRUST

SECTION 100(2) COMMUNITY CHARTER DECLARATION FORM

(Disclosure of direct or indirect pecuniary interest, or another interest in the matter that constitutes conflict of interest or perceived conflict of interest)

FOR A SECTION 26 RESOLUTION-WITHOUT-MEETING

Note:

- This form must be completed when a trustee declares that he or she is not entitled to vote on a matter being considered by Resolution-Without-Meeting, or having made such a declaration subsequently determines on the basis of legal advice that they may in fact vote;
- This form complies with the requirements of Section 100 of the *Community Charter*, and applies to local trust committee, Islands Trust Conservancy Board, Trust Council, and Executive Committee Resolution-Without-Meeting.

Under Section 100(2) of the *Community Charter*, I declare that I will not participate or vote on the matter contained in the draft resolution as shown in the attached Resolution-Without-Meeting form for the following reason(s):

OR

Under Section 100(4) of the *Community Charter*, I declare that I have obtained legal advice and have determined that I am entitled to participate and vote on the matter that was the subject of my declaration of conflict of interest dated _____ for the following reason(s):

Name of Corporate Entity

Trustee's/Islands Trust Conservancy Board Member's Name

Trustee's/Islands Trust Conservancy Board Member's Signature,
Email (attach copy) OR Telephone No.

Date and Time of Declaration

Name of Recorder (if applicable)

(Staff to complete the section below)

Received by the Islands Trust Secretary this _____ day of _____, ____.

SECRETARY'S Signature

RWM No.



Policy:	2.1.2
Approved By:	Trust Council
Approval Date:	September 12, 1992
Amendment Date(s):	December 6, 1997; June 17, 2000; December 5, 2003; December 8, 2010; December 6, 2017; November 30, 2021
Policy Holder:	Chief Administrative Officer

STANDARDS OF CONDUCT

Purpose

A trustee elect, by their declaration, is obliged to execute the duties of their office. The purpose of this policy is to present standards of conduct to guide elected officials in carrying out their duties to ensure: impartial and equal service to all, faithful discharge of their duties without fear or favour, and democratic processes which are duly responsible to the public and which foster public confidence in the Islands Trust's integrity. These standards are in addition to those established in provincial law.

A. Definitions

Trustee(s) means local trustees and municipal trustees as defined in the *Islands Trust Act* who comprise Trust Council, the Executive Committee, Trust Council standing and select committees and a local trust committee

B. Policy

Certain ethical principles shall govern the conduct of any elected official of the Islands Trust organization, who shall:

1. Performance of Duties

- 1.1 Recognize that the chief functions of a trustee are to serve the public, advocate the Trust mandate, and adhere to the Trust Policy.
- 1.2 Avoid situations that could impair or fetter their judgement in the performance of their duties, or give that impression to others.
- 1.3 Conduct themselves in a manner that does not detract from the public image, integrity or responsibilities of the Islands Trust.
- 1.4 Carry out their duties with impartiality and equality of service to all.
- 1.5 Discharge their duties without fear or favour.
- 1.6 Be truthful, honest and open in all dealings with trustees, staff and the public.

2. Organizational Responsibility

- 2.1 Respect the opinions of other trustees, encourage others to utilize their individual strengths in a cooperative fashion, and make informed and responsible decisions.
- 2.2 Be committed to strive for excellence and quality service in implementing Islands Trust policies and directions.
- 2.3 Refrain from deliberately undermining Trust officials or staff.
- 2.4 As an elected official, respect management's authority to direct staff.
- 2.5 Direct requests for action by staff will be made by way of an appropriate resolution.
- 2.6 Clearly communicate Trust Council's consensus on decisions when and as differentiated from individual trustee opinions.
- 2.7 When a trustee has reasonable grounds to believe that transgression of the Standards of Conduct is taking place on the part of any other trustee, report the transgression to the Standards of Conduct Review Panel in accordance with Section 5 of this policy.

3. Personal Interests

- 3.1 Maintain the highest ideals of honour and integrity in the discharge of their duties.
- 3.2 Avoid lobbying activities toward any Trust body for personal interests or profit and/or for any other person.
- 3.3 Declare to the relevant chair and/or CAO their direct or indirect interest or the known interests of any close relatives in any enterprise that proposes to transact business with the Islands Trust.
- 3.4 Declare their interest, direct or indirect, or the known interests of any close relatives in any property that is subject to an application to the Islands Trust, to the Executive Committee.
- 3.5 Avoid situations, related to their duties, which could result in securing special privileges, favours or exemptions for themselves, or any other person.
- 3.6 Not commit organizational resources of any kind for activities that are not directly related to the official business of the Islands Trust.
- 3.7 Not undertake election campaign related activities on Islands Trust property unless specifically organized by the Islands Trust (i.e. candidate procedures, all candidate orientation, etc.).
- 3.8 Not request or use any Islands Trust resources or property for election campaign work including staff time, equipment such as photocopiers and computers, supplies, facilities or email lists, etc.

4. Meetings

- 4.1 Trustees must prepare for and regularly attend meetings of trust bodies to which they have been elected or appointed. Elected officials have an obligation to attend meetings and the expectation is that trustees will attend meetings for the duration of the meeting, unless they notify the chair of the trust body that they are ill or have compelling reasons which prevent them from attending. [Section 125\(5\) of the Community Charter](#) [*unexcused absence from council meetings*] applies to trustees.
- 4.2 Trustees will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.
- 4.3 During meetings, trustees shall listen courteously and attentively to all discussions before the body, and focus on the issues and facts.
- 4.4 The diverse perspectives of each trustee, as they reflect the interest of their own communities, will be respected.
- 4.5 When making decisions, trustees must consider all relevant facts, opinions, debate and analyses of which they should be reasonably aware.
- 4.6 Disagreements will be seen as a natural part of Council and committee work. Such disagreements will not be taken personally, nor made personal.
- 4.7 Trustees can expect courteous behaviour from each other. Trustees shall not interrupt other speakers, make personal comments or comments not germane to the business of the body, or otherwise disturb a meeting. Meetings shall provide an environment for transparent and healthy debate on matters requiring deliberation by the trust body.
- 4.8 When speaking publicly and at trust body meetings, trustees will avoid inflammatory language. They are expected to speak in an objective manner.
- 4.9 No trustee shall disclose or release to any member of the public, confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the trust body to do so.
- 4.10 No trustee shall disclose the substance of deliberations of an in-camera meeting until the trust body discusses the information at a meeting that is open to the public or releases the information to the public.
- 4.11 Confidential information includes discussion regarding the property, personnel or legal affairs of the Islands Trust and information provided by a third party on a confidential basis. Confidential information also includes, but is not limited to information:
 - 4.11.1 disclosed or discussed at an in-camera meeting of the trust body;

4.11.2 that is circulated to trustees and marked “confidential”; or

4.11.3 that is given verbally in confidence in preparation for or following an in-camera meeting.

With regard to Section 4.11.2, and with the possible exception of information provided by a third party on a confidential basis, a trust body has the ability to close a meeting under Section 90(1)(n) of the *Community Charter* to determine whether the matter meets the criteria of subjects that may or must be considered at an in-camera meeting.

4.12 Trustees are encouraged to keep their cell phones turned off during meetings, and, in any case, must keep them on silent mode. If an urgent matter necessitates that a trustee take a call or respond to an email during the meeting, the trustee shall leave the meeting to respond to the call or email.

5. Review Process

5.1 The Standards of Conduct Review Panel dealing with matters related to trustees shall be comprised of the Executive Committee, with the CAO and/or legal counsel acting in an advisory capacity.

5.2 Trustees are expected to adhere to and follow these Standards of Conduct. Should a trustee or staff become aware of an apparent breach of the defined Standards of Conduct, the following process will be used. The purpose of this section is to resolve disputes or breaches in good faith, recognizing that rancour does not facilitate good governance.

5.2.1 An alleged breach of these Standards of Conduct may be submitted by a trustee or staff. Complaints shall be submitted simultaneously in writing to the Executive Committee and the CAO within three (3) months of the last alleged breach. The Executive Committee is authorized to extend this deadline if circumstances warrant an extension.

5.2.2 In the event that any member of the Executive Committee is the subject of, or is implicated in the complaint, the complaint shall be addressed to the remaining Executive Committee members and the CAO unless any of these individuals are the subject of, or implicated in the complaint.

5.2.3 Upon receipt of a complaint under section 5.2.1, the Executive Committee shall, if it is not able to resolve the matter informally, within thirty (30) days appoint legal counsel, acting in an advisory capacity, or another independent third party identified and agreed between the Complainant(s) and the Respondent(s) who has the necessary professional skills,

knowledge and experience to investigate the complaint (the “Third Party Investigator”).

- 5.2.4 If the parties cannot agree on the choice of an investigator, the Complainant and Respondent will each nominate one person and these two nominees will jointly select a suitable Third Party Investigator. If the nominees cannot agree on a suitable Third Party Investigator, the Islands Trust legal counsel will select the Investigator.
- 5.2.5 Legal counsel/The Third Party Investigator must conduct a preliminary assessment of the complaint, at the conclusion of which legal counsel/the investigator must submit a written report to Executive Committee which will either indicate an investigation is to proceed, or a recommendation that the complaint should be dismissed as unfounded, beyond the jurisdiction of the Standards of Conduct policy or unlikely to succeed. Should the report recommend the matter should proceed no further, the report shall be provided to the Executive Committee in-camera, and the Executive Committee can decide to accept the report or ask that the complaint be investigated further.
- 5.2.6 If legal counsel/The Third Party Investigator determines to continue the investigation, they shall:
 - 5.2.6.1 Conduct an independent and impartial investigation of the complaint in a manner that is fair, timely, confidential and otherwise accords with the principles of due process and natural justice;
 - 5.2.6.2 Provide an investigation update within sixty (60) days of their appointment to the Executive Committee and to the Complainant and the Respondent;
 - 5.2.6.3 Provide a written, confidential report (the “Report”) of the findings of the investigation, including findings as to whether there has been a breach of these Standards of Conduct, to the Executive Committee, and to the Complainant and the Respondent; and,
 - 5.2.6.4 Provide recommendations in the Report as to the appropriate resolution of the complaint. Recommendations may include:
 - 5.2.6.4.1 dismissal of the complaint;
 - 5.2.6.4.2 censure;
 - 5.2.6.4.3 removal from Trust Council’s standing or select committee membership;
 - 5.2.6.4.4 a recommendation that an apology be given;

5.2.6.4.5 counselling and/or coaching; or,

5.2.6.4.6 such other recommendations as are deemed appropriate in the judgment of legal counsel/the Third Party Investigator.

5.2.7 The Executive Committee shall provide the Report or a summary of the Report to Trust Council. The Report or summary shall be provided to Trust Council at an in-camera meeting if the subject falls under Section 90 of the *Community Charter*.

5.2.8 When a Report or a summary of a Report is presented to Trust Council, Trust Council will decide whether the recommendations in the Report, in whole or in part, or whether an alternate allowable sanction, will be imposed.

5.2.9 The Director of Administrative Services, as head of the Human Resources Unit, will receive and retain all Reports.

5.2.10 Where a trustee or staff alleges a breach of these Standards of Conduct by another trustee, all members of the trust body shall refrain from commenting on such allegations at open meetings of the trust body, pending the conclusion of the Report and any decision of Trust Council on the Report.

5.2.11 The Standards of Conduct policy will be reviewed in detail at orientation sessions for new/returning trustees following each election or by-election. Persons elected will be requested to sign a statement affirming they have read and understand the Code.

C. Legislated References

Policy and Procedures Manual:

Statutory Rules of Conduct (2.1.1)

Governance Principles (2.1.3)

Local Trust Committee Procedural Bylaw

Trust Council Procedural Bylaw

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

UBCM/LGMA Model Code of Conduct:

<https://www.lgma.ca/responsible-conduct-of-local-government-elect>



Policy:	2.1.3
Approved By:	Trust Council
Approval Date:	September 12, 1992
Amendment Date(s):	September 17, 2009
Policy Holder:	Chief Administrative Officer

GOVERNANCE PRINCIPLES

Purpose

To state Trust Council's, and therefore the Islands Trust's, commitment to strive toward an effective, responsible, fair and democratic system of government. These principles represent the shared values and beliefs of the Trustees regarding governance in keeping with the Trust's legislative mandate and policies.

A. Definitions

n/a

B. Policy (Guidelines)

As the Islands Trust, these are the shared governance values and beliefs to which we subscribe:

1. Teamwork

To provide a forum for all organizational members to use their individual strengths cooperatively toward a common organizational direction.

2. Openness

To make informed and responsible decisions on behalf of the public and Islands Trust through full and open debate, opportunities for public involvement, and the provision of quality information.

3. Fairness

To strive for a high standard of administrative fairness and to recognize the principles of natural justice in decision-making processes.

4. Respect

To respect a trustee's right to hold office and a trustee's role as an advocate for his/her constituents.

5. Leadership

To focus on process, required decisions, and desired results while depersonalizing the politics of decision-making.

6. Direction

To provide leadership and guidance in decision-making processes, providing direction to staff, and creating a vision for the organization, the Trust Area, and the future of the islands.

7. Chair

To respect the role of the Chair and to support the Chair in the provision of leadership within the context of Islands Trust policy, decision-making, and legislative processes.

8. Equity

To balance the interests of all groups and individuals with a clear decision-making process in a responsible and fair manner.

9. Service Quality

To strive for the provision of optimal level of public services compatible with available human, fiscal and material resources in a cost efficient and effective manner.

10. Responsible and Responsive

To provide public services and processes in a manner responsive to public needs and responsible to the Trust's mandate and policies.

11. Fiscal resources

To ensure sound, prudent and responsible management of available organizational resources.

12. Community Involvement

To continually strive to encourage community involvement in decision-making and policy-setting processes.

13. Policy Development

To establish and implement policies that are sensitive and responsible to community needs and that are in accordance with the Islands Trust's established policy and legislated mandate.

14. Inter-agency Relations

To proactively initiate and develop cooperative relations with other government jurisdictions, community organizations, and other agencies.

15. Advocacy

To advise the public on how to initiate and/or proceed with matters before the Islands Trust.

16. Innovation

To nurture an environment in which opportunities for solutions, changes and improvements can be creatively developed.

17. Authority

To abide by the policies established by Trust Council and other related trust committees and the Islands Trust Conservancy Board, and by relevant federal and provincial legislation.

18. Management

To support the authority and role of the Chief Administrative Officer to manage the organization's resources in accordance with approved policies, directions, plans and budgets, and management's authority to supervise programs and staff.

19. Decision-Making

To respect and assist in the implementation of duly processed political decisions.

C. Legislated References

Policy and Procedures Manual:

Standards of Conduct (2.1.2)

Statutory Rules of Conduct (2.1.1)

Local Trust Committee Procedural Bylaws

Trust Council Procedural Bylaws

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

n/a



Policy:	2.1.4
Approved By:	Trust Council
Approval Date:	September 9, 1994
Amendment Date(s):	March 8, 1997; December 10, 1999; December 8, 2000; June 10, 2004; September 11, 2013
Policy Holder:	Director of Trust Area Services

COORDINATION AGREEMENTS PROCESS

Purpose

1. To delineate the process for:
 - Trust Council to enter into protocol agreements respecting the coordination of activities with the governments of British Columbia or Canada, agents of the governments of British Columbia or Canada, municipalities, regional districts, boards of school trustees or francophone education authorities, and First Nations under the authority of Section 9 of the *Islands Trust Act*;
 - local trust committees to enter into protocol agreements with municipalities, regional districts, boards of school trustees or francophone education authorities under the authority of Section 24(2) of the *Islands Trust Act*;
 - local trust committees to enter into protocol agreements respecting the coordination of activities with the governments of British Columbia or Canada, agents of the governments of British Columbia or Canada, municipalities, regional districts, boards of school trustees or francophone education authorities, and First Nations under the authority of Section 9 of the *Islands Trust Act*, where Trust Council has adopted a bylaw delegating this authority to a local trust committee;
 - the Chief Administrative Officer to enter into letters of understanding with other agencies at an administrative level; and
 - Trust Council, or a local trust committee, to enter into memorandum of understanding with another corporate entity of the Islands Trust.
2. To enhance the understanding and achievement of the Islands Trust Object by integrating relevant Islands Trust Policy Statement policies into coordination agreements.

A. Definitions (Terminology)

Protocol – A protocol agreement refers to an agreement that an Islands Trust body may enter into, under the authority of Sections 9 or 24(2)(c) of the *Islands Trust Act*, with other agencies or organizations at a political level.

Letter of Understanding – A letter of understanding refers to an agreement that the Chief Administrative Officer may enter into with other agencies at an administrative level. Trust Council, or a local trust committee, shall endorse the letter of understanding as appropriate.

Memorandum of Understanding – A memorandum of understanding refers to an agreement that Trust Council, or a local trust committee, enters into with another corporate entity of the Islands Trust at a political level.

B. Policy

1. Protocol Agreements Under the Authority of Section 9

The process for the Trust Council to enter into a protocol agreement with the governments of British Columbia or Canada, agents of the governments of British Columbia or Canada, municipalities, regional districts, board of school trustees or francophone education authority, and first nations at a political level includes the following:

- 1.1 Initiation - Executive Committee passes a resolution instructing staff to prepare a draft protocol agreement and reviews the work program with regard to timeframes and resource implications. Staff advises the ministry responsible for the *Islands Trust Act* of the intention to create a protocol agreement.
- 1.2 Draft Protocol Agreement - Islands Trust staff prepare a draft protocol agreement and circulate it to the appropriate Islands Trust corporate entity(s), the Executive Committee, the ministry responsible for the *Islands Trust Act* and the other parties to the agreement for review and comment.
- 1.3 Proposed Protocol Agreement - Staff prepare a Request for Decision that includes the proposed protocol agreement and place it on the Trust Council agenda for approval to execute the agreement.
- 1.4 Ministerial Approval - A protocol agreement under Section 9 of the *Islands Trust Act* is forwarded to the minister responsible for the *Islands Trust Act* for approval consideration pursuant to Section 9(2) of the *Islands Trust Act*.
- 1.5 Final Protocol Agreement – Once ministerial approval has been received, the signing authority for a final protocol agreement is the Chair of the Trust Council.

Where the Trust Council has delegated authority to a local trust committee to enter into coordination agreements pursuant to Section 9 of the *Islands Trust Act*, the process for the local trust committee to enter into a protocol agreement with the governments of British Columbia or Canada, agents of the governments of British Columbia or Canada, municipalities, regional districts, board of school trustees or francophone education authority, and First Nations at a political level includes the following:

- 1.6 Initiation – A local trust committee that has been delegated powers under Section 9 of the *Islands Trust Act* passes a resolution instructing its staff to prepare a draft protocol agreement and reviews the work program with regard to timeframes and resource implications. Staff advise the ministry responsible for the *Islands Trust Act* of the intention to create a protocol agreement.

- 1.7 Draft Protocol Agreement - Staff assigned to the initiating local trust committee prepare a draft protocol agreement and circulate it to the appropriate Islands Trust corporate entity(s), the Executive Committee, the ministry responsible for the *Islands Trust Act* and the other parties to the agreement for review and comment.
- 1.8 Proposed Protocol Agreement - Staff assigned to the initiating local trust committee prepare a Request for Decision that includes the proposed protocol agreement and place it on the local trust committee agenda for approval to execute the agreement.
- 1.9 Ministerial Approval - A protocol agreement under Section 9 of the *Islands Trust Act* is forwarded to the minister responsible for the *Islands Trust Act* for approval consideration pursuant to Section 9(2) of the *Islands Trust Act*.
- 1.10 Final Protocol Agreement – Once ministerial approval has been received, the signing authority for a final protocol agreement is the Chair of the initiating local trust committee.

2. Protocol Agreements Under the Authority of Section 24(2)

The process for local trust committees to enter into a protocol agreement with municipalities, regional districts, boards of school trustees and francophone education authorities at a political level includes the following:

- 2.1 Initiation – The local trust committee passes a resolution instructing staff to prepare a draft protocol agreement and reviews the work program with regard to timeframes and resource implications.
- 2.2 Draft Protocol Agreement – Staff prepare a draft protocol agreement and circulate it to the local trust committee, the Executive Committee and the other parties to the agreement for review and comment.
- 2.3 Proposed Protocol Agreement - The local trust committee approves the proposed protocol agreement and then refers it to the Executive Committee for approval.
- 2.4 Final Protocol Agreement – Once Executive Committee approval has been received, the Chair of the local trust committee signs the final protocol agreement.

3. Letters of Understanding

The process to enter into a letter of understanding at an administrative level includes the following:

- 3.1 Initiation - Trust Council instructs staff to prepare a draft letter of understanding, either through an approved protocol agreement or through a separate Request for Decision from appropriate corporate entity(s), and reviews the work program with regard to timeframes and resource implications.

- 3.2 Draft Letter of Understanding - Staff prepare the draft letter of understanding and circulate it to appropriate corporate entity(s) and the other parties to the agreement for review and comment.
- 3.3 Proposed Letter of Understanding - Staff prepare a Request for Decision that includes the proposed letter of understanding and place it on the Trust Council agenda for approval to execute the agreement.
- 3.4 Final Letter of Understanding – Once Trust Council has approved the letter of understanding, the Chief Administrative Officer signs the final letter of understanding.

4. Memorandum of Understanding

The process to enter into a memorandum of understanding agreement between corporate entities of the Trust includes the following:

- 4.1 Initiation – The appropriate Trust corporate entity(s) passes a resolution instructing staff to prepare a draft memorandum of understanding and reviews the work program(s) with regard to time-frames and resource implications.
- 4.2 Draft Memorandum of Understanding - Staff prepares a draft memorandum of understanding for review and comment by appropriate Trust corporate entity(s), including the Executive Committee.
- 4.3 Proposed Memorandum of Understanding - The appropriate Trust corporate entity(s) approve the proposed memorandum of understanding.
- 4.4 Final Memorandum of Understanding – Once approval is given, then the relevant Chairs of the affected corporate entities of the Trust are the signing authorities for the memorandum of understanding.

5. General Guidelines

- 5.1 Agreements Monitoring - Staff will file all agreements in the Islands Trust Legislative and Reference Handbooks. Trust Area Services is responsible for cataloguing and monitoring the agreement processes through the Islands Trust Agreements Monitoring Chart.
- 5.2 Amendments - Amendments to an agreement are proposed, processed, and finalized in the same fashion as the base agreement.
- 5.3 Agreement Format - Trust Area Services will standardize the format for all agreements and ensure that the process satisfies legislative, legal and policy requirements.
- 5.4 Legislative Reference - All agreements will acknowledge the Islands Trust legislative Object "... to preserve and protect ..." as provided for in the *Islands Trust Act*.

- 5.5 Process - Staff will negotiate the coordination agreements with political direction. The agreements will conclude at a political level for staff implementation.
- 5.6 Concessions - Coordination agreements should not make concessions to another party that prevent the Islands Trust from seeking legal recourse against that party.

C. Legislated References

Islands Trust Act

Section 9 Coordination Agreements with other Government Bodies

Section 24 (2) Responsibilities of Local Trust Committees

Section 10 Delegation of Powers

Islands Trust Policy Statement

Guiding Principles

Policy 3.1.9

Islands Trust Policy and Procedures Manual

Executive Committee Terms of Reference (2.4.1)

Islands Trust Operations Manual

Protocol Agreement/Letter of Understanding Administrative Procedures (A.1.v)

Protocol Development Process Checklist Appendix C

Administrative Processing Checklist Appendix C (i)

Protocol Agreement Outline Appendix C (ii)

Letter of Understanding Outline Appendix C (iii)

Memorandum of Understanding Appendix C (iv)

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

n/a



Policy:	2.1.6
Approved By:	Trust Council
Approval Date:	June 11, 1994
Amendment Date(s):	June 9, 1995; March 9, 1996; December 6, 1997; June 9, 2021
Policy Holder:	Chief Administrative Officer

LEGAL ADVICE

Purpose

To ensure that legal advice obtained by the Islands Trust is handled in a sensitive and confidential manner with respect to its use and disposition and that it is given in the context of the legislated object of the Islands Trust.

A. Definitions

“Restricted” legal advice is defined as legal advice where litigation has commenced, as well as legal advice about matters of potential conflict of interest, personal liability or as determined under this policy.

B. Policy

1. Legal Counsel Relationship

- 1.1 All legal advice requested and obtained by the Islands Trust, whether in the form of a bylaw, legal opinion, land use document or other advice, must take into account the statutory Object of the Trust.
- 1.2 Every legal services agreement between the Islands Trust and its legal counsel must contain provision stipulating the requirement set out in paragraph 1.1 of this policy.
- 1.3 Any concerns regarding the provision of legal services must be forwarded to the Chief Administrative Officer (CAO) (or designate).
- 1.4 Requests to access alternate legal counsel other than the Islands Trust’s designated legal counsel shall be given to the CAO for approval.

2. Ownership

- 2.1 All legal advice obtained by the Islands Trust is the property of the Trust Council, as client, as it is the Trust Council that requests the legal advice pursuant to a legal services request form.
- 2.2 Except as otherwise provided in this policy, a local trust committee, the Executive Committee, a council committee, the Islands Trust Conservancy Board, a trustee, or an employee may view legal advice received by the Islands Trust.

- 2.3 Legal advice includes all written and oral advice, and all originals, drafts, and photocopies provided by legal counsel pursuant to a legal request.
- 2.4 A copy of all legal advice must be provided to the Legislative Services Clerk by its recipient within the Islands Trust, unless the legal advice has been directly copied to the Legislative Services Clerk by legal counsel.
- 2.5 A disposition of legal advice refers to providing the legal advice, in whole or in part, orally or in writing to persons or entities outside of the Islands Trust, or to persons or entities within the Islands Trust other than the person within the Islands Trust who has requested the legal advice.

3. Confidentiality

- 3.1 Except where otherwise determined by the Executive Committee or Islands Trust Council, all legal advice received and written and oral communications made between the Islands Trust and its legal counsel are confidential and subject to solicitor-client privilege and must not be disclosed except in accordance with section 3.2 of this policy.
- 3.2 Solicitor-client privilege over a particular document may be expressly waived by resolution of either the Islands Trust Council or the Executive Committee, after receipt of advice of legal counsel on waiving confidentiality.
- 3.3 Trustees and employees must take precautions to ensure that there is no implied waiver of the solicitor-client privilege.
- 3.4 Because the client is the Islands Trust Council, all trustees and employees may access the legal advice without any waiver of solicitor-client privilege, provided that it is not designated "Restricted".
- 3.5 When legal advice is designated as "Restricted" by the Executive Committee, every page will be stamped "Restricted" by the Corporate Secretary.

4. Dispositions – Internal "Restricted"

- 4.1 A local trust committee, a council committee, the Islands Trust Conservancy Board, a trustee or a staff person may request specific legal advice to be designated "Restricted" by the Executive Committee. A request for a restricted designation shall be made to the Corporate Secretary.
- 4.2 Once a request is made to the Corporate Secretary for a "Restricted" designation, interim restricted access will be immediately effective, limiting access to the Executive Committee, CAO, Corporate Secretary and the Islands Trust corporate body, trustee or employee that requested the legal advice.

- 4.3 When the Corporate Secretary receives a request that specific legal advice should be designated as "Restricted" by the Executive Committee, the Corporate Secretary shall refer the issue to the Executive Committee for consideration at its next in camera meeting.
- 4.4 Any Islands Trust corporate body, trustee or employee may appeal to the Executive Committee to reconsider a decision by the Executive Committee to designate specific legal advice as Restricted, by advising the Corporate Secretary that it wishes to appeal. The Corporate Secretary shall refer the appeal to the Executive Committee for consideration at its next regular in camera meeting.
- 4.5 Any legal opinions designated as "Restricted" by the Executive Committee will be kept separate and will not be entered into the legal opinion inventory.

5. Disposition - External

- 5.1 Legal advice provided to the Trust Council, Executive Committee, Islands Trust Conservancy Board or a local trust committee may be made available, either in its original or a modified form as determined appropriate, to the public or other governmental body upon resolution of the relevant decision-making body and resolution of the Executive Committee on behalf of Trust Council.
- 5.2 If the decision-making body and/or Executive Committee resolve not to disclose legal advice to a person requesting access to the advice, applicants are advised of this decision.
- 5.3 Formal Freedom of Information (FOI) requests concerning disclosure of legal advice must be forwarded to the FOI head (Corporate Secretary) who will use discretion under Section 14 of the *Freedom of Information and Protection of Privacy Act* and the Freedom of Information Policy/Procedures manuals to determine if the legal advice/communication should or should not be disclosed.
- 5.4 In using discretion to determine if legal advice should or should not be disclosed, the FOI head may consult with the relevant decision making body for which the legal advice was requested and with the Executive Committee.

6. Review

- 6.1 In order to maintain confidentiality and privilege of legal advice, no reference should be made to the substance of any legal advice received by the Islands Trust in any document that may be available to the public.
- 6.2 Where a trustee or an employee must refer to the substance of legal advice, the report containing the reference should remain internal and the matter should be addressed only at a special meeting from which the public has been excluded.

C. Legislated References

Access to legal services procedure and standards of conduct guidelines

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

n/a



Policy:	2.1.7
Approved By:	Trust Council
Approval Date:	September 27, 1996
Amendment Date(s):	
Policy Holder:	Legislative Services Manager

TRUST-WIDE ADMINISTRATIVE PROCEDURES (SECTION 11)

Background

Section 11 of the *Islands Trust Act* (1994) enables Islands Trust Council to establish administrative procedures that one or more local trust committees must follow in exercising this authority. Islands Trust Council may, by bylaw (adopted by at least 2/3 of its members) present at the meeting at which the vote on adoption takes place, establish procedures in relation to:

- the conduct of a local trust committee;
- the consideration and adoption of resolutions and bylaws;
- the receipt and consideration of applications for amendments to bylaws and community plans; and
- the receipt and consideration of applications for permits and issuance of permits.

The *Act* also stipulates that if there is a conflict between an administrative procedure (Section 11) bylaw of Islands Trust Council and of a local trust committee, the Islands Trust Council bylaw will prevail whether it was adopted before or after the bylaw of the local trust committee.

A. Definitions

n/a

B. Policy

1. Details

Whereas Section 11 of the *Act* allows Islands Trust Council to centrally impose a set of administrative procedures on local trust committees;

Whereas local trust committees are independent corporate entities responsible for administrative procedural certainty in the conduct of their activities and enactment of bylaws;

Whereas Islands Trust Council is responsible for the prudent management of the financial and human resources of the Islands Trust; and

Whereas Section 11 of the *Islands Trust Act* should only be used in situations whereby administrative procedural uncertainty on the part of local trust committees may cause financial obligations (e.g. court costs) that could affect the Islands Trust Council's ability to budget or pay bills.

Therefore it is acknowledged that the following efforts will be utilized to pursue administrative procedural certainty among the local trust committees:

- 1.1 The Executive Committee will provide advice to local trust committees upon review of their administrative procedural bylaws to ensure they enact valid bylaws, carry out valid procedures and do not create unnecessary financial obligations for Islands Trust Council;
- 1.2 Islands Trust Council will endeavor to provide local trust committees with access to legal advice to provide them with advice on their administrative procedures;
- 1.3 Islands Trust Council will endeavour to provide local trust committees with administrative procedural formats and models in response to local trust committee needs, legislative requirements and administrative procedural reviews; and
- 1.4 Islands Trust Council may pursue the establishment of a Section 11 administrative procedural bylaw in response to financial exposure or legislative imperatives if it has used best efforts to achieve procedural certainty through other means.

C. Legislated References

Section 11 *Islands Trust Act*

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

n/a



Policy:	2.1.9
Approved By:	Trust Council
Approval Date:	September 15, 2000
Amendment Date(s):	
Policy Holder:	Legislative Services Manager

MEETING PROCEDURES GUIDELINES

Purpose

To clarify the requirements for meetings being in public and to offer guidelines for ensuring meetings are treated appropriately in accordance with the *Local Government Act*, *Islands Trust Act*, the *Community Charter* and case law.

A. Definitions

In these guidelines,

"**Executive Committee**" means the committee referred to in section 20(1) of the *Islands Trust Act*;

"**Local Trust Committee**" means the committee referred to in section 23(2) of the *Islands Trust Act*;

"**Meeting**" includes a gathering of a quorum of members of the Trust Council, a local trust committee, the Islands Trust Conservancy Board, or a committee of any of them to make a decision or to discuss matters that lead to or may lead to a decision;

"**Trust Council**" means the Islands Trust Council referred to in section 5 of the *Islands Trust Act*;

"**Islands Trust Conservancy Board**" means the board referred to in section 40(1) of the *Islands Trust Act*;

"**Trustee**" means a local trustee, municipal trustee and a trustee of the Trust Fund, or any of them, as the context requires.

B. Policy

1. Meeting Requirements

- 1.1 All meetings of Trust Council, a Local Trust Committee, the Islands Trust Conservancy Board and any committees must be open to the public.
- 1.2 A part of a meeting dealing with matters identified in Section 90 of the *Community Charter* may be closed to the public if a resolution is passed to close that part of the meeting, and to state the basis under Section 92 of the *Community Charter* for the closure.
- 1.3 A meeting is a gathering of at least a quorum of members where decisions are made or matters that will lead to a decision are discussed.

- 1.4 Notice of meetings must be given in compliance with a relevant procedures bylaw.
- 1.5 Minutes of any meeting must be recorded and made available to the public.
- 1.6 Teleconferencing can be done if any interested member of the public can participate by conference or speaker telephone in an advertised location.

2. Resolutions-Without-Meeting

- 2.1 Sections 13(2), (3) and (4), and 26(2), (3) and (4) of the *Islands Trust Act* provide authority for Resolution-Without-Meeting (“RWM”). These are not made at meetings. Any decision made at a meeting is not an RWM.
- 2.2 The ability to vote on a decision by RWM does not authorize teleconferencing where there is no way for the public to hear deliberations.

3. Notice Requirements

- 3.1 Notice of all meetings must be given in accordance with requirements of the applicable meeting procedure bylaw, and must contain information about the meeting location, time and date.
- 3.2 Notice must be given for cancelled or rescheduled meetings in the same manner as original notice is given, in compliance with the Procedures Bylaw.

C. Legislated References

n/a

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

n/a



Policy:	2.1.10
Approved By:	Trust Council
Approval Date:	September 13, 2002
Amendment Date(s):	March 12, 2004; December 8, 2006; June 15, 2007; March 7, 2013
Policy Holder:	Director of Trust Area Services

ADMINISTRATION OF NATURAL AREA PROTECTION TAX EXEMPTION PROGRAM

Purpose

To define policies and procedures that will ensure a fair, effective and coordinated process to implement the *Islands Trust Natural Area Protection Tax Exemption Regulation* in accordance with related policies of Islands Trust Council.

A. Definitions

(Note: The following definitions are based on the Islands Trust Natural Area Tax Exemption Regulation)

eligible natural area property means land that meets all the following requirements:

- (a) it must be in an area designated under section 49.2 of the *Islands Trust Act*;
- (b) it must be land in relation to which there is one or more natural area values or amenities prescribed under section 53(2)(k) of the *Islands Trust Act*;
- (c) it must be subject to a covenant under section 219 of the *Land Title Act* that relates to the protection of values or amenities referred to in paragraph (b) of this definition;
- (d) the Islands Trust Conservancy Board must be a covenantee in whose favour the protection covenant is made; and
- (e) any other requirements prescribed under section 53(2)(k) of the *Islands Trust Act*.

natural area exemption certificate means a certificate under section 49.3 of the *Islands Trust Act* that is in effect.

protection covenant means a covenant referred to in paragraph (c) of the definition of eligible natural area property.

B. Policy and Procedures

General

1. Trust Council will consider the issuance of natural area exemption certificates in parts of the Trust Area that have been designated pursuant to section 49.2 of the *Islands Trust Act*, following an application by a landowner, provided an assessment by Islands Trust Conservancy Board staff confirms eligibility for NAPTEP and the Islands Trust Conservancy Board is willing to hold the required protection covenant.

Application Process

2. Staff will use the following process for applications for natural area exemption certificates:
 - (a) A property owner or agent submits a complete application form, enclosing the Phase 1 application fee and all information required to assess eligibility for NAPTEP. In order for Trust Council to consider issuing a natural area exemption certificate by October 31st of any year, the applicant must apply by April 1 of that year.
 - (b) Islands Trust Conservancy Board staff will complete an initial assessment of the application to confirm eligibility according to the *Islands Trust Act*, the *Islands Trust Natural Area Protection Tax Exemption Regulation* and any written agreements with the relevant regional district or municipality.
 - (c) If staff determines that the application is **not** eligible for NAPTEP, they will advise the applicant, and include reasons for the determination. The applicant will have the option of amending the application or providing additional information.
 - (d) If staff determines that the application is eligible for NAPTEP, they will send it to the Local Trust Committee and the relevant regional district or municipality for comment, before making recommendations to the Islands Trust Conservancy Board or Trust Council.
 - (e) Islands Trust Conservancy Board staff will confirm that the Islands Trust Conservancy Board is willing to hold the required protection covenant, before making recommendations to Trust Council regarding issuance of a natural area exemption certificate.
 - (f) Islands Trust Conservancy Board staff will submit a Request for Decision to Trust Council, with recommendations regarding the issuance of a natural area exemption certificate. Responses from the Local Trust Committee and the relevant regional district or municipality will be included for consideration. If staff recommends in favour of an application, it will recommend that the certificate be issued if and when the applicant has provided an appropriate property baseline assessment (meeting guidelines approved by Islands Trust Council and the Islands Trust Conservancy Board) and has registered the required protection covenant (meeting guidelines approved by Islands Trust Council and the Islands Trust Conservancy Board) on the relevant property title.
 - (g) If Trust Council is in favour of the application, it will normally pass a standard resolution instructing the Corporate Secretary to issue a certificate upon receipt of an acceptable baseline assessment and proof of registration of the required protection covenant.
 - (h) Within two years of Trust Council resolution in favour of an application, the applicant must provide an acceptable baseline assessment and register the required conservation covenant against the title of the subject property in order to receive the

natural area exemption certificate. If the applicant does not complete these steps within two years, the applicant must reapply for the natural area exemption certificate.

- (i) Once the applicant has registered the required protection covenant, the Corporate Secretary will issue the natural area exemption certificate.
- (j) Islands Trust Conservancy Board staff will register the natural area exemption certificate in the Land Title Office and notify the area assessor of the natural area exemption certificate within 30 days of its issuance.
- (k) Once the exemption certificate is issued, the Islands Trust Conservancy Board can issue a news release jointly with the Local Trust Committee announcing the certificate.

Protection Covenants

- 3. All NAPTEP protection covenants must be in the Islands Trust Conservancy Board's standard form, subject to changes approved by the Islands Trust Conservancy Board.
- 4. Covenants will be monitored annually by the Islands Trust Conservancy Board, following guidelines approved by Islands Trust Council and the Islands Trust Conservancy Board at no cost to the land owner.
- 5. Where Trust Council issues a natural area exemption certificate in regards to public access features, the protection covenant will require that the property owner maintain public access.
- 6. Trust Council will consider developing a process whereby existing conservation covenants can be transferred into NAPTEP, provided the conservation covenant meets the required standards, or the covenantor is willing to make the necessary amendments. Where an existing covenant is being transferred into NAPTEP, application fees may be reduced.

Covenant Holders

- 7. The Islands Trust Conservancy Board is the only party authorized to hold covenants related to applications for natural area exemption certificates, until other Islands Trust bodies have a similar capacity to administer and enforce protection covenants.

(Note: The Islands Trust Conservancy Board has adopted a policy indicating its willingness to hold covenants on lands that are qualified in categories 2(a) through 2(d) of the Natural Area Protection Tax Exemption Regulation, subject to the availability of resources and an acceptable covenant.)

- 8. If the Islands Trust Conservancy Board is unwilling to hold the required protection covenant, Islands Trust Conservancy staff will notify the appropriate local trust committee to determine if it is willing and has the capacity to hold and monitor the required protection covenant. If the local trust committee advises Trust Council that it would like to hold the required protection covenant and has the resources to administer and enforce the covenant, Trust Council will

consider this information when deciding whether or not to issue the natural area exemption certificate.

9. If neither the Islands Trust Conservancy Board nor the local trust committee is willing or able to hold the required protection covenant, and if the applicant still wishes to proceed, Islands Trust Conservancy Board staff will request a decision from the Trust Council as to whether it is willing to hold the required protection covenant.
10. If Trust Council or the local trust committee hold the required protection covenant, all responsibilities of the Islands Trust Conservancy Board under this policy are assumed by Trust Council or the local trust committee.
11. Protection covenants may be held jointly with other eligible organizations.

Program Costs and Fees

12. Applicants will bear the costs of the required baseline survey, and personal legal and financial advice.
13. The application fees are set out in Trust Council Bylaw No. 115.
14. Trust Council will direct staff to allocate all application fees received to the processing and assessment of applications, including the retention of contract staff, as necessary. The Chief Administrative Officer is to manage these funds.

Cancellation of Natural Area Exemption Certificates

Note: Cancellation of natural area exemption certificates is regulated by sections 49.4 through 49.5 of the Islands Trust Natural Area Tax Exemption Regulation

15. Trust Council intends that protection covenants related to NAPTEP are to be permanent.
16. Where a contravention of a protection covenant takes place, the Islands Trust Conservancy Board will give notice of the contravention to the owner and require that the contravention be rectified.
17. Where a contravention of a protection covenant takes place that is not rectified or cannot be rectified, Trust Council will consider cancellation of the related natural area exemption certificate, according to regulations in the *Islands Trust Natural Area Exemption Regulation*.
18. Trust Council will seek agreements with the Minister of Finance to distribute to Trust Council any recaptured taxes related to the cancellation of natural area exemption certificates. Any such funds will be used for the conservation of natural areas in the trust area.

Changes to Existing Natural Area Exemption Certificates

19. Where a landowner wishes to enlarge an area protected through NAPTEP, they may apply to do so by following the application process set out above for new applications.
20. A modification to an existing NAPTEP covenant and natural area exemption certificate to enlarge the protected area will be approved only if it increases the conservation value of the covenant, as determined by the Islands Trust Conservancy Board.
21. A modification will require both an approval from the Islands Trust Conservancy Board to modify or replace the covenant, and an approval by Trust Council to direct the Corporate Secretary to re-issue the natural area exemption certificate to cover the enlarged protection area. In instances where NAPTEP covenants are co-held with other organizations, their approval will also be required prior to proceeding with modifications.
22. Where a modification to enlarge the area is approved, the Islands Trust Conservancy Board will decide, in consultation with the applicant and any co-covenantor, whether to amend the existing covenant by registering a covenant amending agreement, or to discharge the existing covenant and register a replacement covenant. Staff will prepare the covenant amending agreement or new covenant, as the case may be. Where a new covenant will replace an existing covenant, staff will ensure that the existing covenant is not discharged until after the new covenant is registered.
23. On receipt of confirmation of the registration of the covenant amending agreement or the registration of a new covenant, the Islands Trust Corporate Secretary will re-issue the natural area exemption certificate referencing the new or amended covenant. Staff will register the new natural area exemption certificate and discharge the existing natural area exemption certificate.

Changes to Existing Protection Covenants

24. Where a landowner or the Islands Trust Conservancy Board wishes to amend a NAPTEP covenant in a manner that would not alter the area protected by the covenant, the Islands Trust Conservancy Board will determine whether the proposed amendment would diminish the conservation value of the covenant.
25. If the Islands Trust Conservancy Board determines that the proposed covenant amendment would not diminish the conservation value of the covenant, the Islands Trust Conservancy Board may approve the amendment without consulting Trust Council. An amendment to a protection covenant that does not alter the area protected, and does not diminish the conservation value, does not affect a natural area exemption certificate which remains valid and effective.
26. If the Islands Trust Conservancy Board determines that the proposed covenant amendment may reduce its conservation value, Islands Trust Conservancy Board will consult Trust Council. If Trust Council determines that the proposed amendment would not result in a change to the

natural area exemption certificate, Trust Council will advise the Islands Trust Conservancy Board that it may approve the amendment.

Record Keeping and Reports

27. Islands Trust Conservancy Board staff will maintain a digital record of all natural area exemption certificates in the Trust Area Property Information System (TAPIS) or equivalent application.
28. Islands Trust Conservancy Board staff will provide an annual report to Trust Council regarding natural area exemption certificates as part of the Islands Trust Conservancy Board's contribution to the Islands Trust's annual report to the minister.

Program Monitoring

29. Islands Trust Conservancy Board staff will notify holders of natural area exemption certificates of the timing of annual monitoring visits in relation to their protection covenant.
30. Islands Trust Conservancy Board staff will send copies of monitoring reports to land owners and co-covenant holders.
31. Islands Trust Conservancy Board staff will advise Trust Council of any irreparable contraventions of protection covenants, including failures to provide the required annual monitoring report.

Agreements with Other Agencies

32. Trust Council will enter into agreements with the Islands Trust Conservancy Board, local trust committees, regional districts, and provincial and federal agencies as necessary to ensure the effective implementation of the NAPTEP.

Program Assessment

33. Trust Council will monitor NAPTEP to ensure the fair and efficient administration of the program, and will assess staff and financial resources for possible expansion to additional local trust areas.

B. Legislated References

Islands Trust Act

Islands Trust Natural Area Protection Tax Exemption Regulation

Policy and Procedures Manual:

Protocol Agreement Process: Government (2.1.4)

Administrative Fairness Principles (7.1.1)

Islands Trust Conservancy Board Natural Area Protection Policy (Ref. No. ITC02008)

Islands Trust Conservancy Board Disposition of Land Policy (Ref. No. ITC03001)

Protocol Agreements:

SCRD Protocol Agreement and Memorandum of Understanding

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

n/a



Policy:	2.1.12
Approved By:	Trust Council
Approval Date:	December 9, 2004
Amendment Date(s):	December 8, 2006
Policy Holder:	Director of Trust Area Services

ADMINISTRATION OF THE CROWN LAND ACQUISITION INITIATIVE

Purpose

To define policies and procedures that will ensure a fair, effective and coordinated process for applications by the Islands Trust Conservancy Board to the provincial Free Crown Grants Program in accordance with policies of Islands Trust Council.

A. Definitions

Crown Land as defined in this policy must meet the following requirements to be considered:

- (a) it must be vacant and unencumbered (for example, land should not be encumbered by *Land Act* leases and licenses, provincial reserves, Ministry of Transportation and Infrastructure gravel reserves, owned by another Crown Corporation, subject to an active treaty settlement process, active mineral claims or woodlot licenses);
- (b) it must not be reserved from disposition under the *Land Act* (see Order in Council 827 regarding islets); and
- (c) Trust Council, the relevant local trust committee or island municipality and the Islands Trust Conservancy Board must be in favour of its protection through the Islands Trust Conservancy.

B. Policy and Procedures

General

- 1. The Islands Trust Conservancy will apply on behalf of the Islands Trust Council for Free Crown Grants of Crown land in the Trust Area.
- 2. Prior to making application for a Free Crown Grant, the Islands Trust Conservancy will ensure that the relevant local trust committee or island municipality and the Islands Trust Council support the application.
- 3. Prior to making application for a Free Crown Grant, the Islands Trust Conservancy will seek the support of the relevant regional district.
- 4. Prior to making application, Islands Trust Conservancy staff will seek a meeting with the relevant local First Nation(s) to consult with them about any implications of the pending application, and to inform them of the process that will be followed and the opportunities they will have for formal involvement. Staff will also ask about any traditional names used for the area. The outcome of these meetings will be included in staff reports supporting the selection process.

Selection Process

5. Staff will use the following process annually for determining a priority list of potential sites for application under the provincial Free Crown Grants Program:
 - 5.1 Using the criteria within the Islands Trust Conservancy Board's Regional Conservation Plan, Islands Trust Conservancy staff will generate a priority list from all vacant Crown lands within the Trust Area. This list will exclude any Crown lands known to be encumbered or reserved.
 - 5.2 Islands Trust Conservancy staff will create a proposed short list of vacant Crown lands by considering the following additional criteria:
 - 5.2.1 Community support and potential management partnership (High, Medium, Low);
 - 5.2.2 Adjacency to another property with conservation status;
 - 5.2.3 Urgency due to known threats to conservation;
 - 5.2.4 Complexity of conflicts on title;
 - 5.2.5 Costs of acquisition, property management and risk management.
 - 5.3 Staff will submit this short list to relevant local trust committees, Bowen Island Municipality, the relevant regional district and relevant First Nations for comment and discussion and to identify any other candidate Crown lands for potential acquisition.
 - 5.4 Based on resources and staff availability, the Board will request the support of Trust Council for one Crown land application through the Free Crown Grants Program for each fiscal year. Applications for additional parcels could be made if Trust Council makes additional resources available to support the application process and the subsequent management of any land acquisitions.

Agreements with Other Agencies

6. Trust Council will enter into agreements with First Nations, the Islands Trust Conservancy Board, the local trust committee, island municipalities, regional districts, local conservancies and provincial and federal agencies where necessary to ensure the effective implementation of the Crown Lands Acquisition Program.

Funding of Acquisition and Management Costs

7. Trust Council will consider the costs of each Free Crown Grant application and subsequent property management costs within its annual budget process.

Program Assessment

8. Trust Council will monitor the effectiveness of this procedure and the effectiveness of using the Free Crown Grants Program to meet conservation goals.

C. Legislated References

1. *Islands Trust Act* (6)
2. Policy and Procedures Manual:
Protocol Agreement Process: Government (2.1.4)
Administrative Fairness Principles (7.1.1)
Communications Policy (6.10.2)
3. Memoranda of Agreement with Trust Council, local trust committees, island municipalities and Islands Trust Conservancy Board
4. 2018-2027 Regional Conservation Plan

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

n/a



Policy:	2.1.13
Approved By:	Trust Council
Approval Date:	December 8, 2006
Amendment Date(s):	
Policy Holder:	Director of Trust Area Services

ACQUISITION AND DISPOSAL OF LAND HELD BY TRUST COUNCIL

Purpose

To define policies and procedures that will ensure a transparent, fair and equitable process for Trust Council when considering the acquisition of land or the disposition of land held by Trust Council.

A. Definitions

n/a

B. Policies and Procedures

1. General

- 1.1 Trust Council will ensure a transparent, fair and equitable process when acquiring or disposing of land.
- 1.2 Trust Council will make decisions to acquire or dispose of land on the basis of a staff report to Trust Council that outlines the particulars of the land, the reasons for acquisition or disposal, consideration of any recommendations made by the relevant local trust committee or island municipality, the anticipated community benefits, the encumbrance or release of encumbrance to the Trust Council, financial details of the transaction, historical factors leading to interest in the land and any other information deemed necessary to assist a decision by Trust Council.

2. Acquisition of Land

- 2.1 For land acquired by Trust Council, financial encumbrances must be discharged before or concurrently with the transfer. Trust Council will be provided a reasonable amount of time to undertake due diligence investigations with respect to the land before accepting transfer.

3. Disposal of Land

- 3.1 When disposing of land, Trust Council will ensure:
 - 3.1.1 Legislated requirements for land disposition are met;
 - 3.1.2 Primary benefits accrue to the community where the land is located;
 - 3.1.3 The decision is based on an objective evaluation of available options;
 - 3.1.4 The local trust committee's history of involvement with the land included community consultation.

- 3.2 Trust Council will ensure a proposal process with sufficient notification to allow interested groups the opportunity to express interest. Trust Council will proceed using a less formal request for the proposal process, not creating contractual obligations between the Trust Council and proponents, until the execution of a contract for purchase and sale of the land. In this respect, irrevocable bids or bid deposits will not be required. Depending upon the circumstances of the disposition, Trust Council may consider factors other than price when making a decision about a proponent in land disposals. The other factors may include past experience, financial viability, and proven capacity of the proponent. Preference will be given to non-profit organizations unless the sale results in higher community benefits or greater prospect that objectives for the property will be met.
- 3.3 Trust Council will not complete final disposition of land unless the subject land is appropriately zoned for the intended use or, if the use is not known at the time Trust Council requests proposals, a condition precedent may be included in the purchase and sale agreement regarding rezoning.
- 3.4 Proposals should state the intended use of the property and the timeframe for developing the land.
- 3.5 The purchase and sale agreement with a preferred proponent may address such matters as performance, timelines, defaults and other matters deemed important to Trust Council.
- 3.6 In some cases, Trust Council may require some kind of reversionary interest in the land to be disposed. For instance, land could be transferred only for so long as it is used for a particular purpose or Trust Council may require an option whereby it could re-acquire the land if certain conditions are not achieved within specified timelines. Trust Council may also require that a covenant be registered on title restricting the development of the land.
- 3.7 Trust Council should consider whether any agreement it enters into includes liabilities on its part, as these may require ministerial approval as per Section 8(3) of the *Islands Trust Act*.

C. Legislated References

1. *Local Government Act* Sections 285, 286, and 287
2. *Community Charter* Sections 188 and 189
3. *Islands Trust Act* Sections 8(2)(a) and 8(3)

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

Appendix A - Relevant Excerpts from the *Local Government Act*

Appendix B - Relevant Excerpts from the *Community Charter*

Appendix A

Relevant Excerpts from the Local Government Act

Division 6 — Disposing of Land and Improvements

Disposition of land and improvements

285 (1) Subject to subsection (2), if a board intends to dispose of land or improvements, it must make the land or improvements available to the public for acquisition.

(2) The requirement under subsection (1) does not apply if the disposition is

- (a) to a not-for-profit corporation,
- (b) to a public authority,
- (c) to a person who, as part of the consideration for the disposition, will exchange land or an improvement with the regional district,
- (d) to a person under a partnering agreement that has been the subject of a process involving the solicitation of competitive proposals, or
- (e) a disposition of land to an owner of adjoining land for the purpose of consolidating the lands.

Notice of proposed disposition

286 (1) A board intending to dispose of land or improvements must publish notice of its intention in a newspaper in accordance with subsection (2) or (3), as applicable.

(2) If the disposition is a disposition referred to in section 285 (2), the notice must include

- (a) a description of the land or improvements,
- (b) the person or public authority who is to acquire the property under the proposed disposition,
- (c) the nature and, if applicable, the term of the proposed disposition, and
- (d) the consideration to be received by the regional district for the disposition.

(3) For all other dispositions, the notice must include

- (a) a description of the land or improvements,
- (b) the nature and, if applicable, the term of the proposed disposition, and
- (c) the process by which the land or improvements may be acquired.

Use of money from sale of land or improvements

287 (1) Subject to subsections (2) and (3), all money received by a regional district from the sale of land or improvements must be placed to the credit of a reserve fund.

(2) If, after money is received under subsection (1), a debt incurred by the regional district for the purchase or management of the land or improvements remains, there must be set aside all or part of the proceeds of the disposition, as required to repay the debt as it matures together with interest.

(3) Except as required by subsection (2), in the case of a sale of park land, a regional park or a regional trail, the proceeds of the disposition must be placed to the credit of a reserve fund established for the purpose of acquiring park lands.

Appendix B

Relevant Excerpts from the Community Charter

Establishment of reserve funds

188 (1) A council may, by bylaw, establish a reserve fund for a specified purpose and direct that money be placed to the credit of the reserve fund.

(2) If a municipality receives money in respect of any one of the following, the council must establish a reserve fund for the applicable purpose:

(a) money received from the imposition of a development cost charge, which must be placed to the credit of a reserve fund in accordance with section 566 ***[use of development cost charges]*** of the ***Local Government Act***;

(b) money received

(i) from the sale of park land,

(ii) under section 27 (2) (b) ***[disposal of park land]***, or

(iii) under section 510 (14) ***[provision of park land on subdivision]*** of the ***Local Government Act***,

which must be placed to the credit of a reserve fund for the purpose of acquiring park lands;

(c) money received under section 41 (1) (d) ***[disposal of highway property that provides access to water]***, which must be placed to the credit of a reserve fund in accordance with that section;

(d) money received under section 525 (2) ***[parking space requirements]*** of the ***Local Government Act***, which must be placed to the credit of a reserve fund for the purpose of providing

(i) off-street parking spaces, or

(ii) transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation;

(e) except for tax sale proceeds, money received from the sale of land and improvements, which must be placed to the credit of a reserve fund for the purposes of paying any debt remaining in relation to the property and of acquiring land, improvements and other assets of a capital nature.

Use of money in reserve funds

189 (1) Subject to this section, money in a reserve fund, and interest earned on it, must be used only for the purpose for which the fund was established.

(2) If the amount to the credit of a reserve fund is greater than required for the purpose for which the fund was established, the council may, by bylaw, transfer all or part of the amount to another reserve fund.

(3) If the current municipal revenue is not sufficient for the amount required to pay compensation in respect of property expropriated or injured or to carry out works referred to in section 32 (3) **[entry on land to mitigate damage]**, the council may, by bylaw, use money from a reserve fund to the extent required.

(4) As a restriction on subsection (2), a transfer from a reserve fund established for a capital purpose may only be made to another reserve fund established for a capital purpose.

(4.1) Despite any other enactment, if

(a) money in a reserve fund established for a capital purpose, including a reserve fund under section 566 of the **Local Government Act** established for a capital purpose, is not currently required for that purpose, and

(b) the municipality has another reserve fund established for a capital purpose,

the municipality may use money in the first reserve fund for the purposes of the second reserve fund.

(4.2) If money from one reserve fund is used under subsection (4.1) for the purposes of another reserve fund, the municipality must repay to the first reserve fund, no later than the time when the money is needed for the purposes of that reserve fund,

(a) the amount used, and

(b) an amount equivalent to the interest that would have been earned on the amount used had it remained in the first reserve fund.

(5) As a restriction on subsections (2) and (3), a council may not transfer amounts or use money from a fund required under section 188 (2) (a) **[development cost charge reserve fund]** or (b) **[park land acquisition reserve fund]** unless the bylaw is approved by the minister.



Policy:	2.1.14
Approved By:	Trust Council
Approval Date:	March 13, 2018
Amendment Date(s):	September 15, 2020; September 20, 2022
Policy Holder:	Director of Trust Area Services

HISTORY AND HERITAGE CONSERVATION GRANTS-IN-AID

Purpose

1. To provide modest financial assistance to non-profit organizations or First Nations engaging in activities to increase public awareness, understanding and appreciation of the history and heritage of the Islands Trust Area, including the history and cultural heritage of Indigenous Peoples on the islands.
2. To provide modest financial assistance to non-profit organizations or First Nations engaging in the conservation of heritage property, cultural heritage areas, or archaeological sites in the Islands Trust Area.

Background

1. Section 8(2) of the *Islands Trust Act* establishes the discretionary powers of Trust Council. Under Section 8(2)(f) Trust Council may “engage in activities to gain knowledge about the history and heritage of the Trust Area and to increase public awareness, understanding and appreciation of that history and heritage”. Under Section 8(2)(g) Trust Council may conserve heritage property.
2. Section 8(2)(h) of the *Islands Trust Act* allows Council to support and give financial assistance to activities referred to under Section 8(2)(f) and 8(2)(g) that are undertaken by others in the Islands Trust Area.

A. Definitions

“Heritage”: a place, feature or event of historical, cultural, aesthetic, educational, or scientific significance.

“Heritage Conservation”: includes any activity undertaken to protect, preserve, or enhance the heritage value of heritage property.

“Indigenous Cultural Heritage”: Indigenous Peoples understand and describe “heritage” according to their own perspectives, traditions and languages. A general definition for Indigenous heritage would include ideas, experiences, worldviews, objects, forms of expressions, practices, knowledge, spirituality, kinship ties and places valued by Indigenous Peoples. Indigenous heritage is intrinsic to Indigenous well-being and held for all generations.

B. Policy

1. Granting Funds to Others

- 1.1 Funding applications for history and heritage conservation grants-in aid will have an application deadline of April 30 and will be considered by Executive Committee once a year in May.
- 1.2 If there are remaining funds in the budget after the May allocation, Executive Committee may initiate a second round of applications with an application deadline of September 30, to be considered by Executive Committee in October.
- 1.3 Any non-profit organization or First Nation, excepting those listed in section 1.4 of this policy, is eligible to receive up to \$5,000 of funding (most grants expected to be in the \$1,000 to \$2,000 range) to:
 - 1.3.1 undertake activities that increase public awareness, understanding and appreciation of the history and heritage of the Islands Trust Area; and/or
 - 1.3.2 conserve heritage property, including cultural heritage areas and archaeological sites in the Islands Trust Area.
- 1.4 The following individuals/groups are not eligible to apply for funding:
 - 1.4.1 Islands Trust trustees, staff, or contractors;
 - 1.4.2 organizations subject to an open bylaw enforcement action with a confirmed land use bylaw violation for which Islands Trust is seeking compliance.
- 1.5 To receive funding, non-profit organizations or First Nations must make their requests for funding to the Islands Trust Executive Committee on the prescribed form (Attachment 1) no later than April 30 each year. The request must include the following:
 - 1.5.1 the name of the non-profit organization or First Nation making the request;
 - 1.5.2 the dollar amount of funding being requested;
 - 1.5.3 specifics about the nature of the activities as they relate to 2.2 of this policy;
 - 1.5.4 for research activities, an outline of the methodology, and/or description of the cultural knowledge or traditional ecological knowledge framework; and,
 - 1.5.5 for publications, an outline of the messaging, medium of the publication and intended audience.
- 1.6 The Executive Committee will review applications in May of each year. In undertaking this work, the Executive Committee will consider the merits of the activities in the funding request and how they align with:
 - 1.6.1 the Islands Trust Object;
 - 1.6.2 the Islands Trust Policy Statement;

- 1.6.3 Trust Council's Strategic Plan;
- 1.6.4 the Islands Trust Reconciliation Declaration; and
- 1.6.5 available funds.

2. Conditions of Funding Approval

- 2.1 For research projects, Islands Trust staff review and approve the methodology.
- 2.2 For publications, Islands Trust staff review and ensure that the publication meets Islands Trust visual identity guidelines.
- 2.3 The non-profit organizations or First Nations who receive funding must acknowledge support of Islands Trust in all printed and publication material related to the project, event or program.
- 2.4 The non-profit organizations or First Nations must spend all funds and submit a final report summarizing the project outcomes by the end of the fiscal year.
- 2.5 In the event a project is not complete by the end of the fiscal year, the non-profit organizations or First Nations must notify Islands Trust as soon as practical and refund any grant funds provided for project work that has not been completed.
- 2.6 Staff will provide the relevant local trustees an opportunity to provide feedback on each funding application prior to Executive Committee's review.
- 2.7 Applications must not incur adverse impacts to registered archaeological sites or potential sites.

3. Funding Source

- 3.1 For each fiscal year, Trust Council will establish a History and Heritage Conservation Grant-in-Aid budget.

C. Legislated References

[Islands Trust Act](#) – Section 8(2)(h)

[Islands Trust Council Policy 6.1.1 First Nations Engagement Principles](#)

[Islands Trust Council Policy 6.5.3 Procurement Policy](#) (B.5 Financial Assistance to Community Organizations and Other Groups or Individuals)

[Declaration on the Rights of Indigenous Peoples Act](#) (DRIPA)

D. Attachment

Attachment 1 – Application Form



Islands Trust

ATTACHMENT 1

ISLANDS TRUST

HISTORY AND HERITAGE CONSERVATION GRANTS-IN-AID APPLICATION FORM

Name of non-profit organization or First Nation:	
Full Mailing Address:	
Telephone Number:	
Email Address:	
Contact Person:	
Primary purpose of non-profit organization:	
Service provided to the community:	
Number of clients or people that use service:	
Indigenous Knowledge Holder(s) involved in project:	
Amount of grant-in-aid requested (up to \$5,000):	
Purpose of the grant-in-aid:	History / Heritage / Heritage Conservation
Describe how the grant-in-aid will be used:	
Describe how the grant-in-aid will support the Islands Trust Object, Policy Statement, Strategic Plan, and/or Reconciliation Declaration:	
Has the non-profit organization or First Nation received a previous grant-in-aid from Islands Trust?	Yes No (if yes, please list grants received)
Does the non-profit organization or First Nation agree to use all funds and submit a final report summarizing the project outcomes by the end of the fiscal year (March 31 st)?	Yes No
Applicant Signature:	
Date of Signature:	

Internal Use Only:

Date of EC Resolution:

Amount Approved:

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 History and Heritage Conservation Grants-in-aid program. Enquiries about the collection or use of information in this form can be directed to David Marlor, Director, Legislative Services at 250-405-5169, or send an email to FOI@islandstrust.bc.ca.



Policy:	2.1.15
Approved By:	Trust Council
Approval Date:	September 15, 2020
Amendment Date(s):	
Policy Holder:	Director of Trust Area Services

SECRETARIAT SERVICES

Purpose

1. To define a process for allocating funding and staff time with respect to administrative support for Coordination Groups in the Trust Area, in accordance with Trust Council's authority to coordinate and assist in the determination, implementation and carrying out of municipal, regional and improvement district and government of British Columbia policies.
2. To reinforce that Trust Council, its committees and the Executive Committee are not permitted to provide grants-in-aid in support of other organizations, unless consistent with the Procurement Policy (6.5.3) and the History, Heritage and Conservation Grants-In-Aid Policy (2.1.14), but may support coordination and assistance in the determination, implementation and/or carrying out of First Nation, regional, improvement district, and government of British Columbia policies.

Background

Section 8(2) of the *Islands Trust Act* establishes the discretionary powers of Trust Council for the purpose of carrying out the Trust Object. In accordance with section 8(2)(b), the Trust Council may "coordinate and assist in the determination, implementation and carrying out of municipal, regional and improvement district and government of British Columbia policies for the preservation and protection of the Trust Area and its unique amenities and environment." Part II of the Islands Trust Policy Statement further provides that:

"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."

A. Definitions

"Coordination Group" means a group comprised of First Nations, organizations and/or stakeholders that convene to share information and collaborate or to determine, implement or carry out First Nation, regional district, improvement district, or government of British Columbia policies in the Trust Area.

"Secretariat Services" means the provision of administrative support including, but not limited to, meeting organization, meeting administration, public notices, recording and distribution of meeting notes or minutes, and website hosting and updating.

"Secretariat Services Budget" has the meaning set out in section 1.1 hereof.

"Trust Object" means the object of the trust as set out in section 3 of the *Islands Trust Act*.

B. Policy

1. Funding Source

- 1.1 By September of each year, the Trust Programs Committee will recommend to the Financial Planning Committee an allocation for the Secretariat Services budget for the following fiscal year (the “Secretariat Services Budget”).

2. Policy for Providing Secretariat Services

- 2.1 Trust Programs Committee will assess opportunities to provide Secretariat Services at its first meeting of the fiscal year. If staff resources or funding remain unallocated after this meeting, the Trust Programs Committee may consider additional opportunities at future meetings.
- 2.2 Trust Programs Committee may only allocate funding to or undertake Secretariat Services for Coordination Groups that:
 - 2.2.1 have an appointed representative of the Trust Council, Bowen Island Municipality, a local trust committee, or the Islands Trust Conservancy as a member or regular participant;
 - 2.2.2 invite and encourage First Nations involvement and leadership in a manner that is consistent with the Islands Trust Council’s First Nations Engagement Principles Policy and Reconciliation Declaration; and
 - 2.2.3 undertake work that coordinates and assists in the determination, implementation and carrying out of municipal, regional and improvement district and government of British Columbia policies that carry out the Trust Object.
- 2.3 Trust Programs Committee is encouraged to prioritize support for Coordination Groups that work collaboratively and respectfully with First Nations governments and Indigenous Peoples within the Trust Area.
- 2.4 When Trust Programs Committee allocates funding from the Secretariat Services budget for Secretariat Services for a Coordination Group, the amount may not exceed the direct award commitment spending level in Trust Council’s Procurement Policy 6.5.3.
- 2.5 Where Trust Programs Committee commits to undertaking Secretariat Services directly, the Committee will seek staff advice regarding availability of staff.

C. Legislated References

Islands Trust Act, Section 3

Islands Trust Act – Subsections 8(2)(b) & (f)-(h)

Islands Trust Policy Statement, Part II - The Islands Trust Object and its Meaning

Policy Manual: History, Heritage and Conservation Grants-In-Aid (2.1.14)

Policy Manual: Procurement (6.5.3)

Policy Manual: First Nations Engagement Principles (6.1.1)

D. Other References

Islands Trust Council's Reconciliation Declaration, March 14, 2019

E. Attachments

N/A



Policy:	2.1.16
Approved By:	Trust Council
Approval Date:	September 21, 2022
Amendment Date(s):	None
Policy Holder:	Director of Trust Area Services

GUIDELINES FOR EXECUTIVE COMMITTEE SPONSORED OR ISLANDS TRUST CONSERVANCY INITIATED NAPTEP APPLICATIONS

Purpose

To clarify the circumstances when it is appropriate for the Executive Committee (EC) or Islands Trust Conservancy Board (ITC) to sponsor or initiate a Natural Area Protection Tax Exemption Program (NAPTEP) application.

A. Definitions

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

Islands Trust Conservancy Initiated Application – means when the ITC, through a resolution of the ITC Board, initiates a NAPTEP application for a specific property or properties without fee on its own behalf or on behalf of a property owner.

B. Policy

1. A NAPTEP Application includes any NAPTEP application received according to Trust Council policy.
2. Conditions appropriate for Executive Committee sponsorship of a NAPTEP application are:
 - 2.1 When the application is initiated by the ITC.
 - 2.2 When the applicant is a non-profit agency or organization seeking to apply to NAPTEP for the benefit of the community at large and consistent with goals in the ITC Regional Conservation Plan (RCP) as determined by the ITC Manager.
 - 2.3 When the applicant submits a voluntary proposal and seeks to protect over eight hectares of land or seeks to protect land that has significant habitat for endangered or threatened species under the federal *Species at Risk Act* and where the conservation proposal is consistent with goals in the ITC Regional Conservation Plan (RCP) as determined by the ITC Manager.
 - 2.4 When the applicant submits a voluntary proposal and seeks to protect important Indigenous cultural sites such as archaeological sites or other culturally significant places.
 - 2.5 When the applicant submits a voluntary proposal and seeks to protect areas that mitigate climate change impacts or provide for significant carbon storage and sequestration opportunities as determined by the ITC Manager.
 - 2.6 When the ITC Board, through resolution, requests sponsorship of the NAPTEP application.

3. Conditions appropriate for an ITC initiated NAPTEP application include:
 - 3.1 Where an error has been made (e.g., as part of a covenant registration) in a NAPTEP application process and an additional application process is required to correct the error.
 - 3.2 Where the ITC Board wishes to expand or modify the extent of a NAPTEP covenant or modify the terms of a NAPTEP covenant and a NAPTEP application process is required.
 - 3.3 Where the ITC Board deems a NAPTEP application is significant for meeting ITC goals and objectives under the Regional Conservation Plan or the Trust Fund Plan (described in the *Islands Trust Act*) and where a landowner authorizes the ITC Board to act on their behalf.
4. Conditions not appropriate for Executive Committee sponsorship or ITC initiation of a NAPTEP application include:
 - 4.1 When the application is deemed a development application under ITC policies or is subject to an application process with a local trust committee or island municipality.
 - 4.2 When an applicant claims that he or she cannot afford the cost of the application and the application would not otherwise qualify for sponsorship or initiation.
5. Where the Executive Committee wishes to sponsor a NAPTEP application, the costs of the relevant application fees will be charged to the budget line for the sponsorship of NAPTEP applications by resolution.
6. Initiation of a NAPTEP application by the Islands Trust Conservancy does not fetter the discretion of the Islands Trust Conservancy or the Trust Council when they make decisions about the outcome of a NAPTEP application. Islands Trust Conservancy, Trust Council, and Executive Committee members and staff must ensure that applicants and members of the public are fully aware of the distinction between sponsorship or initiation of an application and Trust Council and Islands Trust Conservancy roles in decision-making regarding that application.

C. Legislated References

1. [Local Government Act, Section 397](#)
2. [Islands Trust Act, Part 7.1](#)
3. [Islands Trust Natural Area Protection Tax Exemption Regulation \(B.C. Reg. 41/2002\)](#)
4. [Trust Council Bylaw No. 115: A bylaw to prescribe fees for issuing Natural Area Exemption Certificates](#)

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

1. [TC Policy 2.1.10: Administration of Natural Area Protection Tax Exemption Program](#)
2. [ITC Policy 2.5: Natural Area Protection Tax Exemption Covenants](#)



Policy:	2.2.1
Approved By:	Trust Council
Approval Date:	September 12, 1992
Amendment Date(s):	
Policy Holder:	Chief Administrative Officer

REQUESTS FOR DECISION (RFD)/REPORTS

Purpose

To establish a process and format for presenting Requests for Decision and Reports being presented to Trust Council and Council committees. The intent of this policy is to:

1. ensure presentation readability and consistency.
2. help highlight relevant policy and resource allocation implications.
3. provide a framework for providing information for decision-making.
4. ensure that Council is offered a full range of options for consideration.
5. establish the Corporate Secretary as the focal point for information quality and monitoring resource/policy implications.

A. Definitions

n/a

B. Policy

1. All items being submitted to Trust Council and Council committees requiring them to consider making a decision should be submitted, or summarized if a report is prepared, on a Request for Decision (RFD) form.
2. All RFDs being submitted to the Executive Committee or Trust Council shall be reviewed for comment and signed by the Chief Administrative Officer before presentation.
3. All RFDs submitted to Trust Council shall also be reviewed for comment and recommendation by the Executive Committee at their meeting preceding the distribution of the Trust Council agenda package. (This meeting is generally three to four weeks before the quarterly Trust Council meeting date.)
4. Any RFD not received by the Executive Committee before Trust Council package distribution will not be included in the Trust Council package mail out (two weeks before Trust Council meetings).
5. Late topics may be included in the Trust Council agenda and noted as having "information pending". These "late" RFDs may be reviewed by the Executive Committee during their meeting immediately preceding the quarterly Trust Council meeting. (This meeting is generally

the day before Trust Council meets). The Executive Committee may forward the "late" RFDs to Trust Council as a handout during the Trust Council meeting. The above processing of late RFDs will be at the discretion of the Executive Committee.

6. A late Request for Decision topic listed in the Trust Council agenda, or received after Trust Council agenda package distribution, may be moved to new business if considered incomplete by the Executive Committee so that the item can still be discussed as a basis for further development of an RFD to be presented in a future Trust Council agenda.
7. All items being submitted to a Council committee involving a significant change in the allocation of human and fiscal resources or policy shall be submitted, or summarized if a report is prepared, on a Request for Decision form that has been reviewed and signed by the Chief Administrative Officer.

C. Legislated References

Policy and Procedures Manual: Council Meeting Preparation (2.2.2)

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

1. Attachment 1: Request for Decision (Annotated)
2. Attachment 2: Committee Report

Attachment 1

ISLANDS TRUST

REQUEST FOR DECISION

(ANNOTATED)

DATE: *month/day/year*

TO: *Decision-making Body*

Target Decision Date:

For Final Approval

SUBJECT: *TITLE TO BE SAME AS LISTED IN AGENDA - (BOLD CAPITALS)*

RECOMMENDATION: *Clear decision request with specific directions, i.e., action by whom, when and how.*

CHIEF ADMINISTRATIVE OFFICER (OR DESIGNATE) COMMENTS: *support/non-support for recommendation, alternative/further recommendation, and general comments.*

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: *Projected for existing work programs, staff workloads, and other aspects of the organization.*

FINANCIAL: *Source of existing or new funding; longer term implications, financial authority for funding transfer or new funding requests.*

IMPLEMENTATION/COMMUNICATIONS: *List key targets to implement and/or to communicate the recommendation if approved.*

OTHER: *By Staff, Management and Committees.*

BACKGROUND

REPORT/DOCUMENT:

Attached

☐

Available

☐

N/A

☐

KEY ISSUE(S)/CONCEPTS(S): *State specifically the key components of the subject to be addressed.*

RELEVANT POLICY: *State relevance to existing Trust mandate, bylaws, policies and procedures and/or other government legislation.*

DESIRED OUTCOME: *State results(s) expected to occur through taking action on the subject (not how it is to*

be dealt with).

RESPONSE OPTIONS

Recommended:

- Alternatives:**
- *Present various response options to achieve desired outcome(s) with "pros/cons" analysis highlights for each; or*
 - *Outline proposal highlights to take action on the subject.*

PREPARED BY:

REVIEWED BY EXECUTIVE COMMITTEE:

SUBMITTED BY:

REVIEWED BY:

Chief Administrative Officer (or
designate)

OTHER REVIEW:

Attachment 2

ISLANDS TRUST
COMMITTEE REPORT

To: Trust Council
From: Committee Name

Date: day/month/year

WORK PROGRAM (Top Three Priorities)

1.

Current

-
-

Planned

-
-

2.

Current

-
-

Planned

-
-

3.

Current

-
-

Planned

-
-

WORK PROGRAM STATUS

-
-

TRUST COUNCIL MEETING - REQUEST FOR DECISION ITEM(S)

- 1.
- 2.

UPDATE (on Meetings, Agency Liaison, Resource Requirements, etc.)

- 1.

Designate Staff

Chair



Policy:	2.2.2
Approved By:	Trust Council
Approval Date:	June 11, 1994
Amendment Date(s):	June 13, 2008; September 11, 2008
Policy Holder:	Chief Administrative Officer

COUNCIL MEETING PREPARATION

Purpose

To provide direction and details for the preparation, conduct and follow up requirements for Trust Council meetings including agenda submissions, Executive Committee and director's roles, minutes, meeting program elements, and meeting program principles.

A. Definitions

n/a

B. Policy

1. Agenda

1.1 Submission Format

All written items being submitted to Trust Council for decision should be processed through the use of a Request for Decision (RFD) form with appropriate accompanying reports and/or documents.

1.2 Agenda Item Submissions

The following provides targets and deadlines for the submission of items for a Trust Council meeting:

1.2.1 At Meeting

Items may be added to the agenda as new business at the meeting by notifying the Chair and receiving approval from a majority of the members of Trust Council.

1.2.2 Late Written Items

One week before the Trust Council meeting is the deadline to submit late RFD's, or RFD reconsideration for Executive Committee review prior to being presented to Trust Council at the start of its meeting.

1.2.3 Written Items for Agenda Package

The deadline to submit RFD's for Executive Committee review, prior to being included in the distributed Trust Council agenda package, is one week prior to the last regular Executive Committee meeting that is held before the week of the Trust Council meeting.

1.3 Executive Committee and Chief Administrative Officer Roles

1.3.1 Ongoing Liaison

It is suggested that committees, trustees and/or staff may forward reports and/or preliminary RFD's for items going to Trust Council to the Executive Committee for its preliminary feedback before the above-noted deadlines for formal submission.

1.3.2 Executive Committee Review

All written items being submitted to Trust Council must be submitted for review by the Executive Committee.

1.3.3 Executive Committee Role

The Executive Committee is responsible for reviewing all RFD's being submitted to Trust Council and may:

1.3.3.1 add its noted editorial comments including an alternate recommendation which does not alter the submitter's intent in its RFD;

1.3.3.2 submit an additional RFD highlighting substantive comments which do alter the submitter's intent, including an alternate recommendation. This RFD will be added to the submitter's, or preferably replace the original RFD, based on agreement by the submitter;

1.3.3.3 return the RFD, and/or attached information if incomplete, for resubmission as a "late" item and therefore not to be included in the distributed agenda package.

1.3.4 Chief Administrative Officer (CAO) Review

All written items being submitted to the Executive Committee must be submitted to the Executive Coordinator or CAO in advance of the above-noted deadlines.

1.3.5 Chief Administrative Officer Role

The CAO is responsible to receive all RFD's for review and comment relative to:

1.3.5.1 policy, organizational, financial and implementation implications;

1.3.5.2 identification and evaluation of alternatives;

1.3.5.3 relevance to current organizational priorities;

1.3.5.4 general completeness as quality information from which Trust Council can make a decision;

1.3.5.5 processing agenda items through the Executive Committee.

1.4 Agenda Notification/Distribution

1.4.1 Preliminary Agenda Program

It is intended that Trust Council, at each quarterly meeting, will endorse a preliminary meeting program as the basis for the Executive Committee to prepare the next quarterly meeting.

1.4.2 Follow-up Action

RFD's or Council resolutions requiring further action by, or reporting back to Trust Council, should set a targeted quarterly meeting for this follow-up as a basis for the Executive Committee to prepare Trust Council business meeting agendas.

1.4.3 Proposed Meeting Program Distribution

A proposed meeting program and a request for notice of new business will be circulated to all trustees and senior staff for information approximately five weeks before the Trust Council meeting date.

1.4.4 Agenda Package Distribution

The proposed agenda package will be distributed to all trustees and senior staff at least two Tuesdays before the Trust Council meeting date. For clarity, the proposed agenda package will be distributed to all trustees who are members of a local trust committee, whether or not they are members of Trust Council.

1.4.5 Agenda Reference

A complete agenda package for the Trust Council meeting will be kept in the Trust's boardroom for review and future reference.

1.4.6 Media Notification

A News Release on the proposed agenda will be:

1.4.6.1 posted on the Islands Trust website;

1.4.6.2 distributed to all news release subscribers;

1.4.6.3 distributed to all media on the Trust's media list; and

1.4.6.4 sent to all staff and trustees for further distribution at their discretion five weeks before the Council meeting.

1.4.7 Public Notification

Notices will be posted on the island where the Council meeting is being held.

2. Minutes

2.1 Meeting Follow-up

2.1.1 Immediate Action Items

Trust Council items requiring immediate action by people throughout the organization will be circulated by the CAO during the week following Trust Council.

2.1.2 Follow-up Action List

The Trust Council follow-up action list will be prepared by management for review at the next Executive Committee meeting prior to distribution to all trustees and senior staff within three weeks of the Trust Council meeting.

3. Meeting Program Elements

3.1 Meeting Program

The Trust Council Meeting Program generally involves three days, comprised of workshop and information sessions, the consideration of information and decision items and opportunities for the public to address Council. Portions of the meeting may be closed to the public by resolution in accordance with Section 90 of the Community Charter.

3.2 Public Access

3.2.1 All meetings will be open to the public unless closed to the public by resolution in accordance with Section 90 of the Community Charter.

3.2.2 The Executive Committee may recommend that portions of the Trust Council meeting be closed to the public in accordance with Section 90 of the Community Charter. The Meeting Program will indicate the approximate times of the recommended closures and the general nature of the subjects to be considered.

- 3.2.3 The Meeting Program will include one closed session with the CAO to accommodate the discussion of matters related to Section 90 of the Community Charter.

4. Meeting Program Principles

- 4.1 It is intended that Trust Council will hold three of its quarterly meetings on Trust Area Islands and its December meeting in Victoria.
- 4.2 It is intended that all members of a local trust committee, including those who are not voting members of Trust Council, will be invited to attend and participate in Trust Council meetings and that their attendance will be given the same logistical and financial support extended to Trust Council members.
- 4.3 It is intended that Trust Council will include a reasonable opportunity to hear from members of the public during its quarterly meeting through formal delegations or a “town hall” session.
- 4.4 It is intended that Trust Council's meeting program length will be determined by Trust Council's direction as provided:
- 4.4.1 in the Trust's work programs;
- 4.4.2 in time-frames determined by resolutions for specific matters;
- 4.4.3 in Council's endorsement of its next quarterly meeting program at each of its meetings.
- 4.5 It is expected that trustees, the Executive Committee and staff will continually offer suggestions to the Chair and/or CAO for ongoing efforts to improve Trust Council's meetings.
- 4.6 It is expected that the Chair will use discretion in developing and adjusting the Council meeting program and wherever possible the Chair will seek the determination of Council in this regard.

C. Legislated References

Policy and Procedures Manual:

Request for Decision/Reports (2.2.1)

Meeting Procedure Bylaw No. 101 (2.2.4)

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

n/a



Policy:	2.2.3
Approved By:	Trust Council
Approval Date:	December 5, 1992
Amendment Date(s):	March 9, 2022
Policy Holder:	Legislative Services Manager

TRUST COUNCIL RESOLUTIONS WITHOUT MEETING

Background

Section 13 of the *Islands Trust Act* allows Trust Council (TC) to obtain, count votes and pass or defeat resolutions on Council or committee issues without the necessity of holding a regular or special meeting. A resolution approved in accordance with Section 13 is as valid as if it had been voted on and passed at a properly called and constituted meeting of the TC. The provisions of this policy also apply to Trust Council's standing and select committees wherever applicable.

Principles

1. It is preferable for most TC resolutions to be voted on at properly called and constituted meetings. However, where an issue is deemed to be urgent (i.e., where the issue in question requires immediate action as a result of unforeseen circumstances and must be dealt with before the next regular meeting of the TC) a Section 13 Resolution Without Meeting (RWM) may be conducted.
2. Section 13 RWMs are for decisions not requiring any discussion or debate by the TC.
3. TC resolutions on issues which may be considered controversial, sensitive, complex or otherwise benefitting from discussion and debate, should be voted on at a properly constituted meeting wherever possible.
4. The Section 13 RWM process is dependent on the timely contribution and response of trustees.

A. Definitions

"Secretary" means the person appointed by Trust Council under Section 17(1)(a) of the *Islands Trust Act* and includes a Deputy Secretary.

"Telecommunication" means communication over a distance and includes electronic mail (email), telephone and facsimile.

B. Policy

1. Legislative Requirements

- 1.1 Approval of a Section 13 RWM is given where a majority of the members of the Trust Council entitled to vote on the resolution inform the Secretary (or their designate) of their approval in person or by telecommunication.

- 1.2 Only for a Trust Council resolution giving first reading or adopting a bylaw, approval is given where 2/3 of the members of Trust Council entitled to vote on the resolution approve the resolution.

2. Issues Where Voting by RWM Is Restricted

- 2.1 The Trust Council cannot vote by RWM in the following cases:
 - 2.1.1 when giving second or third reading to a bylaw; or,
 - 2.1.2 when making a decision on a bylaw referred to it under section 27(3) of the *Islands Trust Act*. This section prescribes that where the Executive Committee returns or refuses to approve a bylaw submitted to it by a Local Trust Committee, the Local Trust Committee may refer the bylaw to Trust Council for approval, and Council cannot make a decision about that bylaw without holding a properly-called and constituted meeting of Trust Council.
- 2.2 If a trustee considers that they are not entitled to participate in a vote pursuant to Section 100(2) of the *Community Charter* (regarding a perceived conflict of interest), the trustee must make a declaration using the "Section 100(2) *Community Charter* Declaration" form (Attachment 3 to the Procedures for Trust Council Section 13 Resolutions Without Meeting), giving the general reason(s) and must withdraw from voting. The completed declaration form must be submitted to the Secretary.

3. Conduct of the Vote

- 3.1 All members of TC will be given simultaneous notice of a Section 13 RWM and any trustee may request to receive relevant background information on the subject of the resolution where available.
- 3.2 The TC Chair will call for the vote on a Section 13 RWM that has been moved and seconded, and members will be entitled to vote on the resolution.
- 3.3 The TC Chair should not vote on the Section 13 RWM prior to the "Conducting of the Vote" phase.
- 3.4 A trustee may vote either "in favour", "opposed", or abstain from voting. Legislation regulates that an abstention vote is recorded in the affirmative ("in favour"), but a notation will be made beside the name of the trustee who abstained.
- 3.5 Any member of the TC may propose to have consideration of a Section 13 RWM postponed until the next regular meeting or a special meeting of the TC where the trustee believes that the motion requires debate and discussion. **Section 4.3.2 -**

RWM to Postpone of the operational procedures for TC Section 13 RWM applies in this instance.

- 3.6 Whenever possible, the TC Chair should allow other trustees the opportunity to move and second Section 13 RWMs. An exception would be where the Section 13 RWM is being put forward by the Chair.

4. Results of the Vote

- 4.1 Once the vote has been conducted, and the vote received by the Secretary, the TC Chair will declare the vote to be carried or defeated in accordance with the results. The TC members are notified of the results of the vote. The vote is recorded as a Section 13 RWM of the TC.
- 4.2 A report on each completed Section 13 RWM will be placed on the agenda of the next regular open or closed TC meeting and recorded in the minutes of that meeting.

C. Legislated References

Islands Trust Act: Section 13

Community Charter: Section 100

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

Operational Procedures for Trust Council Section 13 Resolutions Without Meeting



Policy:	2.3.1
Approved By:	Trust Council
Approval Date:	March 6, 1998
Amendment Date(s):	September 11, 2008; March 14, 2018; June 8, 2021; September 21, 2022; June 29, 2023; September 28, 2023; June 20, 2024
Policy Holder:	Chief Administrative Officer

COUNCIL COMMITTEE SYSTEM AND TERMS OF REFERENCE

Purpose

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

A. Definitions

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

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

Standing Committee means a regular permanent committee of Trust Council.

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

B. Policy

1. Establishment and Membership

1.1 Standing Committees

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

1.1.1.1 Regional Planning

1.1.1.2 Financial Planning

1.1.1.3 Trust Programs

1.1.1.4 Governance

1.1.1.5 Accessibility

- 1.1.2 Membership for the Regional Planning, Financial Planning and Trust Programs committees includes trustees who have been appointed by the Trust Council Chair, and ratified by Trust Council.
- 1.1.3 The Governance Committee consists of seven members of Trust Council who have been elected by Trust Council. Election of the Governance Committee shall occur no later than the March Trust Council meeting in the calendar year following the quadrennial trustee election.
- 1.1.4 One Executive Committee member will be assigned by the Trust Council Chair to the Regional Planning Committee and the Trust Programs Committee.
- 1.1.5 The Financial Planning Committee is comprised of all members of the Executive Committee, the Chair (or designate) of the Regional Planning Committee, Trust Programs Committee, and the Governance Committee, a member chosen by the Islands Trust Conservancy Board and three (3) other local or municipal trustees.
- 1.1.6 By the second Trust Council meeting following the quadrennial trustee elections, or as required, the Chair of Trust Council will recommend appointments to the Regional Planning, Trust Programs, Accessibility and Financial Planning committees for ratification by Trust Council, based on an indication of interest by trustees and on Trust Area-wide considerations.
- 1.1.7 The Trust Council Chair is an ex-officio member of the Trust Programs, Regional Planning, and Governance committees.
- 1.1.8 One of the two Trust Council elected members of the Islands Trust Conservancy is an ex-officio member of the Governance Committee, as determined by the Chair of the Islands Trust Conservancy.
- 1.1.9 The Accessibility Committee membership must meet the requirements of the *Accessible British Columbia Act*. The Accessibility Committee membership is:
 - 1.1.9.1 a minimum of one and up to four people from organizations that support people with disabilities, or who have disabilities, in the Islands Trust Area;
 - 1.1.9.2 a minimum of one person who is Indigenous;
 - 1.1.9.3 a minimum of one and up to two people from the Islands Trust Area;
 - 1.1.9.4 a minimum of one and up to two trustees appointed by Trust Council Chair and ratified by Trust Council;
 - 1.1.9.5 the Chair of Trust Council as an ex-officio member; and
 - 1.1.9.6 half of the membership in 1 through 4 above must be people with a disability, or support people with disabilities, or are from an organization that supports people with disabilities.
- 1.1.10 Appointments under 1, 2, and 3 of Section 1.1.9 will be by advertisement or other means as determined appropriate by the Executive Committee.

Advertising will occur shortly after the local government general election. The Executive Committee will appoint members from the advertising or other process as soon as possible after the local government general election. Trust Council will ratify the appointments under section 1.1.8 items 1, 2 and 3.

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

1.2 Select Committees

- 1.2.1 Select committee membership is comprised of trustees who have been elected by Trust Council.
- 1.2.2 Select committees must have terms of reference established and approved by Trust Council.
- 1.2.3 If the Trust Council Chair is not an elected member of a select committee pursuant to section 1.2.1, they or designate shall be an ex-officio member of each select committee.
- 1.2.4 The agenda for select committees should include:
 - 1.2.4.1 Approval of previous meeting minutes
 - 1.2.4.2 Follow-Up Action List (FUAL)
 - 1.2.4.3 Trust Council referral items
- 1.2.5 A select committee resolution is required to expend monies from the committee's budget account assigned by Trust Council, if any.
- 1.2.6 A select committee shall refer any reporting and findings, including resource needs, to Executive Committee prior to reporting to Trust Council.
- 1.2.7 A select committee will cease to exist once it has reported its findings, opinions and recommendations to Trust Council.

2. Committee Chair

- 2.1 Committee members shall elect the Committee Chair and Vice-Chair at the first meeting of the term or as required.
- 2.2 The Trust Council Chair may appoint an interim Committee Chair when required.
- 2.3 The Committee Chair will normally chair the committee meeting. However, the Chair may designate the Vice-Chair to act as Committee Chair. In the absence of the Chair and Vice-Chair, the committee shall choose a committee member to act as Chair of a meeting.

3. Available Resources

- 3.1 Each committee, with the assistance of its management support, is responsible to conduct its activities within its assigned budget accounts.
- 3.2 A standing or select committee resolution is required to expend monies from the committee's assigned committee projects or budget account, if any.

4. Staff Support

- 4.1 Staff's primary function to a committee is to act in a support/advisory role and as such, a committee may make requests of staff.
- 4.2 It is the Chief Administrative Officer's (CAO) role to manage and direct staff support to the committees and concerns in this regard should be communicated by the Committee Chair to the CAO. Unresolved matters by the aforementioned means shall be dealt with by the Executive Committee.

5. Meetings

- 5.1 The number of standing committee meetings per year is four and any further meetings must be planned within the approved committee's meeting expense account.
- 5.2 Select committees will decide on a schedule of regular meeting dates at the first meeting convened after the establishment of the committee.
- 5.3 Changes to the Master Meeting Schedule of regularly scheduled committee meetings must be coordinated with the Executive Coordinator.
- 5.4 Committee meetings during the Trust Council quarterly meetings are to be avoided.
- 5.5 The practice of recessing committee meetings to continue at a future date and time should be used sparingly due to the impact of unplanned meetings on staff resources.

6. Agenda/Minutes Preparation

- 6.1 Committee meeting agendas will be prepared by the designated staff in consultation with the Committee Chair.
- 6.2 The agenda will be distributed to committee members and the CAO at least seven days before the meeting.
- 6.3 The agenda shall be determined as follows:
 - 6.3.1 Additional items may be placed on the agenda by agreement of a majority of the committee members present at the meeting.
 - 6.3.2 The agenda shall be approved as the first item of business.
 - 6.3.3 The agenda for standing and select committees should include:

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

- 6.4 Minutes must be done in accordance with Trust Council Policy 6.13 Islands Trust Minutes Guidelines.
- 6.5 Each committee is required to maintain a FUAL using the Trust's standardized format.
- 6.6 The FUAL is updated within seven days of the Committee meeting and subsequently placed on the agenda of the next scheduled meeting. The FUAL is to be distributed to designated staff within seven days of the committee meeting.
- 6.7 Draft minutes of a committee meeting are considered for approval at the next meeting.

7. Council/Committee Relationship

- 7.1 Each standing committee shall maintain a work program - which must include:
 - 7.1.1 Items referred to the committee from Trust Council (including referral date).
 - 7.1.2 Projects, new initiatives, ideas, and issues identified by the committee.
 - 7.1.3 The top three (3) priorities/strategies that it is working on, as approved by Trust Council, and must include any of Trust Council's priorities that it has assigned.
- 7.2 Each standing committee shall review and prioritize items within its work program, each Trust Council item referred to it, and shall report to Trust Council at the next quarterly Trust Council meeting on such items.
- 7.3 Standing committees are required to submit a Highlights Report to the Executive Coordinator in time for the Trust Council agenda package preparation deadline. The Highlights Report is to be presented by the Council Committee Chair (or designate).
- 7.4 All standing committee proposals and/or recommendations to be placed on the Trust Council agenda shall be referred to the Executive Committee to be placed on the Trust Council agenda. A select committee shall refer any reporting and findings, including resource needs, to the Executive Committee to be placed on the Trust Council agenda. These must be submitted for the Executive Committee's last meeting prior to when the Trust Council agenda package is distributed to trustees.
- 7.5 The Committee Chair (or designate) may request an opportunity to directly present committee matters to the Executive Committee.
- 7.6 It is the role of the Executive Committee members of Council Committees to ensure inter-committee liaison on relevant information, referrals, status on Council priorities/strategies, and to keep the Executive Committee apprised of the Council Committee's directions and activities and vice versa.

8. Rules of Conduct/Voting

- 8.1 Trust Council Meeting Procedure Bylaw 101 governs the proceedings of committees as applicable. In cases not provided for under Bylaw 101, Robert's Rules of Order Newly Revised shall apply to the proceedings of committees.
- 8.2 The quorum of a council committee is 50% of all of its members.
- 8.3 The Executive Committee member designate on the Regional Planning Committee and Trust Programs Committee shall have the full voting privileges of a committee member.
- 8.4 Ex-officio members of Council Committees and select committees shall be non-voting members and shall not be included in determining quorum of a meeting.

9. Liaison

- 9.1 Liaison with provincial, federal, and local government politicians shall be requested by a Committee Chair to the Trust Council Chair or the CAO so that the Trust's political liaison can be coordinated. The Council Committee is expected to provide an outline regarding the purpose of the meeting, a proposed discussion strategy and recommended Islands Trust representation.
- 9.2 Liaison with provincial, federal, and local government staff shall be requested by the staff liaison member (in consultation with CAO when liaison is required with senior staff). It is expected that trustees, for the purpose of committee business, would meet other government staff with an Islands Trust staff member.
- 9.3 Liaison with the media shall be coordinated through the CAO and the Trust Council Chair who in turn may refer specific inquiries to the Council Committee Chair.

10. General Role of Standing Committees

- 10.1 To provide policy advice to Trust Council in response to Trust Council's referrals, committee initiatives and external requests of the Trust.
- 10.2 To provide feedback to staff on matters going to Trust Council.
- 10.3 To implement and maintain a committee-specific work program.
- 10.4 To make recommendations to Trust Council on inter-agency liaison or protocol initiatives.
- 10.5 To create sub-committees (or task forces) which may be comprised of trustees, staff or external persons as required for a specific duration to examine a particular committee matter upon approval by Trust Council.
- 10.6 To provide input and feedback to the annual budget process.
- 10.7 To provide input to Trust Council's organizational strategic planning process.

C. Legislated References

Trust Council Meeting Procedure Bylaw 101

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

Attachment 1: Standing Committee-Specific Functions

Attachment 2: Regional Planning Committee Terms of Reference

Attachment 3: Financial Planning Committee Terms of Reference

Attachment 4: Trust Programs Committee Terms of Reference

Attachment 5: Governance Committee Terms of Reference

Attachment 6: Accessibility Committee Terms of Reference

Attachment 1: SUMMARY OF STANDING COMMITTEE-SPECIFIC FUNCTIONS

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

Attachment 2: Regional Planning Committee Terms of Reference

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

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

Attachment 3: Financial Planning Committee Terms of Reference

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

1. Annual Budget Process

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

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

2. Budget and Financial Planning

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

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

3. Financial Management

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

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

4. Annual Audit

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

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

5. Islands Trust Conservancy Support

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

6. Management Advice

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

Attachment 4: Trust Programs Committee Terms of Reference

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

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

The responsibilities stated apply to the following areas:

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

Attachment 5: Governance Committee Terms of Reference

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

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

1. initially reviewing the Islands Trust Governance Report dated March 8, 2022 and submitting a prioritized list of the recommendations in that Report to Trust Council with advice as to possible actions
2. identifying, evaluating and providing, on an on-going basis, advice to Trust Council on emerging governance and management issues with respect to areas of concern, best practices, and appropriate structures and procedures to allow Trust Council to function most effectively
3. maintaining a committee work program to manage committee initiatives and providing Trust Council with quarterly updates
4. providing recommendations to Trust Council for legislation reform initiatives to improve Trust Council governance and management

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

The responsibilities stated apply to the following area:
Trust Council Governance and Management

Attachment 6: Accessibility Committee Terms of Reference

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

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

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



Policy:	2.4.1
Approved By:	Trust Council
Approval Date:	March 12, 1994
Amendment Date(s):	June 18, 2014
Policy Holder:	Chief Administrative Officer

EXECUTIVE COMMITTEE TERMS OF REFERENCE

Purpose

To outline, further to the Standard Committee Terms of Reference, the specific roles and responsibilities of the Executive Committee in support of the Islands Trust's Object, goals, objectives and policies.

A. Definitions

n/a

B. Policy

Areas of Responsibilities

1. Bylaw Approval

- 1.1 To consider approval of all bylaws based on compliance requirements with the Trust's Object and Policy Statement.
- 1.2 To review and provide recommendations to Trust Council on all Trust Council bylaws.

2. Trust Council

- 2.1 To work with the Chair in the preparation and facilitation of effective Trust Council meetings and to review and make recommendations on all Trust Council agenda items.
- 2.2 To serve as a liaison between all Council committees and to coordinate inter-committee communication, follow up on Trust Council referrals and committee submissions to Trust Council via the Executive Committee.
- 2.3 To assist trustees, Council committees, local trust committees and the Chief Administrative Officer (CAO) in resolving internal conflicts.
- 2.4 To ensure the Islands Trust's legislative adherence to Trust bylaws, policies, procedures and guidelines, and relevant provincial and federal legislation.

3. Legislation

- 3.1 To monitor legislation of the federal and provincial government through facilitating Trust input to relevant legislation proposals and the assessment of relevant new legislation.

- 3.2 To coordinate Council's legislative amendment program by maintaining a legislative change program of current and possible proposals recommending legislative changes to Trust Council.
- 3.3 To facilitate the development of protocol agreements with other agencies to maximize inter-agency cooperation to pursue the Trust's Object.

4. Policy Development

- 4.1 To coordinate the Islands Trust policy development program and to review all policy matters presented to Council.
- 4.2 To review and provide comment on management's operational procedures development.

5. Organizational Strategic Planning

- 5.1 To monitor the development and implementation of the Trust's work program function.
- 5.2 To coordinate the development, preparation and implementation of an organizational strategic plan.
- 5.3 To facilitate an ongoing trustee training and orientation program.

6. Communications

- 6.1 To coordinate an effective agency liaison with external government, private and non-profit sector agencies.
- 6.2 To coordinate an effective public relations program through the development of targeted public communication efforts.
- 6.3 To maximize effective internal communications by facilitating opportunities for trustees, local trust committees, Council Committees, Trust Council and staff consultation and information exchange and provision of services and resources.

7. Islands Trust Conservancy Liaison

- 7.1 To facilitate financing and service arrangements by the Islands Trust to the Islands Trust Conservancy program.
- 7.2 To facilitate effective liaison between the Islands Trust Conservancy Board and other Islands Trust entities.

8. Management Liaison

- 8.1 To facilitate feedback on the organization's and/or staff's performance via the CAO and monitor appropriate follow-up action by management.

- 8.2 To review and provide input to management's operational procedures, proposals, plans and issues.

9. Chief Administrative Officer Liaison

- 9.1 To coordinate, when needed, the formation and operation of a *Chief Administrative Officer Hiring Committee (CAOHC)*, consisting of the Executive Committee and the chairs of Trust Council's three Council committees, that will be responsible for recruiting, appointing, orienting and evaluating a CAO during the initial six-month probationary period; to ensure that, prior to appointing a new CAO, the CAOHC has consulted with the Islands Trust Council and has complied with the terms of reference for such consultation indicated in Attachment 1 to this policy.
- 9.2 To coordinate appraisal and discipline actions associated with the CAO, after the initial six-month probationary period, in consultation with Trust Council as required.
- 9.3 To coordinate, if the Executive Committee considers it necessary, the formation and operation of a *Chief Administrative Officer Employment Evaluation Committee*, consisting of the Executive Committee and the chairs of Trust Council's three Council committees, that will be responsible for seeking advice from the Public Service Agency and making decisions about any Executive Committee initiatives or recommendations to consider termination of a CAO's employment without just cause¹ after the initial six-month probationary period.

C. Legislated References

1. Policy and Procedures Manual:
- 1.1 Council Committee System (2.3.1)
- 1.2 Islands Trust Council Meeting Procedures Bylaw No. 101 (2.2.4)

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

Terms of Reference for Trust Council Consultation during a CAO Hiring Process (Attachment 1)

¹ Under the *Employment Standards Act*, 'termination without just cause' means an employee is terminated for reasons unrelated to a 'just cause' such as theft, fraud, dishonesty, wilful misconduct, chronic absenteeism, etc. Termination 'without just cause' requires an appropriate notice period, compensation in lieu of notice, or a combination of the two, based on length of service.

Attachment 1

Terms of Reference

Chief Administrative Officer Hiring Committee

Consultation with Trust Council during a Chief Administrative Officer Hiring Process

1. Purpose

- 1.1 These Terms of Reference are intended to guide a *Chief Administrative Officer Hiring Committee (CAOHC)*, if and when one has been formed pursuant to section 9.1 of Policy 2.4.1. Specifically, the purpose of these Terms of Reference is to ensure that such a committee consults with Trust Council early in the Chief Administrative Officer (CAO) hiring process and before the end of a new CAO's initial six-month probationary period.

2. References

- 2.1 The following references are relevant to these Terms of Reference:
1. Policy 2.4.1 – Executive Committee Terms of Reference
 2. Islands Trust CAO Position Description (current version at the time a CAOHC is formed)
 3. Public Service Agency Policies and Procedures regarding hiring processes and probationary periods for Exempt Staff (current versions at the time a CAOHC is formed)
 4. *Public Service Act*

3. Background

- 3.1 The hiring process for a CAO must follow the requirements of the *Public Service Act*, including the policies and procedures of the BC Public Service Agency and requirements of the BC Merit Commissioner.
- 3.2 All appointments to the BC Public Service must be based on merit. All hiring processes are subject to audit by the BC Merit Commissioner to confirm that appointments have been made on the basis of merit.
- 3.3 Selection Criteria that may be used to select a CAO must be based on the current version of the Islands Trust Chief Administrative Officer Position Description, which outlines the required education, experience, knowledge, skills, abilities and competencies required of the position.
- 3.4 The first six months of employment for a new CAO is a probationary period. Management of the probationary period for a new CAO must follow the policies and procedures of the BC Public Service Agency.

4. Process

- 4.1 Once the Executive Committee has determined that it is necessary to begin the process for hiring a CAO, it will, as soon as practicable, form a Chief Administrative Officer Hiring Committee (CAOHC) to have oversight over:
- the entire CAO hiring process, including recruiting and selecting a new CAO
 - orienting and evaluating a newly-appointed CAO during the initial six-month probationary period.
- 4.2 Meetings of the CAOHC will be chaired by the Chair of the Islands Trust Council and will follow meeting procedures for committees as such procedures have been established in the Islands Trust Council's current Meeting Procedures Bylaw.
- 4.3 The CAOHC will seek advice from the Public Service Agency with regard to the CAO hiring process, to ensure the process is based upon a fair and appropriate methodology that meets the requirements of the BC Merit Commissioner.
- 4.4 The CAOHC will design a process for early consultation with Trust Council about CAO selection. Consultation at a meeting of Trust Council is preferable, but the CAOHC could use consultation through electronic or telephone survey where it believes this is in the best interests of the Islands Trust. Consultation with Trust Council will focus on the relative importance of those selection criteria that have been identified in the Islands Trust CAO Position Description and, therefore, may be considered in the selection process (education, experience, knowledge, skills, abilities and competencies).
- 4.5 In consultation with executive recruitment professionals at the BC Public Service Agency, and to the degree that is practicable, the CAOHC will consider any input it has received from Trust Council (re Section 4.4), when it is designing and developing:
- a CAO job advertisement;
 - the methodology for reviewing and rating CAO candidate resumes;
 - CAO candidate screening tools such as interview questions, written tests, work simulation exercises and evaluation of work samples.
- 4.6 In consultation with professionals at the BC Public Service Agency, and to the degree practicable, the CAOHC will consult with Trust Council before the end of a new CAO's initial 6-month probationary period and will consider the input it has received from Trust Council before making any decisions about the outcome of the probationary period.



Policy:	2.4.2
Approved By:	Trust Council/Islands Trust Conservancy Board
Approval Date:	September 22, 1992
Amendment Date(s):	March 30, 1994
Policy Holder:	Legislative Services Manager

EXECUTIVE COMMITTEE AND ISLANDS TRUST CONSERVANCY BOARD

RESOLUTIONS WITHOUT MEETING

Purpose

To make provision for the Executive Committee and the Islands Trust Conservancy Board to obtain and count votes of members on urgent issues and for passing resolutions and adopting bylaws on those issues without the necessity of holding a regular or special meeting.

Background

The Order in Council to give the Executive Committee and the Islands Trust Conservancy Board authorization for voting by Resolution Without Meeting (RWM) was approved on May 29, 1992. Subsequently, the Islands Trust Special Voting Regulation and Ministerial Order were approved by the Minister of Municipal Affairs, Recreation and Housing, on May 29, 1992 and are currently in effect.

A. Definitions

n/a

B. Policy

1. Legislative Requirements

- 1.1 A special vote may be taken by the Executive Committee and the Islands Trust Conservancy Board only when the Chair and one other member considers that the issue to be voted on is urgent, and where calling a regular or special meeting to conduct a vote is impractical. "Urgent" is defined as when the issue in question requires immediate action as a result of unforeseen circumstances.
- 1.2 The special vote may be conducted by the corporate secretary of the Islands Trust, meaning the member delegated as corporate secretary by the Executive Committee or the Islands Trust Conservancy Board. If the corporate secretary is absent, ill or otherwise disabled, the Chair may appoint another staff person to conduct the vote.
- 1.3 The vote may be conducted by telephone, by delivery, by facsimile transmission, or by other means of electronic transmission. All reasonable attempts shall be made to ensure that each member entitled to vote has the opportunity to do so.

- 1.4 Once the vote has been conducted, the Chair shall be informed of the results, and the Chair shall declare the vote to have passed or failed in accordance with those results. The vote shall be recorded as a RWM of the Executive Committee or the Islands Trust Conservancy Board.

2. Issues Where Voting is Restricted

2.1 Executive Committee

There are no specific restrictions on issues which can be voted upon, unless the Executive Committee is acting as a local trust committee. If this is the case, the Executive Committee must abide by Sections 26(3) and (4) of the *Islands Trust Act*. Specifically, if the Executive Committee is acting as a local trust committee, members entitled to vote cannot vote by RWM for second or third readings of bylaws.

2.2 Islands Trust Conservancy Board

There are no specific limitations on issues that can be voted upon.

C. Procedure

1. Requirements to Allow a Resolution Without Meeting Vote

- 1.1 The Chair and one other member must establish if the issue is urgent (requiring immediate action as a result of unforeseen circumstances).
- 1.2 The Chair and one other member must consider that calling a regular or special meeting to conduct the vote on the urgent issue is impractical.

2. Background Material

Members must receive relevant background information on the issue before a RWM vote is conducted.

3. Resolution-Without-Meeting Form (Attachment 1)

- 3.1 Part 1 of the RWM form must state the reasons why the issue is being considered by RWM and which members considered that the matter must be dealt with by RWM.
- 3.2 Part 2 of the RWM form shall state the Mover and the Seconder, along with the resolution to be considered.
- 3.3 Part 3 of the RWM form shall show the members' names, their approval or disapproval of the resolution, and the dates and times of each member's vote.
- 3.4 Part 4 of the RWM form shall show the Chair's signature, and the date the RWM was declared passed or failed.
- 3.5 Part 5 of the RWM form shall show the signature of the corporate secretary or staff delegate who conducted the vote.

4. How the Resolution-Without-Meeting Vote is to be Conducted

- 4.1 The corporate secretary or staff person delegated to conduct the vote must make all reasonable attempts to ensure that each member is contacted.
- 4.2 Each member is to be contacted by either
 - 4.2.1 telephone or other means of telecommunication; or
 - 4.2.2 delivery, including by delivery in writing, by facsimile transmission or other means of electronic transmission, or other means by delivery in electronic form.
- 4.3 Each member shall vote by informing the corporate secretary or staff delegate of their approval or disapproval of the resolution.
- 4.4 The corporate secretary or staff delegate shall record each member's vote, including the dates and times when the members' votes were attained.
- 4.5 After the corporate secretary or staff delegate has made all reasonable attempts to contact each member, the Chair shall be informed of the results, and shall declare the vote to have passed or failed in accordance with those results.
- 4.6 The completed RWM shall be logged and numbered, and placed, along with all background information, in the Executive Committee or Islands Trust Conservancy Board Minutes Binder.
- 4.7 Each member shall receive a copy of the completed RWM form.

C. Legislated References

Local Government Act: Sections 793(8) and (9)

B.C. Regulation 189/92

Schedule Islands Trust Special Voting Regulation

Legislative Requirements for Executive Committee and Islands Trust Conservancy Board Resolutions-Without-Meeting

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

Attachment 1: Resolution Without Meeting

Attachment 1: Resolution-Without-Meeting

(ISLANDS TRUST EXECUTIVE COMMITTEE)

or

(ISLANDS TRUST CONSERVANCY BOARD)

RESOLUTION-WITHOUT-MEETING

RESOLUTION-WITHOUT-MEETING NO. RWM - - (Year) (Staff to complete)

Chair _____ and Vice-Chair _____ of the (Executive Committee) or (Islands Trust Conservancy Board) considers the following matter urgent because (state reason why matter is considered urgent), and that calling a regular or special meeting to conduct a vote on the matter would be impractical.

It was Moved by Trustee _____ and Seconded that;

(Motion)

Please vote on the above motion by completing the ballots below:

☐

IN FAVOUR

☐

IN FAVOUR

☐

IN FAVOUR

☐

OPPOSED

☐

OPPOSED

☐

OPPOSED

Signature/Phone Approval

Signature/Phone Approval

Signature/Phone Approval

Date

Date

Date

☐

IN FAVOUR

☐

OPPOSED

Signature/Phone Approval

Date

THE CHAIR DECLARED THE ABOVE-NOTED RESOLUTION _____ IN ACCORDANCE WITH THE ISLANDS TRUST SPECIAL VOTING REGULATION THIS _____ DAY OF _____, (Year).

CHAIR'S SIGNATURE

RECEIVED BY ISLANDS TRUST CORPORATE SECRETARY THIS ____ DAY OF _____, 19____.

CORPORATE SECRETARY'S SIGNATURE

(Signature of Recorder)



Policy:	2.4.3
Approved By:	Trust Council
Approval Date:	March 12, 1994
Amendment Date(s):	March 14, 2018
Policy Holder:	Legislative Services Manager

EXECUTIVE COMMITTEE ELECTION

Background

Section 20(4) of the *Islands Trust Act* states that Council shall, as soon as practicable after the election of the local trustees, elect from among its members a chair and 3 vice-chairs. Executive Committee election administration is regulated under Sections 6, 7 and 8 of the Islands Trust Regulation 119/90.

A. Definitions n/a

B. Policy

1. Pre-Election

1.1 The corporate secretary will ensure that the schedule for the first Trust Council meeting includes:

1.1.1 A date and time where trustees can indicate their interest to run for position of chair and/or vice-chair.

1.1.2 A date and time where an Executive Committee Candidates Panel will be held.

1.2 The corporate secretary will ensure that trustees are notified of the above and the Executive Committee Election Procedures in the Notice provided for the first Trust Council meeting.

2. Election of Executive Committee

2.1 The Executive Committee election will be held as the first item of business at the Council business meeting in November after the quadrennial trustee elections.

2.2 The Chair of the Executive Committee shall be elected first, followed by a separate election of 3 vice-chairs.

2.3 No trustee shall, at one time, hold more than one office of chair or vice-chair.

2.4 The corporate secretary, or a staff person designated by the corporate secretary, shall act as the presiding officer.

2.5 For each election the presiding officer shall call for nominations and accept and record each nomination that is:

2.5.1 Made by a trustee, other than the nominee.

- 2.5.2 Seconded by a trustee, other than by the nominee.
- 2.5.3 Accompanied by an indication of the nominee's willingness to stand as a candidate.
- 2.6 The presiding officer shall call three times for nominations, after which time nominations will be closed.
- 2.7 If only one nomination is accepted and recorded for a position, the nominated candidate is elected to that position by acclamation.
- 2.8 After the recording of nominations and where an election is required, the trustees shall, by a majority vote of those present, elect a trustee who is not a candidate to assist the presiding officer in counting the votes.
- 2.9 The presiding officer will call a recess to prepare ballots showing all candidates' names in alphabetical order. Once the ballots are prepared, the presiding officer will reconvene the election, and distribute the ballots to trustees.
- 2.10 Voting is by secret ballot and proxy voting is not permitted.
- 2.11 The presiding officer will collect the completed ballots, and, with the assistance of the trustee chosen by the vote under item 2.8, will count the ballots.
- 2.12 If there is no election by acclamation for the 3 positions of vice-chair, the candidates receiving the highest, second highest and third highest number of votes shall be elected.
- 2.13 The presiding officer shall announce the election of the successful candidate or candidates.
- 2.14 When the election is completed, the ballots shall be destroyed by the presiding officer.

3. Tied Results

- 3.1 If 2 or more of the candidates standing for election to the position of chair of the Executive Committee are tied with a majority of votes, the vote shall be taken again by secret ballot with only the names of the tied candidates on the ballot.
- 3.2 If the ballot under item 3.1 results in a further tie, the trustee elected under 2.8 to assist in counting the votes shall elect a candidate by lot.
- 3.3 If 4 or more of the candidates standing for election to the position of vice-chair are tied with a majority of votes, the procedures under 3.1 and 3.2 apply.
- 3.4 If 3 or more of the candidates standing for election to the position of vice-chair are tied with the second highest number of votes, and one position of vice-chair has been filled, the procedures under items 3.1 and 3.2 apply.

4. Vacancies

If an office of the Executive Committee becomes vacant, the election under Section 20(7) of the *Islands Trust Act* of a trustee to serve the balance of the term shall be held within 90 days of the vacancy.

C. Legislated References

Islands Trust Act: Section 20(4)

Islands Trust Regulation 119/90: Sections 6, 7 & 8

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



Policy:	2.4.4
Approved By:	Trust Council
Approval Date:	June 11, 1994
Amendment Date(s):	June 13, 2008
Policy Holder:	Chief Administrative Officer

EXECUTIVE COMMITTEE LEGISLATIVE ROLE

Purpose

To summarize the Executive Committee's legislative role in relationship to local trust committees and island municipalities.

A. Background

Relevant Legislation

The Executive Committee's general role within the organization of the Islands Trust as provided in the *Islands Trust Act* includes:

"4. (3) *The executive committee is intended to carry out the daily business of the trust, to review the activities of the local trust committees and to act as a local trust committee for the part of the trust area that is not within a local trust area or municipality.*"

"21. (1) *For the purpose of carrying out the object of the trust, the Executive Committee must:*

- (a) consider bylaws submitted to it for approval under sections 27(1) and 38(1),*
- (b) act as a local trust committee under section 23(5) for that part of the trust area that is not in a local trust area or a municipality, and*
- (c) carry out other duties that the trust council directs."*

"22. (1) *If a bylaw is submitted under section 27(1) or 38(1) for approval by the executive committee, the executive committee must*

- (a) consider the bylaw,*
- (b) either*
 - (i) approve the bylaw,*
 - (ii) return the bylaw to the local trust committee or municipal council, as the case may be, giving reasons for the return and directions as to changes to the bylaw that would be required for approval, or*
 - (iii) refuse the bylaw, giving reasons for the refusal,*

- (c) *notify the local trust committee or municipal council, as the case may be, of its decision within one month from the date on which the secretary received the bylaw submitted under section 27(1) or 38(1), and*
 - (d) *as soon as practicable after giving notice of its decision, deliver its decision in writing to the local trust committee or municipal council, including reasons and directions referred to in paragraph (b)(ii) and (iii).*
 - (2) *If the Executive Committee does not give notice of its decision respecting approval of a bylaw within the time limit established by subsection (1)(c), it is deemed to have approved the bylaw."*
- "27. (1) *A local trust committee must, before adoption, submit its bylaws to the secretary for approval by the Executive Committee.*
- (2) *A bylaw of a local trust committee has no effect*
- (a) *in all cases, until it is approved by the Executive Committee or, if a request is made under subsection (3), by the Trust Council, and*
 - (b) *in the case of a bylaw adopting or amending a community plan, until it is approved by the minister.*
- (3) *If the Executive Committee returns or refuses to approve a bylaw submitted to it under subsection (1), the local trust committee may, by request delivered to the secretary, refer the bylaw to the Trust Council for approval."*
- "38. (1) *The council of a municipality, all or part of which is in the trust area, must, before adoption, submit to the secretary for approval by the Executive Committee*
- (a) *all bylaws adopting official community plans that apply to land in the trust area, and*
 - (b) *all bylaws under Part 14 of the Local Government Act that apply to land in the trust area to which no official community plan applies.*
- (2) *A bylaw referred to in subsection (1) has no effect until it is approved*
- (a) *by the Executive Committee,*
 - (b) *on request under subsection (3), by the Trust Council, or*
 - (c) *on request under subsection (4), by the minister.*
- (3) *If the Executive Committee does not approve a bylaw submitted to it under subsection (1), the municipality may, by request delivered to the secretary, refer the bylaw to the Trust Council for approval.*

- (4) *If the Trust Council returns or refuses to approve a bylaw referred to it under subsection (3), the municipality may submit the bylaw to the minister for approval and, if this is done, section 16(1)(a) and (b) applies to approval by the minister.”*

The Letters Patent incorporating the Bowen Island Municipality contain the following provisions:

“14.4 Where, after third reading of a proposed official community plan bylaw and after the Islands Trust Executive Committee has refused to approve the bylaw submitted under section 38(1) of the Islands Trust Act, the municipality requests that the bylaw be referred to the Islands Trust Council for approval as provided in section 38(3) of the Islands Trust Act:

- (a) the Council must notify the Minister of Municipal Affairs of the request; and*
- (b) the minister may provide advice or direction to assist with the review of the bylaw by the Islands Trust Council, and to determine if the bylaw may be approved by the Islands Trust Council.*

“14.6 In relation to the consideration of an official community plan bylaw by the Islands Trust, the Islands Trust may only refuse to approve a bylaw on the basis that it believes that the provisions of the proposed bylaw are contrary to or at variance with the trust policy statement, and the municipality may only submit a proposed bylaw to the minister where it believes that the Islands Trust has not reviewed the proposed bylaw correctly with reference to the trust policy statement.”

B. Definitions

n/a

C. Policy

Interpretation of Relevant Legislation

1. Local Trust Committee Activities

- 1.1 Neither the Executive Committee, nor Trust Council, has legislative authority to supervise or direct the activities of local trust committees, except for direction regarding procedural matters as authorized by Section 11 of the *Islands Trust Act*. The Executive Committee discharges its review role under Section 4(3) of the *Islands Trust Act* by observing local trust committee activities, providing recommendations for local trust committee consideration, and providing assistance to local trust committees upon request.

The Executive Committee members perform the above role by:

- 1.1.1 Serving as Chairs of local trust committees to chair meetings and to offer advice;
- 1.2.2 Recommending legislative initiatives through Trust Council that would apply to local trust committees;

- 1.2.3 Providing guidelines through Trust Council for consideration by local trust committees.

2. Local Trust Committee and Island Municipality Bylaws

- 2.1 Section 15(4) of the *Islands Trust Act* provides that a bylaw submitted to the Executive Committee must not be approved if it is contrary to or at variance with the trust policy statement.
- 2.2 Section 27(2) of the *Islands Trust Act* provides that a bylaw of a local trust committee has no effect, in all cases, until it is approved by the Executive Committee or the Trust Council itself. Section 38(2) makes equivalent provisions in relation to island municipality bylaws adopting official community plans.
- 2.3 Section 27(3) provides that where the Executive Committee returns or refuses to approve a bylaw submitted by a local trust committee, the local trust committee may refer the bylaw to the Trust Council for approval. Section 38(3) makes equivalent provision for island municipality bylaws adopting official community plans.
- 2.4 The Executive Committee may refuse a Local Trust Committee bylaw (or return the bylaw giving directions as to changes that would be required for approval) under section 22(1)(b) of the *Islands Trust Act*. The *Islands Trust Act* does not address grounds for refusal or return of the bylaw with directions, apart from requiring the Executive Committee to refuse a bylaw that is contrary to or at variance with the trust policy statement. The Trust Council considers, without limiting the jurisdiction of the Executive Committee, that the Executive Committee may also take into consideration whether the adoption of the bylaw would be contrary to the object of the trust; would expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw, or would, on the basis of advice from legal counsel, be enacted without legal authority including inconsistency with the relevant Official Community Plan.
- 2.5 The Executive Committee may refuse an island municipality bylaw (or return the bylaw giving directions as to changes that would be required for approval) under section 22(1)(b) of the *Islands Trust Act*. The Executive Committee may, according to the Letters Patent of Bowen Island Municipality, refuse or return an island municipality bylaw only on the basis that the bylaw is contrary to or at variance with a provision of the Trust Policy Statement.
- 2.6 The Executive Committee must give reasons for a refusal or return of a bylaw. The Trust Council is governed by the same precepts in the event it is to consider a bylaw approval under section 27(3).
- 2.7 Under section 8(2)(j) of the *Islands Trust Act*, the Trust Council may assign duties to the Executive Committee. Under section 21(1)(c), the Executive Committee must carry out other duties that the Trust Council directs.

D. Legislated References

Islands Trust Act

Islands Trust Policy Statement

Policy and Procedures Manual:

Policy Statement Implementation (1.3.1)

Bylaw Checklist (5.7.1)

Letters Patent of Bowen Island municipality

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

n/a



Policy:	2.4.6
Approved By:	Executive Committee
Approval Date:	May 28, 2013
Amendment Date(s):	January 14, 2014
Policy Holder:	Chief Administrative Officer

EXECUTIVE COMMITTEE MEETING PREPARATION

Purpose

To provide direction and details for the preparation, conduct and follow-up requirements for Executive Committee meetings including agenda submissions, correspondence, and order of business.

A. Definitions

n/a

B. Policy

1. Executive Committee Meeting Agendas

1.1 Submission Format

Where possible, written items being submitted to the Executive Committee (EC) for decision should be processed through the use of the EC's Request for Decision form with appropriate accompanying reports and/or documents.

1.2 Agenda Item Submissions

The following provides targets and deadlines for staff's submission of items to an EC meeting agenda:

1.2.1 Written Items for Agenda Package

The deadline for staff to submit Requests for Decisions and Briefings for an EC agenda is 1 p.m., four full calendar days before the day of the EC meeting when the matter will be considered. For example, where an EC meeting is scheduled to begin on a Tuesday morning, the deadline for submission of approved documents to the Executive Coordinator is 1 p.m. on the previous Thursday. *(Note: See table at end of this policy for illustration)*

1.2.2 Late Items

EC members and staff may suggest the addition of late items as new business after the agenda deadline by notifying the Chair and receiving approval from a majority of the members of the EC before or at the meeting. Where possible, any written materials that accompany suggested additions should be

circulated in advance of the meeting, providing as much time as possible for review.

Late items should only be submitted for consideration if they are urgent, having arisen since the agenda deadline and where resolution is desirable before the next meeting of the EC.

1.2.3 Chief Administrative Officer Review

All items being submitted to the EC by staff must be submitted to the Chief Administrative Officer (CAO) in advance of the above-noted deadlines with sufficient time for review and comment.

At the CAO's discretion, items submitted to the EC by staff that cannot be properly reviewed by the agenda deadline may be withheld until the next meeting of the EC.

1.2.4 Chief Administrative Officer Role

The CAO is responsible to receive all Requests for Decision and Briefings for review relative to:

1. Policy, organizational, financial and implementation implications.
2. Identification and evaluation of alternatives.
3. Relevance to current organizational priorities such as the Islands Trust Policy Statement and the Islands Trust Council's strategic plan.
4. General completeness as quality information from which the EC can make a decision.

1.2.5 Notice of Petitions and Delegations

A person who wants to present a petition to, or a delegation who wants to appear before the EC at a regular meeting shall, by at least 1 p.m. seven full calendar days prior to the meeting, deliver the request to the Executive Coordinator. The request must include the name of each petitioner with his or her residential address and the subject of the petition or delegation. The subject of the petition or delegation must be related to a matter that is within the jurisdiction of the EC.

At the discretion of the Chair, following consultation with other members of the EC, the petitioner or delegation may be given a space on the agenda. Priority will be given to petitions or delegations related to matters on the agenda of the EC meeting.

No petition may be presented to, nor delegation appear before the EC if this section has not been complied with unless otherwise agreed to by resolution

of the EC before or at the meeting where the petition is to be presented or the delegation wishes to appear.

The maximum time for presentation of a petition or appearance of a delegation before the EC is ten minutes, unless otherwise approved by resolution of the EC before or at the meeting.

1.2.6 Correspondence

EC correspondence will be handled in accordance with Trust Council policy 7.4.2 (Chair and Executive Committee Correspondence). *(Note: All EC correspondence will be forwarded to EC members by email upon receipt and will be acknowledged by the Executive Coordinator as soon as possible).*

The Executive Coordinator will maintain an electronic log of the business correspondence of the EC. A partial correspondence log showing the date, name, subject and date of acknowledgement for all business correspondence will be included in each EC agenda, and will include all EC correspondence received by the Executive Coordinator:

- since the cut-off date and time for the correspondence log included on the previous EC agenda, and
- by 4:30 p.m., five full calendar days before the EC meeting.

If correspondence is received that can be properly considered in a closed meeting of the EC, a separate log of such correspondence will be included in the closed meeting agenda.

If a member of the EC or the CAO wishes an individual item of correspondence to be considered at a meeting of the EC, they must, by at least 1 p.m., seven calendar days prior to the meeting, notify the Executive Coordinator, who will include the correspondence in the draft of the proposed EC meeting agenda.

If a member of the EC or the CAO wishes an individual item of correspondence to be considered at a meeting of the EC and the correspondence has been received after the Agenda Deadline, they may suggest its addition as a late item in accordance with section 1.2.2.

1.3 Order of Business

The agenda for all regular EC meetings will normally include the following matters in the order in which they are listed below:

- (a) Introduction of late items;
- (b) Approval of agenda;
- (c) Adoption of minutes;

- (d) Follow-up Action List and Director Updates;
- (e) Trust Council meeting preparation (at last meetings before Trust Council);
- (f) Bylaws for approval consideration;
- (g) Executive Committee projects;
 - i. Trust Council initiated;
 - ii. Executive Committee initiated;
- (h) Closed meeting (if necessary);
- (i) New business;
- (j) Rise and report decisions from closed meeting (if applicable);
- (k) Correspondence (for information unless raised for action);
- (l) Review and amendment of work program;
- (m) Adjournment.

1.4 Agenda Notification and Distribution

1.4.1. Preliminary Meeting Agenda Review

While written materials may be submitted to the agenda package four calendar days before an EC meeting date, the deadline for staff to submit agenda *topics* is 1 p.m., seven full calendar days before each EC meeting date.

The Executive Coordinator will prepare a draft of the proposed EC meeting agenda, identifying decision and information items and including any requests for delegations or petitions, and circulate it to EC members by at least 4:30 p.m., seven calendar days before each EC meeting date. Decision items unlikely to include a Request for Decision will be flagged.

The Chair will consult with other members of the EC and provide direction to the Executive Coordinator regarding the proposed meeting agenda and approval of any requests for delegations or petitions at least six full calendar days before each EC meeting date.

1.4.2 Agenda Package Distribution

The proposed agenda and accompanying written materials (the agenda package) will be distributed to EC members and senior staff at least four full calendar days before the EC meeting date.

2. Meeting Follow-Up

2.1 Follow-up Action List

EC resolutions requiring further action will be recorded on a Follow-Up Action List (FUAL). The FUAL should identify the meeting for this follow-up as a basis for preparation of upcoming meeting agendas.

The EC FUAL should be used and maintained in a manner consistent with Trust Council Policy 6.7.1 (Work Program, Follow-Up Action Lists and Priority Charts).

The Executive Coordinator will circulate the EC FUAL to all EC members and staff named in the list as soon as possible following each EC meeting, and no later than two calendar days after each meeting.

2.2 Work Program

An EC Work Program should be used and maintained in a manner consistent with Trust Council Policy 6.7.1 (Work Program, Follow-Up Action Lists and Priority Charts).

The EC FUAL will record all directions to staff that arise from meetings and that can be expected to be accomplished before the next meeting. Where projects or activities arising from any meeting are expected to require more than a total of four hours of staff time from any unit, the FUAL will indicate only that the projects and activities will be added to the EC's Work Program.

The EC's Work Program will record all long-term projects and activities that the EC is responsible for, whether arising from legislation, Trust Council resolution or policy. The format for the EC's Work Program will be adopted by resolution of the EC.

C. Legislated References

Trust Council Bylaws:

Trust Council Meeting Procedures Bylaw No.101

Policy and Procedures Manual:

Executive Committee Terms of Reference (2.4.1)

Executive Committee Legislative Role (2.4.4)

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

NOTE: The following table illustrates an example of the timelines for meeting agenda preparation that are described in this policy:

SUN	MON*	TUES	WED	THURS	FRI	SAT
	- 7 DAYS <u>1:00 p.m.</u> Deadline for: staff identification of agenda topics, delegation or petition requests, requests to include correspondence items on agenda <u>4:30 p.m.</u> Deadline for Exec Coord. to circulate draft agenda and delegate/petition requests to EC members	- 6 DAYS <u>4:30 p.m.</u> AGENDA DEADLINE Deadline for Chair direction to Exec. Coord. re agenda and delegates/petitions	-5 DAYS <u>4:30 p.m.</u> Cut-off time for correspondence log appearing on each EC agenda Deadline to notify delegates/petitioners regarding their status on EC agenda	- 4 DAYS <u>1:00 p.m.</u> Deadline for staff submission of approved written agenda materials to Exec. Coord. <u>4:30 p.m.</u> EC Agenda Package distributed to EC and senior staff		
		EC MEETING		+ 2 DAYS EC FUAL distributed		

*In the event of a statutory holiday that falls within this timeline, the deadlines described pertain to the preceding work day.



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.1.1

Title: Islands Trust Conservancy Board Member Appointments, Reappointments and Elections

Approved By: Islands Trust Conservancy Board

Date: March 15, 2001

Resolution #: TFB 01/389

PURPOSE

To establish a policy on Board members appointments, reappointments and elections to ensure certainty and equality.

BACKGROUND

The *Islands Trust Act*, in section 40 (3), indicates that the Minister of Municipal Affairs and Housing may appoint up to 3 persons to serve at pleasure as members of the Islands Trust Conservancy Board. The Act also indicates that 2 members will be elected from Trust Council and 1 member from Trust Council's Executive Committee.

Policy

1. The Board shall, when an appointed member will soon complete his or her first term of office, put that member's name forward to the Minister, as long as the Board member is agreeable to an additional term and there is no prior decision by the Board not to request reappointment of that member.
2. The Board shall, when considering new potential Board appointments:
 - attempt to put forward a list of at least three candidates for consideration;
 - attempt to include both male and female potential candidates;
 - attempt to provide some candidates that reside on the islands and some that live outside to represent both island interests and the broader provincial public interest; and

- recommend candidates that possess the expertise and qualities required by the Board to have a balanced land trust organization that can effectively achieve the mandate
3. Islands Trust Conservancy staff shall provide adequate information to newly elected local trustees, following election and prior to the first Trust Council meeting for trustees to make an informed decision regarding whether to put their names forward for election to the Islands Trust Conservancy Board. Board members will be available to answer questions from trustees regarding the roles and responsibilities of Board members and the Board as a whole.
 4. Board members will raise any concerns they have regarding any Board members effectiveness to the Board Chairperson and/or the Islands Trust Conservancy Manager in order to allow for appropriate actions to be determined and taken during a Board member's term and/or prior to reappointment.
 5. The intention to request a reappointment of an existing Board member shall be made known to Board members prior to the request being made to the Minister to allow for discussion if necessary.

Related Procedure

1.1.1 Board Appointments, Reappointments and Elections Procedures



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.1.2

Title: Islands Trust Conservancy Board and Committee Elections

Approved By: Islands Trust Conservancy Board

Date: March 15, 2001

Resolution #: TFB 01/389

Revised

Date: May 21, 2019

Resolution #: ITC-2019-013

PURPOSE

To establish an election process for the Islands Trust Conservancy Board Chair (the “Chair”) and Vice Chair from among Islands Trust Conservancy Board (the “Board”) members and to establish an election process for Islands Trust Conservancy Committee (“Committee”) Chairs.

BACKGROUND

The *Islands Trust Act*, in section 40 (3), indicates that the Minister of Municipal Affairs and Housing may appoint up to 3 persons to serve at pleasure as members of the Board. The Act also indicates that 2 members will be elected from Trust Council and 1 member from Trust Council’s Executive Committee. From time to time, the Board may establish Committees to assist with its work.

Policy

Election Timing for Chair and Vice Chair

1. The elections for Chair and Vice Chair will be held at the first regular meeting of the Board of each calendar year.
2. Should a vacancy in the Chair or Vice Chair positions arise for any reason, an election will be held at the next regularly scheduled meeting.
3. If both the Chair and Vice Chair positions becomes vacant between regular Board meetings, and operations will be disrupted by waiting for the next Board meeting to elect a new Chair and Vice Chair, the Islands Trust Conservancy Manager (the “Manager”) or his/her

designate will poll Board members as to their willingness to serve as Acting Chair. If necessary, an election will be held by confidential email ballot to the Manager.

Chair and Vice Chair Election Procedure

4. The Manager, or staff person designated by the Manager, will act as Presiding Officer for the purpose of conducting the election.
5. The Presiding Officer will call for nominations and accept and record each nomination for Chair that is:
 - a. made by a Board member, other than the nominee;
 - b. seconded by a Board member, other than by the nominee; and,
 - c. accompanied by an indication of the nominee's willingness to stand as a candidate
6. The Presiding Officer will call three times for nominations, after which time nominations will be closed.
7. If only one nomination is accepted and recorded for the Chair position, the nominated candidate is elected to that position by acclamation.
8. After recording nominations and if an election is required, the Presiding Officer will call a recess to prepare ballots showing all candidates' names in alphabetical order. Once the ballots are prepared, the Presiding Officer will reconvene the election and distribute the ballots to the Board Members.
9. Voting is by secret ballot, and proxy voting is not permitted.
10. The Presiding Officer will collect and count the ballots, and will announce the election of the successful candidate.
11. The Presiding Officer will destroy the ballots when the election is completed.
12. Following the election of the Chair, the Board shall elect a Vice Chair. The procedure for the election of Vice Chair shall be as set out in sections 4 to 11.

Tied Vote

13. If the votes for the top two candidates are tied and there were more than two candidates, the election process will be repeated among the top two candidates. If there is again a tied vote, the Chair or the Vice Chair will be selected by lot.
14. If the votes for the top two candidates are tied and there are only two candidates, the Chair or the Vice Chair will be selected by lot.

No Willing Candidates

15. If there are no candidates willing to stand for election for the position of Chair or Vice Chair, and the outgoing Chair or Vice Chair are still serving on the Board, the outgoing Chair has

the option of serving as Acting Chair and the outgoing Vice Chair has the option as service as Acting Vice Chair until such time as a candidate is willing and an election may be held.

16. If there are no candidates willing to serve as Chair or Vice Chair, including the outgoing Chair or outgoing Vice Chair, the Acting Chair position may rotate among Board members by alphabetical order by last name (excluding those who cannot be reached for signing documents), until such time as a member agrees to serve as Chair or Vice Chair for the remainder of the year.

Designating a Temporary Chair

17. If the Chair is unable to attend a meeting of the Board, the Vice Chair will act as Chair.
18. At a regular Islands Trust Conservancy Board meeting where the Chair and Vice Chair cannot attend, the Chair or Vice Chair may appoint a Board member to act on his/her behalf for that meeting. If this appointment is not made, the Board will choose a Board member as Chair of the meeting, by resolution.

Committee Chairs

19. The Chair of a Committee will be elected from among the members of the Committee.
20. The election for a Committee Chair shall be administered in the same manner as an election for the Board Chair as set out in sections 4-11.
21. Sections 13-17 of this policy apply to Committee meetings and Committee Chairs.

References

Bylaw 2: A Bylaw to Regulate the Meetings of the Islands Trust Conservancy Board and Committees of the Islands Trust Conservancy Board

1.3 Islands Trust Conservancy Board Roles and Responsibilities

1.4 Board Standards of Conduct



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.1.3

Title: Islands Trust Conservancy Board Roles and Responsibilities

Approved By: Islands Trust Conservancy Board

Date: June 18, 1996 Resolution #: TFB 96/79

Revised Date: August 4, 1998 Resolution #: TFB 98/230

Revised Date: January 24, 2000 Resolution #: TFB 00/313

PURPOSE

To delineate the roles of the Islands Trust Conservancy Board in strengthening the Islands Trust Conservancy and in planning and implementing its programs.

Policy

ROLE OF BOARD:

1.0 Promote public awareness of and involvement in Islands Trust Conservancy programs.

- Approve annual reports; review and distribute promotional materials; initiate land owner contacts; promote the Islands Trust Conservancy to potential donors; liaise with conservancy/local groups and promote cooperative actions; approve and assist in implementing communications strategy.

2.0 Facilitate acquisition and management of Islands Trust Conservancy assets.

- Approve property acquisition and stewardship initiatives and agreements; approve covenants; approve fund raising strategy(s); assist with fundraising initiatives, provide financial support to the organization based on personal means; ensure risk

management; approve property management initiatives; facilitate Crown Land transfers.

3.0 Nurture positive relations with the other entities within the Islands Trust and other agencies.

- Communicate with and promote the Islands Trust Conservancy to Islands Trust Council; review quarterly reports to Trust Council; promote the Islands Trust Conservancy work and procedures to local trustees; liaise with Executive Committee; review interagency liaison program; liaise with Minister and other key government officials.

4.0 Approve operating policies, legislative initiatives, and operational requirements.

- Approve operating policies and procedures; approve organizational structure and help determine staffing needs; ensure management of risk, approve and promote annual budget submission; monitor budget implementation; approve legislative initiatives; ensure legislative compliance; assist in recruiting and evaluating Islands Trust Conservancy Manager's performance; assist in recruiting new Board members.

5.0 Update the Islands Trust Conservancy Strategic Planning Initiatives and monitor their implementation.

- Develop, monitor, implementation and update the Islands Trust Conservancy Plan; develop and oversee implementation of a five year strategic plan; approve and monitor annual work program; monitor implications of programs to object of Islands Trust; process Islands Trust referrals.

**ISLANDS TRUST CONSERVANCY
ROLES AND RESPONSIBILITIES**

Date: January 18, 2000

RESPONSIBILITY					
ROLE	BOARD	MEMBERS	CHAIR	ITC MANAGER	OTHER
1.0 Promote public awareness of and involvement in Islands Trust Conservancy programs					
• approve annual reports;			*	*draft annual report	
• review and distribute promotional materials;	*	*	*	*prep. materials	
• initiate land owner contacts;		*	*	*	
• promote ITC to potential donors		*	*	*	
• liaise with conservancy/local groups and promote cooperative action		*	*	*	
• approve and assist with communications strategy;	*			*prep. strategy	
2.0 Facilitate acquisition/stewardship and management of Islands Trust Conservancy assets					
• approve property acquisition and stewardship initiatives and agreements	*			*identification & draft	Legal Counsel
• approve fund-raising strategy(s);	*			* prep. strategy	
• participate in fund-raising activities	*	*	*	*	
• provide financial support to the organization based on personal means		*	*	*	
• ensure risk management	*			*	
• facilitate Crown Land transfers.	*		*	* identification	
3.0 Nurture positive relations with the					

RESPONSIBILITY					
ROLE	BOARD	MEMBERS	CHAIR	ITC MANAGER	OTHER
other entities within the Islands Trust and other agencies					
• liaise with Islands Trust Council;	*	*	*	*provide info.	
• review quarterly report;			*	*prep. report	
• liaise with Executive Committee;			*	*biweekly update	
• liaise with local trust committees;		*	*	*as necessary	
• review interagency liaison & initiatives program;	*			*identify/coord.	
• liaise with Minister and other key Gov't officials		*	*	*as reqd. by Chair	
4.0 Approve operating policies, legislative initiatives, and operational requirements.					
• approve operating policies and procedures	*			*develop as necessary.	
• approve ITC organizational structure and help determine staffing needs;	*			*recommendations	
• ensure management of risk;	*			*	
• approve and promote annual budget submission;	*(approve)	*(promote)	*(promote)	*prep. Submission & promote at mgmt. level	*financial plg. Committee/Exec. Com./Trust Council
• monitor budget implementation;	*		*	*day to day	
• ensure legislative compliance;	*			*	
• approve legislative initiatives;	*			*recommend	
• recruitment and evaluation of ITC Manager	*		*		TAS Director
• assist with operations through workgroup participation;		*			
• assist with Board members recruiting.	*			*identify. needs	

RESPONSIBILITY					
ROLE	BOARD	MEMBERS	CHAIR	ITC MANAGER	OTHER
5.0 Update the Islands Trust Conservancy Plan and monitor its implementation.					
• Develop, monitor, and update Islands Trust Conservancy Plan	*			*draft	Minister Approves Plan
• Develop and monitor strategic planning initiatives	*				
• Approve and monitor annual work program;	*			*prep. program	
• evaluate progress and results of ITC programs and ITC effect on mandate.	*		*	*	
• process Islands Trust referrals	*		*	*	* Council, RPC, Mgt.



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.1.4

Title: Board Standards of Conduct Policy

Approved By: Islands Trust Conservancy Board

Date: November 19, 2002 Resolution #: TFB 02/512

PURPOSE

To establish guidelines for Conduct for all Board members.

BACKGROUND

The *Islands Trust Act* states that two Board members will be elected from Trust Council, one Board member will be elected from Executive Committee and up to three Board members may be appointed by the Minister of Municipal Affairs and Housing.

The Board wishes to ensure that its members meet high standards of conduct which enhance and maintain public confidence in the operation of the Islands Trust Conservancy Board. The Province has established Guidelines for Conduct of Government Appointees to BC Agencies, Boards and Commissions. The Board, hereby, adopts the current provincial guidelines as a Board policy. These guidelines are encompassed in the remainder of this policy

Policy

1. All Board members must avoid any conflict of interest that might impair or impugn the independence, integrity or impartiality of the Islands Trust Conservancy Board. There must be no apprehension of bias, based on what a reasonable person might perceive. If a Board member is in doubt, he or she must disclose their circumstances and consult with the Chairperson. The Chairperson will, if necessary, request staff to seek a legal opinion.

In particular, Board members should make sure that:

- All personal financial interests, assets and holdings are distinct from and independent of any decision, information or other matter that may be heard by or acted upon by the Islands Trust Conservancy Board.
- Activities undertaken as a citizen are kept separate and distinct from any responsibilities held as a member of the Islands Trust Conservancy Board.
- Activities undertaken as a member of the Islands Trust Conservancy Board are kept separate and distinct from other activities as a citizen.
- Members do not assist anyone in their dealings with the Islands Trust Conservancy Board if this assistance may result in preferential treatment.
- Personal employment is not dependent on any decision, information or other matter that may be heard by or acted upon by the Islands Trust Conservancy Board.
- Other memberships, directorships, voluntary or paid positions, or affiliations remain distinct from work undertaken in the course of the Islands Trust Conservancy Board work.
- Actions taken in the course of Islands Trust Conservancy Board duties neither cause nor suggest the reality or perception that a member's ability to exercise those duties has or could be affected by private gain or interest.

2. While acting as an Islands Trust Conservancy Board member, members are expected to abide by the following rules:

- Integrity - Board members are expected to act at all times with due diligence, honesty and in good faith, for the public interest.
- Participation & Preparation - Board members must adequately prepare for and regularly attend meetings. Board members must adequately prepare for the other duties expected of them as a Board member.
- Behaviour - The conduct and language of Board members must be free from any discrimination or harassment prohibited by the *Human Rights Code*. Board member conduct should reflect social standards of courtesy, respect and dignity.
- Confidentiality - Board members must not reveal or divulge confidential information (defined as that which cannot be obtained from other sources) received in the course of their duties.

Confidential information must not be used for any purpose outside that of undertaking the work of the Trust Conservancy Board. In the course of Islands Trust Conservancy Board work, members are subject to the *Freedom of Information and Protection of Privacy Act*.

- Public Commentary - Board members must comply with any public comment protocols or policies established by the Islands Trust Conservancy Board. If none exist, Board members will defer to the Chairperson for guidance before making public comment on Board matters.
 - Private Gain - The Islands Trust Conservancy Board work should not result in any personal or private financial or other substantive gain. Private gain does not include honouraria for Board service.
 - Duty to Inform - Board members must inform the Islands Trust Conservancy Board Chairperson of any circumstance which may have a negative or harmful effect on their ability to perform the duties required as a Board member.
3. The Board Chairperson may take action if these guidelines are breached. Such actions may include warning, reprimand, suspension, or request for dismissal.



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.1.5

Title: Board Member Attendance and Participation and Member Removal

Approved By: Islands Trust Conservancy Board

Date: March 24, 2003 Resolution #:

Revised Date: July 15, 2010 Resolution #: TFB 03/560

PURPOSE

This policy establishes expectations regarding Board member attendance at meetings and their participation in Board activities and sets out how the Islands Trust Conservancy Board will address members who do not meet these expectations.

POLICY

Islands Trust Conservancy Board members are required to attend regular board meetings (average 6 per year) and the expected hours of service include 1-2 hours of meeting preparation; 5 hours for each meeting; and 3-5 hours once/twice per year for workshops, training, events, etc.

The Board's policy on Roles and Responsibilities (ITCB Policy 1.3) establishes 5 roles the Board is responsible for:

- Promoting public awareness of and involvement in Islands Trust Conservancy Program
- Facilitating acquisition and management of Islands Trust Conservancy assets
- Nurturing positive relations with the other entities within the Islands Trust and other agencies.
- Approving operating policies, legislative initiatives and operational requirements, and
- Updating the Islands Trust Conservancy strategic planning initiatives and monitoring their implementation.

Details

Board Member Attendance

1. Board members are expected to attend all regular Board meetings.
 - a. An individual Board member who is not able to be at the physical location of a Islands Trust Conservancy Board regular meeting due to special circumstances may request to participate by means of audio or audio and visual electronic communication facilities, provided the Islands Trust Conservancy Board Chair is agreeable and the Secretary has received sufficient notice and can make the necessary arrangements.

See Islands Trust Conservancy Bylaw 2: A Bylaw to Regulate Meetings of the Islands Trust Conservancy Board for further provisions.
2. Board members are expected to make all reasonable efforts to attend special meetings, workshops, and training sessions scheduled by the Board.
 - a) A special Islands Trust Conservancy Board meeting may be conducted entirely by means of audio or audio and visual electronic communication facilities if a majority of the members of the Board have agreed by resolution that the meeting may be conducted in this way and provided the Secretary has received sufficient notice and can make the necessary arrangements.
3. If a member cannot attend a meeting he/she will notify the Board Chairperson and Islands Trust Conservancy Manager at least 72 hours (3 days) in advance of the meeting to indicate their anticipated absence, and to indicate if they are able to attend the meeting electronically.
4. If Board members have missed two regularly scheduled meetings in a row the Chairperson and/or Manager will consult with that member to determine if they are able to commit adequate time to their position on the Board or if they wish to resign.
5. Unless a prior agreement has been established by a Board member, if a Board member cannot attend 3 of the regularly scheduled business meetings in any calendar year (in person or electronically), the Chairperson may request that that member resign from the Board.

Board Member Participation

1. Board members are expected to adequately prepare for all meetings, in particular by reading the Board meeting agendas and reports.
2. Board members are expected to be prepared to discuss and vote on all staff recommendations and other matters at the meeting.
3. Board members are expected to sit on at least one ad hoc or standing committee of the Board and be prepared to assist with the mandate of that committee.

4. Board members are expected to conduct some public outreach to increase awareness of the Islands Trust Conservancy and to facilitate potential conservation projects.
5. If, in the opinion of the Chairperson, a member is not participating in the above-noted manner, the Chairperson will contact the member and discuss the expectations and the member's situation. The Chairperson and the member will attempt to find a reasonable solution to balance Board expectations and the member's situation.
6. If a Board member cannot meet the above-noted expectations to a reasonable degree and no solution can be found, the Chairperson may contact the other members of Board and discuss the option of requesting that the member resign from the Board. If there is agreement among the Board members, the Chairperson may ask the member in question to resign.

Board Member Removal

1. If a Board member is asked and is willing to resign, the Chairperson will immediately notify the Executive Committee and explain the reasons for the request.
2. If the resigning member is a Trust Council-elected member of the Board, the Board Chairperson will request that Trust Council, at its next regular meeting, conduct an election to replace the resigning member.
3. If a Minister-appointed Board member is asked and is willing to resign, the Chairperson will immediately notify the Minister and Executive Committee and explain the reasons for the request. The member will be asked to provide a written resignation to the Minister with a copy provided to the Islands Trust Conservancy Board.
4. If a Board member is asked but is unwilling to resign, the Board will meet with Executive Committee to discuss options. If deemed appropriate, the Board may request of Trust Council or the Minister responsible for appointments to the Islands Trust Conservancy Board to have the member removed.

Related Procedure

Islands Trust Conservancy Bylaw 2: A Bylaw to Regulate Meetings of the Islands Trust Conservancy Board

1.3 Islands Trust Conservancy Board Roles and Responsibilities



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy Number: 3.1.6

Title: Annual Budget Submissions Policy

Approved By: Islands Trust Conservancy Board

Date: November 19, 2002

Resolution #: TFB 02/513

PURPOSE

To establish the general process by which Islands Trust Conservancy annual budget requests will be prepared and submitted to Trust Council for approval.

BACKGROUND

The *Islands Trust Act* requires that Trust Council approve a budget to cover the administrative operations of the Islands Trust Conservancy Board.

Policy

1. The Islands Trust Conservancy Manager will prepare a proposed budget for the administrative operations of the Islands Trust Conservancy Board and its related staff and programs for Board approval. Normally, the proposed budget will be reviewed at a meeting held in the fall of the year, or as required to meet the Islands Trust budget process timeframes.
2. The Board may invite the Chairperson of the Financial Planning Committee and/or the Chairperson of Trust Council to any meetings where the proposed budget will be discussed.
3. The Board may make modifications to the proposed budget before approving it for submission.
4. The Board approved budget will be provided to the Director responsible for the Islands Trust Conservancy Board and the Director of Administrative Services, with adequate

explanation of the reasons for any proposed changes or new programs, by the date required by the Director of Administrative Services.

5. The Board understands the Islands Trust budget process is as follows:
 - The Director of Administrative Services compiles all budget submissions from each Islands Trust Unit and legislated entity and prepares an initial budget proposal (one for base or core items and one for new or special programs). This proposal is circulated to the Islands Trust Management Team (Management) for consideration.
 - Management discusses the proposed budget and the Director responsible for the Islands Trust Conservancy Board makes representation regarding the requirements of the Board (as do other Directors for their area of responsibility).
 - Management makes a recommendation to Trust Council's Financial Planning Committee, which may be the initial budget proposal or some variation thereof.
 - The Chairperson of the Islands Trust Conservancy Board may make representation to the Financial Planning Committee regarding its budget request.
 - The Financial Planning Committee makes recommendations to Trust Council.
6. If the Islands Trust Conservancy Board has any major concerns regarding the proposed recommendation of the Financial Planning Committee, the Board will discuss them with Trust Council's Executive Committee prior to the Trust Council meeting wherein the recommendation will be addressed.
7. The Board members who are part of Trust Council may make comments regarding the budget needs of the Islands Trust Conservancy Board and raise any concerns or suggestions they have regarding the budget at Trust Council's budget meetings.
8. The Islands Trust Conservancy Board is responsible, with the Manager of Islands Trust Conservancy, to ensure that the Board's activities each year are conducted within the allocated budget. To that end, the Board will review regular updates regarding expenditures at its meetings.

References

1.1.1 Board Appointments, Reappointments and Elections Procedures



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.1.7

Title: Fundraising and Donation Policy

Approved By: Islands Trust Conservancy Board

Date: August 9, 2006 Resolution #: TFB 06/858

Revised: Date: March 31, 2015 Resolution #: TFB-2015-054

PURPOSE

- To ensure fundraising activities meet the priorities of the Islands Trust Conservancy
- To ensure donations are solicited in a coordinated and respectful manner
- To define the Board's role in gift acceptance and administration
- To provide information to current and potential donors

SCOPE

This policy applies to all fundraising activities of the Islands Trust Conservancy and all gifts offered to the Islands Trust Conservancy Board ("Board"). Notwithstanding this policy, the Board will consider each gift on its merits and will make the final decision on accepting or declining a gift. Gifts of land will generally be considered under ITC Policies 2.2 *Assessing Conservation Proposals* and 2.3 *Acquisition and Management of Land*.

This policy does not apply to fundraising activities undertaken by external organizations in support of an Islands Trust Conservancy property, project or purpose.

BACKGROUND

The object of the Islands Trust is to preserve and protect the trust area and its unique amenities and environment. The Islands Trust Conservancy Board Five-Year Plan and Regional Conservation Plan outline the priorities of the Islands Trust Conservancy.

The *Islands Trust Act* provides the authority for the Board to receive money and other property by way of donation for the purpose of carrying out the object of the Islands Trust. The Board is an agent of the

Crown and therefore a qualified donee¹ under section 149.1 (1) of the *Income Tax Act*. The Board and its staff solicit outright and deferred gifts from individuals, corporations, and foundations to achieve its mission and purpose.

The Board strives to meet industry standards and best practices when conducting fundraising activities, including:

- Canada Revenue Agency regulations and guidelines governing the fundraising activities of qualified donees;
- The Association of Fundraising Professionals Code of Ethical Principles and Standards; and
- The Canadian Land Trust Standards and Practices.

Policy – General

1. The Board will review and plan its fundraising priorities and goals on an annual or more frequent basis. Fundraising activities will support the priorities set out in the Regional Conservation Plan.
2. The Board will issue an official donation receipt for any gift of a fair-market value equal to or greater than \$20. Donation receipts will be issued in compliance with regulations of the Canada Revenue Agency.
3. The Board and its staff shall not give individualized financial, tax or legal advice to donors. Donors are responsible for obtaining at their cost independent legal and financial advice for gifts made to the Islands Trust Conservancy. Staff will advise donors to seek independent financial, tax and/or legal advice.
4. The Board will seek the advice of legal counsel in matters relating to acceptance of gifts when appropriate. Review by counsel is recommended for:
 - the review of all transactions governed by legal agreements;
 - the review of all transactions with potential or perceived conflicts of interest; and
 - other circumstances in which staff or Board members believe that legal review is appropriate.

Policy – Gift Solicitation

5. The Board will ensure, to the best of its ability, that all fundraising activities and materials developed for the Islands Trust Conservancy:
 - are direct and truthful;
 - accurately describe the Islands Trust Conservancy's mission, achievements, goals, and programs;
 - disclose the Islands Trust Conservancy's name and contact information;
 - describe the purpose for which funds are requested and the Islands Trust Conservancy's capacity to use donations effectively for their intended purposes; and
 - disclose the Islands Trust Conservancy's ability to issue receipts for income tax purposes.

¹ Qualified donee: an organization that can issue official donation receipts for gifts it receives from individuals and corporations. It can also receive gifts from registered charities.

6. The Board and staff will solicit funds for the purposes outlined in existing Fund Guidelines² and Fund Agreements³. The Board will not solicit funds for purposes outside of those approved in Fund Guidelines or Fund Agreements unless it has first reviewed and approved the additional fundraising activity.
7. The Board will ensure that anticipated fundraising costs are proportionate to the type and scope of activity it intends to achieve with gifted funds.
8. The Board will not use donated funds to carry out fundraising activities, unless funds are gifted for purposes that expressly include the support of fundraising activities.
9. When planning or carrying out fundraising activities, the Board will consider the fundraising campaigns of partner land trusts and other community groups underway in the same target area, and endeavor to minimize direct competition.
10. The Board will not engage in commission-based fundraising, and will not employ contractors utilizing this method for fundraising activities.
11. The Board will respect a donor's request to cease or limit solicitations or to discontinue receiving printed or electronic communications from the Islands Trust Conservancy.

Policy – Gift Acceptance

12. The Board may accept unrestricted monetary gifts, and monetary gifts that are restricted to one or more of the purposes set out in approved Fund Guidelines or Fund Agreements.
13. The Board may accept gifts that meet all of the following criteria:
 - a. the Islands Trust Conservancy has a use or need for the gift or, if there is no immediate need, the gift is marketable;
 - b. the gift and its accompanying terms comply with legal requirements;
 - c. the purpose of the gift is compatible with the priorities of the Islands Trust Conservancy;
 - d. the size or benefit of the gift is proportionate to the work or cost required to support or sustain the gift;
 - e. the Board has not identified any liability concerns associated with the gift;
 - f. any restrictions on the gift are acceptable to the Board; and
 - g. ownership of the gift will be transferred to and vest solely in the Board.
14. The Board may in any case decide to decline a gift, including without limitation a gift that:
 - a. is not consistent with the Islands Trust Conservancy's mission or priorities;
 - b. includes conditions that the Board determines are not in the Islands Trust Conservancy's best interests,
 - c. includes financial or administrative requirements that the Board determines are not acceptable;
 - d. violates any applicable laws;
 - e. requires any action that is unacceptable to the Board or violates the Board's policies;
 - f. is financially unsound or would expose the Board to liability or embarrassment;
 - g. requires the Board to do business with a specified company or person; or

² As of March 2015, the ITC has Fund Guidelines for the following funds: Opportunity Fund, Geographically Restricted Funds, Covenant Management and Defense Fund.

³ Fund Agreements are negotiated agreements with donors regarding the specific use of a restricted donation.

- h. could be perceived as an attempt to influence the decision of another body under the *Islands Trust Act*.
- 15. The Board may accept gifts of publically traded securities. The securities will be sold by the Board on receipt. The fair market value of a gift of securities will be determined by an independent, arm's length broker.
- 16. The Board may accept gifts of life insurance policies where the Board is either designated as the beneficiary, or as the owner and beneficiary, of the policy. The Board will not use operating funds or other donated funds to make premium payments on a gifted life insurance policy. If a policy is not fully paid, the Board will consider accepting the gift only if:
 - a. the donor signs a written pledge of a charitable contribution in a total amount that equals or exceeds the total premiums due;
 - b. the written pledge includes a payment schedule that equals or exceeds each policy premium payment as that payment becomes due; and
 - c. the written pledge acknowledges the right of the Board to either convert the policy to paid-up insurance or surrender the policy for its cash value, in the event the donor fails to make a scheduled payment.
- 17. The Board may accept gifts of Registered Retirement Savings Plans (RRSP) or Income Funds (RRIF) when named as beneficiary of such plans. Gifts of RRSP or RRIF will be valued on the day of death of the donor, and a receipt will be provided to the estate.
- 18. The Board may accept gifts of residual interest, where the donor irrevocably gifts the property to the Board, but retains the right to use or live on the land for life or for a defined period of time. Each proposed gift of a residual interest will be assessed against this and other policies of the Board.
- 19. The Board may accept gifts of real property that do not meet the criteria of "Nature Reserve"⁴ to sell as soon as practical, with proceeds of the sale to be used to support the Islands Trust Conservancy mission and priorities. Gifts of real property that do meet the criteria of "Nature Reserve" will be considered under ITC Policies 2.2 *Assessing Conservation Proposals* and 2.3 *Acquisition and Management of Land*.

Policy – Gift Management

- 20. The Board will use all donated funds as follows:
 - a. where specifically solicited, for the purposes identified in the solicitation;
 - b. where not specifically solicited, in accordance with the written wishes of the donor, if any; and
 - c. in compliance with this policy.

⁴ An Islands Trust Conservancy Nature Reserve is an area that has been set aside because it has regionally significant natural ecosystems (landscape units with little or no human development) and may contain nationally and provincially identified ecosystems and species that are considered endangered, threatened or of special concern.

The primary purpose of a Nature Reserve is the preservation and protection of the natural ecosystem. The size of a Nature Reserve should be sufficient to ensure that these ecosystems remain viable over the long term.

Activities permitted on a nature reserve will have minimal impact on the land and in general will only include hiking and only in areas that are considered not sensitive to this activity. The location and extent of hiking trails will be determined through the management plan process.

21. The Board will make all decisions respecting the investment of cash gifts and proceeds from non-cash gifts, provided that all investment of gifts will be in accordance with the provisions of the *Trustee Act* respecting the investment of trust property by a trustee.
22. If funds have been raised for a specific project and there are funds remaining after the project is completed, the Board will direct the remaining funds to one of the following:
 - if the project was the acquisition of a property by the Board, for the on-going management of that property;
 - if the project was the acquisition of a property by another conservation organization with the Board as an acquisition partner, for the on-going management of that property by the partner organization;
 - to a geographically restricted acquisition fund for another conservation acquisition project in that local trust area; or
 - to the Opportunity Fund for use in another conservation acquisition project.
23. If funds have been raised for a specific acquisition and the goal for the acquisition is not reached, the Board will direct the funds raised to one of the following:
 - to a geographically restricted acquisition fund for that local trust area;
 - to the Opportunity Fund for use in another conservation acquisition project; or
 - to another conservation project in the Islands Trust area.

Policy – Donor Recognition

24. The Board will consult land or covenant donors on the naming of nature reserves or covenant areas. The Board will consider the donors' suggestions, but retains the right to make the final decision respecting the naming of protected areas.
25. The Board is appreciative of each gift it receives in support of its mission and priorities. The Board will acknowledge all gifts promptly in a manner appropriate to the gift type and amount, and wishes of the donor.

References

- Regional Conservation Plan
- 2.2 Assessing Conservation Proposals
- 2.3 Acquisition and Management of Land
- Association of Fundraising Professionals Code of Ethical Principles and Standards
- Association of Fundraising Professionals, Developing Fundraising Policies and Procedures
- *B.C. Freedom of Information and Protection of Privacy Act*



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.1.9

Title: Funds for Partnership Acquisition Projects

Approved By: Islands Trust Conservancy Board

Date: August 1, 2000

Resolution #: TFB 00/339

PURPOSE

To provide a guideline regarding use of funds raised for a partnership property acquisition project.

BACKGROUND

The Islands Trust Conservancy can receive donations for specific property acquisitions and often works in partnership with other organizations to purchase and protect significant areas. In addition, creative methods are often used to ensure acquisition opportunities are not lost. These may include purchasing with a mortgage or having contributions toward the purchase provided by various partner groups. There may be times when the Islands Trust Conservancy Board is responsible for contributing funds it has raised to another organization or conservancy to facilitate the purchase of property.

Policy

1. If the Islands Trust Conservancy chooses to work in partnership with other organizations to acquire a property for conservation purposes, it may, at the Board's discretion, offer to assist in a variety of ways including:
 - In kind staff support;
 - In kind expert support (e.g., legal);
 - Assistance with project expenses (e.g., appraisals, survey, public awareness)
 - Holding title to the land or holding covenants on acquired properties;
 - Direct fundraising; or
 - Assistance with management initiatives.

2. Generally, the Islands Trust Conservancy Board will not commit to raising a specific amount of money toward an acquisition project.
3. Funds raised by the Islands Trust Conservancy for a specific partnership acquisition project will be contributed toward the acquisition project as follows:
 - When a property is purchased by a partner group using a mortgage, Islands Trust Conservancy contributions will be made toward the last mortgage payment. If Islands Trust Conservancy has raised funds greater than the last mortgage payment requirement, additional funds may be put toward mortgage payments immediately preceding the last mortgage payment to the extent possible.
 - When all partner groups are contributing the funds they raised to one of the partner groups to facilitate the acquisition, Islands Trust Conservancy will provide the funds raised to the appropriate organization once it is certain that enough funds will exist with the contributions of all parties involved in the project.
 - In other acquisition arrangements, the Board will direct funds to the project based on the policies in the Islands Trust Conservancy Plan and following discussion by the Board.

REFERENCES

2.3 Acquisition and Management of Land



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.2.1

Title: Board Approval of Projects and Transactions

Approved By: Islands Trust Conservancy Board

Date: May 13, 2003 Resolution #: TFB 03/574

Revised Date: Jan. 23, 2014 Resolution #: TFB-2014-003

PURPOSE

To describe the general process for the approval of proposed projects and programs by the Islands Trust Conservancy Board, and to set out the authority for approving financial transactions relating to approved projects.

BACKGROUND

The *Islands Trust Act* requires the Islands Trust Conservancy Board to prepare an Islands Trust Conservancy Plan ('trust fund plan' under the act), at least once every 5 years, setting out its policies on acquisition, management and disposition of property, its policies on management of funds, its goals for major acquisitions of property, and other matters as required by the Minister.

The Islands Trust Conservancy Board also approves a Regional Conservation Plan, which identifies species and ecosystems most in need of protection, and sets out the goals, objectives and activities to assist the Board in identifying and conserving high priority properties.

The Islands Trust Conservancy Plan and 5-Year Regional Conservation Plan provide general direction to Islands Trust Conservancy staff regarding appropriate programs and projects. In addition, Trust Council approves a Strategic Plan which prioritizes programs for funding through the Islands Trust annual budget cycle. The Board reviews and provides comments on the Strategic Plan each year, and considers the Strategic Plan when making requests for program funding from Trust Council.

A: Policy – Land Conservation Projects (Covenants and Acquisitions)

1. Staff will provide a report to the Board on each conservation covenant or land acquisition proposal received, for Board review and consideration as per ITC Policy 2.2: Assessing Conservation Proposals.

2. Before a project is approved by the Board, staff are authorized to invest only the time and resources necessary to undertake the initial investigations and research necessary to prepare the report referred to in section 1.
3. Once Board approval is given to a conservation proposal, staff will undertake all necessary steps to complete the project in accordance with the approved proposal.
4. Staff will keep the Board apprised of the project's progress through updates at Board meetings. Staff will bring a report to the Board for discussion and direction if:
 - a significant issue or substantive change occurs during the implementation of the project; or,
 - staff identify that implementation of the project will require significantly more resources than anticipated.
5. When a covenant is complete, has been reviewed by the Islands Trust Conservancy's legal counsel, and is ready for signature and registration, staff will request Board approval of the covenant and authorization for the Chairperson or other Board member to sign the covenant for registration.
6. When a land transfer agreement is complete, has been reviewed by the Islands Trust Conservancy's legal counsel, and is ready for signature and registration, staff will request Board approval of the agreement and authorization for the Chairperson or other Board member to sign the agreement and transfer documents.

B: Policy – Other Programs and Projects

1. The Islands Trust Conservancy Manager will provide a staff report to the Board each year, prior to Islands Trust budget deliberations, recommending programs for the following fiscal year. The Board will discuss the recommendations in light of the Islands Trust Conservancy Plan, the Regional Conservation Plan and Trust Council's Strategic Plan, and will determine which programs and projects it wishes to initiate. Once approved by the Board, its proposed programs and projects will be included in the Board's annual budget submissions and provided to the Director of Trust Area Services for submission to the Financial Planning Committee of Trust Council.
2. If, at any time during the year, the Islands Trust Conservancy Manager believes that the Board should take on a new project or program that is not described in an approved management plan program, the Manager will provide a staff report to the Board for discussion and direction. The program or project will not be initiated without approval of the Board.

C: Policy - Financial Transactions

1. All financial transactions related to approved projects must be authorized by the Islands Trust Conservancy Manager.
2. The Islands Trust Conservancy Manager will act on behalf of the Islands Trust Conservancy Board to oversee the management of the bank accounts and investments of the Board, and will provide an updated financial report at each regular Board meeting.

REFERENCES

ITC Policy 1.7 Annual Budget Submission
ITC Policy 2.2 Assessing Conservation Proposals



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.2.2

Title: Assessing Conservation Proposals

Approved By: Islands Trust Conservancy Board

Date: Jan. 23, 2014

Resolution #: TFB-2014-004

Revised

Date: Mar. 19, 2024

Resolution #: ITC-2024-010

PURPOSE

To describe how the Islands Trust Conservancy Board assesses proposals for conservation covenants and land transfers that support the protection of lands of ecological significance in the Islands Trust Area.

SCOPE

This policy does not apply to land transfer proposals where the purpose is to sell the land and use the proceeds to advance the Islands Trust Conservancy's mandate.

Proposals that include an application for the Natural Area Protection Tax Exemption Program are also guided by ITC Policy 2.5 Natural Area Protection Tax Exemption Program.

BACKGROUND

The *Islands Trust Act* establishes the Islands Trust Conservancy to acquire, hold and manage land and receive donations for the purpose of carrying out the object of the Islands Trust. The object of the Islands Trust, first legislated by the Province in 1974, is "*to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia*".

The Board primarily uses statutory covenants and land donations to achieve its mandate. However, the Board may also accept land or covenants that are a requirement of a development approval process, and may occasionally work with partners to purchase land.

A: Policy: General

1. The Board will only consider a proposal that is accompanied by a completed Conservation Proposal Form and Staff Report.

2. All conservation proposals will be referred to First Nations who have treaty or established rights, or identified geographic areas for consultation purposes, relevant to the conservation proposal area, as determined using the BC Consultative Areas Database. First Nations will be provided with a 90 day referral period.
3. The Board will consider responses from First Nations during negotiation of a land transfer or conservation covenant agreement.
4. The Board will normally only consider the acquisition of lands that meet the Board's definition of "Nature Reserve¹".
5. The Board will only accept proposals that meet one or more of the goals or objectives of the Regional Conservation Plan, and that will result in the protection of ecosystems and features identified as priorities in the Regional Conservation Plan.
6. When considering proposals, the Board will give priority to those proposals that protect larger areas of land, and may defer or decline smaller proposals.
7. The Board will only consider accepting covenants and land acquisitions of less than 2 hectares (4.9 acres) if:
 - the property contains significant habitat² for species at risk and/or a significant number of species at risk³;
 - the property adds area to an existing adjacent or nearby protected area;
 - the property is an islet or small island; or,
 - the property contains an ecosystem that is not represented in existing protected areas in that local trust area.
8. The Board will evaluate any risks that may hamper the Board's ability to protect the land's natural values in perpetuity, as identified by the Staff Report. Risks that will be assessed in the Staff Report include, without limitation:
 - contaminated soil, oil tanks or other environmental hazards;
 - mineral and water rights issues;
 - surrounding land use;
 - requested reserved rights (e.g. trails or firewood removal);

¹ An Islands Trust Conservancy Nature Reserve is an area that has been set aside because it has regionally significant natural ecosystems (landscape units with little or no human development) and may contain nationally and provincially identified ecosystems and species that are considered endangered, threatened or of special concern.

The primary purpose of a Nature Reserve is the preservation and protection of the natural ecosystem. The size of a Nature Reserve should be sufficient to ensure that these ecosystems remain viable over the long term.

Activities permitted on a nature reserve will have minimal impact on the land and in general will only include hiking and only in areas that are considered not sensitive to this activity. The location and extent of hiking trails will be determined through the management plan process.

² For example, Critical Habitats as defined by the federal Species at Risk Act.

³ For example, several species of concern and at least one species that is identified as threatened or endangered federally or provincially.

- structures and utilities (e.g. septic fields, pump houses, wells, etc.); and
- encumbrances on title (e.g. easements, mortgages, liens).

The Staff Report will evaluate whether any identified risk can be reduced, eliminated or managed.

9. The Board may consider proposals that protect recreational, cultural and heritage features (such as trails, significant historic or cultural landscapes and archaeological sites), but only where the proposal also meets at least one of the goals and objectives of the Regional Conservation Plan.
10. The Board will only consider accepting proposals that need extensive ecological restoration or substantial management if:
 - a. the Board has adequate staff resources to manage the on-going requirements;
 - b. a substantial cash donation that is adequate to cover on-going restoration and/or management costs is provided; and,
 - c. the Board has adequate funds available to undertake immediate restoration and/or management requirements.
11. The Board will not accept or acquire any lands where there is an obligation to maintain buildings or structures.
12. The Board may accept and acquire lands that have buildings on-site that can be removed or maintained at the Board's discretion, but will only consider maintaining buildings if:
 - a. the Board has adequate staff resources to manage the on-going requirements;
 - b. a substantial cash donation that is adequate to cover on-going maintenance costs is provided; and,
 - c. the Board has adequate funds available to undertake immediate maintenance requirements.

If the Board chooses to maintain a building, it may consider leasing the building to a suitable group for long-term management.
13. At the time of considering a proposal, the Board will consider whether adequate funds and staff resources are in place to properly complete the acquisition or covenant. The Board may consider options for securing adequate funds, such as grants, fundraising, or endowments.
14. The Board will assess the need for the ongoing management and future legal defense of conservation properties and may, as part of an approval, request or require an endowment or restricted donation to cover management and defense costs associated with the land or covenant.
15. The Board may impose a time-limited moratorium on accepting proposals if it concludes that it has inadequate resources to support further proposals in the current fiscal year.
16. The Board will confirm its acceptance or rejection of a proposal by resolution and staff will then inform the applicant of the Board's decision.

B: Policy: Voluntary Land Donation or Covenant

17. Unless the applicant waives confidentiality in writing, all voluntary proposals, with the exception of proposals under the Natural Area Protection Tax Exemption Program, will be considered at *in camera* meetings until the covenant is registered on title or the land is transferred to the Islands Trust Conservancy or partner agency.
18. In the case of a voluntary land donation or voluntary covenant, the applicant is responsible for all costs incurred by the applicant to complete the land donation or covenant, except for registration in the Land Titles office, which will be the responsibility of the Board. An applicant who is donating land is also responsible for all property taxes for which the Islands Trust Conservancy cannot receive a statutory exemption. The Board may consider requests from the applicant for assistance with these costs.

C: Policy: Land Transfer or Covenant Associated with a Development Application

19. The Board will only consider a proposal for a conservation covenant or land donation connected with a development application where the applicant provides an ecological assessment by a qualified ecologist/biologist and an archeological review of both the proposed protected area and the proposed development. The assessment and review must be completed within one year prior to the application to the Board. For covenants and acquisitions that are part of density transfers or amenities rezoning applications, this assessment must be done for both the receiving and sending areas, or for the area that is being down zoned and the area that is up zoned.
20. The applicant is responsible for all costs incurred by the applicant to complete the covenant or land transfer, and for the costs of registration in the land title office. The applicant is also responsible for all property taxes for which the Islands Trust Conservancy cannot receive a statutory exemption.
21. The Board may require an endowment or restricted donation to cover the future management of the donated land or the covenant. Charitable tax receipts will not be issued for financial contributions directly connected with a development application, but may be issued for discretionary endowments or additional gifts of land the applicant may freely offer, as permitted by law.
22. All proposals that are part of a development application are considered public and will be considered at the Board's regular meetings.

REFERENCES

Islands Trust Act

Declaration on the Rights of Indigenous Peoples Act ([Declaration Act](#))

Islands Trust Conservancy's Regional Conservation Plan

Islands Trust Conservancy Plan (Trust Fund Plan under the *Islands Trust Act*)

ITC Policy 2.1 Board Approval of Land and Financial Transactions

ITC Policy 2.4 Conservation Covenants

ITC Conservation Proposal Form (voluntary)

ITC Conservation Proposal Form for Conservation Projects Connected with a Development Application



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.2.3

Title: Acquisition and Management of Land

Approved By: Islands Trust Conservancy Board

Date: Jan. 23, 2014

Resolution #: TFB-2014-005

Revised

Date: Mar. 19, 2024

Resolution #: ITC-2024-011

PURPOSE

To describe how the Islands Trust Conservancy Board acquires land, through donation, transfer, lease or purchase, and to describe the standards for management of Islands Trust Conservancy properties.

SCOPE

This Policy does not apply to acquisitions of land with little or no ecological value that are acquired for the purposes of resale.

BACKGROUND

The *Islands Trust Act* establishes the Islands Trust Conservancy to acquire, hold and manage land and receive donations for the purpose of carrying out the object of the Islands Trust. The Islands Trust Conservancy primarily acquires land with significant ecological value for the purpose of establishing Nature Reserves¹; however, it may acquire land with little or no ecological value in order to resell the land to raise funds for protecting land with significant ecological value.

¹ An Islands Trust Conservancy Nature Reserve is an area that has been set aside because it has regionally significant natural ecosystems (landscape units with little or no human development) and may contain nationally and provincially identified ecosystems and species that are considered endangered, threatened or of special concern.

The primary purpose of a Nature Reserve is the preservation and protection of the natural ecosystem. The size of a Nature Reserve should be sufficient to ensure that these ecosystems remain viable over the long term.

Activities permitted on a nature reserve will have minimal impact on the land and in general will only include hiking and only in areas that are considered not sensitive to this activity. The location and extent of hiking trails will be determined through the management plan process.

Board management of Nature Reserves under its care includes the development and implementation of a management plan, annual monitoring, and in some cases, enlisting the assistance of a local management group.

A: Policy - Acquisition

1. The Board will consider each land acquisition proposal according to ITC Policy 2.2 *Assessing Conservation Proposals*.
2. The Board will normally only consider the acquisition of land that meets the Islands Trust Conservancy Board's definition of "Nature Reserve".
3. The Board primarily acquires land through donation. The Board will issue a charitable receipt for donated land, based on an appraisal of the donated property. The donor must provide an appraisal (at his or her cost) undertaken by an individual accredited in real estate appraisal in Canada, and who is independent from both the donor and the Islands Trust Conservancy Board.
4. Where the Board receives a donation of land subject to a life estate, expenses for property maintenance, property taxes, and any property indebtedness must be paid by the donor or the life estate holder.
5. The Board may consider the acquisition of land through purchase if:
 - (a) a partnership with one or more conservation groups and/or government agencies can be formed for the purposes of fundraising;
 - (b) the seller is willing to consider a conservation sale below appraised value and/or with an extended timeline for purchase; or,
 - (c) significant funding for the purchase is available through donation or grant.

Where the Board is considering the purchase of land, a feasibility assessment should be completed by staff (with partners, where appropriate) and should indicate that there is a strong likelihood of raising sufficient funds for the purchase.

6. If the Board chooses to join a partnership for the purpose of acquiring land, it will require a signed memorandum of understanding (MOU) between the partners before proceeding. The MOU will set out each partner's role, including:
 - the process for review and approval of communications;
 - which partner will hold title to the land;
 - what legal documents will be required to complete the project;
 - who will lead negotiations with the landowner;
 - who is responsible for any necessary up-front costs, legal costs and closing costs;
 - whether a covenant will be registered on the land, and if so, who will hold the covenant;
 - who is responsible for developing the management plan;
 - who will accept and manage donations for the acquisition; and,
 - what will happen to the funds raised if the acquisition does not complete.
7. The Islands Trust Conservancy's contributions to a partnership acquisition project may include the following, at the discretion of the Board:
 - developing funding proposals to foundations, corporate and government funding sources;

- posting acquisition project information and donation opportunities on the Islands Trust Conservancy website;
 - producing communications, including media releases and newsletter articles;
 - providing staff time to assist with coordination and planning;
 - accepting donations and providing charitable receipts;
 - assisting in specific fundraising initiatives;
 - drafting transfer agreements and/or conservation covenants;
 - assisting with project expenses (e.g. survey, appraisal);
 - holding title to the land or holding covenants on acquired properties; or management planning.
8. Where the Board contributes significant resources to the acquisition of a property, the Board may request to hold a covenant or right of first refusal for the land.
9. The Board will use legal counsel to review all legal documents related to any land acquisition.

B: Policy – Management

10. The Board will prepare and approve a management plan for each property it acquires as a Nature Reserve. The Board will approve a management plan for its properties within one year of acquisition, and will update each management plan approximately every 10 years.
11. The Board will engage First Nations early in the management planning process to better understand areas of cultural importance and to invite First Nations input into land management.
12. Engagement with First Nations will begin by contacting First Nations who have treaty or established rights, or identified geographic areas for consultation purposes, relevant to the nature reserve, as determined using the BC Consultative Areas Database, and by inviting them to discuss areas of mutual interest related to the nature reserve.
13. The Board will encourage input and involvement from interested community members, local First Nations and island conservation groups during the management planning process for its Nature Reserves.
14. The Board may negotiate management agreements with local conservation groups to assist with on-site property management, such as trail maintenance and invasive species removal.
15. Property management activities will focus on the preservation of the ecological integrity of the Nature Reserve.
16. Low-impact recreational access will be accommodated only where the ecological integrity or important cultural areas of a nature reserve are not significantly compromised.
17. The Board will monitor all Nature Reserves annually, and assess for potential management problems such as trespass, misuse or overuse, vandalism, safety hazards or other concerns or activities as listed in the management plan. The Board will take action to address any problems identified, within budget constraints.

18. Monitoring of Ecological Gifts² will include confirmation that the present use of the property is consistent with the use at the time of the donation. Monitoring documentation relating to Ecological Gifts will be made available to Environment Canada upon request.
19. Management plans will indicate where signs should be placed on Nature Reserves. Signs will be kept to a minimum and be used only when necessary to provide visitors with essential information.
20. Generally, the following three types of signs may be used on Nature Reserves:
 - Management Signs*- describe permitted uses or activities that are not permitted, using international symbols where appropriate.
 - Safety Signs*- alert visitors to dangerous conditions or hazards that exist. Safety signs must be installed when a hazard or dangerous condition is identified on-site, using international symbols where appropriate.
 - Information Signs*- provide visitors with specific information such as, the name of the property, management partners, identification of the site boundaries, identification or interpretation of features, provision of directions, and identification of facilities (e.g., trails).
21. The Board will seek appropriate conservation groups to hold conservation covenants on its lands and will work with these groups to negotiate appropriate covenant restrictions and obligations respecting the land.

REFERENCES

Regional Conservation Plan
ITC Policy 2.2 Assessing Conservation Proposals
ITC Policy 2.4 Conservation Covenants

² An Ecological Gift is a gift of land or a covenant on land that is certified as ecologically sensitive by the federal Minister of the Environment or his or her designate in accordance with the provisions of the federal Income Tax Act and otherwise meets the requirements of the Income Tax Act and that gives rise to special tax benefits.



Policy	3.2.4 Conservation Covenants
Approved By:	ITC Board
Approval Date:	January 23, 2014
Amendment Date(s):	March 19, 2024
Policy Holder:	Islands Trust Conservancy Manager

CONSERVATION COVENANTS

Purpose

To describe general practices associated with negotiating, holding and monitoring Islands Trust Conservancy **conservation covenants**.

Scope

Policy 2.5 Natural Area Protection Tax Exemption Program provides additional policies for covenants within that program.

Background

The *Islands Trust Act* establishes the Islands Trust Conservancy to acquire, hold and manage land, and receive donations for the purpose of carrying out the object of the Islands Trust.

As a means of carrying out the object of Islands Trust, the Islands Trust Conservancy Board may receive donations of conservation covenants. Covenants provide the covenant holder with an interest in a parcel of private land. The covenant is a contractual agreement between the landowner and the covenant holder(s) that indicates what the parties will do to protect or conserve the covenanted land.

The Islands Trust Conservancy has an annual program for monitoring lands over which it holds conservation covenants to ensure that landowners are in compliance with the terms of the covenant. Annual monitoring keeps landowners and covenant holders in regular communication and ensures that both parties are satisfying the requirements of the covenant.

A: Policy - General

1. The Board accepts covenant donations to preserve and protect significant features and values within the Islands Trust Area. The Board does not purchase conservation covenants.
2. The Board will only consider registration of a covenant after it has been referred to First Nations who have treaty or established rights, or identified geographic areas for consultation

purposes, relevant to the conservation proposal area, as determined using the BC Consultative Areas Database. First Nations will be provided with a 90 day referral period.

3. The Board will consider responses from First Nations during negotiation of a conservation covenant agreement.
4. The Board may request or require, as part of a covenant donation, a monetary donation to the Covenant Management and Defense Fund or towards the creation of a specific endowment, in order to assist with ongoing and future costs of maintaining, monitoring and legally defending the covenant.
5. The Board will endeavor to co-hold covenants with another conservation organization wherever possible. The Board may require an agreement between covenant holders outlining roles and responsibilities, including cost sharing, prior to commencing negotiation of a covenant.
6. The general intent of conservation covenants held by the Board is to preclude development and uses that may disturb or impact the natural features of the property.
7. The Board will issue a charitable receipt to the donor if the covenant is a gift.¹ The donor must provide an appraisal (at his or her cost) that clearly identifies the value of the covenant, undertaken by an individual accredited in real estate appraisal in Canada and who is independent from both the donor and the Islands Trust Conservancy.
8. Where a landowner who wishes to donate a covenant may qualify for Environment Canada's Ecological Gifts program, the staff will assist with completion of the application form.
9. The Board will review and approve a covenant template from time to time to guide covenant negotiations. The approved covenant template will provide the basis for all covenant negotiations.
10. Covenants will generally include restrictions on:
 - a. the cutting of native vegetation;
 - b. the alteration of the hydrology of the land; and
 - c. the removal or alteration of soil and rock.
11. The Board requires each covenant to include an indemnity by the landowner in favour of the Board and its staff or agents against liability arising out of the owner's ownership, use, occupation or maintenance of the lands.
12. The Board may not incur a liability without Ministerial approval and therefore the Board will not provide indemnities to landowners.
13. A Rent Charge (which is a deterrent, fine-like charge) will be required with each covenant on private land as a deterrent to undertaking restricted activities. As of the date of this policy, the Rent Charge amount will be set at \$7,500 and will increase each year on January 1 by the

¹ A gift is defined as a voluntary transfer of property without valuable consideration to the donor.

CPI². The Rent Charge will be increased by 110% of the market value of any flora or fauna, soil, rock, gravel or minerals which have been damaged in connection with a breach of the covenant.

14. A Statutory Right of Way (SRW) will be required with each covenant to enable access for annual monitoring and for restoration and maintenance of the natural values protected by the covenant. If the covenant area is not adjacent to a legal road access, the SRW will be requested over the whole of the land.
15. Where access to the covenanted land is via easement or right of way from adjacent lands and not from a dedicated highway, the Board will ensure that those easements or rights of way extend to the Board for the purposes of accessing the covenanted lands.
16. The landowner is responsible for all costs incurred by the landowner to complete the covenant. In cases of financial need, the Board may consider assisting a landowner with the costs of covenanting, such as land survey, appraisal, ecological baseline, and registration fees, at the request of the landowner. Landowners entering the *Natural Area Protection Tax Exemption Program (NAPTEP)* are expected to cover their costs except in special circumstances (refer to Policy 2.5).
17. The Board will review and approve all covenants for signing before they are registered.

B: Policy: Monitoring

18. Each property covenanted by the Islands Trust Conservancy Board will be visited and monitored annually by either Islands Trust Conservancy staff or an Islands Trust Conservancy contractor.
19. The Board will seek budget amounts from Trust Council sufficient to cover regular annual monitoring for all its covenants.
20. Written documentation (a report, updated photographs and maps) of each monitoring visit will be developed to confirm that the present use of the covenant area is consistent with the baseline recorded at the time of covenant registration. The written report will be provided to the Board for review and approval. Following the Board's review of the report, staff will notify landowners regarding their compliance with the covenant.
21. Monitoring of Ecological Gifts³ will include confirmation that the present use of the property is consistent with the use of the land at the time of the covenant donation. Monitoring documentation for Ecological Gifts will be made available to Environment Canada upon request.

² "CPI" means the All-Items Consumer Price Index published by Statistics Canada, or its successor in function, for Vancouver, BC, where 2014 equals 100.

³ An Ecological Gift is a gift of land or a covenant on land that is certified as ecologically sensitive by the federal Minister of the Environment or his or her designate in accordance with the provisions of the federal Income Tax Act and otherwise meets the requirements of the Income Tax Act and that gives rise to special tax benefits.

22. Generally, the Board will not undertake monitoring on other agencies' covenants where the Board has no legal interest in the covenant (e.g. covenants held by local trust committees, local, regional, provincial or national conservancy/land trust groups). However, if requested, the Board may assist with monitoring a covenant held by a local trust committee or island municipality if the local trust committee or island municipality will cover all costs associated with the monitoring and the property is adjoining an Islands Trust Conservancy property or covenant that would be monitored at the same time.
23. In cases where the Board and a second group (e.g. local trust committee or local, regional, provincial or national conservancy/land trust) hold a conservation covenant jointly, the Board may take the lead in contracting independent monitoring unless the partner group or the Islands Trust Conservancy has staff resources to conduct the monitoring. In either case, monitoring must be done to the Islands Trust Conservancy standard and costs may be shared.
24. Any observed or reported breach will be investigated according to ITC Policy 2.8 Covenant Enforcement and the related Breach Investigation and Covenant Enforcement procedure.
25. The Board will educate others about the responsibilities associated with holding conservation covenants and will advocate that other parties within the Islands Trust monitor their conservation covenants annually.

REFERENCES

Islands Trust Act

Land Title Act

Canadian Land Trust Standards and Practices 2005 (Technical update, 2007). Available online through the Land Trust Alliance of BC at www.ltabc.ca.

Hillyer, A. and J. Atkins, 2005. *Greening your title: a guide to best practices for conservation covenants. Second Edition*. Published by West Coast Environmental Law Research Foundation. Vancouver, B.C. Available online at www.wcel.org

ITC Policy 2.2 Assessing Conservation Proposals

ITC Policy 2.5 Natural Area Protection Tax Exemption Covenants

ITC Policy 2.8 Covenant Enforcement



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.2.5

Title: Natural Area Protection Tax Exemption Covenants

Approved By: Islands Trust Conservancy Board

Date: July 10, 2002 Resolution #: TFB 02/481

Revised: Date: July 12, 2004 Resolution #: TFB 04/704

Revised: Date: Nov. 29, 2006 Resolution #: TFB 06/878

Revised: Date: Jan. 23, 2014 Resolution #: TFB-2014-007

Chair Signature:

PURPOSE

This policy describes how the Islands Trust Conservancy Board considers requests to hold conservation covenants associated with an application to the Natural Area Protection Tax Exemption Program (NAPTEP).

BACKGROUND

Islands Trust Council worked for 8 years to create a property tax exemption for landowners who agreed to protect the natural values on their land. In 1998, the Trust Fund Board (now the Islands Trust Conservancy) and Trust Council developed the Natural Area Protection Tax Exemption Program. In 2000, the Province amended the *Islands Trust Act* to allow Trust Council and Regional Districts to cooperatively establish a tax exemption program. In 2002, the *Islands Trust Natural Area Protection Tax Exemption Regulation* (NAPTEP Regulation) was developed and approved by the Province of BC.

The program, known as the Natural Area Protection Tax Exemption Program (NAPTEP), offers qualified landowners an exemption of 65% of the property taxes for the portion of the land that is covenanted. The land to be protected must qualify as “eligible natural area property” as defined in the *Islands Trust Act* and the landowner must register a covenant under section 219 of the *Land Title Act* that protects the natural values and amenities identified in the NAPTEP Regulation.

SCOPE

NAPTEP covenants will be considered in accordance with this policy, as well as ITCB Policy 2.4 Conservation Covenants.

POLICY

1. The Board administers the NAPTEP program on behalf of Trust Council in compliance with *the Islands Trust Act* and applicable regulations, bylaws and policies.
2. The Board will continue to deliver NAPTEP subject to provisions in the annual budget approved by Trust Council to cover the cost of promotion of the program, processing of all applications and monitoring and enforcement of all covenants.
3. The Board will accept and hold covenants on lands that are identified as having the following natural area values and amenities as defined in section 2 of the NAPTEP Regulation:
 - a. areas that are relatively undisturbed by human activity and are good examples of one or more of the ecosystems described in the Schedule of the above noted regulation;
 - b. areas that are relatively undisturbed by human activity and are key habitat for rare native plant species or plant communities;
 - c. areas that are critical habitat for native animal species in relation to breeding, rearing, feeding or staging; and
 - d. geological features as described in the above noted regulation.

The Board will give priority to those NAPTEP proposals that also meet one or more of the goals or objectives of the Regional Conservation Plan.

4. The Board will not accept a covenant on lands where the only natural values or amenities are those defined in section 2 (e) and (f) of the NAPTEP Regulation, as follows:
 - e. historical features as described in the above noted regulation;
 - f. social or recreational features as described in the above noted regulation.

The Board may consider accepting covenants on lands with values or amenities defined in section 2 (e) and (f) where these values and amenities are found in combination with those identified in sections 2 (a) through 2 (d) of the NAPTEP Regulation.

5. The Board requires any NAPTEP applications connected with a development application to a local trust committee or municipality to submit an *ITC Conservation Proposal Form for Conservation Projects Connected with a Development*.
6. The landowner is responsible for all costs incurred by the landowner to complete the covenant, and for the costs of registration in the land title office. The Board will consider assisting a landowner with all or a portion of the application fee where the applicant demonstrates financial need and where the land has high conservation value.

7. In cases where there are multiple covenant zones, the Natural Area Exemption Certificate will only reference the Covenant Area(s) that qualify as “eligible natural area property” as defined in the *Islands Trust Act*.
8. Annual monitoring and enforcement procedures for NAPTEP covenants will be consistent with procedures followed for all Islands Trust Conservancy covenants.

REFERENCES

Islands Trust Act, Sections 49.1 to 49.8

Islands Trust Natural Area Protection Tax Exemption Regulation 41/2002

Islands Trust Natural Area Exemption Certificate Fees Bylaw 115

Islands Trust Procedural Policy 2.1.x - Administering the NAPTEP program

Islands Trust Conservancy Regional Conservation Plan

ITC Policy 2.2 Assessing Conservation Proposals

ITC Policy 2.4 Conservation Covenants

ITC Policy 2.8 Covenant Enforcement Policy

ITC Conservation Proposal Form (voluntary)

ITC Conservation Proposal Form for Conservation Projects Connected with a Development Application

Canadian Land Trust Standards and Practices, 2005 (Technical update, 2007). Available online through the Land Trust Alliance of BC at www.ltabc.ca.

Hillyer, A. and J. Atkins *Greening your title: a guide to best practices for conservation covenants, second edition*. 2005. West Coast Environmental Law Research Foundation. Vancouver, B.C. Available online at www.wcel.org.



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.2.6

Title: Heritage Forest Land Acquisition and Protection

Approved By: Islands Trust Conservancy Board

Date: March 15, 2001 Resolution #: TFB 01/391

PURPOSE

To clarify the Board's intentions regarding accepting Heritage Forest lands on Galiano Island and the subsequent management of any such lands acquired.

SCOPE

The *Islands Trust Act* establishes the Islands Trust Conservancy to acquire, hold and manage lands and received donations for the purpose of carrying out the object of the Islands Trust.

BACKGROUND

The *Islands Trust Act* establishes the Islands Trust Conservancy to acquire, hold and manage lands and received donations for the purpose of carrying out the object of the Islands Trust.

The 1995 Galiano Official Community Plan designates certain lands on the island as "Forest 1". If a landowner of "Forest 1" lands wishes to rezone to permit residential development they must donate a certain portion of the land (rezoned to Heritage Forest) to a Galiano Island organization that has as one of its objectives stewardship of forest land. Certain landowners have requested making the donation to Islands Trust Conservancy rather than to a Galiano Island organization.

At its January 2001 meeting the Board indicated that it was interested in considering Heritage Forest land donations if the Official Community Plan is amended to allow for organizations outside of Galiano Island to receive such donations.

It is a management policy of the Islands Trust Conservancy that lands acquired and held by the Board will be left in a natural state and natural processes will be allowed to happen with minimal interference from humans.

Policy

1. The Board shall, in its consideration of possible Heritage Forest donations, use its standard criteria for evaluating conservation proposals to determine if the property is of interest to the Board.
2. The Board will notify the Galiano Island Local Trust Committee of its decision respecting acceptance of Heritage Forest donation proposals following the meeting at which the proposal is discussed.
3. Heritage Forest land will be referred to as a “Heritage Forest” rather than as Nature Reserve or Nature Sanctuary.
4. Naming of Islands Trust Conservancy Heritage Forests will be done in a similar manner to naming Islands Trust Conservancy Nature Reserves or Nature Sanctuaries, namely, solicit suggestions from the donor, develop names related to the property or surrounding area, develop names based on special features on-site, or use the donor’s name and the Board will adopt a name for the site by resolution.
5. Islands Trust Conservancy will prepare management plans and establish management groups for Heritage Forests in the same manner as it does for its other properties.
6. The general objectives for Heritage Forests will be to “preserve the forest land base; to protect the aesthetic value of forest land; to protect riparian zones, sensitive ecosystems, watersheds and biodiversity” within the property. These objectives are in keeping with the Galiano Official Community Plan.
7. The Islands Trust Conservancy will not permit logging on Heritage Forest lands it holds. It will consider, through management planning, other appropriate and inappropriate uses based on the features and values being protected.
8. Any programs to be carried out in an ITC Heritage Forest must be included in a management plan for the Heritage Forest or must be approved in advance by the Islands Trust Conservancy Board. The management group would coordinate any programs.

References

Memorandum of Agreement between the Galiano Local Trust Committee and the Islands Trust Conservancy Board (June 1996)



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.2.7

Title: Disposition of Land Policy

Approved By: Islands Trust Conservancy Board

Date: March 24, 2003 Resolution #: TFB 03/555

Revised Date: August 9, 2006 Resolution #: TFB 06/859

Revised Date: November 24, 2011 Resolution#: TFB 11/1269

PURPOSE

This policy establishes how the Islands Trust Conservancy Board will dispose of land and interests in lands that it owns or holds.

Under this Policy, disposition includes:

- the transfer of land or interests in land owned or held by the Islands Trust Conservancy by any means, including by sale or donation,
- the granting of interests in land respecting land owned by the Islands Trust Conservancy, including by way of lease, license, easement, statutory right of way or covenant, and
- any transfer or release of an interest in land held by the Islands Trust Conservancy over land owned by a third party, including under a lease, license, covenant, easement or statutory right of way.

Related Legislation

The *Islands Trust Act* allows the Islands Trust Conservancy Board to dispose of land as follows:

- 41 (2) (c) For the purpose of carrying out the object of the Trust, the Islands Trust Conservancy Board may...subject to section 44(2), acquire, hold and dispose of land and other property.

- 41 (3) for the purposes of acquiring, holding and disposing of land and other property under (2) (c), the Islands Trust Conservancy may use the money, land and other property of the trust fund.
- 44 (1) The Islands Trust Conservancy must prepare and submit to the minister, at least once every 5 years, a plan for the trust fund respecting
- a) policies on acquisition, management and disposal of property of the trust fund,
 - b) policies on investment of money of the trust fund,
 - c) goals for major acquisitions of property by the trust fund, and
 - d) other matters as required by the Minister.
- 44 (2) The Islands Trust Conservancy must not, without the prior approval of the minister, acquire, hold or dispose of land except in accordance with a trust fund plan under subsection (1) that has been approved by the minister.

Policy

1. The Islands Trust Conservancy Board will consider disposition of land or an interest in land based on a proposal from another government agency, conservation agency or from Islands Trust Conservancy staff. The proposal to the Board will be accompanied by a preliminary staff report stating:
 - a) the purpose of the proposed disposition and the intended use of the land if transferred or sold;
 - b) any legal or other significant impediments to the disposition as proposed, including any conditions contained in the original donation, bequest or endowment of the land or interest in land;
 - c) the land's ecological significance, including characteristics and values identified in the Regional Conservation Plan;
 - d) whether the disposition requires Ministerial approval, or is authorized under the current five-year Islands Trust Conservancy Plan referenced in Section 44 of the Islands Trust Act; and,
 - e) whether the land was obtained as an Ecological Gift and therefore the disposition would require authorization of the Environment Canada.
2. If the land or interest in land is not an ecologically significant area as defined in the Regional Conservation Plan, and no other barriers to disposition exist, the Islands Trust Conservancy Board may, by resolution, approve the disposition. Any proceeds arising from a disposition will be placed in an acquisition fund of the Islands Trust Conservancy and are not fixed to a particular budget year.
3. Where the Islands Trust Conservancy Board determines that the land or the interest in land is ecologically significant but that a transfer or sale is possible and worthy of

consideration, the Islands Trust Conservancy Board will direct staff to conduct and present a thorough analysis before deciding on the disposition.

Disposition of Fee Simple Title to Ecologically Significant Land

4. Where the Islands Trust Conservancy owns the fee simple title to the land and the proposal is to transfer the fee simple title, the analysis will include an assessment of:
 - a) The original intention of the donation, including consultation with original donor if possible.
 - b) The level of expertise needed to manage the land and a comparison of the Islands Trust Conservancy's access to the required expertise to the potential transferee's access to the required expertise.
 - c) The Board's investments in the land to date, the investments needed after the transfer, and the financial ability of the Board and the proposed transferee to meet the required investments.
 - d) An estimate of the annual costs and level of resources required for adequate management, as well as the ability of the proposed transferee to provide adequate management.
 - e) Any alternatives to a fee simple transfer that would achieve the goal of the proposed transfer and the relative costs, benefits and other implications of each alternative.
 - f) The effect of the potential transfer on any existing conservation covenant registered on the property, and the covenant holders.
 - g) The effect of the potential transfer on any existing agreement with a management group.
5. The Islands Trust Conservancy Board will only dispose of the fee simple title to ecologically significant land if it can be determined that the recipient agency has the expertise and long-term financial resources to manage the property as well as, or better than, the Board.
6. The Board will consider the following tools to ensure that the land and its values will be protected in perpetuity for the residents of the Trust Area and the people of British Columbia:
 - a) The Islands Trust Conservancy Board may transfer the land on condition that it be used for conservation purposes, or transfer the land as determinable fee simple providing that the land will revert to the Islands Trust Conservancy if the land is no longer being used for the specified purposes.
 - b) The Islands Trust Conservancy Board may register a conservation covenant on title to the land before the transfer, to ensure the protection of the land's ecological values, provided an appropriate agency can be found to hold the covenant, and the recipient agency has the legal authority to accept the encumbrance.
7. For a proposed disposition of the fee simple title to ecologically significant land, the Islands Trust Conservancy Board will:

- a) If a conservation covenant is already registered on title to the land, advise the covenant holder that it is considering transferring title to the land, and consider any comments provided by the covenant holder in respect of the possible transfer.
- b) If the property was acquired through public support or a partnership with a local conservancy, direct staff to complete public consultation on the island to gauge local public opinion on the proposed transfer. The Islands Trust Conservancy Board will consider the results of the public consultation but is not bound to decide in favour of public opinion.
- c) If the land was acquired as an Ecological Gift, direct staff to seek prior written authorization from Environment Canada before proceeding.

Disposition of Interests in Ecologically Significant Land

- 8. Where the Islands Trust Conservancy owns the fee simple title to land and the proposal is to dispose of an interest in that land, the analysis will include an assessment of:
 - a) The original intention of the donation, including consultation with original donor if possible.
 - b) The impact of the proposed disposition on the characteristics and values of the land and the on-going protection of the land.
 - c) Whether the proposed disposition is consistent with any conservation covenant registered on title to the land, and with all other charges registered on title to the land.
 - d) The effects of the proposed transfer on any existing agreement with a management group.
 - e) Consideration of any steps that can be taken to minimize any impacts of the proposed disposition on the land.
- 9. Where the Islands Trust Conservancy holds an interest in ecologically significant land that is owned by a third party and the proposal is to transfer or release that interest in land, the analysis will include an assessment of:
 - a) The original reason for the acquisition of the interest in land, and the existing need for Board to hold the interest in land.
 - b) The impact of the proposed disposition on the characteristics and values of the land and the on-going protection of the land.
 - c) If the proposal is to transfer a conservation covenant and statutory right of way held by the Board to a third party, the ability of the proposed transferee to fulfill the obligations of the covenant holder under the covenant in perpetuity.
 - d) If the proposal is for the Board to release an interest in land from title to land, the reasons for the proposed release.
 - e) The effects of the proposed disposition on any existing agreement with a management group.
 - f) Consideration of any steps that can be taken to minimize any impacts of the proposed disposition on the land.

10. For a proposed disposition of an interest in ecologically significant land that was acquired as an Ecological Gift, the Islands Trust Conservancy Board will direct staff to seek prior written authorization from Environment Canada before proceeding.

References

Islands Trust Act

Environment Canada's Disposition or Change in Use of Ecological Gifts: *What Recipients Need to Know* factsheet



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.2.8

Title: Covenant Enforcement Policy

Approved By: Islands Trust Conservancy Board

Date: April 9, 2009

Resolution #: TFB 09/1054

PURPOSE

To establish a covenant enforcement policy for covenants held by the Islands Trust Conservancy Board in order to maintain continued covenant compliance.

BACKGROUND

The Canadian Land Trust Alliance Standards and Practices for Land Trusts requires land trusts to have a policy detailing how they will respond to potential violations of conservation covenants, including the role of all parties involved (such as board members, volunteers, staff and partners) in any enforcement action. Taking a consistent approach to enforcement is critical to both protect the ecological values of the covenanted land, and to ensure the Islands Trust Conservancy retains its ability to enforce the covenant should legal action become necessary. Currently, the Islands Trust Conservancy and its staff conduct breach investigations and respond to violations on a case by case basis. This policy will provide guidelines to the Islands Trust Conservancy Board and staff for covenant enforcement.

Policy

A. Policy - Breach Investigation

1. The Islands Trust Conservancy has both the authority and the responsibility, as a covenant holder, to monitor and enforce compliance with the terms of its covenants. Where there may be a breach of a covenant, it is the Islands Trust Conservancy's responsibility to investigate the suspected breach.

2. The Islands Trust Conservancy may undertake a covenant breach investigation in the following circumstances:
 - (a) a covenant breach is observed through an annual monitoring visit;
 - (b) a written or oral complaint of a breach by any person is submitted to the Islands Trust Conservancy;
 - (c) the Islands Trust Conservancy staff or contractors to the Islands Trust Conservancy observe a breach;
 - (d) a referral is received from a permitting agency that identifies covenant breaches associated with the permit request; or
 - (e) the Islands Trust Conservancy receives information from any other reliable source that there may be a covenant breach.
3. Breach investigation will follow the Breach Investigation and Covenant Enforcement Procedure, ITC 09002.
4. In the case of jointly held covenants, the co-covenant holder will be contacted immediately and a course of action for investigation of the breach will be determined collaboratively whenever possible.
5. Persons whose actions are being investigated in relation to covenant breaches will be instructed to cease the activity and will be given the opportunity, where possible, to achieve voluntary compliance before further action is taken.

B. Policy – Voluntary Compliance and Enforcement Remedies

1. The Islands Trust Conservancy will in all cases attempt to seek voluntary compliance and remediation by the landowner, in accordance with the Breach Investigation and Covenant Enforcement Procedure, ITCB 09002.
2. If the parties are unable to reach an agreement regarding voluntary compliance, the Islands Trust Conservancy Board may wish to follow the dispute resolution provisions of the covenant, or engage a mediator to assist in dispute resolution. If mediation does not result in an agreement satisfactory to all parties, the Islands Trust Conservancy Board may choose to pursue arbitration.
3. The Islands Trust Conservancy, in consultation with the co-covenant holder, will establish a time period for the landowner to remedy the breach, in accordance with the covenant.
4. If the landowner does not remedy the breach within the acceptable time period, the Islands Trust Conservancy, in consultation with the co-covenant holder, may enter the land and remedy the breach, at the owner's expense, in accordance with the terms of the covenant.

5. Where attempts to achieve voluntary compliance fail, and where legal proceedings are proposed, and upon approval by the Islands Trust Conservancy Board and upon approval by the Executive Committee in relation to financial implications, the Islands Trust Conservancy Manager will instruct legal counsel to commence covenant enforcement proceedings.

C. Policy - Rent Charge Enforcement

1. The rent charge is granted under section 219 of the *Land Title Act* and may be enforced against the landowner in accordance with the terms of the covenant. Rent charge enforcement is the responsibility of the Islands Trust Conservancy Board, as covenant holder.
2. A decision to enforce a rent charge will be made by the Islands Trust Conservancy Board, in consultation with the Chief Administrative Officer of the Islands Trust and legal counsel, and carried out by the Islands Trust Conservancy Manager, in accordance with the Breach Investigation and Covenant Enforcement Procedure, ITC 09002.

Note: If the rent charge is to be enforced, the full amount must be charged.

D. Policy – Rent Charge Enforcement and Jointly Held Covenants

1. Rent charge enforcement of jointly held covenants will be conducted in accordance with the terms of the covenant.

E. Policy – Natural Area Protection Tax Exemption Program Covenants

1. Where a breach is identified on a Natural Area Protection Tax Exemption Program Covenant, the Islands Trust Conservancy Board may ask Trust Council to cancel the Natural Area Exemption Certificate. The Islands Trust may then proceed to recapture exempted property taxes in accordance with the *Islands Trust Act*.
2. Where the Islands Trust Conservancy Board wishes to cancel a Natural Area Exemption Certificate, Islands Trust Conservancy staff, in consultation with the Trust Area Services Director, will prepare a staff report and Request for Decision for Trust Council outlining the nature of the breach and the reasons for requesting the cancellation.
3. If Trust Council elects to proceed with cancellation of the Natural Area Exemption Certificate and recapture of exempted property taxes, this activity will be the responsibility of the Trust Area Services Director.

F. Policy – Covenants that have received tax receipts through the Ecological Gifts Program

1. Where a breach occurs on a property which was covenanted through the Ecological Gifts Program, Islands Trust Conservancy Board will direct staff to advise the appropriate federal

government department in writing of the breach and actions taken to remedy the breach and enforce the covenant.

References:

ITC Policy 2.4 Conservation Covenants

Islands Trust Conservancy Plan

Islands Trust Act

Land Title Act

Trust Council 5.3v Best Practices for Local Trust Committees in Holding Conservation Covenants

Canadian Land Trust Standards and Practices 2005

Hillyer, A. and J. Atkins, 2005. Greening your title: a guide to best practices for conservation covenants. Second Edition. Published by West Coast Environmental Law Research Foundation. Vancouver, B.C.

Related Procedure

ITC 2.8.1 Breach Investigation and Covenant Enforcement Procedure



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.2.9

Title: Management Plan Costs Policy

Approved By: Islands Trust Conservancy Board

Date: December 15, 1997

Resolution #: 97/178

PURPOSE

To provide guidelines regarding the costs the Islands Trust Conservancy will cover in preparing management plans for its properties and the process to determine what costs it will cover.

BACKGROUND

The Islands Trust Conservancy Plan indicates that the Islands Trust Conservancy will prepare a management plan for each property it holds. In some cases the Islands Trust Conservancy will hire a consultant to prepare the plan, in some cases the Islands Trust Conservancy and its partners (e.g. management group or acquisition partners) will work cooperatively to have the management plan developed, and in some cases a partner or management group will request to prepare the management plan internally for the Islands Trust Conservancy.

The Islands Trust Conservancy Board requires policy guidance regarding how the costs of management plan development will be covered in each of these possible scenarios.

Policy

1. In cases where the Islands Trust Conservancy has acquired a property through a direct donation or acquisition, generally, the Islands Trust Conservancy will hire a consultant to prepare a management plan for the property.
2. In cases where a property has been acquired through efforts of the Islands Trust Conservancy and other partners, the maximum costs to develop the management plan will be shared by the partners. The maximum cost to develop the management plan and each partner's share of that cost will be determined and agreed to prior to initiation of the plan development.

3. If a consultant is hired to prepare the management plan the Islands Trust Conservancy will contract the services of the consultant. The Islands Trust Conservancy will consult with its partners and try to choose a consultant that is acceptable to all partners.
4. Partners will be required, through an agreement, to ensure that their portion of the management plan cost is provided to the Islands Trust Conservancy in sufficient time to enable the Islands Trust Conservancy to complete payment of the contract.
5. If a partner or management group wishes to develop the management plan internally, the costs of its development will be estimated by the group prior to initiating development of the plan. The costs will be presented to the Islands Trust Conservancy Board and determined as per paragraph 2. The partner or management group preparing the plan internally may request that the Board contribute toward the anticipated external costs. The Board may contribute to its partners and/or management group based on the Board's available funds for management and the Board's evaluation of the necessity of the external cost. Generally, all requests for contribution will be submitted to the Board prior to the cost being incurred.



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.3.1

Title: Islands Trust Conservancy and Local Planning Services Coordination

Approved By: Islands Trust Conservancy Board

	Date: May 13, 2010	Resolution #: TFB 10/1154
Revised	Date: January 21, 2010	Resolution #: TFB 10/1129
Revised	Date: August 13, 1996	Resolution #: TFB 96/85
Revised	Date: June 15, 2010	Resolution #: TC 137/10
Revised	Date: September 27, 1996	Resolution #:

PURPOSE

It is the policy of the Islands Trust to carry out its land use regulation mandate in light of the object of the Islands Trust under the Islands Trust Act in a way that is open, consultative, fair and in compliance with all applicable laws. The procedures set out below are designed to achieve this policy using clear and consistent rules for consultation between the Islands Trust Conservancy and Local Planning Services in a way that avoids conflicts between their respective roles.

This policy is designed to assist Islands Trust staff, Islands Trust Conservancy Board (ITCB) and Local Trust Committees (LTC's) in coordinating the sharing of information between the Islands Trust Conservancy (ITC) and Local Planning Services (LPS) units in order to further the object of the Islands Trust.

Policy

I. General Matters

LTC/ITCB Adherence

1. These procedures are to be followed unless they would unreasonably interfere with the functions of the ITCB or a LTC, or would be inconsistent with the legal obligations of the ITCB or a LTC. If staff in either unit determine just cause for these procedures not to be adhered to, the ITC Manager shall consult the ITCB Chairperson and/or the LPS Regional Planning Manager shall consult the relevant LTC Chairperson. If agreement is not reached about the need to adhere to these procedures, staff must promptly notify the Chief Administrative Officer of the Islands Trust.

Communications

2. Communication for joint initiatives between the ITCB and a LTC will be through the Islands Trust Conservancy Manager and the Regional Planning Manager or a planner designated by the Regional Planning Manager with respect to the LTC.
3. The ITCB Executive Committee Appointee and the LTC Chairperson shall communicate concerns regarding ITC/LPS coordination to the Executive Committee for discussion and possible intervention with senior staff.
4. External communications (including web-postings) on the process or outcome of joint projects will be approved by the TAS Director and the LPS Director.

Coordination

5. Any program or initiative that is to be undertaken jointly by the ITCB and any LTC will be initiated by a resolution of each of those bodies, with any communications between them regarding that initiative being communicated from Chairperson to Chairperson.
6. Each LTC and/or the ITCB may allocate its staff and other resources to a joint initiative, subject to agreement between the ITCB and LTC regarding such allocations before work on the initiative begins.

II. Referrals

Local Planning Services

7. (a) All applications, referrals and LTC initiated projects listed in Table 1 below shall be referred to the ITCB for comment if the application, referral or LTC initiated project is regarding land within the following categories:
 - directly affects an ITC owned property or conservation covenant;

- directly affects a property adjacent to an ITC owned property or conservation covenant;
- pertains to terrestrial Crown land, or
- pertains to intertidal Crown land located within 100m of a ITC owned property or conservation covenant.

In the future, when specific lands within the categories below have been identified, all properties within them will be subject to consultation.

- directly affects properties within an approved Protected Area Network; or
- contains an ecosystem type that is designated for ecosystem protection in the ITC's Regional Conservation Plan.

Table 1 – Level of consultation for applications/referrals over which LTCs have decision making authority or influence

	Directly affects ITC owned property or conservation covenant	Directly affects a property adjacent to an ITC owned property or conservation covenant	Pertains to Crown Land (all terrestrial lands and all intertidal lands located within 100m of an ITC property or covenant)
OCP Review or Amendment	Refer to ITCB for comment	Refer to ITCB for comment	Refer to ITCB for comment
Land Use Bylaw Amendment	Refer to ITCB for comment	Refer to ITCB for comment	Refer to ITCB for comment
Rezoning Application	Refer to ITCB for comment	Refer to ITCB for comment	Refer to ITCB for comment
Temporary Use Permit	Refer to ITCB for comment	Refer to ITCB for comment	Refer to ITCB for comment
Development Variance Permit	Refer to ITCB for comment	Refer to ITCB for comment	No referral
Agricultural Land Commission	Refer to ITCB for comment	Refer to ITCB for comment	Refer to ITCB for comment
Release or modification of LTC held covenant	Refer to ITCB for comment	Refer to ITCB for comment	N/A

- b) All applications, referrals and notices, listed in Table 2 below, received by the LTC shall be subject to the level of consultation identified in the table.

Table 2 – Level of consultation for applications/referrals over which LTCs have limited decision making authority or influence

	Directly affects ITC owned property or conservation covenant	Directly affects a property adjacent to an ITC owned property or conservation covenant	Pertains to Crown Land (all terrestrial lands and all intertidal lands located within 100m of an ITC property or covenant)
Development Permit	Refer to ITCB for information only	Refer to ITC staff for information only	Refer to ITC staff for information only
Siting & Use Permit or Building Permit Referral	Refer to ITCB for information only	Refer to ITC staff for information only	No referral
Subdivision Referral	Refer to ITCB for comment	Refer to ITC staff for information only	Refer to ITCB for comment (if referral for sale, lease, or licensing of Crown Land)

8. If planning staff consider that an application, agency referral or LTC initiated project may affect the interests of the ITC, staff must advise the LTC of that possibility as soon as possible, so the LTC can consider and carry out any referral under section 7.
9. The Islands Trust Conservancy Manager must promptly communicate any LTC referral to the ITCB by delivering a copy of the draft bylaw, referral, or application to the ITCB along with any accompanying material received from the LTC.
10. If the ITCB wishes to comment on an application, agency referral or LTC initiated project, it should do so according to time lines established under section 15. If the ITCB does not wish to comment on the referral, the Islands Trust Conservancy Manager must communicate that fact to the LTC. If the ITCB does not comment within the time line established under section 15, the LTC may assume the ITCB's interests are not affected by the application, agency referral or LTC initiated project.

Islands Trust Conservancy

11. A management plan or proposed project that may affect the interests of a LTC shall be referred to the LTC by the ITCB. Criteria for referring to a LTC include:
 - the property is specifically referred to in an official community plan;
 - the property is, or was, Crown land; or,
 - the LTC is a covenant holder on the property.
12. Every revision to, or replacement of the Islands Trust Conservancy Board Five-Year Plan is to be referred to every LTC and to Trust Council for comment before the revision or replacement is submitted for Ministerial approval in accordance with the *Islands Trust Act*.
13. If ITC staff consider that a management plan or proposed project may affect the interests of an LTC, staff must advise the ITCB of that possibility as soon as possible, so the ITCB can consider and carry out a referral as described in section 11.

14. If a LTC wishes to comment on the Islands Trust Conservancy Board Five-Year Plan, a management plan, or a proposed project, it must do so in accordance with the time line established under section 15. If the LTC does not wish to comment on the referral, the LTC's designated staff person must communicate that fact to the Islands Trust Conservancy Manager. If the LTC does not comment within the time line established under section 15, the ITCB may assume the LTC's interests are not affected by the management plan, proposed project or Islands Trust Conservancy Board Five-Year Plan.

General

15. The Islands Trust Conservancy Manager and Local Planning Services staff must, in each case where a referral has been initiated, agree on appropriate time lines for each referral in order for the ITCB and the LTC to carry out their respective functions in a timely manner.

Covenant and Land Donation Proposals Connected With a Development Application

Sections 16 to 19 apply where a written proposal has been made in connection with an application to a LTC for any land use development approval that would result in land or money being donated to the ITC if the development approval is granted ("Donation Proposal"). The Islands Trust Conservancy Board will be guided by ITC Policy 05001 Assessing Covenant and Land Donation Proposals Connected with a Development Application when considering any such proposal.

16. The Islands Trust planning staff responsible for a LTC that has received a written Donation Proposal must promptly deliver the Proposal to the Islands Trust Conservancy Manager as well as copies of any other material pertinent to the application for development.
17. The ITCB is to respond to the LTC regarding the written Donation Proposal according to the time lines set out under section 15. The ITCB's response is to indicate whether the ITCB wishes to pursue the Donation Proposal.
18. If the ITCB wishes to pursue a Donation Proposal and has indicated this to the LTC, the ITCB may enter into discussions with the person responsible for the Donation Proposal in coordination with the Islands Trust planning staff responsible for the LTC.
19. The ITCB is to notify the LTC, and is to provide the LTC with reasonable details of any Donation Proposal with which the ITCB is prepared to proceed.

Related Procedure

Islands Trust Conservancy Board / Trust Council Memorandum of Understanding (April 11, 1996)
Islands Trust Conservancy Board / Local Trust Committee Memorandum of Understanding (April 11, 1996)



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.3.2

Title: Communicating Information Regarding Covenant and Acquisition Projects

Approved By: Islands Trust Conservancy Board

	Date: November 15, 2001	Resolution #: TFB 01/441
Revised	Date: January 16, 2002 for TC Referral	Resolution #: TFB 02/447
Revoked	Date: May 15, 2002 and replaced with new policy dated May 7, 2002, for TC Referral	Resolution #: TFB 02/467
Revised	Date: July 10, 2002	Resolution #: TFB 02/489

PURPOSE

To provide a guideline regarding communication of information about conservation covenant and land acquisitions projects of the Islands Trust Conservancy, particularly to Local Trust Committees and Island Municipalities.

BACKGROUND

The Islands Trust Conservancy can receive donations of land and interests in land (e.g., covenants) and can purchase lands for conservation purposes. Negotiations related to such acquisitions are confidential to the Board and its related staff.

Local trustees have asked that they be informed of land conservation projects that are on-going on their islands.

The 1996 Memorandum of Agreement between the Islands Trust Council and the Islands Trust Conservancy Board has been revised to require the Board to create a policy and procedure regarding communications about land conservation projects.

Policy

General

1. The Islands Trust Conservancy Board's (Board) land conservation negotiations are confidential and will be treated as such by all Board members and staff of the Islands Trust Conservancy.
2. Generally, information about on-going covenant and land donation projects will not be discussed or announced publicly until the project is complete.

Projects Initiated by Local Trust Committee/Island Municipality and Landowner

3. If a Local Trust Committee wishes to initiate a project with the Islands Trust Conservancy Board the following will be required before the Board will consider the project:
 - the Local Trust Committee/Island Municipality to facilitate a meeting of Islands Trust Conservancy and Planning staff with the landowner, if necessary, to determine if the project meets the criteria of the Islands Trust Conservancy and to explain the Board's processes and timeframes.
 - Islands Trust Conservancy staff to conduct a site visit if it appears the project fits the Board's criteria to document the features and values and property characteristics.
 - A conservation proposal from the landowners, or planner on behalf of the LTC/IM, (see conservation proposal outline May 2002). The conservation proposal will clarify that the landowner's position regarding the dissemination of information.
4. Following the Board's meeting, Islands Trust Conservancy staff will notify the landowners, Local Trust Committee/Island Municipality and planning staff to let all know if the proposal is accepted or not.
5. If the Board accepts the proposal Islands Trust Conservancy staff will work with the local planning staff and Local Trust Committee/Island Municipality to further the project as it relates to the Islands Trust Conservancy Board. The Board generally does not comment on details of planning applications but only on the project as it relates to the Islands Trust Conservancy interests.
6. When completed, the project will be jointly announced, unless the Local Trust Committee / Island Municipality do not wish to do so, in which case the Islands Trust Conservancy Board will announce the Board's involvement in the project.

Land or Covenant Donations Initiated directly between the Board and Landowner

7. The conservation proposal form of the Islands Trust Conservancy will include questions for the landowner regarding permission to let the Local Trust Committee/Island Municipality and appropriate staff know of project (e.g. the intent of the project and the location of the property). Further, the landowner will be asked if they approve of the information being made public or if they wish to have it remain confidential (i.e., Board, LTC, appropriate staff) until the project is complete.

8. Based on the landowner's wishes, Local Trust Committee/Island Municipality members and staff may be requested to keep all information provided by the Board relating to a covenant or land donation confidential until such time as the project is completed by the Islands Trust Conservancy (i.e., confirmation of covenant registered on title or land transferred to the Islands Trust Conservancy).
9. If the landowner provides written permission allowing the Islands Trust Conservancy to make the project, or any part of the project, publicly known, Islands Trust Conservancy staff will determine the best means and timing for a public announcement and will discuss the proposed timing with the island planner and will notify the local trustees prior to any announcement.
10. If the landowner does not provide permission to communicate details of the project to the Local Trust Committee and/or Planner, the Board will notify the Local Trust Committee that it is working on a project within the Local Trust Area and, at the request of the landowner, all information will remain confidential until the project is completed.
11. Islands Trust Conservancy will publicly announce conservation accomplishments in a variety of ways based on the particulars of each project. If the landowner has indicated a willingness to have information made public before completion of the project, the Landowner and Islands Trust Conservancy staff, with partner groups and the island planner will determine the best method and timing for any announcement. Involvement of the Board and the Local Trust Committee will be invited.
12. Generally, Islands Trust Conservancy will not hold media events for completed projects (land donations or covenant projects) but will assist with and attend, as possible, such events planned by partner groups.

Projects Initiated by Other Individuals or Groups (e.g. trustee, conservancy, interested party) - most often purchase projects/occasionally covenants

13. The Islands Trust Conservancy will require, through the conservation proposal, that the individual or group provide signed correspondence from all landowners including:
 - name(s), address(es), contact number(s) of all owners
 - an indication that the landowners have seen and are in agreement with the proposal
 - an indication regarding if they agree to have confidential information about the project provided to the Local Trust Committee/Island Municipality and planner responsible for their island, or not
 - their permission for a site visit to be conducted if necessary
 - an indication regarding whether the individual submitting the proposal is acting on behalf of the landowner and can be provided with confidential information or not.
14. If the Board accepts the project and the landowner has indicated information can be provided to the Local Trust Committee/Island Municipality, the Islands Trust Conservancy will send a confirmation letter to the project initiator and any partner groups, the landowner, the Local Trust Committee/Island Municipality, and planning

staff for the island indicating the Board's acceptance and providing the key project information.

15. In some circumstances during a project (such as purchase projects) information may be confidential between the Islands Trust Conservancy Board and the group (acquisition partners) initiating the proposal (e.g., while negotiating an offer to purchase the negotiations, appraisal, etc. are confidential to the Board and are not provided to the owner).
16. Islands Trust Conservancy staff will provide brief written updates to the Local Trust Committee/Island Municipality, through the island planning staff, regarding the progress of the project.
17. If the landowner has provided approval for the project to be publicly announced, the Islands Trust Conservancy staff will consult with the planning staff and project partners regarding when and how to best announce the project. Planning staff will be asked to address the question with their local Trustees/Islands Municipality reps.
18. On land purchase projects, the Board will work with its acquisition partner groups to raise public awareness of the land project(s) and the need for contributions as soon as possible after notifying the Local Trust Committee and appropriate staff of the project.
19. If the landowner does not provide permission to communicate details of the project to the Local Trust Committee/Island Municipality and/or Planner, the Islands Trust Conservancy will notify the Local Trust Committee/Island Municipality that it is working on a project within the Local Trust Area and, at the request of the landowner, all information will remain confidential until the project is completed.
20. As necessary, as soon as the project is completed, Islands Trust Conservancy staff will contact the Local Trust Committee/Island Municipality to make them aware of the conservation success on their island.
21. The Islands Trust Conservancy will use the Islands Trust's electronic newsletter, or other internal vehicles, to provide all trustees with information about completed conservation projects.
22. The Islands Trust Conservancy will provide an update of completed projects at each Trust Council meeting (through its report).

References

3.2.1 Procedures for Communicating Information Regarding Covenant and Acquisition Projects
Conservation Proposal Form



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.3.3

Title: Relationships with External Groups Policy

Approved By: Islands Trust Conservancy Board

Date: May 13, 2003

Resolution #: TFB 03/575

Revised

Date: Sep. 28, 2015

Resolution#: TFB-2015-074

PURPOSE

To clarify various aspects regarding how the Islands Trust Conservancy will develop and maintain relationships with the external groups with whom it works.

SCOPE

This policy will help to guide interactions with external groups. Internal relationships are guided by *ITCB Policy 3.5. Policy on Consulting Trust Council, Local Trust Committees, Island Municipalities, and Local Trustees on Islands Trust Conservancy Board Matters*. Separate policies are also in place for communications related to covenant and acquisition projects, *ITC Policy 3.2 Communicating Information Regarding Covenant and Acquisition Projects*, and communications occurring through partnership for a property acquisition, *ITC Policy 3.4 Islands Trust Conservancy Board Role in Partnership Acquisition Projects*.

DEFINITIONS

In this policy,

“Advocacy” is the act of influencing and/or seeking cooperation with other agencies and decision-makers about laws, regulations, policies, programs, budgets, priorities, and other decisions relevant to the Islands Trust mandate.

“Object of the Islands Trust” is to preserve and protect the Islands Trust area and its unique amenities and environment in cooperation with others, as defined in the *Islands Trust Act*.

BACKGROUND

The Islands Trust Conservancy works collaboratively with other agencies and individuals to promote conservation in the Islands Trust area. Staff and Board members participate regularly in partnerships with various levels of government, non-profit organizations, community groups and other agencies to further preservation of nature in the Islands Trust area. The Islands Trust Conservancy Board wishes to maintain good communications with other agencies working in the region and has created policy 3.3 to identify methods for maintaining good relationships.

POLICY

General

1. Islands Trust Conservancy board members and staff will conduct activities in a manner that enhances the Islands Trust Conservancy's reputation as an organization that works proactively, constructively and collaboratively to advance the Object of the Islands Trust, as described in the Islands Trust Conservancy Board Five-Year Plan, in an informed, organized, respectful, and transparent way.

Correspondence

2. All written communications from the Islands Trust Conservancy Board or Islands Trust Conservancy should be on the official ITC letterhead.
3. Correspondence addressed to the Islands Trust Conservancy Board or Board Chairperson will be copied to the Chairperson and where the Chairperson deems it necessary, will be added to the next regular meeting agenda for Board reference.
4. The positions expressed and requests made in correspondence from staff of the Islands Trust Conservancy should be consistent with decisions and/or policies of the ITC Board.
5. Use of Islands Trust Conservancy letterhead by the Islands Trust Conservancy Board should be restricted to the ITC Board Chairperson and positions expressed and requests made in correspondence from the Chairperson of the Islands Trust Conservancy Board should be consistent with decisions and/or policies of the ITC Board.
6. Letters drafted by staff for the ITC Board Chairperson should be sent only after review and approval of the ITC Board Chairperson or another ITC Board Member delegated by the Chairperson.
7. Letters drafted by the Chairperson should be sent only after review as to their suitability and content by the Islands Trust Conservancy Manager or another staff delegated by the Manager.
8. When the subject matter of a piece of correspondence relate directly to the interests of Trust Council, a Local Trust Committee, and/or another agency or organization, that correspondence will be copied to the Trust Council Chairperson; the applicable Local Trust Committee; the applicable Islands Trust Directors, and Managers or Coordinators within Islands Trust; and to any relevant representatives of external agencies or organizations.
9. Generally, correspondence to the Islands Trust Conservancy Board will be followed-up on within one week of receipt. Such follow-up should include a phone call to indicate the

correspondence has been directed to the Board Chairperson for the next regular meeting of the Board and a written response within a week of the Board's direction.

Information Sharing

10. The Islands Trust Conservancy commissions studies and mapping inventories from time to time. These reports and inventories will be made publicly available provided they do not relate to any confidential negotiations or projects. Where data is being shared, Islands Trust data sharing agreements will be used.
11. Where information or mapping has been obtained that guides land securement, Islands Trust Conservancy staff will:
 - only share information with external agencies in closed meetings for the purpose of advancing conservation initiatives; and
 - only share information verbally or through map displays that are retained by Islands Trust Conservancy staff, i.e. no hard copy or digital information will be provided to external agencies.
12. If an external agency requests that the Islands Trust Conservancy share confidential information or mapping developed for the purpose of guiding land securement, the Islands Trust Conservancy Board will require a reciprocal sharing of equally relevant information from that agency. If the agency is unable to provide a reciprocal sharing of information, staff will request a resolution from the Islands Trust Conservancy Board prior to sharing information outlining the request and the perceived benefit(s) of sharing the information.

Advocacy

13. The Islands Trust Conservancy will ensure that its advocacy positions are consistent with the Islands Trust Conservancy Board Five-Year Plan and Islands Trust Policy 6.10.iii and are supported by a resolution of the Islands Trust Conservancy Board. Advocacy letters from the Islands Trust Conservancy to elected officials will be signed by an Islands Trust Conservancy board member.
14. When practical, the Islands Trust Conservancy Board will coordinate its advocacy efforts with the Executive Committee so that related issues can be advanced strategically.
15. When the Islands Trust Conservancy Board is involved in advocacy work related to Trust Council activities or interests or the activities or interests of local trust committees it will notify the Director of Trust Area Services or the appropriate Regional Planning Manager, and as appropriate, work with Islands Trust staff to prepare briefing and decision documents for Trust Council or the relevant local trust committee.
16. The Islands Trust Conservancy Board will consider the impact on existing work programs when considering advocacy positions.
17. If the Islands Trust Conservancy Board wishes to advocate on an issue overlapping with the jurisdiction of another Islands Trust body or island municipality, it may consult with the affected body. After considering the advice of that body it may take an independent

position consistent with the object of the Islands Trust, and will inform the affected body of the position.

Social Media

18. Islands Trust Conservancy staff will engage with other organizations on Social Media according to the Islands Trust Conservancy Social Media Guidelines.

Relationship with Government

19. As deemed appropriate by the Islands Trust Conservancy Board, the Board will work with other groups to encourage the federal, provincial, regional, municipal and First Nations governments to improve incentives for private land conservation through the establishment and improvement of government programs and tax incentives.
20. The Islands Trust Conservancy Board, as deemed necessary by the Board, will meet with provincial or federal political representatives to request assistance with conservation related projects within the Islands Trust area.
21. The Islands Trust Conservancy staff will work to establish and maintain good working relationships with government representatives in the fields of conservation and land protection.
22. All new programs or projects undertaken by the ITC involving a government agency should be communicated to the Chief Administrative Officer and the Director of Trust Area Services and periodic updates will thereafter be provided as the work evolves.
23. If timely responses (i.e. within one month of date of correspondence or request) are not forthcoming from government representatives with whom the Islands Trust Conservancy is working on a project, the Chief Administrative Officer and Director of Trust Area Services will be asked to intervene.
24. The Islands Trust Conservancy will acknowledge all government partners in conservation projects undertaken by the Board when preparing public announcements and media releases.

Relationships with Conservation Organizations

25. The Islands Trust Conservancy board and staff will foster positive communications with local, regional, provincial, and national land conservation organizations and community groups in order to encourage land stewardship and positive working relationships within the Islands Trust Area.
26. The Islands Trust Conservancy Board will meet with the Boards of Islands Trust Area conservancies regularly, subject to opportunity and available resources.
27. Where possible, the Islands Trust Conservancy will initiate or participate in joint ventures with other conservation organizations within the Islands Trust area.
28. The Islands Trust Conservancy will assist conservation and community groups working in the Islands Trust area, by sharing its experience and expertise; providing organizational or technical assistance; organizing or participating in conservation-related workshops; and

providing information on land stewardship, subject to ITC Board, staff and resource availability.

29. The Islands Trust Conservancy will recognize all official project partners in public announcements and media releases.

Relationships with Landowners

30. The Islands Trust Conservancy will respond to landowner enquiries in a timely manner and provide additional information as appropriate in response to landowner questions.
31. The Islands Trust Conservancy staff will work to maintain good working relationships with landowners who are working with the Board on conservation and land protection projects.
32. Landowners who donate conservation covenants or land will be acknowledged and thanked by the Islands Trust Conservancy in an appropriate manner upon completion of a project.
33. The Islands Trust Conservancy will invite landowners who have made significant donations to the Islands Trust Conservancy to special events that it may organize from time to time.

REFERENCES

Islands Trust Act

Islands Trust Conservancy Five-Year Plan

ITC Policy 3.2 Communicating Information Regarding Covenant and Acquisition Projects

ITC Policy 3.4 Islands Trust Conservancy Board Role in Partnership Acquisition Projects

ITC Policy 3.5 Policy on Consulting Trust Council, Local Trust Committees, Island Municipalities, and Local Trustees on Islands Trust Conservancy Matters

Trust Council Policy 6.10.iii Advocacy Policy

Islands Trust Conservancy Social Media Guidelines



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.3.4

Title: Islands Trust Conservancy Board Role in Partnership Acquisition Projects

Approved By: Islands Trust Conservancy Board

Date: March 15, 2001

Resolution #: TFB 01/390

PURPOSE

To clarify the role of the Islands Trust Conservancy in partnership acquisition projects, as established by the Board in January 2001.

BACKGROUND

The Islands Trust Act establishes the Islands Trust Conservancy to acquire, hold and manage land and received donations for the purpose of carrying out the object of the Islands Trust.

The Islands Trust Conservancy believes that assisting other conservation groups working within the Trust Area will benefit Islands Trust and will help achieve the object of Islands Trust. However, the Islands Trust Conservancy has limited staff and resources and the Islands Trust Conservancy Board has determined that greater clarity and certainty must be provided to potential partner groups regarding the roles the Islands Trust Conservancy is able to play in acquisitions projects.

The Islands Trust Conservancy Board must consider and approve of conservation projects taken on by the Islands Trust Conservancy. This is done through consideration of conservation proposals for individual projects. In the past 5 years there has been an increase in the number of groups requesting that Islands Trust Conservancy assist in raising funds to acquire significant properties within the Islands Trust Area.

Policy

DETAILS:

1. Generally, the Board will only join an acquisition partnership project if a local group exists and is willing to lead the fundraising initiatives for a project or if a provincial or national protection agency or non-government organization is leading the project.
2. Priority for joining an acquisition partnership project will be given to projects that will protect regionally, provincially or nationally significant features and values.
3. Land donations are the preferred method of the Board to acquire significant properties. The Islands Trust Conservancy will put forward to landowners and/or groups discussing possible partnership acquisition projects the opportunity to donate the land and receive a tax receipt for the fair market value of the property donation.
4. Life Estates will be suggested to landowners as a means to support land donations to the Board or other conservancy group and to allow continued use of the land by donating landowners.
5. The Islands Trust Conservancy's contributions to a partnership acquisition project will be limited to the following types of initiatives:
 - (a) producing funding proposals to foundations and government funding sources;
 - (b) posting acquisition project information and providing contribution opportunities on the Islands Trust Conservancy website;
 - (c) providing staff time to assist in coordinating and/or participate in project related meetings;
 - (d) assisting in specific fundraising initiatives organized by other partner groups (e.g. selling raffle tickets, requesting donations of artwork for an auction, selling tickets to a fundraising event);
 - (e) providing limited legal assistance, as the Islands Trust Conservancy budget permits, to assist with acquisition requirements;
 - (f) assisting with front-end costs such as title searches, property appraisals, surveys and follow-up costs such as development and implementation of a management plan;
 - (g) drafting of conservation covenants, if they are part of the project;
6. The Board will consider accepting properties acquired through partnership projects. This eliminates the need for partner groups to pay property taxes and raise subsequent funds for property insurance.
7. Islands Trust Conservancy will not commit to raising any specific amount of money toward an acquisition project.

8. Islands Trust Conservancy will post a notice of all known acquisition projects within the Islands Trust Area to its website with details relating to how people can donate to the project.
9. The Islands Trust Conservancy will receive funds on behalf of the groups coordinating acquisition projects within the Islands Trust Area and will forward funds received to the coordinating group as deemed appropriate by the Islands Trust Conservancy Manager (e.g., monthly, prior to the acquisition deadline, as agreed in a partnership project conservation proposal).

References

ITC Policy 2.2 Assessing Conservation Proposals



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.3.5

Title: Consulting Trust Council, Local Trust Committees, Island Municipalities, and Local Trustees on Islands Trust Conservancy Board Matters

Approved By: Islands Trust Conservancy Board

Date: September 8, 2003 Resolution #: TFB 03/605

PURPOSE

To clarify when the Islands Trust Conservancy will refer items to Trust Council (TC), Local Trust Committees (LTCs), and Island Municipalities (IMs).

BACKGROUND

Since 1996, the Islands Trust Conservancy has had signed Memoranda of Agreement (MOA) with Trust Council and all Local Trust Committees regarding the coordination of activities. It is unclear whether the existing MOA with Bowen Island Local Trust Committee was considered by Bowen Island Municipality when it was incorporated. These MOA indicate that that the Islands Trust Conservancy will refer the Islands Trust Conservancy Plan to every LTC for comment before the plan is submitted for approval in accordance with the *Islands Trust Act*.

In addition, the MOA indicates that where the Islands Trust Conservancy considers a draft management plan or program for a specific property or for an island may have an impact on the jurisdiction of the relevant LTC, the Islands Trust Conservancy will refer the draft plan or program to the LTC for comment before the plan or program is adopted by the Board and the Board will consider LTC comments on the plan or program.

Further, the MOAs outline that LTCs will refer bylaws that may impact on the responsibilities of the Board and any application to the LTC wherein a landowner is offering to donate land or money to the Islands Trust Conservancy.

In July 2002, following extensive consultation with Trust Council, the Trust Fund Board (now the Islands Trust Conservancy Board) approved a policy regarding communicating information regarding covenant and acquisition projects to ensure the confidential nature of land

negotiations was maintained. The Islands Trust Conservancy's conservation proposal requirements now include an indication from the landowners regarding whether the landowner agrees to allow information about the project to be distributed to trustees, planning staff and the public.

Policy

1. The Islands Trust Conservancy will refer the final draft of the Islands Trust Conservancy Plan, required by the Islands Trust Act, to all Local Trust Committees, Island Municipalities and Trust Council and will take comments received into account prior to finalizing it for submission to the Minister for approval. The Islands Trust Conservancy may choose to make a presentation to Trust Council highlighting the significant aspects of the Plan.
2. The Islands Trust Conservancy will provide the final draft of any new Five Year Strategic Plan to Trust Council for comment and will take comments received into account prior to finalizing the Plan.
3. When the Islands Trust Conservancy is proposing a special program (e.g. landscape classification mapping, landowner contact program) on an island, the Islands Trust Conservancy board will discuss the program with and request input to the program from the local trustees before initiating the program. If the program covers a number of islands the Islands Trust Conservancy may choose to discuss the program at Trust Council instead as a means to get comments from trustees.
4. When the Islands Trust Conservancy is proposing a special program for the Islands Trust Area the intent and parameters relating to the program will be outlined to Trust Council early in the conceptual stages.
5. When the Islands Trust Conservancy Board is considering a policy that relates to communication or cooperation with local trustees, Local Trust Committees, Island Municipalities, and/or Trust Council the Board it will refer the proposed policy to Trust Council for comment and will consider all comments received prior to finalizing the policy. Where such policy relates specifically to one Local Trust Committee or Island Municipality only, the policy will be referred to the applicable Local Trust Committee or Island Municipality instead of Trust Council.
6. As a courtesy, Islands Trust Conservancy board members and staff will endeavour to contact local trustees to let them know when they will be on-island in an official capacity.
7. When the Islands Trust Conservancy is preparing a news release regarding an island project, staff will endeavour to provide local trustees with a copy of the news release prior to its submission to the media.

References

Memoranda of Agreement with Trust Council, Local Trust Committees, Island Municipalities and Islands Trust Conservancy Policy ITC 02/489 Communicating Information regarding Covenant and Acquisition Projects



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.3.6

Title: Research Policy

Approved By: Islands Trust Conservancy Board

Date: September 11, 2002

Resolution #: TFB 02/499

PURPOSE

The purpose of this policy is to clarify:

- the types of research that the Board might support financially when resources are available
- when it will provide written support of research (for those applying to granting organizations) and
- how it will deal with research on Islands Trust Conservancy owned lands

BACKGROUND

The Islands Trust Fund¹ Plan (1997-2002) indicated that areas that can be used for nature study, nature education or scientific research are worthy of protection. It was recommended that this same criterion remain in the 2002-2007 Islands Trust Fund Plan. A trustee, during the Trust Council review of the draft Plan 2002 – 2007, indicated concern with this criterion and requested that the Board clarify its position on research. She also expressed concern about the Board allowing research on red-listed bird species on property that it owns. Concern has also been expressed in the past by a partner group about the type and timing of research to be permitted at a nature sanctuary established to protect bird nesting habitat.

The Islands Trust Conservancy Board does not have a policy on what types or levels of research are appropriate. Currently research on Islands Trust Conservancy Board properties is dealt with at the management planning level on a property by property basis. If research is considered to be an issue, the management plan identifies how it should be dealt with.

¹ In May 2018, the Islands Trust Fund became the Islands Trust Conservancy through a legislative change to the *Islands Trust Act*.

Policy

General Support of Research

1. The Islands Trust Conservancy generally supports scientifically-based research, both marine and land-based, relating to the significant ecosystems, natural and cultural features, and other values that relate to the unique and special character of the Islands Trust Area.
2. The Islands Trust Conservancy Board may provide written or financial support for research or programs that it considers beneficial for the conservation, protection or preservation of the Trust Area's unique amenities or environment. In particular, the Board will generally support research that relates to increasing the understanding of the significance or vulnerability of the Trust Area and its natural and cultural features or to conservation of the Trust Area's natural and cultural heritage.
3. Financial support for research will only be provided under the following circumstances:
 - a) the research, or some portion of it, is being conducted within the Islands Trust Area
 - b) the Board has reviewed a written research proposal that summarizes the goals, objectives, timeframe, methodology, anticipated benefits and potential impacts of the research
 - c) the Board recognizes a direct benefit of the research to the Islands Trust
 - d) a copy of the final research product will be provided to Islands Trust
 - e) the Board has funds that it considers to be readily available to assist with the research without unduly jeopardizing its current programs or resource requirements
4. Written support for research proposals and conservation programs/projects (e.g. to support funding applications being made by the individual, society, or agency to other funding sources) may be provided by the Islands Trust Conservancy Manager, on behalf of the Islands Trust Conservancy, based on the Manager's review of the proposal, an assessment of the organization or individual's qualifications and ability to undertake the research or program, an assessment of the benefit the research or program could provide to the Islands Trust, and available staff time.

Research on Islands Trust Conservancy Lands

5. The Islands Trust Conservancy will require researchers to acquire Board permission prior to undertaking research on Islands Trust Conservancy owned lands. The Islands Trust Conservancy will require a written research proposal to be provided, summarizing the purpose/goals, timeframe, methodology, anticipated benefits and potential impacts of the research, for review prior to providing any permission. Research considered to be invasive will not be permitted unless an Islands Trust Conservancy Board approved plan indicates such research should be supported.
6. Board approval of research is delegated to the Islands Trust Conservancy Manager in cases where an approved management plan or other Board-approved document provides specific

guidelines for approval of research at that site. In such cases, the Manager will provide a report to the Board at its next regularly scheduled meeting.

7. Staff will seek input from external experts (e.g., provincial, national, or university experts) if the proposed research is related to rare, threatened or endangered species, plant communities or ecosystems, prior to making a recommendation to the Board regarding approval of the proposed research.
8. The Board will ensure that the proposed research would not contravene the conservation covenant on the nature reserve or sanctuary, if one exists.
9. On balance, the Board must be confident that the value of the proposed research outweighs any potential impacts before it provides approval for any research to be conducted on its lands. For clarity, the Board always has the right to not permit research undertakings on its properties.
10. On Islands Trust Conservancy lands that are closed to public use because of the potential for disturbance to a particular significant species using the site (e.g., breeding birds), the Board will not permit research during the time period that is considered by the Board to be critical to the health or well-being of the species using the site.
11. If the research is permitted by the Board, the researcher(s) will then be required to notify the Management Group and the warden for the reserve or sanctuary, if they exist, of the timing and general methodology to be used (i.e. date(s), what is going to be done, where on-site they will be, who will be there and how long the researcher expects to be on-site) prior to conducting the research and to provide the Islands Trust Conservancy with a research report upon completion of the research.
12. Any individual or group contracted to prepare a management plan for a Islands Trust Conservancy nature reserve or sanctuary will be required to consider whether research is appropriate at the site, and include an assessment and related recommendations regarding how research should be handled at that site (e.g., guidelines included in the plan or a strategy regarding how such guidelines will be prepared).



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 3.3.7

Title: Freedom of Information and Protection of Privacy – Routinely Released Information Policy

Approved By: Islands Trust Conservancy Board

Date: August 25, 1994 Resolution #: TFB 94/67

Revised

Date: April 6, 1998 Resolution #: TFB 98/209

PURPOSE

To describe information routinely released by the Islands Trust Conservancy Board under the *Freedom of Information and Protection of Privacy Act* ("the Act").

Policy

Routinely released information that may be released by the Islands Trust Conservancy is as follows subject to a photocopying charge of 25 cents per page beyond the first 10 pages, unless otherwise noted:

1. Approved Islands Trust Conservancy Board Regular meeting minutes and Special Votes on Urgent Matters that are not on confidential matters.
2. Islands Trust Conservancy Conservation Lands list
3. Signed Management Agreements
4. Management Plans approved by the Islands Trust Conservancy Board
5. Conservation Proposal Details Form
6. Take the Plunge information booklet and associated handouts/fact sheets
7. Islands Trust Conservancy Plan

8. Islands Trust Conservancy brochures
9. Islands Trust Conservancy Example Covenants
10. Islands Trust Conservancy Board Member list and phone/fax numbers
11. Annual Reports
12. Approved annual budgets
13. Regular meeting package information.

References

Freedom of Information and Protection of Privacy Act; Islands Trust Conservancy FOIPP Policy & Procedure; Ministry of Government Services Freedom of Information and Protection of Privacy Policy and Procedures Manual



Policy:	4.1.1
Approved By:	Trust Council
Approval Date:	September 12, 1992
Amendment Date(s):	June 10, 2004
Policy Holder:	Legislative Services Manager

LOCAL TRUST COMMITTEE CHAIR GUIDELINES

Purpose

To delineate the dual roles and functions of the local trust committee (LTC) chair in accordance with Section 23(3)(a) of the *Islands Trust Act* and Regulations, Trust policies and procedures and LTC policies and procedures and/or other legislation.

A. Definitions

n/a

B. Policy (Guideline)

1. Local Trust Committee Procedural Role

- 1.1 To facilitate the LTC's scheduling of regular LTC meetings, public meetings and public hearings.
- 1.2 To oversee staff's preparation of meeting agendas in consultation with trustees for such items as: standardized agenda format, list of agenda-specific items, agenda notices, complete agenda information packages, meeting location/teleconference confirmation and proper public notice posting.
- 1.3 To oversee staff's follow-up to meetings, Follow-Up Action List (FUAL) monitoring, minutes of decisions made, decisions to affected parties, and subsequent approval of minutes.
- 1.4 To conduct meetings in accordance with the LTC's Procedural Bylaw and related policies, procedures and guidelines. In the absence of any LTC-specific "procedural" documentation the chair will be guided by Trust Council "procedural" bylaws, policies and guidelines. In the absence of relevant rules of order in either of the above documents, *Robert's Rules of Order* will be used.
- 1.5 To ensure that any person speaking to any motion, question and/or comment shall address the chair.
- 1.6 To recognize persons desiring to speak and to name the person who is to have the floor.
- 1.7 To preserve order, and to prohibit the use of offensive language and behaviour.

- 1.8 To rule on all points of order which may arise, subject to an appeal by another member of the LTC. To recognize that if an appeal is made by a trustee regarding the chair's ruling on a point of order, the chair must immediately call a vote to determine whether the LTC sustains the chair's ruling. In the event of votes being equal, the chair's ruling is sustained.
- 1.9 To ensure that the LTC and/or Trust Council procedural bylaws, policies and procedures and the procedural decisions of the chair are adhered to. Should an individual resist the chair's enforcement of procedures, the meeting shall be adjourned or recessed by the chair (or the meeting shall be continued and the trustee expelled.)
- 1.10 To ensure that motions put are duly seconded, clearly put, adequately discussed to the satisfaction of trustees and voted on, and that only one motion is dealt with at any given time.
- 1.11 To ensure that local trustees, when a motion is put, vote thereon unless a conflict of interest is declared by a trustee and accepted by the LTC. A trustee who refrains from voting for any other reason shall be regarded as having voted in the affirmative and his/her vote shall be recorded accordingly.
- 1.12 To acknowledge that the chair has a duty to vote on each motion and is deemed to have voted in the affirmative if he/she does not vote.
- 1.13 To restrict discussion to the question before the meeting and to warn speakers who violate this rule.
- 1.14 To deal with points of procedural privilege (a matter dealing with the rights of the LTC as a whole or of a trustee personally) immediately before resuming regular business.
- 1.15 To guide each speaker to speak to any motion within as otherwise determined by the LTC, unless otherwise with the leave of the LTC.
- 1.16 To acknowledge any declarations by trustees regarding conflicts of interest or bias regarding a matter and to ensure that any trustee who has made such a declaration is not present at any part of a meeting while the matter is considered.
- 1.17 To acknowledge any withdrawals that Trustees make of their declarations regarding conflict of interest or bias, and to ensure that the trustee explains the basis on which he or she has determined their entitlement to participate in consideration of a matter.

2. Islands Trust Legislative Role

- 2.1 To ensure that duties as assigned by Trust Council (*Islands Trust Act 24(1)(b)*) are carried out.
- 2.2 To ensure that LTC procedural processes, activities and decisions are consistent with Trust Council policies, procedures and guidelines.

- 2.3 To assess and determine a motion's inadmissibility and give reasons for the chair's decision in relation to consistency with the Islands Trust mandate, Trust Council policy and/or LTC policy.
- 2.4 To oversee staff's timely processing of bylaw review reports through Executive Committee, and to convey the LTC's rationale for the bylaw.
- 2.5 To oversee staff's timely processing of Executive Committee bylaw review comments to the LTC.
- 2.6 To oversee staff's timely processing of bylaws for approval consideration to the Executive Committee, to convey the LTC's rationale for bylaw approval and the provision of opportunities as requested by the LTC for direct representation to the Executive Committee.

C. Legislated References

Policy and Procedures Manual: Model LTC Meetings Procedures Bylaw (4.1.3)

LTC Specific Procedural Bylaws, Policies & Procedures

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

Attachment A – Rules of Order

ATTACHMENT A - RULES OF ORDER

This document is Attachment A to Policy 4.1.1 – Local Trust Committee (LTC) Chair Guidelines and is inserted for reference.

Meeting Procedure Rules of Order

1. Every member of the LTC wishing to speak to a question or motion shall address himself or herself to the Chair. A member of the LTC may speak after the Chair has recognized the member. If two or more members indicate at the same time a desire to speak, the Chair may designate the order in which each is to speak. If the Chair wishes to speak in a meeting, the Chair need only address the meeting.
2. No member may interrupt a member who is speaking except to raise a point of order. No member may cause a disturbance at or disrupt a meeting.
3. A member may debate any motion other than a motion to table a matter.
4. Any person attending a meeting may address the LTC on any item of business on the agenda, but only if the LTC resolves to allow that person to address the matter and/or the Trust Committee.
5. The Chair is to preserve order at every meeting and has the power to make such rulings as are necessary to do so, including the power to rule on all points of order.
6. At the time any ruling is made by the Chair on a point of order, the Chair must inform the LTC of the ground or grounds on which the ruling is made.
7. Every motion shall be presented in concise form, beginning with the phrase "I move that...", and the member making the motion shall not speak to the motion until the motion has been seconded.
8. On a vote being taken, the members present shall indicate their vote by a show of hands, or a voice vote during a telephone conference call. When it has been requested that the members be polled, the Chair shall individually call the name of each member present who shall state whether he or she votes in the affirmative or the negative.
9. When a member abstains from voting on any question, he or she shall be regarded as having voted in the affirmative and at the request of the member abstaining, or the Chair, the abstention must be recorded in the minutes of the meeting. When a member leaves the meeting temporarily after declaring a conflict of interest, the member shall not be regarded as having abstained.
10. When a member so requests, the names of those who vote for and those who vote against a question must be recorded in the minutes of the meeting.
11. When the question under consideration contains distinct propositions, the vote on each proposition shall be taken separately, should any member so request.
12. Every question that comes before the LTC, except where otherwise expressed in a statute, regulation or bylaw, must be decided by a majority of the members present.
13. A reference in this section to the Chair includes the person presiding.



Policy:	4.1.2
Approved By:	Trust Council
Approval Date:	December 9, 1994
Amendment Date(s):	September 14, 2001; December 5, 2003 September 18, 2018
Policy Holder:	Legislative Services Manager

LOCAL TRUST COMMITTEE MEETING GUIDELINES

Purpose

To supplement the statutory rules and procedure bylaw requirements applicable to regular and special Local Trust Committee (LTC) meetings.

A. Definitions

n/a

B. Policy (Guidelines)

1. Meetings

- 1.1 Any gathering of a quorum of LTC members at which the business of the LTC is advanced in a material way constitutes a meeting for the purposes of the “open meeting” rule in the *Community Charter*. The purpose of the open meeting rule is to ensure that the LTC’s business is conducted in an open forum, except where the nature of the business comes within one of the statutory exceptions to the rule and the business may lawfully be conducted in the absence of the public. The fact that a particular discussion may be occurring via telephone or e-mail does not prevent it from constituting a “meeting” for the purposes of the open meeting rule.
- 1.2 The fact that two persons may constitute a quorum of the LTC presents particular difficulties in the application of the open meeting rule. Local trustees need not avoid one another in social situations or impose other artificial constraints on their interaction as members of an island community. Discussions of administrative and logistical matters connected to the LTC’s business agenda are unlikely to violate the open meeting rule. Trustees should ask themselves, in determining whether a particular discussion or other interaction should be avoided outside the forum of a Trust committee meeting, whether the fact that the discussion or interaction has already occurred would enable the committee to get through a forthcoming meeting agenda more quickly as a result of the trustees having already exchanged views on the matter. If the answer is yes, then the discussion or interaction should not occur outside the context of an actual meeting.
- 1.3 Resolutions Without Meeting are statutory exceptions to the “open meeting” rule, with the result that the interaction that occurs in the course of the taking of a vote under that procedure cannot in law constitute a meeting.

2. Rules of Order

- 2.1 Every member of the LTC wishing to speak to a question or motion shall address himself or herself to the Chair. A member of the LTC may speak only after the Chair has recognized the member. If two or more members indicate at the same time a desire to speak, the Chair may designate the order in which each is to speak. If the Chair wishes to speak in a meeting, the Chair need only address the meeting at the time they wish to do so.
- 2.2 A member must address the Chair as "Mr. Chair" or "Madam Chair", as the case may be.
- 2.3 Except as otherwise resolved by the LTC, a member may:
 - 2.3.1 Speak only to a matter being debated by the LTC.
 - 2.3.2 Speak only once to a matter, but a member may speak more than once to a matter in order to:
 - 2.3.2.1 explain a material part of his or her speech which may have been misunderstood; or
 - 2.3.2.2 ask a question.
 - 2.3.3 Speak for no more than 15 minutes at a time.
 - 2.3.4 Not speak to a matter already dealt with by the LTC.
 - 2.3.5 Not speak when called to order by the Chair.
- 2.4 No member may interrupt a member who is speaking except to raise a point of order. No member may cause a disturbance at a meeting or disrupt it.
- 2.5 A member may debate any motion other than a motion to table a matter.
- 2.6 Any person attending a meeting may address the LTC on any item of business on the agenda, but only if the LTC resolves to allow that person to address it.
- 2.7 At the time any ruling is made by the Chair on a point of order, the Chair must inform the LTC of the ground or grounds on which the ruling is made.
- 2.8 Every motion shall be presented in concise form, beginning with the phrase "I move that..." and the member making the motion shall not speak to the motion until the motion has been seconded.
- 2.9 On a vote being taken, the members present shall indicate their vote by a show of hands. When it has been requested that the members be polled, the Chair shall individually call the name of each member present who shall state whether he or she votes in the affirmative or the negative.

- 2.10 When a member so requests, the names of those who vote for and those who vote against a question must be recorded in the minutes of the meeting.
- 2.11 When the question under consideration contains distinct propositions, the vote on each proposition shall be taken separately, should any member so request.

3. Agenda Format

- 3.1 All LTC regular business meeting agendas will include all of the substantive items shown in the model agenda in Attachment 1.
- 3.2 Order of business should be close to the model agenda in Attachment 1, though modifications as indicated below may be made:
 - 3.2.1 Town Hall session is an optional open session for public input. This session should be limited to one location on the agenda.
 - 3.2.2 The Closed Meeting is located at the end of the agenda in the model as it is the least disruptive location to hold a closed meeting; however, if there is a need for in-camera discussion before consideration of an agenda item, the Closed Meeting session may be moved to the beginning or close to the beginning of the agenda.
 - 3.2.3 A break, for meetings of two hours or longer, is not shown, but should be included in the agenda.
- 3.3 The agenda should include the approximate time for major item based on the estimated amount of time required to present and discuss each item. The time is for guidance only and a note to this effect should be included at the bottom of the agenda.

C. Legislated References

Policy and Procedures Manual:

Model Local Trust Committee Meeting Procedures Bylaw (4.1.3)
Statutory Rules of Conduct (2.1.1)

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

Attachment 1: Model Local Trust Committee Agenda Format

Attachment 1:

Model Local Trust Committee Regular Business Meeting Agenda

_____ Island Local Trust Committee

Regular Meeting Agenda

Date: _____

Time: _____

Location: _____

1. Call to Order	Time	Pages
2. <i>Town Hall (optional)</i>	<i>Time</i>	<i>Pages</i>
3. Approval of Agenda	Time	Pages
4. Minutes	time	Pages
4.1. Regular business meeting minutes (previous meeting)		
4.2. Section 26 – Resolutions-without-meeting		
4.3. Advisory Planning Commission Minutes		
5. Business Arising from Minutes	Time	Pages
5.1. Follow-up Action List		
6. <i>Community Information Meeting (optional)</i>		
7. <i>Public Hearing (optional)</i>	<i>Time</i>	<i>Pages</i>
8. Applications and Referrals	Time	Pages
9. Local Trust Committee Projects	Time	Pages
10. Delegations	Time	Pages
11. Correspondence	Time	Pages
12. New Business	Time	Pages
13. Reports	Time	Pages
13.1. Trustee Reports		
13.2. Chair's Report		
13.3. Islands Trust Conservancy Report		
13.4. <i>Electoral Area Director Report (optional)</i>		
13.5. Applications Report		
13.6. Adopted Policies and Standing Resolutions Report		
14. Work Program	Time	Pages
14.1. List of Top Priorities		
14.2. List of Projects		
15. <i>Closed Meeting (optional)</i>	<i>Time</i>	<i>Pages</i>
16. <i>Rise and Report (optional)</i>		
17. Up Coming Meetings		
18. Adjournment	Time	Pages



Policy:	4.1.3
Approved By:	Trust Council
Approval Date:	September 12, 1992
Amendment Date(s):	December 5, 2003
Policy Holder:	Legislative Services Manager

MODEL LOCAL TRUST COMMITTEE MEETINGS PROCEDURES BYLAW

Purpose

A bylaw to regulate the meetings of Trust committees.

A. Definitions

n/a

B. Policy

See Attachment 1

C. Legislated References

Policy 4.1.1 – Local Trust Committee Chair Guidelines.

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

Attachment 1 - Model Local Trust Committee Bylaw

Attachment 2 - *Community Charter* and *Local Government Act* Provisions

Attachment 3 – Rules of Order

ATTACHMENT 1

_____LOCAL TRUST COMMITTEE

BYLAW NO. _____, 2004

A bylaw to establish procedures for meetings of the Local Trust Committee

The _____ Local Trust Committee, being the local trust committee having jurisdiction in respect of the _____ local trust area under the *Islands Trust Act*, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as “_____ Local Trust Committee Meeting Procedure Bylaw No. _____, 2004.

MEETINGS AND NOTICE OF MEETINGS

2. The first regular meeting of the Local Trust Committee shall be held on the first _____ of December following a general local election.
3. At the first regular meeting, and the first meeting in December of each of the subsequent two years, the Local Trust Committee shall establish a schedule of the date, time and place of regular Local Trust Committee meetings for the following calendar year, of which there shall be at least two, and the schedule shall be posted at [insert place at which schedule will be posted].
4. Public notice of the availability of the regular meeting schedule at the place specified in Section 3 shall be given at least once a year by publication in a newspaper circulating in the local trust area.
5. Each local trustee shall provide to the Secretary of the Islands Trust a telephone number and mailing address for the purpose of receiving notices of Local Trust Committee meetings, and notice shall be deemed to have been sufficiently given to the local trustee if the notice is delivered to the trustee’s mailing address or given to the trustee in person.
6. Any two members of the Local Trust Committee may call a special meeting by giving notice of the day, time, place and purpose of the meeting to the third member of the Committee by telephone or written notice delivered to the trustee at least 48 hours before the time of the meeting, and by posting the notice at the place specified in Section 3, except that notice to Local Trust Committee members may be waived by unanimous vote.
7. If the Chairperson is not one of the members calling the special meeting, the members calling the special meeting shall, prior to doing so, advise the Chairperson of the calling of the meeting and consider the Chairperson’s representations, if any, regarding the calling of the meeting.
8. Regular and special meetings of the Local Trust Committee shall be open to the public, except where the Committee has stated by resolution in open meeting that the meeting or portion of the meeting is to be closed to the public, and has stated the statutory basis on which it is to be closed.
9. A quorum of the Local Trust Committee is two members.
10. In the event that the Chairperson is not present within one half hour of the scheduled time of a regular or special meeting, the Director of Local Planning Services or his or her designate shall call the meeting to order and the remaining trustees shall determine which of them shall act as Chairperson.

MINUTES

11. The Director of Local Planning Services or his or her designate shall legibly record the minutes of the meetings of the Local Trust Committee, and shall record any resolutions without meeting. After the minutes of a meeting have been adopted, the Director or his or her designate shall certify the minutes as correct and the Chairperson or other trustee who presided at the meeting shall sign the minutes.
12. The minutes shall record every resolution of the Committee including every resolution closing a meeting to the public, the reading and adoption of every bylaw, and every declaration made in relation to a conflict of interest.

MEETING PROCEDURE, RESOLUTIONS AND BYLAWS

13. Any question of meeting procedure that is not provided for in this Bylaw, the *Islands Trust Act*, the *Local Government Act*, the *Community Charter*, or regulations under either of those statutes, shall be resolved in accordance with the most current edition of *Robert's Rules of Order*.
14. Resolutions shall be in writing, may be moved by any member of the Local Trust Committee, and need not be seconded.
15. Bylaws shall be in writing, may be read by title only, provided that each member of the Local Trust Committee is in possession of a complete copy of the proposed bylaw at the meeting, and may be adopted on a motion to that effect at a regular or special meeting. Bylaws may be read a first time, and may be adopted, by Resolution-Without-Meeting.
16. The Chairperson of the Local Trust Committee or other trustee who presided at the meeting at which it was adopted, and the Secretary of the Islands Trust shall sign every bylaw adopted by the Local Trust Committee, and the Secretary shall keep a certified copy of the bylaw at the principal office of the Islands Trust.

EXECUTION OF DOCUMENTS

17. The Chairperson and one other member of the Local Trust Committee may execute any document on behalf of the Local Trust Committee once the Committee has authorized the execution of the document.
18. _____ Local Trust Committee Meeting Procedures Bylaw No. ____, 19__ is repealed.

READ A FIRST TIME THIS _____ DAY OF _____, 2004.

READ A SECOND TIME THIS _____ DAY OF _____, 2004.

READ A THIRD TIME THIS _____ DAY OF _____, 2004.

ADOPTED THIS _____ DAY OF _____, 2004.

CHAIR

SECRETARY

ATTACHMENT 2

COMMUNITY CHARTER and LOCAL GOVERNMENT ACT PROVISIONS

Under the *Islands Trust Act* and the *Islands Trust Regulation* (B.C. Reg 119/90), the following Sections of the *Local Government Act* and the *Community Charter* apply to Local Trust Committee meeting procedures:

Local Government Act

- [LGA 223](#) Minutes of Meetings
- [LGA 225\(1\)\(a\)](#) Procedure Bylaw
- [LGA 225\(1\)\(b\)](#) Public Notice of Meetings
- [LGA 225\(2\)](#) Amendment of Procedure Bylaw

Community Charter

- [CC Part 4, Div 3](#) Open meetings
- [CC Part 4, Div 6](#) Conflict of interest
- [CC 122](#) LTC bylaw or resolution required
- [CC 123\(1 – 5 & 7\)](#) Voting rules
- [CC 127\(2\)](#) Notice of special meetings
- [CC 132](#) Authority of presiding member at meetings
- [CC 133](#) Expulsion from meetings
- [CC 135](#) Requirements for passing LTC bylaws

ATTACHMENT 3

RULES OF ORDER

This attachment does not form part of the Bylaw but is inserted for convenience only.

Meeting Procedure Rules of Order

1. Every member of the Local Trust Committee wishing to speak to a question or motion shall address himself or herself to the Chairperson. A member of the Local Trust Committee may speak after the Chairperson has recognized the member. If two or more members indicate at the same time a desire to speak, the Chairperson may designate the order in which each is to speak. If the Chairperson wishes to speak in a meeting, the Chairperson need only address the meeting.
2. No member may interrupt a member who is speaking except to raise a point of order. No member may cause a disturbance at or disrupt a meeting.
3. A member may debate any motion other than a motion to table a matter.
4. Any person attending a meeting may address the Local Trust Committee on any item of business on the agenda, but only if the Local Trust Committee resolves to allow that person to address the matter and/or the Trust Committee.
5. The Chairperson is to preserve order at every meeting and has the power to make such rulings as are necessary to do that, including the power to rule on all points of order.
6. At the time any ruling is made by the Chairperson on a point of order, the Chairperson must inform the Local Trust Committee of the ground or grounds on which the ruling is made.
7. Every motion shall be presented in concise form, beginning with the phrase "I move that..." and the member making the motion shall not speak to the motion until the motion has been seconded.
8. On a vote being taken, the members present shall indicate their vote by a show of hands, or a voice vote during a telephone conference call. When it has been requested that the members be polled, the Chairperson shall individually call the name of each member present who shall state whether he or she votes in the affirmative or the negative.
9. When a member abstains from voting on any question, he or she shall be regarded as having voted in the affirmative and at the request of the member abstaining, or the Chairperson, the abstention must be recorded in the minutes of the meeting. When a member leaves the meeting temporarily after declaring a conflict of interest, the member shall not be regarded as having abstained.
10. When a member so requests, the names of those who vote for and those who vote against a question must be recorded in the minutes of the meeting.
11. When the question under consideration contains distinct propositions, the vote on each proposition shall be taken separately, should any member so request.
12. Every question that comes before the Local Trust Committee, except where otherwise expressed in a statute, regulation or bylaw, must be decided by a majority of the members present.
13. A reference in this section to the Chairperson includes the person presiding.



Policy:	4.1.4
Approved By:	Trust Council
Approval Date:	September 12, 1992
Amendment Date(s):	September 19, 1997
Policy Holder:	Director of Local Planning Services

MODEL LOCAL TRUST COMMITTEE DEVELOPMENT PROCEDURES BYLAW

Purpose

A bylaw to define procedures under which an owner of land may apply for amendment to a plan or bylaw or the issue of a permit under Part 14 of the *Local Government Act*.

A. Definitions

n/a

B. Policy and Procedure

See Attachment 1: Model Development Procedures Bylaw

C. Legislated References

n/a

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

Attachment 1: Model Development Procedures Bylaw

ATTACHMENT 1

DEVELOPMENT PROCEDURE MODEL BYLAW

_____ Island Trust Committee

Bylaw No. _____

A Bylaw to define procedures under which an owner of land may apply for amendment to a plan or bylaw or the issue of a permit under Part 14 of the *Local Government Act*

The _____ Island Trust Committee ("Trust Committee", being the Trust Committee having jurisdiction in respect of the _____ local trust area in the Province of British Columbia pursuant to the *Islands Trust Act* (the "Act") enacts as follows:

Title

1. This bylaw may be cited for all purposes as the "_____ Island Trust Committee Development Procedure Bylaw No. ____, 1992".

Applications

2. Sections 3, 4 and 5 of this bylaw apply in respect of:
 - (1) applications for amendments to the _____ Official Community Plan, the _____ Zoning Bylaw, and the _____ Regional District Zoning Bylaw;
 - (2) applications for:
 - a) development permits and amendments thereto;
 - b) development variance permits;
 - c) temporary commercial use permits;
 - d) temporary industrial use permits;
 - e) amendments to land use contracts;
 - f) siting and use permits; (e.g. Hornby and Denman)
 - g) camp ground permits; (e.g. North Pender)
 - h) tree cutting permits;
 - i) soil removal or deposit permits; and
 - (3) applications under section 9 of the *Condominium Act* for conversion of existing buildings into strata lots.

3. An application by an owner of land for amendment to an official community plan or zoning bylaw, for a permit, or for conversion of a building into strata lots, shall:
 - (1) be made by the owner of the land or by a person authorized in writing by the owner;
 - (2) be submitted to the Islands Trust office in the appropriate form established by the Islands Trust, as may be varied from time to time.
 - (3) contain all the information required by the applicable form.
4. An application or substantially similar application may not be submitted in respect of the same development less than one year from the date of refusal of a previous application or in the case of an application for conversion of a building into strata lots less than one year from the date of refusal of a previous application, unless the Trust Committee has agreed to such reconsideration.
5. The Trust Committee may, on receipt of an application to amend a plan or bylaw, resolve to proceed with an amendment bylaw or resolve not to proceed with the application. The Trust Committee may, on receipt of a permit application, resolve to proceed with or resolve not to proceed with the permit.
6. The Trust Committee may initiate an amendment to a plan or bylaw without first receiving an application to amend.

Fees

7. Where an application is submitted for amendment to a plan or bylaw or for a permit, the applicant shall pay to the Islands Trust the fee set out in the Fees and Charges Bylaw that applies to the type of amendment or permit for which application is made.

Notification

8. Where an application is made for a development variance permit, temporary commercial use permit or temporary industrial use permit, notice shall be mailed or otherwise delivered by the Trust Committee at least 10 days before adoption of a resolution to issue the permit. Such notification shall be sent to owners and tenants in occupation of that part of the area of the land that is the subject of the application and to the owner and tenants in occupation of all parcels, any part of which is within 100 metres of that part of the area of the land that is the subject of the application.
9. Where a public hearing is to be held under section 464(1) of the *Local Government Act*, and the proposed bylaw alters the permitted use or density of any area, and where less than 10 parcels owned by less than 10 persons are the subject of the bylaw alteration, a notice shall be mailed or otherwise delivered by the Trust Committee. Such notification shall be sent to owners and tenants in occupation of that part of the area of the land that is the subject of the bylaw alteration and to the owners and tenants in occupation of all parcels, any part of which is within 100 metres of that part of the area of the land that is subject to the bylaw alteration.
10. Where the Trust Committee waives the holding of a public hearing in respect of a proposed bylaw that does not alter the permitted use or density of any area, and where less than 10 parcels owned by less than 10 persons are the subject of the bylaw alteration, a notice shall be mailed or otherwise delivered by the Trust Committee to the owners and tenants in occupation of that part of the area of the land

that is subject to the bylaw alteration and to the owners and tenants in occupation of all parcels, any part of which is within 100 metres of that part of the area of the land that is subject to the bylaw alteration.

11. Where an application is made for the conversion of an existing building into strata lots, notice shall be given to all occupants of the building by the application.

Repeal

12. Section ____ to Section ____ of _____ Island Trust Committee Bylaw No. ____, being the "_____ Trust Committee Procedure Bylaw No. ____, ____" are repealed.

Severability

13. If any section of lesser portion of this bylaw is held invalid by a Court of competent jurisdiction, the invalid portion shall be severed from the bylaw without affecting the validity of the remainder.

READ A FIRST TIME this _____ day of _____, 199

READ A SECOND TIME this _____ day of _____, 199

READ A THIRD TIME this _____ day of _____, 199

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this

_____ day of _____, 199

RECONSIDERED AND FINALLY ADOPTED this _____ day of _____, 199

Secretary

Chairperson

Schedules

Schedules "A" to "G" are not part of this bylaw and may be inserted for convenience only, e.g.

- A. Bylaw Amendment Application
- B. Development Permit Application
- C. Development Permit Amendment Application
- D. Temporary Use Application - Commercial or Industrial
- E. Development Variance Permit Application
- F. Siting and Use Permit Application
- G. *Condominium Act* Conversion Application



Policy:	4.1.5
Approved By:	Trust Council
Approval Date:	December 5, 1992
Amendment Date(s):	March 11, 1995; September 27, 1996; March 8, 1997; September 9, 2014
Policy Holder:	Legislative Services Manager

LOCAL TRUST COMMITTEE SECTION 26 RESOLUTIONS-WITHOUT-MEETING

Background

Section 26 of the *Islands Trust Act* allows local trust committees (LTC) to pass or defeat resolutions on LTC issues without the necessity of holding a regular or special meeting. A resolution approved in accordance with Section 26 is as valid as if it had been voted on and passed at a properly called and constituted meeting of a LTC.

Principles

1. It is preferable for most LTC resolutions to be voted on at properly called and constituted meetings. However, where an issue is deemed to be urgent (i.e., where the issue in question requires immediate action as a result of unforeseen circumstances and must be dealt with before the next regular meeting of the LTC) a Section 26 Resolution Without Meeting (RWM) may be conducted.
2. Section 26 RWM's are for decisions not requiring any discussion or debate by a LTC.
3. LTC resolutions on issues which may be considered controversial, sensitive, complex or otherwise benefitting from discussion and debate, should be voted on at a properly constituted meeting wherever possible.
4. The Section 26 RWM process is dependent on the timely contribution and response of local trustees.

A. Definitions

"Secretary" means the person appointed by Trust Council under Section 17(1)(a) of the *Islands Trust Act* and includes a Deputy Secretary.

"telecommunication" means communication over a distance and includes electronic mail (email), telephone and facsimile.

B. Policy

1. Legislative Requirements

- 1.1 Approval of a Section 26 RWM is given where a majority of the members of the LTC entitled to vote on the resolution inform the Secretary (or their designate) of their approval in person or by telecommunication.

2. Issues Where Voting Is Restricted

- 2.1 The only specific restriction is that a LTC cannot vote on a Section 26 RWM to give a bylaw second or third reading. A properly called and constituted meeting of the LTC must occur to give a LTC bylaw second or third readings.
- 2.2 If a trustee considers that he or she is not entitled to participate in a vote pursuant to Section 100(2) of the *Community Charter* (regarding a perceived conflict of interest), the trustee must make a declaration using the “Section 100(2) *Community Charter* Declaration” form (Attachment 3 to the Procedures for Local Trust Committee Section 26 Resolutions Without Meeting), giving the general reason(s) and must withdraw from voting. The completed declaration form must be submitted to the Secretary.

3. Conduct of the Vote

- 3.1 All members of a LTC will be given simultaneous notice of a Section 26 RWM and the ability to view information on the subject of the resolution where available.
- 3.2 The Chair of a LTC will call for the vote on a Section 26 RWM that has been moved and seconded, and members will be entitled to vote on the resolution.
- 3.3 The Chair should not vote on the Section 26 RWM prior to the “Conducting of the Vote” phase.
- 3.4 A trustee may vote either “in favour”, “opposed”, or abstain from voting. Legislation regulates that an abstention vote is recorded “in favour”, but a notation will be made beside the name of the trustee who abstained.
- 3.5 Any member of a LTC may propose to have consideration of a Section 26 RWM postponed until the next regular meeting or a special meeting of the LTC where the trustee believes that the motion requires debate and discussion.
- 3.6 Whenever possible, LTC Chairs should allow the local trustees for the Local Trust Area the opportunity to move and second Section 26 RWM’s. An exception would be where the Section 26 RWM is being put forward by the Chair.

4. Results of the Vote

- 4.1 Once the vote has been conducted, and the vote received by the Secretary, the Chair of the LTC will declare the vote to have passed or failed in accordance with the results. The LTC members are notified of the results of the vote. The vote is recorded as a Section 26 RWM of the applicable LTC.
- 4.2 A report on each completed Section 26 RWM will be placed on the agenda of the next regular open or closed LTC meeting and recorded in the minutes of that meeting.

C. Legislated References

Islands Trust Act: Section 26

Community Charter; Section 100

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

n/a



Policy:	4.1.9
Approved By:	Trust Council
Approval Date:	September 18, 1998
Amendment Date(s):	June 21, 2017
Policy Holder:	Director of Local Planning Services

INTER-LOCAL TRUST COMMITTEE COMMUNITY PLANNING BYLAW REFERRAL

Purpose

To delineate how a local trust committee will implement a local trust committee referral process for community planning bylaws affecting another local trust committee or island municipality.

Principles

The inter-local trust committee referral process is premised on the following principles:

- recognition of each local trust committee's jurisdiction for making community planning decisions within their local trust area;
- acknowledgement of the potential impact of a local trust committee's land planning activities on the land use planning authority within another local trust area;
- an understanding that obligations for inter-local trust committee community planning bylaw referrals are in addition to any statutory obligations that local trust committee's may have respecting the referral of community planning bylaws;
- an understanding that inter-local trust committee bylaw referrals process will be based on best effort and the deficiencies in such efforts shall not be cause to invalidate the community planning decision of a local trust committee.

A. Definitions

n/a

B. Policy

- 1.1 During development of an official community plan or land use bylaw, a local trust committee must provide one or more opportunities it considers appropriate for consultation with contiguous local trust committees and island municipalities to promote the effective coordination of planning functions of the respective local trust committees and island municipalities.
- 1.2 For the purposes of subsection 1.1, local trust committees coordinating a community planning process should consider the potential impacts of the proposed official community plan amendment or land use bylaw amendment on the adjacent local trust committee area or island municipality, including but not limited to visual, noise, traffic, economic, environmental or other potential impacts.

- 1.3 If a local trust committee coordinating a community planning bylaw initiative deems that consultation is necessary, the local trust committee must:
- a) prior to first reading of a proposed OCP or LUB, deliver to the other relevant local trust committees and/or island municipality a “Notice of Intent” indicating the aims and general time frames for the process; including local trust committee liaison; and
 - b) deliver a draft copy of the community planning bylaw document to the local trust committees and/or island municipality having contiguous boundaries forty-five (45) days prior to public hearing for comment.
- 1.4 Either local trust committee or island municipality may give written notice requesting a consultation meeting be conducted by the local trust committee coordinating the community planning process within forty-five (45) days of receipt of the draft community planning bylaw document.

C. Legislated References

n/a

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

n/a



Policy:	4.1.11
Approved By:	Trust Council
Approval Date:	June 17, 2000
Amendment Date(s):	
Policy Holder:	Legislative Services Manager

LOCAL TRUST COMMITTEE REFERENDUM GUIDELINES

Purpose

To codify the procedural rules applicable to the holding of a non-binding referendum or poll held to provide information to a local trust committee.

A. Definitions

n/a

B. Policy (Guidelines)

1. Calling for a Referendum

- 1.1 A local trust committee may, by resolution, decide it requires information on the views of the community on an issue before dealing with land use or appointment of persons to an advisory group.
- 1.2 For the purpose of gaining such information, the local trust committee may, by resolution, decide to hold an informal, non-binding poll or referendum.
- 1.3 The time, place, date and questions(s) that is subject to the poll or referendum must be advertised in the method customarily applied in the area and according to the rules required by the *Local Government Act* for notice of Public Hearings.
- 1.4 The advertisements for the poll or referendum must include clear language that the results are not binding on and do not fetter the discretion of the local trust committee.

2. Conducting a Referendum

- 2.1 The poll or referendum may be held by ballot at a specified location or by forms that can be mailed or faxed or e-mailed to the local trustee's offices.
- 2.2 All property owners and residents in compliance with general voting requirements of the *Local Government Act* shall be given an opportunity to participate in the poll or referendum.

3. Results of a Poll or Referendum

- 3.1 The results of a poll or referendum shall be released to the public by posting on the local Islands Trust bulletin board and the committee shall ensure that they are not used inappropriately to fetter the discretion of the trust committee.

4. Budget

- 4.1 All costs of a non-binding poll or referendum shall be paid from the local trust committee's budget.

C. Legislated References

Policy and Procedures Manual:

Guidelines for Authorizing Decisions (4.1.6)

Advisory Planning Commission (4.2.1 and 4.2.2)

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

n/a



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

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

Purpose

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

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

A. Definitions

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

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

B. Policy

1. Development Applications

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

2. Covenants

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Legislated References

1. *Corporations Act*

2. *Islands Trust Act, Section 27*

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

n/a



Policy:	4.1.14
Approved By:	Trust Council
Approval Date:	March 10, 2006
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

MODEL DEVELOPMENT PERMIT GUIDELINES FOR EAGLE, RAPTOR AND HERON HABITAT PROTECTION

Purpose

A set of Development Permit Guidelines for eagle, raptor and heron habitat protection for use by local trust committees wanting to offer protection in their local bylaws.

A. Policy

1. See Attachment 1: Model Development Permit Guidelines

B. Procedure

1. See Attachment 1: Model Development Permit Guidelines

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

See Attachment 1: Model Development Permit Guidelines

Attachment 1

DEVELOPMENT PERMIT AREA No. ____

BALD EAGLE, RAPTOR AND GREAT BLUE HERON HABITAT

1. Designation

All land identified on Schedule ____ of this plan as being Bald Eagle, Great Blue Heron or Other Raptor Habitat is within DPA No. ____.

This development permit area is established, pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

2. Special Conditions or Objectives that Justify the Designation

The _____ Island Local Trust Area contains habitat used by bald eagles, other raptors and great blue herons for nesting and breeding.

Bald Eagles are a regionally significant species and include both resident and wintering birds. Resident eagles establish a territory around a nest, with most pairs using the same site for all their breeding life. Nests are semi-permanent structures which represent a considerable investment of energy. Nest abandonment – either permanent or temporary – can result from tree damage or removal, nest damage or human disturbance during the critical nesting period from January 30th to June 30th. Eagle nest trees requirements are specialized: typically large, very old trees near the water and although second growth trees are sometimes used, most nest trees are Douglas firs over 150 years of age, usually within one kilometre of the shoreline. Human activity related to logging and land development has resulted in the loss of nest sites, which results in a permanent reduction in the nesting population. Gradual loss of nesting habitat is considered to be the most significant factor affecting bald eagle abundance in B.C. (BC Ministry of Environment, Lands and Parks. *Environmental Objectives, Best Management Practices and Requirements for Land Developments*. 2001) and specifically on Vancouver Island and the Gulf Islands, habitats within low-elevation coastal habitats in the Coastal Douglas fir Bio-geoclimatic zone have been degraded by human developments (BC Ministry of Water, Land and Air Protection. *Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia*. 2005)

Great Blue Herons are a blue-listed (threatened) species. Breeding is concentrated in the Strait of Georgia, with large colonies generally occurring in relatively contiguous forest, fragmented forest or solitary trees and associated with extensive estuarine mudflats and eelgrass beds. Colonies are dynamic, especially in areas of high disturbance and habitat destruction and human disturbance has been implicated in historical colony abandonment. In particular, disturbance from humans can cause herons to temporarily abandon breeding attempts, allowing predators to take eggs.

Other Raptors include falcons, hawks, ospreys, owls and other eagle species. Healthy raptor populations are important in maintaining a balance in prey populations. Protection of habitat, including nesting areas, is important in order to maintain raptor populations.

In considering the issuance of a development permit, the LTC should be satisfied that the objectives of the DPA have been met where applicable and may impose conditions where appropriate.

3. Application Requirements [for certainty, should be incorporated into a Development Approval Information Bylaw]

In addition to the application requirements established in any fee or development procedures bylaws adopted by the _____ Island Local Trust Committee, an applicant may be required, upon receipt of an application, to provide a report prepared by a qualified registered professional biologist with relevant experience acceptable to both the applicant and the Islands Trust. The professional should be registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act of the legislature, acting under that association's code of ethics and subject to disciplinary action by that association. The professional may be retained by, and report to, the Islands Trust, with costs recovered from the applicant using a cost recovery agreement. The report should take the form of a site plan and a background report, and should identify the following applicable features with respect to the DPA and the site of any proposed work within the DPA:

- (a) Confirm the boundaries of the DPA using geo-referencing;
- (b) Identify current or past Bald Eagle Nest Trees within the DPA;
- (c) Identify current or past Great Blue Heron colonies within the DPA;
- (d) Identify current or past nests of other raptors within the DPA;
- (e) Recommend suitable buffers and practices as established in *Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia* (BC Ministry of Water, Land and Air Protection, 2005) or an equivalent document.
- (f) Recommend mitigation and enhancement strategies to avoid adverse impacts of development and servicing and the report should provide a cost estimate for any mitigation or enhancement measures.

4. Guidelines

Guideline 1

Where the application involves a proposal to subdivide land, the layout of proposed lots should be configured in such a manner as to ensure, to the extent practical, that:

- a) Eagle Nesting Trees are protected by clustering lots through lot averaging, bare land strata or density transfer. The lot containing the nesting tree should be of a sufficient size to accommodate the permitted level of development, including driveway access, septic disposal systems, and accessory uses, in addition to a 100 metre buffer around the nesting tree.
- b) Blue Heron colony trees are protected by clustering lots through lot averaging, bare land strata or density transfer. The lot containing the nesting tree or trees or feeding areas should be of a sufficient size to accommodate the permitted level of development, including driveway access, septic disposal systems and accessory uses, in addition to a 200 metre buffer around the colony tree or trees.
- c) Other raptor nests are protected by clustering lots through lot averaging, bare land strata or density transfer. The lot containing the nesting tree(s) or nesting sites should be of a sufficient size to accommodate the permitted level of development, including driveway access, septic disposal systems and accessory uses, in addition to a 200 metre buffer around the nesting tree(s) or sites.
- d) The LTC may consider variances to relax subdivision or siting regulations where the variance may result in enhanced protection of a nesting tree(s) or sites.
- e) The LTC should include provisions for protecting these areas during construction or development as conditions of the permit. Permits should contain conditions respecting the timing of work that avoid disturbance during periods when eggs or young are present in the

nest. Landowners are encouraged to retain areas containing nesting trees in an otherwise undisturbed state through the granting of conservation covenants.

Guideline 2

Where an application involves proposals to construct or locate buildings, structures, roads, driveways, utility corridors, or clear or alter land in areas within the DPA, such applications should demonstrate that the area proposed for development is not within 100 metres of Bald Eagle nesting trees, as determined by measuring from the base of the tree. Consistent with the recommendations of a registered professional biologist, the LTC may consider a buffer of 1½ Tree lengths in areas where there are developed small lots and a minimum parcel size of 1 hectare or less. Recommended provisions for protecting buffer areas should be included as conditions of any permit. Landowners are encouraged to retain areas containing nesting trees in an otherwise undisturbed state through the granting of covenants.

Guideline 3

Where an application involves proposals to construct or locate buildings, structures, roads, driveways, utility corridors, or clear or alter land in areas within the DPA, such applications should demonstrate that the area proposed for development is not within 200 metres of Blue Heron colonies, as determined by a line drawn around the outer perimeter of all nest trees. Consistent with the recommendations of a registered professional biologist, the LTC may consider a buffer area of 60 metres where there are developed small lots and a minimum parcel size of 1 hectare or less. Recommended provisions for protecting buffer areas should be included as conditions of any permit. Landowners are encouraged to retain areas containing colonies or feeding areas in an otherwise undisturbed state through the granting of covenants.

Guideline 4

Where an application involves proposals to construct or locate buildings, structures, roads, driveways, utility corridors, or clear or alter land in areas within the DPA, such applications should demonstrate that the area proposed for development is not within 200 metres of other raptor nests, as determined by measuring from the base of the tree or the cliff top or cliff base. Consistent with the recommendations of a registered professional biologist, the LTC may consider a buffer of 1½ Tree lengths, or 50 metres from the cliff top, in areas where there are developed small lots and a minimum parcel size of 1 hectare or less. Recommended provisions for protecting buffer areas should be included as conditions of any permit. Landowners are encouraged to retain areas containing nesting trees in an otherwise undisturbed state through the granting of covenants.

Guideline 5

Development, work or alterations within the DPA should only be located or occur within a distance of 200 metres of Blue Heron colonies or raptor nests, or within 100 metres of Bald Eagle nesting trees, where site-specific constraints, such as, but not limited to topography, property area, covenants, easements and rights of way would not allow the permitted use to occur outside DPA and the report of a registered professional biologist states that the nature or timing of the work and the use would not result in disturbance to nesting, breeding or feeding activities. The onus lies with the applicant to demonstrate that encroaching into any recommended buffer is unavoidable. In such an instance all

recommendations of registered professional biologist's report should be included as conditions of the permit.

The permit should include conditions respecting the timing or phasing of development work. The permit should include conditions that restrict significant work to periods eggs and young are not present in the nesting sites.

Guideline 6

The LTC may consider variances to relax siting or size regulations where the variance may result in enhanced protection of a nesting tree or colony.

5. Conditions under which a Development Permit would not be required

The following activities are exempt from any requirement for a development permit, upon determination by Islands Trust staff:

- a) development or alteration of land proposed to occur outside the designated development permit area as shown on Schedule ____ and as determined by Islands Trust staff or a BC Land Surveyor providing a geo-referenced digital survey;
- b) forest management activities on land classified as managed forest land under the *Private Managed Forest Land Act*;
- c) forest management activities on land that is the subject of a valid and subsisting woodlot license or tree farm license under the *Forest Act*;
- d) work undertaken on Crown land by an agent of the Crown;
- e) the maintenance of existing landscaping or gardens;
- f) the removal of dangerous trees posing an immediate threat to life or property, provided the tree is not a current or past nesting tree;
- g) the removal of invasive, non-indigenous trees or vegetation;
- h) tree trimming or topping, provided the tree is not a current or past nesting tree;
- i) activity that is permitted by a conservation covenant satisfactory to, and in favour of, the _____ Island Local Trust Committee or the Islands Trust Conservancy Board, including the subdivision of land, the construction of, addition to or alteration of buildings or structures, or other alteration of land.



Policy:	4.1.15
Approved By:	Trust Council
Approval Date:	June 22, 2022
Amendment Date(s):	
Policy Holder:	Director of Planning

DELEGATION OF LAND USE PERMITS

Purpose

To provide policy for local trust committee consideration of the delegation of the power to issue certain land use permits to staff.

Principles

1. Local trust committee delegation of the issuance of development permits to staff is intended to improve overall efficiency, reduce the number of items on local trust committee agendas and streamline processing of permits.
2. Delegation may be warranted as the scope of determining the approval or refusal of permits is determined by consistency with guidelines adopted by local trust committees.
3. Delegation of the power to issue development permits to staff has been recommended by external reviews, and amendments to the *Islands Trust Regulation* now provide local trust committees with the authority to delegate the issuance of development permits to staff.
4. The delegation of the issuance of development permits to staff by local trust committees should only be implemented where development permit area provisions are consistent with the criteria outlined in this policy.
5. The delegation of the power to issue minor development variance permits to staff may be considered by future amendment of this policy and amendment of delegation bylaws.

A. Definitions

B. Policy

1. Delegation by Bylaw

- 1.1 Delegation of the power to issue development permits may only be implemented by the adoption of a delegation bylaw by a local trust committee.
- 1.2 Delegation bylaws adopted by local trust committees should be substantially consistent with the bylaw template attached to this policy.
- 1.3 A delegation bylaw should only delegate to staff the power to issue permits for development permit areas (DPA) that meet the criteria outlined in this policy.

- 1.4 A delegation bylaw should only delegate the authority to issue permits to the Director and in their absence to Regional Planning Managers.
- 1.5 The staff person reviewing the application shall not also approve or refuse the permit.
- 1.6 A delegation bylaw should not delegate authority to issue form and character development permits except where a local trust committee considers the guidelines to be sufficiently objective.
- 1.7 A delegation bylaw should not delegate permits requiring variances unless the local trust committee has also delegated the issuance of minor development variance permits to staff.
- 1.8 The bylaw must include the opportunity for the owner of the land subject to the decision to have the local trust committee reconsider the decision.
2. **Local trust committees should only consider delegation of issuance of permits to staff for development permit areas that meet the following criteria:**
 - 2.1 The development permit area provisions are relatively current.
 - 2.2 A development approval information bylaw has been adopted, or the application requirements are equivalent (e.g. a DPA enacted consistent with the *Riparian Area Protection Regulation* or geo-technical hazard area DPA).
 - 2.3 Professional reports can be required to provide an assessment of impacts and to recommend measures that can be included as conditions of a permit.
 - 2.4 Guidelines have been assessed by staff to be relatively thorough, clear, current and certain.
3. **Local Planning Services staff should prioritize drafting of delegation bylaws for:**
 - 3.1 Local trust committees that have indicated support for delegation.
 - 3.2 Local trust committees that receive higher volumes of permit applications.
4. **Local Planning Services shall implement the following procedures where delegation has been authorized by a local trust committee bylaw:**
 - 4.1 Checklists for compliance or non-compliance with guidelines for each DPA shall be prepared prior to implementing delegation.
 - 4.2 The local trust committee shall be provided with a copy of permit applications and copied on the decision to issue or to refuse a permit.
 - 4.3 Where the planner reviewing the application determines that the application does not comply with one or more of the guidelines, applicants shall be provided with advice as to why the application does not comply and shall be given the opportunity to revise the application before a decision to issue or refuse the application is made.

- 4.4 The planner reviewing an application shall provide the checklist, draft permit and a written recommendation with reasons to the Director or Regional Planning Manager prior to the delegate making a decision to approve or refuse issuance of a permit.
- 4.5 Where the Director or Regional Planning Manager determines that an application is contrary to one or more of the guidelines, the application shall be refused unless the delegate is satisfied that the permit would be consistent with the overall objectives of the development permit area, that the non-compliance is minor, and that compliance with the guideline would result in the application being contrary to other, more relevant guidelines.
- 4.6 If issuance of a permit is refused, the owner of the subject property shall be provided written reasons for the refusal and informed of the opportunity to request a reconsideration by the local trust committee.
- 4.7 The Director may recommend that an applicant for a refused permit apply for reconsideration by the local trust committee.
- 4.8 Procedures for reconsideration, consistent with the bylaw, shall be established by the Director.

C. Legislated References

Local Government Act sections 229 [delegation of authority], 230 [bylaw required for delegation], 232 [reconsideration of delegate's decision] 490(5) [development permits: general authority] and 498.1 [delegation of power to issue development variance permit].

BC Reg 119/90 as amended by *B.C. Reg 275/21* [delegation of authority]

D. Attachment:

Attachment A: Delegation Bylaw Template

ATTACHMENT A
Delegation Bylaw Template

_____ **ISLAND LOCAL TRUST COMMITTEE**

BYLAW NO. xxx, 20xx

A bylaw of the _____ Island Local Trust Committee to Delegate the Power to Issue Certain Land Use Permits

The _____ Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the _____ Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as “_____ Island Local Trust Committee Delegation Bylaw No. XXX, 20XX”.

DEFINITIONS

2. In this bylaw:

“**Act**” means the Local Government Act.

“**Local Trust Committee**” means the _____ Island Local Trust Committee.

“**Director**” means the Director of Local Planning Services.

“**Regional Planning Manager**” means the Manager assigned to the Local Trust Committee.

DELEGATION

3. The Local Trust Committee hereby delegates to the Director, or in his or her absence the Regional Planning Manager, the power to issue a development permit or a development permit amendment under Section 490 of the Act in respect of development permits issued within the following development permit areas:

- a. Development Permit Area X;

4. The delegation under Section 3 does not include the authority to vary or supplement a land use regulation or a subdivision regulation.
5. The Director, or in his or her absence the Regional Planning Manager, is also delegated the power to require, under Section 502 of the Act, an applicant to provide security in an amount stated in the Permit by way of an irrevocable letter of credit or the deposit of securities in a form satisfactory to the Director.
6. The amount of security to be provided under Section 502 of the Act, in relation to a development permit issued by the delegate, shall be 125% of the cost of site restoration, landscaping, remediation of damage to the natural environment or improvements including materials and installation, as determined by a professional landscape architect, a nursery person, a landscape contractor, a habitat biologist, or another person approved by the Director to provide.
7. For clarity, a person to whom a power, duty or function has been delegated under this bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.

RECONSIDERATION

8. An applicant may have a decision of the delegate in relation to a permit reconsidered by the Local Trust Committee by submitting a written request for reconsideration to the Deputy Secretary within thirty days after the decision is delivered to or made available to the applicant.
9. The request for reconsideration must include the following:
 - a. the applicant's address for receiving correspondence related to the request for reconsideration;
 - b. a copy of the written decision;
 - c. reasons why the applicant wishes the decision to be reconsidered by the Local Trust Committee;
 - d. the decision which the applicant requests be made by the Local Trust Committee;
 - e. reasons in support of the decision requested from the Local Trust Committee; and
 - f. a copy of any documents which support the applicant's request for reconsideration by the Local Trust Committee.
10. Each reconsideration request shall be placed on the agenda of a regular Local Trust Committee meeting and shall include a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered and any further materials delivered by the owner.
11. The Local Trust Committee may consider any presentations made by the applicant and may either:
 - a. confirm all or part of the delegate's decision,
 - b. set aside all or part of the delegate's decision; or
 - c. amend the delegate's decision or make a new decision.

SCOPE OF BYLAW

12. For clarity, subject to the *Act*, unless a power, duty or function of the Local Trust Committee has been expressly delegated by this Bylaw or another bylaw, all of the powers, duties and functions of the Local Trust Committee remain with the Local Trust Committee.

READ A FIRST TIME THIS _____TH DAY OF _____, 20XX.

READ A SECOND TIME THIS _____TH DAY OF _____, 20XX.

READ A THIRD TIME THIS _____TH _____ DAY OF _____, 20XX.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
TH DAY OF , 20XX

ADOPTED THIS _____TH DAY OF _____, 20XX.

CHAIRPERSON

SECRETARY



Policy:	4.2.1
Approved By:	Trust Council
Approval Date:	September 25, 1993
Amendment Date(s):	June 17, 2000
Policy Holder:	Director of Local Planning Services Legislative Services Manager

ADVISORY PLANNING COMMISSION TERMS OF REFERENCE

Purpose

To provide guidance to Local Trust Committees in the establishment of Terms of Reference for Advisory Planning Commissions.

A. Policy (Guidelines)

1. Advisory Planning Commission Terms of Reference should be:
 - 1.1 Incorporated with amendments or elaboration as required into the respective Local Trust Committee Advisory Planning Commission Bylaws.
 - 1.2 Circulated to all prospective Advisory Planning Commission (APC) members, before they are considered for nomination and/or appointed, to ensure that APC members are thoroughly familiar with the mandate and responsibilities associated with APC membership.
 - 1.3 Circulated to all Local Trust Committee (LTC) members upon their election to ensure that LTC members are thoroughly familiar with the mandate and responsibilities of APC members.
2. The following Terms of Reference are proposed for incorporation into the respective Local Trust Committee Advisory Planning Commission Bylaws pursuant to s.29 of the *Islands Trust Act* and s.461 of the *Local Government Act*.

B. Terms of Reference

1. Purpose of Advisory Planning Commission

The purpose for which the Advisory Planning Commission (the "APC") is established is to advise the Local Trust Committee (the "LTC") on matters referred in writing to the APC by the LTC, including:

- 1.1 Proposed bylaws under Divisions 2, 3, 7, and 11 of Part 14 of the *Local Government Act*, being bylaws respecting:

- 1.1.1 Official community plans.
 - 1.1.2 Land use and rural land use bylaws.
 - 1.1.3 Zoning, parking, drainage, signs, screening, and floodplain elevations.
 - 1.1.4 Subdivision servicing.
 - 1.2 Proposed permits under Division 9 of Part 14 of the *Local Government Act*, being:
 - 1.2.1 Development variance permits.
 - 1.2.2 Temporary commercial and industrial permits.
 - 1.2.3 Development permits.
 - 1.2.4 Intensive agriculture permits.
 - 1.2.5 Tree cutting permits.
 - 1.3 Matters respecting land use and community planning generally.
2. APC Public Consultation
- 2.1 In referring a matter to the APC for its advice, the LTC primarily seeks the individual or collective advice of APC members on the matter being referred. In cases where the LTC wishes the APC to consult broadly with members of the community or specifically with particular stakeholders in the community before formulating its advice, the LTC will make such wishes known to the APC in its referral of the matter.
 - 2.2 Despite paragraph 2.1., the APC must, in accordance with s. 461(8) of the *Local Government Act*, provide an opportunity for an applicant for an amendment to a plan, or bylaw, or the issuance of a permit, to attend at its meetings and be heard, and the APC may take the views of the applicant into consideration in formulating its advice to the LTC.
 - 2.3 All meetings of the APC shall be in public and minutes must be recorded and made available to the public in accordance with sections 223 and 461(7) of the *Local Government Act*.
3. In referring a matter respecting land use and community planning generally, including major revisions to an official community plan, the LTC may appoint committees from the general public or subcommittees to work with or separately from the APC.
- 3.1 Notwithstanding such appointments, the APC must still provide its own review of the matter being referred.

- 3.2 All meetings of the advisory committee shall be in public, and minutes must be recorded and made available to the public in accordance with sections 223 and 461(7) of the *Local Government Act*.
4. In preparing its advice to the LTC, the APC must have regard to:
 - 4.1 The object of the Islands Trust as set out in s.3 of the *Islands Trust Act*.
 - 4.2 The Trust Council Policy Statement.
 - 4.3 The applicable official community plan.
 - 4.4 Any applicable regulatory bylaws.
5. In preparing its advice to the LTC, the APC should take into account the interests of the community at large when making recommendations.
6. In preparing its advice to the LTC with respect to applications for development permits, the APC must have regard to the applicable guidelines specified in the official community plan for the relevant development permit area.
7. In preparing its advice to the LTC with respect to applications for temporary commercial and industrial permits, the APC must have regard to the applicable general conditions specified in the official community plan for the issuance of such permits.
8. The APC must provide its advice to the LTC on each matter that has been referred:
 - 8.1 In writing, except that in circumstances of urgency the LTC may request the APC to make its views on a particular matter known to the Chair of the LTC verbally in advance of submitting its written advice.
 - 8.2 Within any time period that is specified by the LTC in its referral of the matter.
9. The LTC has, under the *Islands Trust Act* and the *Local Government Act*, the authority to make decisions on the matters set out in paragraph 1 of these Terms of Reference, and in doing so must exercise its independent, unfettered discretion. Accordingly, the advice of the APC on any particular matter cannot be binding on the LTC or any of its members. The nature of any advice provided by the APC will, however, be accurately set out in the minutes of the proceeding in which the advice is considered by the LTC.

C. Legislated References

1. *Islands Trust Act*: Sections 3 and 29.
1. *Local Government Act*: Sections 461 and 223

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

n/a



Policy:	4.2.2
Approved By:	Trust Council
Approval Date:	June 26, 1993
Amendment Date(s):	June 17, 2000
Policy Holder:	Legislative Services Manager

ADVISORY PLANNING COMMISSION OPERATING GUIDELINES

Purpose

To provide guidance to Local Trust Committees on directing the operations of Advisory Planning Commissions.

A. Policy (Guidelines)

1. Statutory

The Local Trust Committee (LTC), by bylaw pursuant to Section 461 of the *Local Government Act*, establishes an Advisory Planning Commission (APC) to provide advice to the Local Trust Committee on land use, community planning or bylaws under Part 14 of the *Local Government Act*. The *Act* in sections 226 and 223 requires all meetings be in public and that proper minutes are kept and made available to the public.

2. Introductory

2.1 The APC, in advising the LTC, is required to operate in line with the provisions of the *Local Government Act* and the legislated object of the Islands Trust, and in compliance with the provisions of the island's Official Community Plan, regulatory bylaws, and the APC procedural bylaw.

2.2 The APC exists for the purpose of advising the LTC, and the APC shall ensure that the proceedings are limited to that purpose. In responding to requests for its advice, the APC shall make recommendations that reflect the best interests of the community at large.

3. LTC/APC Referral Process

3.1 The APC shall consider only those matters referred to it by resolution of the LTC.

3.2 The LTC may resolve to request the provision of a staff report to accompany a referral to the APC.

3.3 The LTC, by resolution, shall provide written direction to the APC on the matters to be considered in relation to a referral, including the specification of a latest date for the APC to provide a response, and the provision of opportunities for public involvement.

3.4 All APC recommendations on referrals must be recorded as resolutions in approved minutes made available to the public.

- 3.5 The APC, in dealing with referrals and upon request by the LTC, may consult with other island public bodies and, through the LTC, may request information from Trust staff or other government agencies.

4. Notification of APC Meetings

- 4.1 When the APC Chair has called a meeting, the secretary shall give at least five days notice of the date, time, location, and proposed agenda to all APC members, the LTC, and applicants where required by statute.
- 4.2 LTC members are entitled to attend and observe all APC meetings, and may act in a resource capacity.
- 4.3 Public notice of meetings must be posted on the notice board on-island and, where applicable, in the Islands Trust Victoria office at least 72 hours before the meeting and must include the place, time and date of meeting.

5. Minutes

- 5.1 Minutes of all APC meetings shall be legible and signed by the APC Chair. Copies of the minutes shall be provided to the LTC members and to the Planning Secretary of the Islands Trust and, upon request, must be made available to the public.
- 5.2 The minutes shall record the resolutions regarding the recommendations, and related reasons where appropriate, on the matters referred to the APC by the LTC.
- 5.3 The recommendations to the LTC shall be communicated expeditiously and, when necessary, before subsequent approval of the related minutes. The Chair of the APC shall ensure that the recommendations are communicated accurately and reflect the views of the Commission.
- 5.4 Official minutes of APC meetings shall be made available to the public after they have been approved at a subsequent APC meeting.

6. APC Response Direction

- 6.1 Application Consideration
- 6.1.1 Subsection 461(8) of the *Local Government Act* requires that applicants for an amendment to a plan or bylaw, or for the issuance of a permit, are "entitled to attend at meetings of the commission (APC) and be heard". There is therefore a statutory duty imposed on an APC when such referrals are under consideration. Any breach of this duty may lead to a legal challenge of related decisions made by the LTC.
- 6.1.2 In responding to referrals on particular applications, the APC should provide advice in terms of the object, the local characteristics of the site under consideration and the APC's assessment of the needs and expectations of the community as a whole.

6.2 Bylaw Referral

- 6.2.1 When responding to the referral of a proposed bylaw, the APC should consider the implications of any proposed changes in terms of the existing plan and regulations.
- 6.2.2 Where a proposed bylaw relating to a particular application is being referred, such a referral is also subject to the Subsection 461(8) provision entitling applicants to attend at meetings of the APC, and to be heard. There is therefore a statutory duty imposed on the APC, any breach of which may lead to a legal challenge of related decisions made by the LTC.
- 6.2.3 Where a proposed bylaw being referred has been initiated by the LTC, the APC may be requested to make a recommendation based on the results of: APC sub-committee investigations; reports provided by other agencies; public input; and its own deliberations.
- 6.2.4 In responding to referrals of proposed bylaws, the APC should provide advice in the form of a clear recommendation, with associated reasons, to the LTC to:
 - 6.2.4.1 Take the bylaw forward to Public Hearing.
 - 6.2.4.2 Proceed with the bylaw on a conditional basis.
 - 6.2.4.3 Not proceed with the bylaw.
 - 6.2.4.4 Not proceed with the bylaw at this time.

7. Public Meeting

All meetings of the APC must be held in public. The APC bylaw should specify how, and under what procedures, the APC may receive delegations or comments from the public at its meetings, except for the ones required to be heard under section 461(8).

8. Public Hearings

- 8.1 The APC operates as a statutory referral agency in relation to proposed bylaws that are the subject of a public hearing. The APC recommendation on the referral at this stage will be read into the record of the public hearing.
- 8.2 It is not appropriate for the APC to otherwise intervene at a public hearing, which is held for the purpose of public (not agency) input. Members of an APC should feel free to speak at public hearings as individuals, but not as members of the APC.
- 8.3 The LTC should not receive comments regarding a proposed bylaw from the APC after a public hearing on that bylaw has been held.

9. Communications

- 9.1 The APC is an advisory body only and its advice is for the sole benefit of the LTC.
- 9.2 The LTC cannot fetter its discretion in any way, and cannot therefore be placed under any obligation to follow the recommendations of an APC. However, the LTC may recognize the desirability of communicating its decision-making rationale where appropriate, in the interests of maintaining an effective working relationship between the APC and LTC.

B. Legislated References

Local Government Act, Section 461

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

n/a



Policy:	5.3.1
Approved By:	Trust Council
Approval Date:	December 5, 1992
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

HOLDING COVENANTS AND RIGHTS OF WAY

Purpose

This policy summarizes legislation relating to rights of way and covenants under Sections 218 and 219 of the *Land Title Act*. Each case presents unique circumstances affecting the decision to accept or require such instruments and affecting their terms and form. Trust committees shall consult Trust staff and legal counsel early in each case in order to determine whether a covenant or right of way is desirable or feasible.

Background

1. Covenants under section 219 of the *Land Title Act* impose positive or negative obligations regarding the use of land. Such covenants bind successor owners of the land in question.
2. The possible applications of such covenants are limited only by the terms of Section 219 itself, which are summarized in this policy. The limits of Section 219 must always be borne in mind when determining whether a covenant is to be entered into.

A. Definitions

n/a

B. Policy

Statutory rights of way under section 218 of the *Land Title Act* give the trust committee the right to enter and use a specified area of land, e.g. for utility purposes, so long as the right of way is necessary for the operation and maintenance of the trust committee's undertaking.

C. Procedure

1. Requirements

- 1.1 Local trust committee must determine that a covenant needs to be created, registered, held and enforced under Section 219 of the *Land Title Act*.
- 1.2 Local trust committee requests planning staff to complete the standard covenant format for review by legal counsel or provide instructions to legal counsel to draft a covenant to ensure its enforceability and to ensure that it protects the local trust committee's interest in the matter.

1.3 Local trust committee must pass a resolution to accept a covenant (either at an actual meeting or by resolution without meeting). The resolution should be in the following form:

i. Be it resolved that:

- 1) The _____ Trust Committee accept from the registered owner of the land on _____ Island legally described as _____ a covenant under Section 219 of the *Land Title Act*.
- 2) The _____ Trust Committee be bound by that instrument as a party to it, even though it has not been executed by the _____ Trust Committee.
- 3) All necessary steps be taken to register the instrument in the Land Title Office against title to the land, at the expense of the registered owner of the land.

1.4 Execution

A covenant under Section 219 binds the party granting the covenant to the trust committee even if the committee has not signed such an instrument. Therefore, the covenant does not need to be signed by the trust committee.

1.5 Registration

Once a covenant has been executed by the grantor, it must be registered at the Land Title Office. This can be done in the following ways:

- 1.5.1 The lawyer acting on behalf of the trust committee can register the covenant;
or
- 1.5.2 The grantor's lawyer could register the covenant, then send the confirmation of registration to the trust committee's lawyer; or
- 1.5.3 The grantor's lawyer could register the covenant, and confirm the registration directly to the trust committee by providing the following:
 - 1.5.3.1 A copy of fax of the cover sheet, showing registration particulars.
 - 1.5.3.2 Confirmation of the registration particulars in a letter to the trust committee.

2. Office Procedures

- 2.1 The first draft of the covenant shall be forwarded to the bookkeeper/receptionist to be:
 - 2.1.1 Allocated a file number.
 - 2.1.2 Logged into the applications book.
 - 2.1.3 Logged into the tracking system.
- 2.2 The covenant file is passed to the appropriate planning staff.
- 2.3 For the covenant to be valid, the planner must obtain a trust committee resolution accepting the covenant.
- 2.4 Once the covenant is accepted by trust committee resolution, the planning staff shall pass the file to the legislative clerk, who will ensure that the covenant is registered via one of the methods under Section 1.5 of these Procedures.

D. Legislated References

Land Title Act: Sections 218 and 219

Property Law Act: Section 35

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

n/a



Policy:	5.3.2
Approved By:	Trust Council
Approval Date:	December 9, 1995
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

TRANSFER OF DENSITY (TD)

Purpose

The purpose of this policy is to provide a tool which would allow local communities to achieve public conservation objectives without limiting the ability of property owners to achieve private development objectives. The mechanism is similar in concept to parcel size averaging, a tool already included in various subdivision bylaws in the Trust Area. However, Transfer of Density operates between parcels rather than within a parcel.

A. Definitions

n/a

B. Policy

1. TD may be used to accomplish land conservation objectives that are consistent with the object of the Islands Trust and the Islands Trust Policy Statement. For example, TD may be used in situations where agricultural land, forest ecosystems, water supply areas, wetlands, heritage sites, shore-lands, and areas of scenic or recreational significance would have development potential but can be protected from development by transferring density to more suitable locations.
2. Local trust committees (LTC) should establish a planning context for the use of TD during the preparation or revision of Official Community Plans (OCP) or, where transfer of density is proposed outside a period of plan preparation or review, by amendment of the OCP on a site-specific basis.
3. The value of development potential proposed on a receiver site may need to be in excess of the value of that potential removed from the donor site to effect a transfer of density.
4. TD may be used to transfer density between islands within a LTC area but shall not be used to transfer density between LTC areas unless such transfers are explicitly provided for in the Islands Trust Policy Statement.
5. Where an OCP specifies that there shall be no net increase in density, then no net increase in density should be considered as a result of the operation of this policy.

C. Procedure

1. TD requires the amendment of zoning bylaws on a site-specific basis to increase density at a “receiver site” (unless pre-identified in zoning), and reduce density at the “donor site”. Such zoning bylaw amendments must occur within the context of OCP objectives, policies and map designations that:
 - 1.1 Identify areas (donor sites) to be protected from development by transferring density when opportunities to do so arise.
 - 1.2 Identify areas (receiver sites) in which additional density can be accommodated in terms of physical infrastructure and compatibility of land use and density.

BC planning legislation does not authorize a comprehensive transfer scheme in which development potential is “banked” by the local government and traded on a market-driven basis.

Sample OCP Policy Statements are as follows:

Donor Area

The LTC considers that (donor area) is worthy of preservation and protection and that the preservation and protection of this area warrants consideration by the LTC, on a case by case basis, of zoning measures designed to transfer permitted density from the (donor area) to other parts of the LTC area. On application by an owner of land in the (donor area) who evidences willingness to grant a covenant in favour of the LTC to preserve and protect the (donor area), the LTC will consider rezoning both (donor area) and another part of the LTC area to effect the transfer of density in accordance with this plan.

Receiver Area

The LTC considers that the (receiver area) is capable of accommodating greater density than permitted by the zoning bylaw and that the accommodation of such greater density may be in the interest of the LTC area generally (provided that no net increase in density within the LTC area results). Accordingly, and in conjunction with policy (refer to donor area policy) the LTC will consider rezoning of both the (receiver area) and another part of the LTC area to effect a transfer of density in accordance with this plan.

2. Donor Sites Should be Protected by:
 - 2.1 Rezoning to create a new zone; and a covenant in favour of the LTC or the Islands Trust Conservancy Board (as well as with other government agencies or non-government organizations as appropriate), registered under Section 219 of the *Land Title Act*.
 - or
 - 2.2 Amendment to an existing zone to remove permitted uses and densities; and a covenant in favour of the LTC or the Islands Trust Conservancy Board (as well as with

other government agencies or non-government organizations as appropriate), registered under Section 219 of the *Land Title Act*.

Section 479 of the *Local Government Act* permits the adoption of zoning regulations in respect of use and density that are different for different locations within a zone. Thus, amendments to the zoning bylaw to remove the permitted use on the parcel need not rezone to a different zoning designation (i.e., it could remain “residential”) in order to remove permitted uses and densities.

3. Where a single owner of donor and receiver sites is involved, the LTC must require the applicant to apply to rezone both donor and receiver sites. The applicant must also provide the Islands Trust and its solicitors with all necessary covenants, agreements and/or undertakings to ensure successful completion of the transfer.
4. Where separate owners of donor and recipient sites are involved, the LTC must require the owners to apply to rezone their respective properties and the owner of the donor site to provide the necessary covenants, agreements and/or undertakings as described above. **The LTC should consider the settlement of compensation between the owners as a purely private matter in which the LTC is not involved.**
5. At no time shall a LTC fetter its discretion by agreeing explicitly or implicitly to adopt a bylaw effecting a Transfer of Density.

D. Donor and Receiver Procedures

Donor Actions

1. A property owner examines the zoning bylaw and identifies the development potential on their property, potential which they choose not to exercise in order to preserve and protect the area.
2. The property owner contacts the Islands Trust and determines if the site is in a donor area.
3. If the site is in a donor area and its development potential is clearly established, then the owner seeks a property owner who wishes to receive this development potential. This activity occurs without assistance or discussion with the LTC.
4. The donor and receiver then approach the LTC with two rezoning applications, one which decreases the density on the donor site and one which increases the density of the receiver site. There are no limits on transfer other than:
 - 4.1 The permitted density of the two sites taken together cannot be increased if the OCP contains a “no net increase” policy; and
 - 4.2 The receiver site can have density higher than the density permitted for that site (subject to such density being transferred from the donor site), but such density cannot exceed the carrying capacity of the site as determined by health and environmental agencies and by other policies of the OCP, e.g., rate of growth controls, lack of public facilities necessary to serve the development, etc.

5. When making a rezoning application, the donor must voluntarily enter into a covenant (legal costs paid by the donor) to prevent further development of the site except to the extent permitted after TD.
6. The LTC then reviews the rezoning applications in accordance with normal procedures. If the bylaws are adopted, then the donor site will be subject to both a zoning regulation and a covenant that restricts development.

Receiver Actions

1. A receiver identifies an interest in developing a property and enquires with the Islands Trust:
 - 1.1 As to whether the site is in a receiver area; and
 - 1.2 As to the development potential established in the zoning bylaw.
2. If there is a desire to seek additional development rights, then the receiver seeks out a donor and approaches the LTC as per step 4 above.
3. The LTC would reserve the right to have the receiver undertake studies as if he/she were applying for rezoning in order to determine the development potential that could be achieved taking into account the conditions in 4.2 above.
4. The receiver then applies for rezoning to allow for a density equivalent to what would be allowed, based on the assessment in step 3, and what is requested, as a transfer from the donor site.

E. Legislated References

n/a

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

n/a



Policy:	5.3.3
Approved By:	Trust Council
Approval Date:	May 29, 1996
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

ACQUISITION OF COMMUNITY PARK LAND UNDER SECTION 510 OF THE LOCAL GOVERNMENT ACT

Purpose

The purpose of this policy is to delineate the scope and options available for local trust committee (LTC) involvement in the acquisition of community park land under Section 510 of the *Local Government Act*.

A. Definitions

Public Open Space - Areas of public domain including provincial, federal, regional and community parks, right of ways, un-alienated crown land, easements granting public rights of use, covenants preserving open space for public benefit, etc.

Park - provincial, regional or community park.

Community Park - Section 510 park created at time of subdivision, whether taken by the Regional District or not, and park acquired by a Regional District through grant, purchase, etc., for community park purposes.

Acquisition - land acquired by Regional District through dedication or other means of acquisition for community park purposes, or dedicated as park under Section 510 in the absence of Regional District acquisition and held as crown land for park.

B. Policy

1. Policy Statement

This policy is guided by elements of the Islands Trust Policy Statement which deal with parks, recreation, trails and natural protection.

2. Official Community Plans (OCP) and/or Rural Land Use Bylaws (RLUB)

2.1 Official community plans and/or rural land use bylaws should clearly delineate areas of ecological, scenic or recreational significance requiring protection as public open space, park and community park and the circumstances under which acquisition of such areas would be desirable. The local trust committee (LTC) may consult with the public, the Advisory Planning Commission, and the Parks and Recreation Commission (if formed) to determine parks policies and designations for an OCP/RLUB.

2.2 The LTC shall determine the acceptability of any proposed community park location pursuant to Section 510(1)(a) of the *Local Government Act* as follows:

2.2.1 In the absence of OCP policies and designations for park dedications, in accordance with the Trust Mandate, Trust Policy Statement, and advice from the community as deemed necessary.

2.2.2 When an OCP provides policies and designations for park dedications, in accordance with those requirements to determine precise locations.

3. Zoning Regulations

Zoning regulations can be enacted on community park land on or after the park land dedication pursuant to Section 510 of the *Local Government Act* and can bind any user of land except the province itself, but includes any occupier of Crown land. Zoning regulations may permit particular parks uses. The Regional District (if applicable) should be consulted in the development of park land zoning given their role in management of parks subject to permitted uses. Zoning of land for parks purposes must go through the public hearing process.

4. Regional District Involvement

Upon initiation of discussions regarding OCP community park land policies, park land zoning or park land dedication under the provisions of Section 510 of the *Local Government Act*, the Regional District and its representative Commission should be notified and kept informed with respect to their areas of jurisdiction. Letters of Understanding between the Islands Trust and the Regional District should be developed to facilitate this consultative process.

C. Procedure for Community Park Dedication Under Section 510 of the *Local Government Act*:

1. Role of the OCP/RLUB in Community Park land Dedication

1.1 The OCP/RLUB should designate, in words or by map, areas of ecological, scenic, or recreational significance requiring protection as community park land and should indicate which types of land have priority. The OCP/RLUB could include the following direction:

- i. Where land not directly affected by the map designations set out in Schedule “_____” is proposed to be subdivided, the owner of the land shall dedicate (except in those circumstances described in Section 510(5) of the *Local Government Act* as park 5% of the land in the following circumstances:
 - 1) where the subdivision is of such a size and at such a location that the _____ local trust committee considers that a park for community recreation is or will be required in the area being subdivided, in which case the location of the community park land shall be determined by the _____ local trust committee; and

- 2) where the land proposed to be subdivided contains a site that the _____ local trust committee considers is of local scenic or ecological importance, the location of the community park land shall be the scenic or ecological site; and/or
 - 3) where the land proposed to be subdivided contains a site that the _____ local trust committee considers would contribute to a trail network, whether or not the trail network is identified in the Official Community Plan, then the location of the park land to be dedicated shall be the area required for the trail network.
- ii. Where none of the circumstances in Section 1.1.i. exist, the owner of the land shall provide cash in lieu of dedicating park land, unless the owner wishes to provide park land.

2. General Procedures

- 2.1 Community park acquisition by dedication (transfer of land to the Crown for possession and control by a Regional District) is initiated by the subdivision application and referral process through the Ministry of Transportation and Infrastructure (MOTI). Except as noted in Section 2.2, the Approving Officer cannot approve a plan of subdivision, including bare land strata subdivisions under the *Condominium Act*, unless Section 510 of the *Local Government Act* is satisfied.
- 2.2 The following types of subdivisions are exempt from providing community park:
- 2.2.1 Fewer than three additional lots are being created.
 - 2.2.2 All proposed lots are greater than 2 hectares (5 acres).
 - 2.2.3 Consolidation of parcels (lot line cancellation).
- 2.3 The LTC should request that MOTI withhold Preliminary Layout Approval until Section 510 requirements are dealt with and advise MOTI/the applicant of their preference regarding community park dedication before any land alteration begins.

3. Community park dedication where adequate OCP/RLUB policies and/or designations exist

- 3.1 The LTC establishes the percentage amount and the “acceptable” location of land to be dedicated. The LTC should request that park be dedicated entirely in the first phase. If this is not possible, as when a phased development is planned, the LTC may request that park be dedicated sequentially. In this case, an agreement relating to sequential dedication must be filed with the Registrar of Land Titles under Section 510(10) of the *Local Government Act*. The agreement must specify when the subsequent parks will be created and what happens if the timing condition is not met.
- 3.2 Although 5% of the total land area of the subdivision is the maximum figure a LTC can require, the appropriate amount may vary by mutual agreement. For example, park of

a particularly high value may be suggested in a lesser amount or the total amount may include the park and essential buffer areas or trails to the park. If less than 5% or a combination of park and cash equivalent to 5% is accepted by the LTC, a resolution indicating the acceptability must be given. If 0% land is desired by the LTC, a resolution must be given stating that no land is required.

4. Procedure under Section 510 where OCP/RLUB policies and/or designations are insufficient

- 4.1 Where the OCP/RLUB contains insufficient policies/designations and where the Regional District exercises a power to provide a community parks function, the owner of land being subdivided must determine whether to provide, without compensation, community park or payment to the Regional District in the amount determined under section 4.3.
- 4.2 The LTC establishes the percentage of the land's market value (at time of subdivision application) to be paid or the percentage amount and the "acceptable" location of land to be dedicated in consultation with the owner. Where payment is to be given, a payment deferral agreement is possible between the LTC and the owner. Where park land is to be given, the LTC should request that community park be dedicated entirely in the first phase. If this is not possible, as when a phased development is planned, the LTC may request that community park be dedicated sequentially. In this case, an agreement relating to sequential dedication must be filed with the Registrar of Land Titles under Section 510(10) of the *Local Government Act*. The agreement must specify when the subsequent parks will be created and what happens if the timing condition is not met.
- 4.3 Although 5% of the total land area of the subdivision is the maximum figure a LTC can require, and 5% of the market value of the land is the typical amount when payment is required, the appropriate amount may vary by mutual agreement. If less than 5%, or a combination of park and cash equivalent to 5%, is accepted by the LTC, a resolution indicating the acceptability must be given. If 0% land is desired by the LTC, a resolution must be given stating that no land is required.
- 4.4 Where a disagreement arises between the owner and the LTC regarding the land's market value, provincial regulations provide a binding decision on the market value to be set by a jointly appointed appraiser.
- 4.5 Where an amount of payment is established, a letter from the Regional District to the LTC is required confirming that cash payment has been received in order for the LTC to advise MOTI that conditions for final approval have been completed. Cash payment should be in the form of a bank draft or certified cheque. Where land is provided, land dedication should only be acceptable if the Approving Officer ensures that this is undertaken concurrently with (or prior to in the case of a bare land strata subdivision) registration of the subdivision at the Land Titles office or as stated in the registered agreement.

- 4.6 Where a Regional District does not operate a community parks function, the applicant does not have the option to pay cash. In this situation, the land (subject to acceptance of amount and location by the LTC) is dedicated on the subdivision plan as “park” but remains in the control of the Crown until a Regional District assumes a Community Parks function.

5. Regional District considerations

- 5.1 If the Regional District provides a community parks function in the electoral area that encompasses the particular island involved, it is entitled to “Possession and Control” of dedicated park land (s.613) and assumes liability on that park land.
- 5.2 The Regional District can (by public notice, bylaw and provincial approval), exchange or sell park land, with the cash receipts to be deposited in the ‘park land acquisition reserve fund’.

6. Provision of land by other means

The percentage of land calculated by the LTC for S.510 purposes is exclusive and separate from other public lands and amenities that may be provided within a subdivision. However, these sources can be taken into consideration by a LTC when setting the amount or location of land to be dedicated.

D. Legislated References

Local Government Act: Section 510

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

n/a



Policy:	5.3.5
Approved By:	Trust Council
Approval Date:	June 17, 2005
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

BEST PRACTICES FOR LOCAL TRUST COMMITTEES IN HOLDING CONSERVATION COVENANTS

Purpose

To identify best practices and establish standards for local trust committees (LTC) that intend to hold conservation covenants.

Note: To date, the best legal interpretation of best practices for conservation covenants is included in a publication by the West Coast Environmental Law Research Foundation entitled “Greening Your Title: A Guide to Best Practices for Conservation Covenants -- Second Edition” (Hillyer and Atkins, 2005). Relevant quotes from this document are included below in italics for information.

A. Background

Statutory covenants under section 219 of the *Land Title Act* can impose both positive and negative obligations on a landowner. These statutory covenants can and have been used by LTC’s for a variety of purposes.

“Conservation” covenants are designed specifically for conservation purposes. Although the term “conservation covenant” is not used in the *Land Title Act*, it is a term that is identified by the public as having a specific meaning and intent. In particular, it is expected that a conservation covenant will do the following:

- it will protect the particular values identified in the covenant (be they ecological, cultural or heritage);
- it is enforceable; and
- it will “run with the land”, bind future owners and last in perpetuity.

Local trust committees occasionally hold conservation covenants. These covenants may or may not be developed in relation to development approvals. In some cases, development applications are approved or regulations are relaxed because a property owner agrees to provide a conservation covenant designed to protect certain values of importance to a community. These matters are usually discussed during a formal public process such as a public hearing. As a result, community members may rely heavily on conservation covenants to guide details of development that are not addressed by zoning or other regulations.

These understandings create long term expectations and obligations for both the property owner and for a LTC, as the covenant holder.

Recent case law regarding conservation covenants reinforces the need for organizations that hold conservation covenants to follow good practices when they enter into and manage them. The enforcement of conservation covenants can be expensive and time consuming. The Islands Trust will need to ensure, when it decides to commit legal funds to the defence of a conservation covenant, that the development and management of the covenant have followed good practices consistent with current legal practice.

B. Best Practices

To ensure that conservation covenants held by LTC's address public expectations about their intent, and to minimize the direct and indirect costs and liabilities to the Islands Trust of administering and responding to concerns regarding unenforceable covenants, LTC's should only enter into conservation covenants if they meet the best practices outlined in this policy.

1. Precise and Ascertainable Description of the Values Protected

Legal Background

"The baseline inventory report contains the primary evidence of the state of the land at the time the parties enter into the covenant. This evidence will be crucial in any enforcement action relating to the covenant." - Hillyer and Atkins, 2005

"Canadian courts have refused to enforce restrictive covenants where the meaning of the language used in the covenant is uncertain." - Hillyer and Atkins, 2005

Best Practice

Local trust committees must ensure that the values that are to be protected by a conservation covenant are precisely described, including a survey of the area, in a manner that can be easily ascertained by all relevant parties. Provisions must not be included that cannot be monitored and enforced or that the LTC does not intend to monitor or enforce.

Prior to a LTC agreeing to hold a conservation covenant, it must ensure that the protected values have been clearly described by a qualified third party in a baseline report that is attached as an appendix to the covenant. A clear and accurate baseline report is critical to the enforceability of the covenant. The production and management of baseline reports should be consistent with the guidelines in Chapter 10 of Hillyer and Atkins (2005). The Islands Trust Conservancy Board has developed a template for the development of baseline reports regarding conservation covenants that follows these guidelines and LTC's should consider using this template.

2. Regular Monitoring and Landowner Contact

Legal Background

"Monitoring is essential to ensure that the objectives of a conservation covenant are met...It is much more effective to prevent violations of a covenant through monitoring and landowner contact than to enforce compliance and seek a remedy once a violation has occurred." - Hillyer and Atkins, 2005

“Monitoring must be accurate, consistent and repeated at regular intervals. Monitoring documentation itself could be introduced as evidence in proceedings.” - Hillyer and Atkins, 2005

Best Practice

Regular monitoring of conservation covenants and contact with landowners affected by conservation covenants is critical to the enforceability of the covenant. Before entering into conservation covenants, LTC's must ensure that arrangements are in place for on-going regular (preferably annual) monitoring and reporting by a qualified third party regarding the state of the protected values. Arrangements must include the production of a regular report by a qualified third party and a written record that documents the property owner's knowledge of and compliance with the conservation covenant. Regular monitoring reports should be consistent with the guidelines in Chapter 11 of Hillyer and Atkins (2005). Local trust committees should ensure that funds or staff time are in place to ensure regular monitoring, and if necessary, an endowment is received for this purpose.

A LTC may hold a covenant jointly with another party that has the responsibility to monitor and enforce, and if so, these responsibilities must be clearly expressed in the wording of the covenant. A LTC must ensure that the joint covenantee has the ability to undertake regular monitoring and that appropriate assignment clauses are in place in the event of the dissolution of the joint covenantee.

The Islands Trust Conservancy Board monitors its conservation covenants annually and has developed a template for this purpose. It will consider requests to monitor conservation covenants held by others, including LTC's, provided costs are covered and sufficient information is provided (see related policy referenced above).

3. Enforceability Provisions

Legal Background

“If the covenant holder does not enforce compliance with the covenant when breaches occur, it may lose the right to a remedy from the courts in the future.” - Hillyer and Atkins, 2005

“By acquiescing in breaches of a covenant, a party may lose its right to have it enforced by injunction.” - Hillyer and Atkins, 2005

Best Practice

Local trust committees must ensure that conservation covenants that they hold have enforceability provisions that meet the standards of current best practices on the date they are developed. Unless otherwise advised by legal counsel, the provisions should include a significant and perpetual rent charge as security for the performance of the property owner's obligations. The terms of the rent charge should be consistent with best practices at the time the covenant is registered and must be reviewed in advance by the Islands Trust's legal counsel.

Local trust committees must ensure that conservation covenants are enforced in accordance with the terms of the covenant.

4. Priority Agreement

Legal Background

“A pre-existing mortgage can pose a serious threat to a conservation covenant. If a landowner does not repay the mortgage as required, the lender...can commence foreclosure proceedings. If successful in obtaining an order of foreclosure...charges, including covenants, may be dropped from title.” - Hillyer and Atkins, 2005

Best Practice

Local trust committees must endeavour to ensure that conservation covenants registered against a property title have priority over mortgages registered on the title.

5. Legal Advice and Registration

Local trust committees must ensure that they do not enter into conservation covenants unless the covenants follow the current standards for conservation covenants such as those described in Hillyer and Atkins (2005). All covenants must be confirmed by the Islands Trust legal advisors as legally sound and enforceable prior to registration.

Local trust committees must confirm that conservation covenants have been legally deposited in the Land Titles Office as agreed before completing any actions such as consideration of development approvals that depend upon the conservation covenant.

6. Costs

In cases where a conservation covenant is developed as part of an agreement related to a development approval, the costs of developing, reviewing, registering and monitoring the conservation covenant should be borne by the development applicant, or through the LTC's local expense fund, if consistent with Island Trust Policy 4.1.13 (Guidelines for Local Trust Committee Sponsored or Initiated Development Applications).

7. File Management

Local planning staff must ensure that an organized file is maintained for each covenant entered into by a LTC, including all relevant documents, correspondence, and reports regarding baseline data and monitoring.

Planning staff must ensure that the location of each conservation covenant within its area of jurisdiction is noted on a reference map that is available to the LTC and members of the public and easily referenced by staff.

8. Future Amendment to Conservation Covenants

Local trust committees should not enter into conservation covenants unless they intend to hold the covenant in perpetuity.

If a conservation covenant has been developed in regards to a development approval and has been the subject of a public hearing, then consideration of any future amendment to the covenant must include a public hearing regarding the proposed amendment.

C. Legislated References

1. *Islands Trust Act*
2. *Land Title Act*
3. Trust Council Policy and Procedures Manual:
 - Holding Covenants and Rights of Way (5.3.1)
 - Guidelines for Local Trust Committee Sponsored or Initiated Development Applications (4.1.13)
4. Islands Trust Conservancy Policy Manual and Guidelines
 - Policy on Monitoring Other Agencies' Covenants
 - ITC Baseline Report Guidelines
 - ITC Covenant Monitoring Report Form
5. Hillyer, A. and J. Atkins, 2005. Greening your title: a guide to best practices for conservation covenants. Second Edition. Published by West Coast Environmental Law Research Foundation. Vancouver, B.C.

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

Attachment – Covenant Template

Policy 5.3.5 - Attachment

COVENANT TEMPLATE

LAND TITLE ACT

FORM C

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT-PART 1 (This area for Land Title Office use)

Page 1 of 17 Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID) (LEGAL DESCRIPTION)

~~

~~

~~

~~

3. NATURE OF INTEREST:*

Description

Document Reference
(page and paragraph)

Person Entitled to Interest

See Schedule

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms

—

D.F. No.

(b) Express Charge Terms

X

Annexed as Part 2

(c) Release

—

There is no Part 2 of this Instrument.

A selection of (a) include any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

~~ [as to Covenant and SRW]; ~~ [as to Priority]

6. TRANSFeree(S): (including postal address(es) and postal code(s))*

LOCAL TRUST COMMITTEE, Suite 200, 1627 Fort Street, Victoria, B.C. V8R 1H8

LAND TITLE ACT

FORM C

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT-PART 1

Page 2

7. ADDITIONAL OR MODIFIED TERMS:*

N/A

8. EXECUTION(S):**This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature

Execution Date

Y M D

Transferor Signature

_____ 2021 ____ ____

~~ by its authorized
signatory(ies):

Name:

Name:

(as to both signatures)

Transferee Signature

_____ 2021 ____ ____

_____ LOCAL
TRUST COMMITTEE, by its
authorized signatory(ies):

Chair:

(as to both signatures)

CAO:

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Page 3

8. EXECUTION(S):**This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature

Execution Date
Y M D

Party(ies) Signature

Name of Officer

2021 ____ ____

~~ by its authorized
signatory(ies):

Name:

Name:

LAND TITLE ACT
FORM E
SCHEDULE

Page 4

Enter the required information in the same order as the information must appear on the Freehold Transfer Form, Mortgage Form or General Document Form.

3.	NATURE OF INTEREST:*	Document Reference	Person Entitled to Interest
	Description	(page and paragraph)	
	S. 219 Covenant	Entire Agreement	Transferee
	Statutory Right of Way	Page ____, Section 8	Transferee
	Rent Charge	Page ____, Sections 13 and 14	Transferee
	Priority Agreement granting Covenant ____, SRW _____, and Rent Charge _____ priority over Mortgage ~~	Page ____	Transferee

TERMS OF INSTRUMENT - PART 2
SECTION 219 CONSERVATION COVENANT

THIS AGREEMENT dated for reference _____, 20__ is
BETWEEN:

(the "Owner")

AND:

_____ LOCAL TRUST COMMITTEE, a Local Trust
Committee under the *Islands Trust Act*, having a mailing
address of Suite 200, 1627 Fort Street, Victoria, B.C. V8R
1H8
(the "LTC")

GIVEN THAT:

- A. The Owner is the owner in fee simple of the land located on ____ Island, British Columbia, and legally described as:

PID: ●, ●
(the "Land");

- B. The Land contains a [environmentally significant/riparian] area of great importance to the Owner, the LTC and the public, and the Owner wishes to grant a covenant under s.219 of the *Land Title Act* (British Columbia), including a rent charge under s.219(6) payable by the Owner and the Owner's successors in title, and a statutory right of way under s.218 of the *Land Title Act*, in order to protect and conserve that area as described in this Agreement; and

- C. The statutory right of way granted by this agreement is necessary for the operation and maintenance of the LTC's undertaking.

This Agreement is evidence that in consideration of the payment of \$2.00 by the LTC to the Owner (the receipt and sufficiency of which is acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees as follows with the LTC in accordance with ss. 218 and 219 of the *Land Title Act*:

Interpretation and Definitions

1. The Owner and the LTC agree that the intent of this Agreement is to ensure that the Conservation Zone is protected, preserved and kept in its natural state as of the reference date of this Agreement, and the Owner and the LTC agree that this Agreement is to be interpreted, performed and applied accordingly.

2. In this Agreement:

- (a) "Conservation Zone" means that part of the Land which is contained within heavy black line on the Explanatory/Reference Plan of prepared by _____,

B.C.L.S. on _____, 20____, and deposited in the Victoria Land Title Office under number _____, a copy of which is attached hereto as Schedule “A”;

- (b) “enactment” has the meaning given in the *Interpretation Act* (British Columbia);
- (c) “Remainder” means that part of the Land outside the Conservation Zone; and
- (d) “Report” means the baseline documentation report prepared by a Registered Professional Biologist that: describes the Conservation Zone in the form of text, maps, photographs, and other records of the Conservation Zone and the natural, environmental, wildlife, vegetation and plants, and streams and wetland amenities located in and on the Conservation Zone as of [insert Report Date], a copy for which is on file with the LTC; of which a [copy/overview] is attached as Schedule “B”.

No Disturbance Or Alteration of the Conservation Zone

3. The Owner covenants and agrees with the LTC that the Conservation Zone must be protected, preserved and conserved, including by strictly adhering to the following non-exhaustive conditions:

- (a) no component of the Land within the Conservation Zone, including soil, gravel or rock, may be disturbed, explored for minerals, moved or removed from the Conservation Zone; [delete “including soil, gravel or rock” and “explored for minerals” if title to property shows mineral exploration right]
- (b) subject to ss. 4 and 5, no living or dead tree, which in this section includes bushes and shrubs, or other plant life on the Conservation Zone, may be trimmed, pruned, cut down, damaged, destroyed, moved, harvested or removed from the Conservation Zone;
- (c) no herbicides, insecticides or pesticides may be applied or introduced on or to the Conservation Zone;
- (d) there may be no alteration or interference with the hydrology of the Conservation Zone, unless the Owner receives the prior written consent of the LTC;
- (e) the Conservation Zone must not be polluted or contaminated by any matter;
- (f) there may be no interference with, or alteration of, any wetland or body of water in the Conservation Zone;
- (g) no fixtures or improvements, including buildings or other structures, may be built, affixed or placed on the Conservation Zone, and no motor vehicles may travel over or park within the Conservation Zone;
- (h) no road, trail, path or other way may be laid out or constructed in the Conservation Zone;

- (i) without limiting s. 3(e), no fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the Conservation Zone may be deposited in or on the Conservation Zone;
- (j) no hunting, fishing, commercial gathering or grazing of domesticated animals may be carried out in the Conservation Zone; and
- (k) no other acts may be carried out on or in respect of the Conservation Zone which, in the opinion of the LTC, acting reasonably, may have a detrimental impact on the Conservation Zone.

Habitat Enhancement Activities

4. Despite s. 3, the LTC agrees that activity necessary for fish or wildlife habitat protection, preservation, conservation, restoration or enhancement may be undertaken in the Conservation Zone, but only with the prior written consent of the LTC.

Exception For Risk To Humans or Property

5. Despite the rest of this Agreement,

- (a) if any living or dead tree on the Land poses a threat to the safety of those on or immediately adjacent to the Land by its falling or fire, that tree may be cut down or trimmed with the prior written consent of the LTC, not to be unreasonably withheld, so as to remove the risk, but the Owner and the LTC agree that unless it would, in the LTC's reasonable opinion, constitute a fire hazard, the cut tree or trimmings must be left on the Land so that natural processes can occur, and
- (b) the Owner may cut down or trim any living or dead tree on the Land without the consent of the LTC in an emergency situation, such as a fire or imminent threat to human safety, but the Owner must promptly advise the LTC of the Owner's actions.

Baseline Documentation Report

6. The parties acknowledge and agree that the Report will serve as an objective information baseline to enable the parties to monitor compliance with the terms of this Agreement, and the parties agree that the Report provides an accurate description of the Land and the Conservation Zone, including natural, environmental, wildlife, vegetation and plants, and streams and wetland amenities located in and on the Conservation Zone, as of the date of this Agreement.

7. The parties acknowledge and agree that the flora and fauna on the Conservation Zone will evolve through natural succession over time and, unless otherwise expressly stated, references to the Report are intended to take into account the natural flow of the sea and the succession of the flora and fauna over time, without human intervention on the Conservation Zone other than as expressly permitted by this Agreement.

Statutory Right of Way

8. In accordance with s. 218 of the *Land Title Act*, the Owner grants to the LTC the statutory right of way for the LTC to enter, leave and be on the Land:

- (a) to inspect the Conservation Zone:
 - (i) at least once each calendar year, with the date for each inspection to be agreed upon by the parties, but if the parties cannot agree on a date the LTC is entitled to enter upon and inspect the Conservation Zone in accordance with s. 8.1(a)(ii); and
 - (ii) at all other reasonable times upon prior notice by the LTC to the Owner of at least seventy-two (72) hours, unless there is an emergency or potential threat to the Conservation Zone which does not make giving such notice practicable;
- (b) as part of inspection of the Conservation Zone, to take samples, photographs and video recordings as may be necessary to monitor compliance and enforce the terms of this Agreement;
- (c) to protect, preserve, conserve, maintain, enhance, restore or rehabilitate at the LTC's expense and in accordance with the provisions of this Agreement, the natural state of the Conservation Zone to as near the condition described in the Report as is practicable if an act of nature or human agency, beyond the Owner's reasonable control, destroys, impairs, diminishes or negatively affects or alters the Conservation Zone from the condition described in the Report;
- (d) to protect, preserve, conserve, maintain, enhance, restore or rehabilitate, at the Owner's expense and in accordance with the provisions of this Agreement, the Conservation Zone to as near the condition described in the Report as is practicable if an action of the Owner or any other person acting with the actual or constructive knowledge of the Owner:
 - (i) destroys, impairs, diminishes, or negatively affects or alters the Conservation Zone from the condition described in the Report; other than as expressly allowed in this Agreement; or
 - (ii) contravenes any term of this Agreement;
- (e) to carry out or evaluate, or both, any program agreed upon among the parties for the protection, preservation, conservation, maintenance, enhancement, restoration or rehabilitation of all or any portion of the Conservation Zone;
- (f) to place pegs or other similar markings on the ground of the Conservation Zone; and
- (g) for any purpose necessary to monitor, implement or enforce this Agreement.

For clarity, the LTC may bring workers, vehicles, equipment and other personal property onto the Land when exercising its rights under this Agreement.

LTC May Perform Obligations Of Owner

9. If the Owner has breached any of its obligations under this Agreement, the LTC may in its sole discretion enter the Land and perform the obligation at the expense of the Owner. The cost to the LTC of performing the obligation is a debt due and owing by the Owner to the LTC, with interest accruing on that debt at the annual rate of interest that is equal to 3% above the annual rate prime rate of interest charged from time to time by the Bank of Montreal at its main branch in Vancouver, BC, being the annual rate of interest charged by it for Canadian dollar demand commercial loans extended to its most credit-worthy customers. The LTC may exercise its rights under this section only if the Owner has not cured the breach in question within 45 days after notice to do so is given to the Owner by the LTC. Exercise by the LTC of its rights under this section does not limit, or prevent the LTC from enforcing, any other remedy or right the LTC may have against the Owner.

Enforcement Remedies of the LTC

10. If the LTC, in its sole discretion, believes that the Owner has neglected or refused to perform any of the obligations set out in this Agreement or is in breach of any provision of this Agreement, the LTC may serve on the Owner a notice setting out particulars of the breach together with an estimate of the maximum costs of remedying the breach.

11. The Owner shall have 60 days from receipt of such notice to remedy the breach or make arrangements satisfactory to the LTC giving notice for remedying the breach.

12. If the Owner does not remedy the breach within a reasonable period of time, to the satisfaction of the LTC giving notice, the LTC may, but is not required to, enter upon the Land and carry out the Owner's obligations. Where the LTC carries out the obligations of the Owner, the Owner must reimburse the LTC for any expenses incurred, up to the estimated maximum costs of remedying the breach set out in the notice. Such costs, until paid, constitute a debt owed by the Owner to the LTC, recoverable by all remedies available to a creditor in respect of a debtor.

Rent Charge

13. As security for the performance of the Owner's obligations under this Agreement, the Owner grants to the LTC in perpetuity a Rent Charge, which Rent Charge shall be the absolute property of the LTC in fee simple and issue and be payable from the Land without any set-off or deduction. The Rent Charge is granted both under s. 219 of the *Land Title Act* as an integral part of the statutory covenant created by this Agreement and as a fee simple rent charge at common law.

14. The Rent Charge secures payment to the LTC of:

- (a) \$200 per calendar year, on account of the LTC's costs for performing annual monitoring of the Conservation Zone, subject to adjustment under s. 17(a). This Rent Charge amount is due to the LTC on June 1 of every calendar year; and
- (b) \$15,000 as a partial remedy for each violation of this Agreement occurring within that year, subject to adjustment under s. 18(a). The obligation of the Owner to pay this Rent Charge amount is suspended and deferred so long as the Owner is

not in breach of this Agreement, or is diligently working to cure the breach in accordance with s. 11 of this Agreement.

15. The Rent Charge shall rank in priority to all financial charges and encumbrances burdening or charging the Land. The LTC agrees to waive its entitlement to the Rent Charge as against any mortgagee that has commenced foreclosure proceedings or that otherwise realizes against its security in the Land.

16. The LTC may exercise any and all remedies available at law or in equity for enforcement of the Rent Charge, and without limiting the foregoing may sue in debt and levy distress against the Land.

17. Annual Rent Charge for Monitoring Costs:

- (a) The Rent Charge amount specified in s. 14(a) shall be adjusted on January 1 of tenth anniversary year of the date following that in which this Agreement is executed, by increasing or decreasing, as the case may be, the Rent Charge Amount by the amount determined by multiplying the Rent Charge amount on December 31 immediately preceding by the percentage increase or decrease, as the case may be, in the CPI between the previous January 1 nine years prior and that December 31, and adding the amount so determined to the Rent Charge amount as it stands on that December 31. If Statistics Canada or its successor in function ceases to publish a CPI or comparable indicator as determined by the LTC in its sole discretion, the parties agree that the factor to be used in determining the Rent Charge Amount for each year shall be 3% increase. The adjusted Rent Charge amount will be applicable for the following ten-year term.
- (b) The LTC will make reasonable efforts to inform the Owner of each tenth anniversary adjustment of the Rent Charge amount for annual monitoring costs, by giving written notice to the Owner, in accordance with section 31, in advance of the day such amount is due.

18. Rent Charge for Violation:

- (a) If the LTC wishes to enforce the penalty Rent Charge specified in s. 14(b), it shall provide notice to that effect to the Owner. This notice may be given at any time after notice is given under s. 10.
- (b) The Rent Charge amount specified in s. 14(b) shall be adjusted on January 1 of each year beginning in the year following that in which this Agreement is executed, by increasing or decreasing, as the case may be, the Rent Charge Amount by the amount determined by multiplying the Rent Charge amount on December 31 immediately preceding by the percentage increase or decrease, as the case may be, in the CPI between the previous January 1 and that December 31, and adding the amount so determined to the Rent Charge amount as it stands on that December 31. If Statistics Canada or its successor in function ceases to publish a CPI or comparable indicator as determined by the LTC in its sole

discretion, the parties agree that the factor to be used in determining the Rent Charge Amount for each year shall be 3% increase.

- (c) For clarity, the Rent Charge amount in s. 14(b) will only be due upon the Owner being in breach of the Agreement. The Rent Charge of \$15,000 shall forthwith become due and payable by the Owner to the LTC, and the Rent Charge shall thereafter accrue so long as the breach continues, to a maximum of \$60,000, and shall be paid on demand.
- (d) The Rent Charge specified in s. 14(b), as adjusted pursuant to s. 18(b), shall be increased by 110% of the market value of any timber or other flora, mineral, rock, gravel, soil, mineral or other material harvested or removed from the Land in contravention of this Agreement.

LTC's Right to Specific Relief

19. Notwithstanding anything in this Agreement, the Owner agrees that the LTC is entitled to obtain an order for specific performance or a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement. The Owner agrees that this section is reasonable given the public interest in the need for effective protection of the Land from breaches of this Agreement.

20. No reference to or exercise of any specific right or remedy by the LTC in enforcing the Rent Charge shall preclude, prejudice or limit the LTC from exercising any other remedy at law or in equity not expressly provided for in this Agreement. Without limiting the generality of the foregoing, the LTC may sue in debt for recovery of the Rent Charge. No remedy shall be exclusive or dependent on any other remedy, and the LTC may from time to time exercise any one or more of the remedies available to it independently or in combination.

Limitation on Owner's Obligations

21. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the requirements of any enactment or law or any order, directive, ruling or government action thereunder. The Owner is liable only for breaches which occur while the Owner is the registered owner of any part of the Land.

Release and Indemnity

22. The Owner irrevocably releases the LTC from, and waives, any claim, right, remedy, action, cause of action, loss, damage, expense or liability which the Owner may have against it in respect of this Agreement or its performance or breach.

23. The Owner hereby indemnifies and saves harmless the LTC, its officers, employees, contractors and agents at all time from all loss, damages, actions, suits, claims, demands, costs, expenses, fines and liabilities of any nature whatsoever by whomsoever brought, made or suffered for which the LTC shall or may become liable, incur or suffer by reason of any injury to person or loss or damage to property or economic loss arising directly or indirectly from any act or omission, negligent or otherwise, in the use, occupation and maintenance of the Land or the

Conservation Area by the Owner, its officers, employees, agents, contractors, licensees, invitees and others of the Owner.

24. The Owner agrees with the LTC that for the purposes of the *Occupier's Liability Act* (British Columbia), all other enactments and the common law, the Owner is, as between the Owner and the LTC, the sole occupier of the Land.

No Obligations on LTC

25. The rights given to the LTC by this Agreement are permissive only and nothing in this Agreement imposes any duty of any kind on the LTC to anyone or obliges the LTC to perform any act or to incur any expense for any of the purposes set out in this Agreement. Where the LTC is required or permitted by this Agreement to form an opinion, exercise a discretion, make a determination or give its consent, the Owner agrees that the LTC is under no public law duty of fairness or natural justice in that regard and agrees that the LTC may do any of those things in the same manner as if it were a private party and not a public body.

Dispute Resolution

26. If a breach of this Agreement occurs or is threatened, or if there is disagreement as to the meaning of this Agreement, the LTC or the Owner may give notice to the other party requiring a meeting of the parties within 10 business days of receipt of the notice.

27. All activities on the Conservation Zone giving rise to a breach or a threatened breach shall immediately cease or be dealt with by the parties, upon receipt of notice.

28. The parties must attempt to resolve the matter, acting reasonably and in good faith, within 20 business days of meeting under s. 26.

29. If the parties are not able to resolve the matter within said time, the parties may agree to appoint a mutually acceptable person to mediate the matter and the parties must equally share the cost of the mediator and act reasonably and in good faith and cooperate with the mediator and with each other in an attempt to resolve the matter within 30 business days after the mediator is appointed.

30. These sections 26 through 29 do not affect the right of either party to pursue any other legal or equitable remedy in relation to a breach or a threatened breach or a disagreement as to the meaning of this Agreement or part thereof.

Notice

31. Any notice to be given pursuant to this agreement must be in writing and delivered personally or sent by pre-paid express mail. The addresses of the parties for the purpose of notice are the addresses on the first page of this agreement and in the case of any subsequent Owner, the address will be the address shown on the title to the Land in the Land Title Office. If notice is delivered personally, it may be left at the relevant address in the same manner as ordinary mail is left by Canada Post and is to be deemed given when delivered. If notice is sent by mail, it will be

considered given 5 days after mailing. In the case of any strike or other event causing disruption of ordinary Canada Post operations, a party giving notice for the purposes of this agreement must do so by delivery as provided in this section. A party may change its address for the purposes of this section by giving notice in accordance with this section.

No Effect On Laws or Powers

32. This Agreement does not:

- (a) affect or limit the discretion, rights, duties or powers of the LTC under any enactment or at common law, including in relation to the use or subdivision of the Land,
- (b) affect or limit any enactment relating to the use or subdivision of the Land, or
- (c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Covenant Runs With the Land

33. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owner in this Agreement constitutes a personal covenant and a covenant granted under s. 219 of the *Land Title Act* in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

No Effect on Property Taxation

34. Nothing in this Agreement of itself affects any obligation of the Owner to pay all property taxes, rates, charges and levies payable under any enactment on or in respect of the Land.

Modification, Discharge or Abandonment

35. The Owner agrees that this Agreement is intended to be perpetual in order to protect the Land as set out in this Agreement. In view of the importance of protecting the Land for ecological and other reasons, the Owner agrees not to seek a court order modifying, discharging or extinguishing this Agreement under the *Property Law Act* (British Columbia), any successor to that enactment, any other enactment or the common law.

Registration

36. The Owner shall, at the Owner's expense, do or cause to be done all acts reasonably necessary to register this agreement against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration at the time of application for registration of this agreement against the title to the Land.

Waiver

37. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

No Liability in Tort

38. The parties agree that this agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Severance

39. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

40. This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Further Assurances

41. The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.

Enurement

42. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Deed and Contract

43. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

PRIORITY AGREEMENT

No. _____ (the "Chargeholder") being the holder of Mortgage
No. _____ (the "Charge")

The Chargeholder, in consideration of the premises and the sum of One Dollar (\$1.00) now paid to the Chargeholder by the Transferee, hereby approves of, joins in and consents to the granting of the within Agreement (containing a s. 219

covenant, s. 218 statutory right of way, and rent charge) and covenants and agrees that the same shall be binding upon its interest in or charge upon the Lands and shall be an encumbrance upon the Lands prior to the Charge in the same manner and to the same effect as if it had been dated and registered prior to the Charge.

IN WITNESS WHEREOF the Chargeholder has executed this Agreement on Form D to which this Agreement is attached and which forms part of this Agreement.

Schedule “A” – Conservation Zone

Schedule “B” – Biologist Report

END OF DOCUMENT



Policy:	5.4.1
Approved By:	Trust Council
Approval Date:	December 11, 1993
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

LAND USE REGULATION GUIDELINES

Purpose

Guidelines for the preparation of Official Community Plan (OCP) bylaws and other regulatory bylaws under section 29 of the *Islands Trust Act*.

A. Policy

1. Official Community Plans

1.1. Basic Principles

- 1.1.1 OCPs are optional. Part 14 bylaws can be adopted without an OCP being in effect.
- 1.1.2 The content of OCP's is limited by the *Local Government Act* and a court may strike down an OCP statement or policy that is not authorized by the Act.
- 1.1.3 OCP's will generally be regarded by the courts as statements of objectives or policy, not to be construed as would be Acts of Parliament. Thus, less precise language is permissible in an OCP than in a land use bylaw.
- 1.1.4 All subsequent bylaws must be consistent with the OCP. Where there is an "absolute or direct collision" between a bylaw and an OCP, the bylaw will be invalid.
- 1.1.5 All OCP bylaws are subject to a public hearing.

1.2. Mandatory Contents

- 1.2.1 Statements and map designations respecting:
 - 1.2.1.1 Residential development to meet anticipated needs over 5 years.
 - 1.2.1.2 Other land uses - present and proposed.
 - 1.2.1.3 Sand and gravel deposits that are suitable for extraction.
 - 1.2.1.4 Land subject to hazardous conditions or environmentally sensitive.
 - 1.2.1.5 Public facilities including parks, schools, waste treatment and disposal sites - present and proposed.

1.2.1.6 Affordable, rental and special needs housing.

1.2.1.7 Location and phasing of any new roads, sewers and water systems.

1.3. Optional Contents

1.3.1 Temporary commercial and industrial permit areas.

1.3.2 Development permit areas, including justifications for the designations and guidelines on the basis of which development permit conditions will be imposed, designated for:

1.3.2.1 Protection of natural environment.

1.3.2.2 Protection of development from hazardous conditions.

1.3.2.3 Protection of provincial or municipal heritage sites.

1.3.2.4 Revitalization of commercial areas.

1.3.2.5 Control of form and character of development

1.3.2.5.1 commercial

1.3.2.5.2 industrial

1.3.2.5.3 multi-family residential.

1.4. Points to Consider

1.4.1 Under S.510, the trust committee can determine whether a subdivider dedicates land for park or pays cash in lieu if the OCP contains policies and designations respecting the location and type of future parks.

1.4.2 Under S.489, a development permit may include only conditions in accordance with stated OCP guidelines; enforceability of DP conditions depends on properly drafted OCP guidelines.

1.4.3 Density bonuses under S.482 can be anticipated by designating in the OCP areas where greater density can be accommodated on condition that an amenity or affordable or special needs housing is provided.

1.4.4 Density transfer can arguably be anticipated by designating in the OCP areas where reduced or greater density is appropriate in the context of a density transfer to preserve an amenity (no express statutory authority for this).

2. Zoning Regulations

2.1. Basic Principles

- 2.1.1 Zoning regulations must be sufficiently precise that an owner can ascertain how he/she may use higher land without reference to an official for bylaw interpretation, and must be expressly authorized in the *Local Government Act*.
- 2.1.2 Zoning bylaws and amendments are subject to public hearing except where consistent with an OCP, when a hearing may be waived (S.464(2)). If other regulations (parking, screening, subdivision servicing) are included in a zoning bylaw they can be amended without a hearing.
- 2.1.3 Zoning bylaws (like all bylaws) must be consistent with any applicable OCP.
- 2.1.4 Any use may be prohibited in any and all zones.
- 2.1.5 Zoning authority extends to water areas within the local trust area.
- 2.1.6 Vertical extent of zones may also be regulated.
- 2.1.7 Density regulation may include bonus density applicable on compliance with conditions related to provision of amenities, special needs or affordable housing or rental housing.
- 2.1.8 Bylaws do not apply retroactively; non-conformity as to use and non-conformity as to regulations are protected by S.528.
- 2.1.9 Bylaws cannot specify minimum standards under general power to "regulate", e.g. minimum height, minimum size: *Orr Development Co. v. North Vancouver*.
- 2.1.10 Bylaws cannot restrict use of private land to a public use.

2.2. Scope of Zoning Power

- 2.2.1 Use of land and density of use.
- 2.2.2 Use of buildings and structures and density of use.
- 2.2.3 Siting, size and dimensions of uses.
- 2.2.4 Siting, size and dimensions of buildings and structures.
- 2.2.5 Location of uses on land.
- 2.2.6 Location of uses within buildings and structures.
- 2.2.7 Shape, dimensions and area, including minimum and maximum sizes, of parcels created by subdivision.

2.3. Basis of Distinctions

- 2.3.1 Parcel shape, dimensions and area may be different for different areas not necessarily coterminous with zones.
- 2.3.2 Other regulations may be different for different
 - 2.3.2.1 Zones.
 - 2.3.2.2 Uses within a zone.
 - 2.3.2.3 Locations within a zone.
 - 2.3.2.4 Standards of works and services provided.
 - 2.3.2.5 Siting circumstances.
- 2.3.3 A regulation that makes distinctions based on some other criterion is not authorized; e.g. greater density for parcels that existed before a specified date.

2.4. Variances

- 2.4.1 Board of Variance
 - 2.4.1.1 Siting, size, dimensions of building.
 - 2.4.1.2 Hardship basis.
- 2.4.2 Development Variance Permit
- 2.4.3 Development Permit

3. Parking Regulations

3.1. Basic Principles

- 3.1.1 Parking regulations do not apply retroactively. Uses may continue with the same parking spaces as before the bylaw, but cannot expand without complying with the bylaw.
- 3.1.2 Local trust committees cannot exact payment in lieu of parking spaces under S.525(2)(b) because they have no authority to hold property for off-street parking facilities, as do other local governments under S.717(1)(a), and this authority cannot be implied from S.525(2)(b).

3.2. Scope of Authority

- 3.2.1 Includes both off-street parking and off-street loading requirements.
- 3.2.2 May specify spaces for disabled persons.

3.2.3 May differentiate requirements on the basis of

3.2.3.1 Different uses.

3.2.3.2 Different areas.

3.2.3.3 Different zones.

3.2.4 May establish design standards for parking and loading areas including, but not limited to:

3.2.4.1 Size.

3.2.4.2 Surfacing.

3.2.4.3 Lighting.

3.2.4.4 Numbering of spaces.

3.2.4.5 May permit off-site parking arrangements.

3.3. Variances

3.3.1 Development Variance Permit.

3.3.2 Development Permit.

4. Screening Regulations

4.1. Basic Principles

4.1.1 Screening requirements may apply retroactively.

4.1.2 Highways from which uses are to be screened must be "designated" in the bylaw (at least named).

4.2. Scope of Authority

4.2.1 May both "require" and "regulate", that is, set standards for screening.

4.2.2 May require screening of:

4.2.2.1 Outdoor storage areas from everything.

4.2.2.2 Waste disposal sites from commercial and residential uses and highways.

4.2.2.3 Waste treatment sites from commercial and residential uses and highways.

4.2.2.4 Industrial uses from commercial and residential uses.

4.2.2.5 Commercial uses from residential uses.

4.2.2.6 Residential, commercial and industrial uses from highways.

4.2.3 May differentiate requirements on the basis of:

4.2.3.1 Different areas.

4.2.3.2 Different zones.

4.2.3.3 Different uses.

4.3. Variances

4.3.1 Development Variance Permit.

4.3.2 Development Permit.

5. Drainage Regulations

5.1. Basic Principles

5.1.1 Cannot apply regulations retroactively; requirements apply only when owner carries out "construction".

5.1.2 Cannot conflict with Building Code as provincial law takes precedence.

5.2. Scope of Authority

5.2.1 Requirements triggered by construction of paved area or roof area.

5.2.2 May require owner to dispose of surface runoff and stormwater.

5.2.3 Requirements could include conservation (cisterns), specifications for treatment of water before discharge.

5.2.4 May differentiate requirements on the basis of

5.2.4.1 Size of paved or roof areas.

5.2.4.2 Zones.

5.2.4.3 Uses.

5.2.4.4 Terrain conditions.

5.2.4.5 Surface water conditions.

5.2.4.6 Groundwater conditions.

5.3. Variances

5.3.1 Development Variance Permit.

5.3.2 Development Permit.

6. Sign Regulations

6.1. Basic Principles

6.1.1 Cannot prohibit a sign located on a parcel and relating to or identifying a use on it, but can regulate such a sign.

6.1.2 Cannot authorize a sign prohibited under S.140 of the *Motor Vehicle Act* (sign interfering with or resembling a traffic control device, light affecting visibility on highway) or *Highway Act* (light constituting a nuisance to traffic, sign on arterial highway, or a sign in the sight triangle of an intersection).

6.1.3 Cannot prohibit a sign placed under authority of provincial law e.g. traffic sign.

6.1.4 Any sign may otherwise be prohibited.

6.2. Scope of Authority

6.2.1 Regulations may deal with:

6.2.1.1 Number of signs (e.g. one per parcel).

6.2.1.2 Size of signs (e.g. maximum 4' x 8').

6.2.1.3 Form of signs (e.g. no free-standing signs).

6.2.1.4 Appearance of signs (e.g. no plastic backlit signs).

6.2.2 May differentiate requirements on the basis of:

6.2.2.1 Different zones.

6.2.2.2 Different uses.

6.2.2.3 Different classes of highways.

6.3. Variances

6.3.1 Development Variance Permit.

6.3.2 Development Permit.

7. Tree Cutting Regulations

7.1. Basic Principles

- 7.1.1 A Trust committee cannot adopt a bylaw that would have the effect of restricting any forest management production or harvesting activity on managed forest land or land within a Private Managed Forest Land area.
- 7.1.2 Intended as a tool to manage physical hazards connected with tree cutting, not to deal with aesthetic or ecological issues.

7.2. Scope of Authority

- 7.2.1 May only be exercised where Trust Committee considers there is a hazard of
 - 7.2.1.1 flooding
 - 7.2.1.2 erosion
 - 7.2.1.3 land slip
 - 7.2.1.4 avalanche
- 7.2.2 Hazard identification must be based on expert evidence: *Valentine Lands v. Gibsons*.
- 7.2.3 Includes authority to prohibit tree cutting.
- 7.2.4 Bylaw may designate areas in which tree cutting permit is required.
- 7.2.5 Includes authority to fix permit fee.
- 7.2.6 Includes authority to require an applicant to obtain report from a qualified person on the effect of tree cutting proposed.

8. Subdivision Servicing Regulations

8.1. Basic Principles

- 8.1.1 Subdivision Regulation under the *Local Services Act* governs if no bylaw is enacted.
- 8.1.2 Only minimum standards are authorized; hence the approving officer can require higher highway standards under S.75 of the *Land Title Act* without violating S.87.
- 8.1.3 Standards are not applicable to *Condominium Act* subdivisions.
- 8.1.4 Trust committees may not require excess extended services under S.507.

8.2. Scope of Authority

8.2.1 On site services:

- 8.2.1.1 Minimum standards for highway dimensions, locations, alignment, gradient.
- 8.2.1.2 Requirements for highways, sidewalks, boulevards, boulevard crossings, transit bays, street lighting and underground wiring.
- 8.2.1.3 Requirements for water distribution system, fire hydrants, sewage system, drainage system, including connection to community water, sewer or drainage system.
- 8.2.1.4 Requirements for source of potable water at specified flow on parcels not served by community water system.
- 8.2.1.5 Triggered by application for subdivision or application for building permit.

8.2.2 Off site services:

- 8.2.2.1 May require services on highway adjacent to property being developed or subdivided up to centreline of highway.
- 8.2.2.2 Must be directly attributable to the subdivision or development and coordinated with Development Cost Charges.
- 8.2.2.3 Triggered by application for subdivision or building permit.

8.3. Variances

8.3.1 Board of Variance:

- 8.3.1.1 On site water, sewage and drainage services in agricultural and industrial zones only.
- 8.3.1.2 Hardship basis.

8.3.2 Development Variance Permit.

8.3.3 Development Permit.

9. Mobile Home Park Regulations

9.1. Basic Principles

- 9.1.1 Must be consistent with Building Code.
- 9.1.2 S.528 does not apply: no non-conforming use protection.

9.1.3 Regulations must be for the health, safety and protection of persons and property.

9.1.4 Regulations are subject to *Fire Services Act* and *Health Act*.

9.2. Scope of Authority

9.2.1 Regulation of trailer courts, manufactured homes parks, campgrounds.

9.2.2 Regulation of both layout and construction.

9.2.3 Specification of facilities that must be provided e.g. laundry facilities, sanitary facilities.

9.3. Variances

9.3.1 Board of Variance:

9.3.1.1 Siting of manufactured home.

9.3.1.2 Hardship basis.

9.3.2 Development Variance Permit.

10. Soil Removal and Deposit Regulations

10.1. Basic Principles

10.1.1 Bylaw prohibiting soil removal requires approval of the Ministers of Municipal Affairs and Housing and Energy, Mines and Petroleum Resources.

10.1.2 Bylaw setting fees for permit and fees for soil deposit or removal requires approval of Minister of Municipal Affairs and Housing.

10.2. Scope of Authority

10.2.1 Soil includes rock, sand, gravel.

10.2.2 Bylaws may regulate or prohibit deposit and removal.

10.2.3 Bylaws may require permits, fix permit fees, fix deposit and removal fees.

10.2.4 Permit fees may vary with amounts deposited or removed.

10.2.5 Deposit and removal fees may also vary with amounts deposited or removed.

10.2.6 Regulations and fees may be different for different areas.

11. Drafting and Formatting Guidelines for Land Use Bylaws

11.1. Definitions

11.1.1 Definitions in the *Local Government Act* and the *Interpretation Act* automatically apply.

11.1.1.1 *Interpretation Act* includes definitions for British Columbia land surveyor, land, may, must, person, professional engineer, property, shall.

11.1.1.2 *Local Government Act* includes definitions for highway, land title office, occupier, owner, parcel, density, subdivision.

11.1.2 Definitions should not be put in the bylaw if the ordinary dictionary meaning (e.g. Concise Oxford) is adequate. Use bylaw definitions only when you wish to artificially limit the ordinary meaning of an expression.

11.1.3 Avoid including regulations in definitions; e.g. "**Home Occupation** means a commercial or industrial activity carried out in not more than 40 percent of the area of residential premises". The 40 percent rule should be included in the "Regulations" part of the bylaw dealing with home occupations.

11.1.4 The ideal "planning language" land use bylaw would have no "Definitions" section at all.

11.2. Table or Text?

11.2.1 Zoning regulations can be made by incorporating them into the bylaw maps, plans, tables or other graphic material.

11.2.2 Tabular formats are efficient and can be understood by planners and others who consult the bylaw frequently, but may be difficult for lay readers.

11.2.3 Tables require meticulously drafted interpretation provisions to give legal effect to the numbers and phrases in the tables.

11.2.4 Most lay readers of the bylaw will be best served by text rather than tables, setting out in each zoning district the zone-specific regulations as well as at least cross-reference to other regulations that apply generally in all areas subject to the bylaw, if the regulations are not repeated completely in each zoning district. The bylaw will be a longer document overall if it is prepared this way, but in many cases (particularly if footers are used) staff will be able to respond to inquiries by providing just a few pages of the bylaw.

11.3. Numbering and Pagination

11.3.1 The WordPerfect 5.0 "paragraph number definition" menu facilitates preparation and amendment of text with automatic section numbering. Each Part, Section, Subsection, Article, Sentence, Clause and Subclause should have an individual number for ease of reference, and a consistent system should be used throughout the document.

11.3.2 If section numbering is used, pagination is not required.

11.3.3 If bylaw consolidations are prepared, sections that have been amended since the adoption of the original bylaw should be identified with the amending bylaw number and year of adoption.

11.4. Plain Language

11.4.1 Most lawyers are using plain language when drafting bylaws, eliminating words like "notwithstanding" and "herein". Instruct counsel on legal services requests to use plain language drafting.

11.4.2 The expression "must" is defined in the Interpretation Act to have the same meaning as "shall" and is being used in place of "shall" in all provincial statutes.

B. Legislated References

1. *Islands Trust Act*
2. *Local Government Act*: Part 9, sec. 298; Part 22, sec. 327; and Part 14
3. Hornby Island Land Use Bylaw (1993)

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

n/a



Policy:	5.4.2
Approved By:	Trust Council
Approval Date:	September 25, 1993
Amendment Date(s):	December 11, 1993; December 9, 2009
Policy Holder:	Director of Local Planning Services

PROCEDURAL FAIRNESS IN REZONINGS

Purpose

To observe a high standard of procedural fairness when local trust committees (LTCs) consider decisions to change the zoning of land.

A. Background

1. As the sole body responsible for land use planning and regulation in a local trust area, LTCs make decisions about land use zoning that have significant and lasting impacts on their communities and on the interests of individual property owners.
2. There is no appeal from an LTC's decision in such matters, provided it has been made fairly and legally.
3. Local governments, such as LTCs, have a duty of procedural and administrative fairness when making decisions that affect the rights, privileges or interests of an individual.
4. The rules of procedural fairness and natural justice that are recognized in administrative case law are:
 - 4.1 the 'hearing rule' that indicates that those affected by a decision have a right:
 - to be notified about a decision-making process,
 - to review information that will be considered, and
 - to be heard and to respond to information that will be considered.
 - 4.2 the 'impartiality rule', which indicates that decisions-makers must be free of actual or apparent bias and conflicts of interest regarding decisions.
5. To ensure a minimum level of procedural fairness, the *Local Government Act* requires local governments to follow specific procedures during the consideration and adoption of bylaws that prescribe zoning regulations. The *Act* specifies minimum requirements for public hearings and for the forms of notices that local governments must issue in advance of public hearings.
6. The level of procedural fairness implied by procedures specified in the *Local Government Act* has been augmented over the years by administrative case law that has introduced higher standards. Court decisions have indicated that local governments should strive to meet a high standard of procedural fairness in their decision-making.

7. Evidenced-based decision making and good communication with the parties affected by a decision are also important practices that can help to ensure that processes are fair and seen to be fair.
8. These guidelines are intended to identify some best practices for local trust committees (including a quorum of a local trust committee), individual trustees and staff and to illustrate how they can achieve a high standard of administrative fairness in LTC decision-making processes, particularly regarding zoning changes. The guidelines are organized according to two 'rules' of natural justice noted above, with the addition of two sections that include best practices for evidence-based decision-making and communication.

B. Legislated References

Local Government Act

Trust Council Policy 7.1.1 – Administrative Fairness Principles

Trust Council Policy 7.1.2 – Handling of Administrative Fairness Complaints

Buholzer, W. *BC Planning Law and Practice*. Published by Butterworths, in association with the Planning Institute of BC

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

n/a

D. Policy

Guidelines

1. The Hearing Rule

Right to be Notified

Before an LTC makes a decision about a zoning change, those whose interests may be affected (i.e. applicant, neighbours, community groups, others whose interests may be affected) must be notified about the decision-making process in accordance with statutory requirements.

A Local Trust Committee should...	Trustees should...	Staff should...
○ ensure it is following the rezoning application process outlined in the Islands Trust application guide. ○ ensure it considers decisions about rezoning applications only after staff have provided appropriate notice to applicants that a decision item is on the business agenda and after the interested public has had an opportunity to access notice.	○ be aware of the rezoning application process outlined in the Islands Trust application guide. ○ ensure they are proposing motions about decisions only if staff have notified the applicant that a decision item is on the business agenda and after the interested public has had an opportunity to access notice. ○ avoid motions to add significant decisions about rezoning applications as 'late' items on an LTC agenda.	○ follow the requirements for public notice about rezoning applications, as required by the Local Government Act and the relevant procedure bylaw, erring on the side of ample notification. ○ provide applicants and others who express an interest in an application with copies of the rezoning application guide and review application processes with them. ○ make applicants and others who express an interest in an application process (neighbours, community groups, etc.) aware of opportunities to access meeting notices, agendas and written materials the LTC will consider regarding an application (i.e. in on-line agenda packages or in the public hearing binder available in advance of a hearing). ○ follow the process outlined in the rezoning application guide when processing applications. ○ ensure applicants and others who express an interest in an application are aware that an LTC could decide not to proceed with an application at any stage in the application process. ○ ensure applicants have timely and adequate notice that a decision item is on the LTC's business agenda and that the public have had an opportunity to access agenda notices.

Opportunity to Review

Before a decision about a rezoning application or an LTC-initiated zoning change is made, those whose interests may be affected by the decision must be given a reasonable opportunity to review the nature of the decision or action and to examine and consider the information the LTC will consider.

A Local Trust Committee should...	Trustees should...	Staff should...
○ not schedule private meetings or discussions with anyone about an active rezoning application (i.e. applicants, property owners whose property is subject to an LTC-initiated zoning change, neighbours, community groups, others interested in an application). ○ ensure that all public submissions, reports and written materials that the LTC will consider about a zoning change are on the public record (with the exception of in camera legal advice). ○ if attending a 'site visit' for the purposes of understanding the physical context of an application, attend with a staff member who takes notes. Limit interaction between the LTC and the applicant (or other interested parties) to the receipt of factual information that can best be received at a site visit.	○ forward all relevant submissions, reports and written materials about a zoning change that they receive directly from the public to staff for inclusion in the public record. ○ encourage all those who have comments about an application or an LTC-initiated zoning change to submit their comments to the LTC in writing, or attend the public hearing if they would like their opinions taken into account as part of the LTC's deliberations. ○ advise members of the public that the LTC can only consider public submissions, reports or written materials if they are relevant and can be viewed or heard by all interested parties. ○ avoid making motions to add significant decisions about rezoning applications as 'late' items on an LTC agenda.	○ provide applicants (or owners of properties subject to an LTC-initiated zoning change) with an opportunity to access copies of public submissions, staff reports, recommendations from advisory bodies, advice from other agencies and any other written information the LTC will consider regarding their application. ○ ensure that public submissions, reports and written materials that an LTC will consider are available to applicants (and others who have expressed an interest) with time for them to consider the material presented and to prepare and present a submission before a decision is made.* ○ ensure that all written public submissions about specific applications or LTC-initiated zoning changes that the LTC will consider are entered into the public record and available for review by applicants and the public.* ○ advise members of the public that the LTC can only consider public submissions that are available to all interested parties. ○ attend and take notes at trustee site visits, where a quorum of an LTC and an applicant (or other interested parties) will be present. Advise applicants (or other interested parties) of the nature and limitations of the visit (receipt of factual information that can only be received at a site visit). ○ ensure relevant information is collated and made available to those who have expressed an interest prior to a public hearing and at the hearing* ○ ensure that public hearing notices advise members of

A Local Trust Committee should...	Trustees should...	Staff should...
		the public where and when they can view relevant information prior to the public hearing. ○ ensure that a copy of written submissions received at a public hearing is available for review by the public at the hearing. <i>* Note: These guidelines would be satisfied if materials are included in an agenda package or public hearing binder that is publicly available in accordance with normal meeting and hearing timelines. Where substantive new and different information is received as a late item at a public hearing, the LTC may wish to adjourn or recess to consider the new information and allow others to do so.</i>

Opportunity to be Heard and to Respond

Before an LTC makes a decision about a zoning change, those whose interests may be affected by the decision must be given an opportunity to be heard and to present information in support of their position.

Before an LTC makes a decision about a zoning change, those whose interests may be affected by the decision must be given an opportunity to hear and respond to those who present information against their position.

A Local Trust Committee should...	Trustees should...	Staff should...
○ ensure that an LTC only makes a decision about a rezoning application (or LTC-initiated zoning change) after those affected (i.e. applicants, neighbours, community groups, etc.) have had <i>an opportunity to be heard</i>, either in writing or in person and <i>an opportunity to respond</i> to other information that the LTC has received or heard. ○ provide time for applicants and other interested parties to speak as delegates if the LTC is considering a decision not to proceed with an application prior to a public hearing. ○ consider whether it should adjourn or recess a public hearing if the LTC receives a significant amount of new and different information immediately before or at the hearing, to allow sufficient time for interested parties to prepare representations on that new information.	○ Ensure they are proposing substantive (i.e. non-procedural) motions about a rezoning application (or LTC-initiated zoning change) <i>only after</i> those who have expressed an interest (i.e. applicants, neighbours, community groups, etc.) have had <i>an opportunity to be heard</i>, either in writing or in person and <i>an opportunity to respond</i> to other information that the LTC has received or heard. ○ avoid making motions to add significant decisions about rezoning	○ advise applicants of opportunities to present information about their application at meetings of advisory bodies and the LTC. ○ ensure advisory bodies are aware of statutory obligations to hear from applicants. ○ advise others who express an interest in an application about their opportunities to access information about the application and to be heard by the LTC.

A Local Trust Committee should...	Trustees should...	Staff should...
○ ensure the fair conduct of public hearings, with cordial conduct by all participants and even-handed application of any procedural rules such as time limits on speaking.	○ applications as 'late' items on an LTC agenda. ○ through their actions and behavior, support the conduct of public hearings that are seen as fair to all parties.	

2. The Impartiality Rule

Lack of Bias

Decision-makers must be free of actual or apparent bias regarding specific decisions.

A Local Trust Committee should...	Trustees should...	Staff should...
○ not pass resolutions that make or imply any commitments regarding the eventual outcome of a proposed zoning change, before the process is complete. ○ not pass resolutions that make or imply a commitment to give any greater consideration to the comments or advice of any individual member of the public, group, landowner, or applicant.	○ be familiar with the principles of bias in decision-making. ○ resign from leadership positions in community or other groups that regularly have interests in zoning decisions made by their LTC. ○ only participate in decisions if they can honestly state that they have an open mind about the matter despite any general policy orientation to which they may be committed. ○ not make or imply any commitments regarding the outcome of a proposed zoning change. ○ not make or imply a commitment to give greater consideration to the comments or advice of any individual member of the public, group, landowner, or applicant. ○ where an advisory group is discussing an application, participate only as an observer (or as a resource person if no staff are present) and avoid attempts to influence the advice of the group. ○ not attempt to influence staff and consultants about the recommendations in their reports. ○ avoid statements before a public hearing that suggest they have already made up their minds about the decision. ○ seek legal advice promptly if they feel they may be biased, or if another party alleges bias. ○ follow legal advice they receive about bias.	○ be familiar with the principles of bias in decision-making. ○ advise trustees of reasonable concerns about bias, if they have such concerns or become aware that others have. ○ refer trustees to the Chief Administrative Officer if they wish to seek legal advice about bias concerns. ○ Ensure applicants, property owners and other interested parties understand that trustees cannot make or imply any commitments regarding the eventual outcome of a proposed zoning change before the process is complete.

Conflict of Interest

Decision-makers must not have personal interests that prevent them, or appear to prevent them, from performing their duties impartially.

A Local Trust Committee should...	Trustees should...	Staff should...
○ ensure statutory procedures are followed where a trustee has declared a conflict of interest.	○ be familiar with the principles of conflict of interest in decision-making. ○ not participate in or attempt to influence decisions if they have a direct or indirect financial or personal interest in the outcome. ○ be familiar with the statutory requirements for leaving meetings where they have a conflict of interest (including advisory group meetings) ○ seek advice promptly if they feel they may have a conflict of interest, or if another party alleges a conflict of interest. ○ follow legal advice they receive in regards to a conflict of interest.	○ be familiar with the principles of conflict of interest in decision-making and with the statutory requirements for managing situations where a trustee is in conflict. ○ ensure appropriate record keeping in meeting minutes when trustees leave meetings for conflict of interest reasons. ○ advise trustees of reasonable concerns about conflict of interest, if they have such concerns or become aware that others have. ○ refer trustees to the Chief Administrative Officer, if they wish to seek legal advice about conflict of interest concerns. ○ advise supervisor if, as a staff member responsible for a file, they believe they may have a conflict of interest that could affect the objectivity of their recommendations.

3. Evidence-based Decision Making

While not a legal requirement of local government rezoning processes in BC, ensuring that there is time to consider information about an application, that the information considered is accurate and that irrelevant information is treated with caution is a good practice that supports fair, transparent and accountable decision-making processes.

Accurate and Relevant Information

Decisions should be based on accurate and relevant information, excluding irrelevant considerations.

A Local Trust Committee should...	Trustees should...	Staff should...
○ ensure there is sufficient time for trustees to receive and consider the meeting agenda package or late written materials before a meeting. ○ ensure it makes decisions at the appropriate time in the process and after trustees have had the time to consider items circulated in the meeting agenda package. ○ treat irrelevant information (e.g. personal comments about an applicant or other interested party, gossip, hearsay) with caution. ○ discourage input in correspondence or at public meetings that consists of irrelevant information.	○ allow sufficient personal time to review and understand written materials about a decision, including information provided by the applicant, staff reports, advisory group recommendations, agency comments and comments from the public. ○ discourage repetition or use of irrelevant information (e.g. personal comments, gossip, hearsay) as a factor in decision-making. ○ avoid making motions to add significant decisions about rezoning applications as 'late' items on an LTC agenda.	○ ensure there is sufficient time for receipt and inclusion of relevant information regarding applications before they are considered by an LTC. ○ follow Islands Trust templates for staff reports and ensure reports are as complete as possible. ○ ensure information in staff reports is as factual and accurate as possible, or that appropriate statements are made where information cannot be verified. ○ discourage repetition or use of irrelevant information (e.g. personal comments, gossip, hearsay) as a factor in decision-making. ○ proactively clarify inaccurate statements (if significant) that are made by others during the course of LTC decision-making processes.

4. Communications

While not a legal requirement of local government rezoning processes in BC, good and consistent communication with all interested parties about a decision and the reasons for it is a good practice that supports fair, transparent and accountable decision-making processes.

A Local Trust Committee should...	Trustees should...	Staff should...
○ after a public hearing, announce when a decision will be made, if known. ○ ensure meeting minutes accurately reflect any reasons given for decisions.	○ whenever possible, explain (in open meetings and at the time a decision is made) how they reached their decision, referring to submissions and reports on the public record, public deliberations of other trustees, as well as any personal knowledge or research that influenced them. ○ whenever possible, explain decisions with reference to relevant documents such as OCPs, the Islands Trust Policy Statement, the <i>Islands Trust Act</i> or other relevant statutes they have relied upon in making a decision. ○ after an LTC has made a decision, communicate clearly and consistently about the reasons given and avoid indicating that there were different, but unspoken, reasons.	○ record in meeting minutes any reasons given for LTC decisions about applications. ○ provide prompt written information to applicants (or property owners, in the case of an LTC-initiated zoning change) after an LTC has made a decision, including information about any reasons provided by the LTC about its decision. ○ ensure others who have expressed an interest are aware of opportunities to learn about decisions and the reasons for them.



Policy:	5.4.3
Approved By:	Trust Council
Approval Date:	March 11, 1995
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

AMENITY BONUS TOOLS

Purpose

Amenity bonus tools provide an opportunity for local communities to obtain "amenities" in return for permitting increase in the density of development.

A. Definitions

n/a

B. Policy

1. Amenities gained through the use of amenity bonus tools shall be consistent with the Object of the Islands Trust and the Islands Trust Policy Statement. In particular, these amenities should enhance the preservation and protection of the environment, natural amenities, resources and/or community character.
2. Local trust committees (LTC) should determine the context for amenity bonus tools during the preparation or revision of official community plans or, where use of amenity bonus tools is proposed outside a period of plan preparation or review, the official community plan must be amended to permit the use of this tool.

C. Procedure

1. Official Community Plan (OCP) Amendments

OCP amendments to accommodate amenity bonus tools should deal with at least the following matters:

- 1.1 Identification of "amenities" that are required or considered desirable in the area covered by the plan. There is no statutory definition of "amenities" so LTC discretion in this area is very broad.
- 1.2 Establishment of an overall permissible density of development for the area covered by the plan.
- 1.3 Consideration of whether the overall permissible density of development of the area covered by the plan would be affected by the provision of amenities. That is, does the provision of the amenity itself mitigate the effect of the density, such that greater overall density can be accommodated if the amenities are provided?

- 1.4 Specification of an outright permitted density at an appropriate level to allow for the operation of amenity bonus tools.
- 1.5 Establishment of a relationship between the value of amenities to be provided and the value of density bonuses to be granted in at least general terms.

2. Zoning Bylaw Amendments

Within the OCP context established above, zoning bylaws may either be amended on an ad hoc basis to authorize amenity bonuses in respect of particular sites, or a comprehensive zoning amendment, building in amenity bonus provisions, could be adopted. The latter approach would require that the LTC "pre-zone" land for a density of development that includes the bonus density, or some intermediate density as they see fit. The general steps involved in the preparation of a zoning amendment would be as follows:

- 2.1 Establishment of outright permitted density for each zone. This could, but need not necessarily be, the same as the density already permitted in the zone, and must correspond to the outright density specified in the OCP.
- 2.2 Establishment of maximum density for each zone, inclusive of bonuses, based on the maximum permissible density established in the OCP.
- 2.3 Identification of the amenities, provision of which will "earn" bonus density. The description of the amenity could include a reference to standard terms of trust for land to be given, for example, to a local conservation organization; standard s.175(3) covenant terms of land to be subject to a conservation covenant.
- 2.4 The bylaw should set out, in tabular form if necessary, the relationship between amenities provided and units of bonus density "earned". As a simple example, in a zone permitting commercial uses outright at 1.0 floor space ratio (fsr) the LTC might wish to permit an additional 0.1 fsr in respect of each 50 linear feet of waterfront walkway constructed in a local park, up to a maximum of 1.5 fsr.

3. Adjusting and Removing Amenity Bonuses

- 3.1 Regulations establishing amenity bonus tools must be revisited from time to time to ensure that the relationship between local property values and amenity costs remains adequate to stimulate the provision of amenities and to obtain a fair "return" to the community in exchange for the extra density that the community is being obliged to absorb.
- 3.2 Where zoning bylaws are amended to "pre-zone" for amenity bonuses, these bylaws may be further amended to withdraw the bonus if the additional density proves to be excessive or the bylaws have yielded sufficient amenities that no more are required or desirable.

4. LTCs exercising s.482 powers should ensure that relevant approving officers and regional district building inspection departments are familiar with the amenity bonus tools and committed to ensuring that amenities have been properly provided to the satisfaction of the LTC before development approvals are given. This is so whether amenity bonuses are given on an ad hoc basis or under a "pre-zoning" approach.

C. Legislated References

1. Trust Council Binder: Item H.8.1.c. December 1994
2. *Local Government Act*: Section 482

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

n/a



Policy:	5.4.4
Approved By:	Trust Council
Approval Date:	September 15, 1993
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

HERITAGE DESIGNATION BYLAWS

Purpose

Heritage designation bylaws can be passed by local trust committees (LTC) that individually select properties for heritage protection with owners entitled to compensation if the protection decreases property value payable from general Islands Trust revenue.

A. Definitions

n/a

B. Policy

1. Trust Council Involvement

- 1.1 To ensure there is no unplanned liability to the Islands Trust, Trust Council must approve heritage designation bylaws of LTCs.
- 1.2 Trust Council will consider approval of a local heritage designation bylaw only if a budget item for compensation specific to that property has been identified, or if the owner of the property has agreed through legal instrument that compensation will not be sought.

2. Local Trust Committee Involvement

- 2.1 LTCs will ensure one of the two requirements listed in 1.2. have been met before initiating a heritage designation bylaw.
- 2.2 A budget amount must be designated for the specific purpose heritage designation.
- 2.3 If no budget amount is required, then the legal instrument stipulating that the property owner will not seek compensation must be in place through the Islands Trust's legal counsel.
- 2.4 LTCs should consult with the Executive Committee before initiating a heritage designation bylaw process.

C. Legislated References

n/a

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

n/a



Policy:	5.5.1
Approved By:	Trust Council
Approval Date:	March 11, 1995
Amendment Date(s):	June 6, 1997; June 6, 1998; June 13, 2003; December 5, 2003; December 10, 2004; June 17, 2005; March 10, 2006; March 13, 2019, December 2, 2021
Policy Holder:	Director of Local Planning Services

BYLAW COMPLIANCE AND ENFORCEMENT

Purpose

The purpose of the bylaw compliance and enforcement program is to support the object of the Islands Trust to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws.

A. Definitions

1. "Long-form information" means a complaint sworn before a Provincial Court judge by a bylaw compliance and enforcement officer

B. Policy

1. COMPLIANCE

- 1.1 Compliance is sought through a combination of education, mediation and enforcement techniques. Bylaw compliance is primarily sought through an attempt to achieve voluntary compliance. Voluntary compliance is indicated by a commitment to corrective action as soon as reasonably possible and the cessation of unlawful activity.

2. BEST PRACTICES MANUAL

- 2.1 The Bylaw Compliance and Enforcement Manager will maintain a best practices operating manual in accordance with the administrative fairness principles outlined in the BC Ombudsperson's report ["Bylaw Enforcement: Best Practices Guide for Local Governments"](#), March, 2016.

3. COMMENCING INVESTIGATIONS

- 3.1 Bylaw investigations may be commenced and an investigation file opened in one or more of the following circumstances:
 - 3.1.1 in response to written complaints of an alleged contravention made by any person;
 - 3.1.2 bylaw contraventions appear to occur in setbacks from water bodies or in development permit areas;
 - 3.1.3 bylaw contraventions appear to cause health and safety issues;
 - 3.1.4 bylaw contraventions appear to occur as part of a building permit process or other permitting process administered by a local government or the

- Islands Trust;
- 3.1.5 a referral is received from a permitting agency that identifies alleged land use bylaw contraventions associated with the permit request;
- 3.1.6 advertisements exist for apparently unlawful uses;
- 3.1.7 a Local Trust Committee directs staff to commence an investigation.

4. CLOSING INVESTIGATIONS

- 4.1 Bylaw investigation files can be closed in one or more of the following circumstances:
 - 4.1.1 if no contravention existed;
 - 4.1.2 if compliance has been achieved;
 - 4.1.3 on direction of a Local Trust Committee;
 - 4.1.4 if the Director of Local Planning Services concurs with the Bylaw Compliance and Enforcement Manager that the contravention is of a minor character and does not suit the public interest to enforce.

5. PRIORITY OF INVESTIGATION

- 5.1 The workload for bylaw investigations will be prioritized as follows:
 - 5.1.1 by specific direction of a Local Trust Committee;
 - 5.1.2 health and safety issues;
 - 5.1.3 adverse environmental impact that could result in irreversible damage if not prevented in a timely fashion;
 - 5.1.4 contraventions of land use bylaws and other bylaws.

6. MEDIATION

- 6.1 Bylaw investigation efforts to gain compliance should be conducted using the principles and techniques employed in mediation.
- 6.2 Persons alleged to have committed contraventions and complainants may be invited to participate in a process designed to:
 - 6.2.1 provide full information and exchange of information;
 - 6.2.2 confirm facts;
 - 6.2.3 explore opportunities for compliance;
 - 6.2.4 negotiate a timeline for compliance;
 - 6.2.5 reach a compliance solution.

7. LEGAL ACTION

- 7.1 If unlawful activity does not cease or if compliance is not achieved, a bylaw enforcement officer may:
 - 7.1.1 issue a bylaw violation notice; or
 - 7.1.2 make recommendations to the Local Trust Committee on how to proceed, including taking civil action or closing the investigation without compliance.
- 7.2 Immediate legal action may be recommended to Local Trust Committees or bylaw violation notices issued if impacts of unlawful activity risk serious harm to persons or the environment.
- 7.3 Offence Act prosecutions may be recommended to the Local Trust Committees under

the following conditions:

- 7.3.1 Offence Act prosecutions are to be used only for serious land use permit contraventions.
- 7.3.2 A long-form information may be sworn only after approval by a local trust committee; and
- 7.3.3 Executive Committee has approved legal funding for the prosecution; and
- 7.3.4 The long-form information has been reviewed and prepared by legal counsel.

8. BYLAW NOTICE DEBT

- 8.1 Debts incurred as the result of default on bylaw notices may be cancelled if the Director of Local Planning Services and the Bylaw Compliance and Enforcement Manager concur that contraventions on the subject property no longer exist, and it is not in the interest of Islands Trust to pursue the debt.

9. CONFIDENTIALITY

- 9.1 Information in regards to a complainant is kept confidential. However, confidentiality cannot be guaranteed should litigation proceed against the violator or where a request for information is received under the *Freedom of Information and Protection of Privacy Act*.

10. LOCAL TRUST COMMITTEES, TRUST COUNCIL, AND TRUSTEES

- 10.1 Trustees will be immediately advised when a bylaw investigation file is opened indicating the type and area where the contravention is alleged to occur but names and addresses of the complainant and alleged violator will not be communicated.
- 10.2 Trustees may make a written complaint alleging a bylaw contravention.
- 10.3 Local Trust Committees and trustees are not to be involved in the investigation of a complaint or the preparation of bylaw enforcement reports.
- 10.4 Local Trust Committees may make bylaw enforcement policies to direct compliance and enforcement in regards to specific issues.
- 10.5 Local Trust Committees may request reports about specific investigations or about general enforcement activity in the Local Trust Area.
- 10.6 Trust Council will be informed of the volume and type of bylaw enforcement files bi-annually.

C. Legislated References

- 1. [Islands Trust Act](#)
- 2. [Offence Act](#)

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

- [BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016](#)
- [BC Local Government Bylaws>Bylaw Enforcement](#)



Policy:	5.6.1
Approved By:	Trust Council
Approval Date:	March 13, 1993
Amendment Dates:	June 13, 2002; June 10, 2004; June 9, 2021 (Repeals policies 5.6.2 and 5.6.3)
Policy Holder:	Director of Local Planning Services

APPLICATION PROCESSING SERVICES

Purpose

This policy is intended:

- to identify the services provided by Islands Trust and the different levels of costs associated with these services;
- to provide direction for the preparation of Fees Bylaws and Schedules by Local Trust Committees (LTCs);
- to provide the principles by which cost recovery for extraordinary services beyond the standard fee can be negotiated and agreed to by an applicant and a LTC;
- to recover from applicants 100 per cent of the average cost of processing the development applications, while permitting consideration of lower cost recovery for environmental protection and community benefit.

A. Definitions

1. Application Processing Services include:

- 1.1 Bylaw Amendments to an official community plan, zoning bylaw, subdivision bylaw or other land use bylaws;
- 1.2 Development Application Requests for:
 - 1.2.1 Development Permits,
 - 1.2.2 Development Variance Permits,
 - 1.2.3 Temporary Use Permits,
 - 1.2.4 Soil Removal and Deposit Permits,
 - 1.2.5 Heritage Alteration Permits,
 - 1.2.6 Board of Variance Orders,
 - 1.2.7 Liquor Licensing Permits,
 - 1.2.8 Cannabis Licensing Permits,
 - 1.2.9 Siting & Use Permits,
 - 1.2.10 Land Use Contracts;
- 1.3 Agency Referral Responses and Comments on applications referred from other agencies.

2. Service Levels include:

- 2.1 Information Service that involves providing information to applicants and the general public at no cost, as a public service, and funded by property taxation revenues.
 - 2.2 Standard Application Processing Service that involves providing a specific service to applicants as a direct response to an application, whether directly to Islands Trust or through a referral from another agency, and primarily funded by established fees paid by an applicant.
 - 2.3 Extraordinary Processing Service is a service provided to the applicant that is beyond the standard processing service, with funding provided by the applicant as a deposit with the application fee or through a cost recovery agreement.
3. Costs:
- 3.1 General Service Costs includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.
 - 3.2 Estimated Direct Costs include advertisements, delivery of notices, hall rentals, minute taking at public hearings and community information meetings, and staff travel to attend public hearings and community information meetings.
 - 3.3 Extraordinary Processing Costs include costs beyond the standard processing service such as additional community information meetings, review of technical reports provided by specialists hired by the applicant, and specific legal services such as the preparation and registration of legal documents and the acquisition of legal advice.
4. Community Benefit:
- 4.1 Community benefit is the provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit or amenity.

B. Policy

1. Standard Application Processing Services

Applicants are responsible for paying different rates based on the level of service. The details involved in each level of a standard application processing service are identified below.

1.1 Information Service – No Fee Required

Information services are considered a public service and include:

- 1.1.1 ***providing information*** on application process requirements including a meeting with staff;
- 1.1.2 ***providing assistance*** to complete an application;
- 1.1.3 ***determination*** of applicable fees;

1.1.4 **identification** of readily identifiable issues to be addressed.

1.2 Application and Processing Service – Included in Application Fee

For rezoning applications, temporary use permit applications, development variances, development permits, liquor and cannabis retail license applications, and strata conversion applications, the application fee covers the following services:

- 1.2.1 comprehensive staff assessment including site visit where required;
- 1.2.2 staff reports;
- 1.2.3 discussion between planners and applicant throughout process;
- 1.2.4 review of archaeological data;
- 1.2.5 staff referral to other agencies, advisory planning commissions, and analysis of their comments;
- 1.2.6 bylaw or resolution drafting, including review for compatibility with Trust Object and policies and the relevant Official Community Plan;
- 1.2.7 staff report with recommendation for Local Trust Committee (LTC) approval consideration;
- 1.2.8 processing bylaws through Executive Committee for approval consideration, if necessary;
- 1.2.9 forwarding to Minister of Municipal Affairs and Housing for approval consideration, if necessary;
- 1.2.10 adoption of all bylaws or issuing of permits as required.

1.3 Public Hearing – Included in Application Fee

Services related to a Public Hearing that will be provided to an applicant who has paid an application fee include:

- 1.3.1 conducting one public hearing with staff present (includes staff time, staff travel costs and estimated direct costs such as meeting place rental, newspaper notice of public hearing, minute taker fee, and delivery of notices when needed).

1.4 Community Information Meeting – Included in Application Fee

Services related to a Community Information Meeting that will be provided to an applicant who has paid an application fee include:

- 1.4.1 conducting one community information meeting with staff present (includes staff time, staff travel costs, and estimated direct costs such as meeting place rental and delivery of notices when needed).

2. Extraordinary Processing Services – additional fees required

Extraordinary Processing Services are services provided to the applicant that are beyond the standard processing services identified in 1.1- 1.4. Applicants are responsible for paying additional fees for extraordinary processing services.

2.1 Role of LTC in Determining Necessity for Extraordinary Services

- 2.1.1 Local trust committees (LTCs) can determine the necessary requirements for processing applications. These requirements may necessitate extraordinary processing services, where the actual or estimated processing service level costs are in excess of the costs of a standard application fee for a similar process because:
 - 2.1.1.1 of additional requirements such as additional public consultation, complex covenant requirements or extensive staff time; or,
 - 2.1.1.2 the processing requirements include services obtained from professions outside Islands Trust such as special technical assistance and/or specific legal services; or,
 - 2.1.1.3 the processing requirements include First Nations site visit(s).
- 2.1.2 The Regional Planning Manager is responsible for assisting LTCs in identifying and costing extraordinary processing service requirements and advising the LTCs of the options available to handle these requirements.
- 2.1.3 The Regional Planning Manager is responsible for ensuring that complex service requirements include terms of reference which outline detailed criteria and parameters for the extraordinary services that are required.

2.2 Provision of Extraordinary Processing Services

- 2.2.1 Extraordinary processing services can be provided by Islands Trust via a cost recovery agreement, with costs to be paid by the applicant, in addition to the applicable standard fee.
- 2.2.2 A resolution of the LTC following the recommendation of the Regional Planning Manager is required to proceed.
- 2.2.3 When extraordinary processing service requirements have been identified, the applicant should be advised by staff that the application cannot be processed until additional funds are provided by the applicant and a cost recovery agreement with the Islands Trust is signed and a security deposit has been received.

3. Extraordinary Services Cost Recovery Agreements

3.1 Extraordinary Services Cost Recovery – Principles

- 3.1.1 Cost Recovery Agreements reflect a service level which includes the extraordinary services needed to undertake the approval process for a complex application.
- 3.1.2 Cost Recovery Agreements will endeavour to recover all costs of processing that exceed the standard costs of processing services.
- 3.1.3 The existence of a Cost Recovery Agreement will not fetter a LTC's discretion with respect to an application before the committee.
- 3.1.4 Authority for negotiating Cost Recovery Agreements is provided within the respective LTC Fees Bylaws.
- 3.1.5 Cost Recovery Agreements will proceed only by resolution of the LTC after consultation with the Regional Planning Manager, except in situations where an applicant is seeking to discuss an issue directly with Islands Trust legal advisors, in which case the Director of Local Planning Services may approve the Cost Recovery Agreement.
- 3.1.6 The Cost Recovery Agreement letter will be submitted, together with the recommendation of the Regional Planning Manager and the LTC resolution, for approval by the Director of Local Planning Services (or designate) prior to final agreement with the applicant.

3.2 Services Requiring Extraordinary Services Cost Recovery Agreement

The services identified below are considered to be beyond the scope of standard processing services. These services require payment, in addition to standard application fees established in the Fees Bylaw, of additional fees based on a cost recovery agreement between the Islands Trust and an applicant:

- 3.2.1 staff time required for covenant development;
- 3.2.2 staff time to attend more public consultation meetings than that already covered by the standard application fee, including community information meetings, advisory planning commission meetings, and public hearings;
- 3.2.3 technical assessments or studies as required by the local trust committee;
- 3.2.4 retaining special technical assistance required by the local trust committee;
- 3.2.5 additional legal counsel services required for the application not covered under the estimated direct costs of the Fees Bylaw;
- 3.2.6 process agreement negotiation;
- 3.2.7 First Nations site visits;
- 3.2.8 other resources and/or services required by the local trust committee to process the application not covered by the Fees Bylaw.

4. Funding Basis and Fee Adjustments

- 4.1 Application processing services are funded primarily through fees, as per a LTC's Fees Bylaw. Local trust committees should adopt a Fees Bylaw consistent with the model Fees Bylaw in Attachment 1.
- 4.2 Standard fees in Fees Bylaws are to be based on average processing costs, as per Section 462 of the *Local Government Act*, Section 31(2)(b) of the *Islands Trust Act*, Section 41 of the *Liquor Control and Licensing Act*, and Section 35 of the *Cannabis Control and Licensing Act*. Standard fees are calculated as the product of staff labour costs multiplied by processing time (including Planner and administrative support). Standard application fees include estimated direct costs.
- 4.3 A local trust committee may enact variances of up to 20% below what is indicated in the Trust Council's Model Fees Bylaw when adopting a LTC Fees Bylaw. The following criteria must be considered when evaluating a fee variance:
 - 4.3.1 the level of community/environmental benefit offered by the type of application;
 - 4.3.2 variances in direct costs (e.g. hall rental); and,
 - 4.3.3 an amendment to an approved application occurring within 6 months of the approval date.
- 4.4 Variance to a Fees Bylaw must be adopted by bylaw amendment. All LTC Fees Bylaws and Fees Bylaw amendments must be approved by the Executive Committee before adoption by a LTC.
- 4.5 Where the model fees bylaw permits reduced fees for temporary use permits that have a community benefit and are small scale, the local trust committee fees bylaw must specify the actual community benefit to which the fee applies, and should be supported by policies in the official community plan on what are considered amenities to the community.
- 4.6 Applications for development that begin without a permit or bylaw authorisation are subject to a 20 per cent surcharge to recover the additional cost in processing these types of applications.

5. Application Fee Sponsorship

- 5.1 If eligible, as identified in [Trust Council Policy 4.1.13 Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications](#), the applicant may apply for development application fee sponsorship.

6. Development Approval Information

- 6.1 The Development Approval Information (DAI) Bylaw provides a mechanism to ensure that the LTC receives appropriate reports and documentation (such as reports from engineers, biologists, hydrogeologists, and geotechnical specialists) from applicants to support rezoning, temporary use permit, and development permit applications.
- 6.2 DAI bylaws reduce operational costs by ensuring that applications are complete and the information provided is appropriate.
- 6.3 Local trust committees should adopt a development approval information bylaw.
- 6.4 The Regional Planning Committee should develop a model Development Approval Information bylaw for addition as Attachment 2 to this policy.

C. Legislated References

Local Government Act, S.462

Local Government Act, S.486

Liquor Control and Licensing Act, S.41

Cannabis Control and Licensing Act, S.35

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

- 1. Model Fees Bylaw

[INSERT LTC NAME] LOCAL TRUST COMMITTEE

BYLAW NO. [XX]

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications. Model fees reflect the cost recovery for application processing.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act, **[DENMAN AND HORNBY ONLY and Section 31(2)(b) of the Islands Trust Act provides that a local trust committee may impose a fees to recover the cost of processing siting and use permits]** ;

NOW THEREFORE the **[Insert LTC Name]** Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the **[Insert LTC Name]** Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "[Insert LTC Name] Local Trust Committee Fees Bylaw, No. [XX]".

Interpretation

2.1 In this bylaw:

"Applicant" means:

2.1.1 the person authorized under the _____ Island Local Trust Committee Procedures Bylaw No. ____, _____ to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;

2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;

- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit.

[NOTE: This is in relation to temporary use permits for a use under a specified size that provides a community benefit. The local trust committee would define community benefit here based on its official community plan definition of community benefit]

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw)	
Column 1: Type of Application	Column 2: Fee
1. Major (e.g. change to density or land use designation)	\$7,800
2. Minor (e.g. policy change without changing density or land use designation not requiring an OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000

Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit for residential uses and commercial uses under 95 square metres that provide community benefit..	\$1000
13. Temporary Use Permit Renewal	\$700
14. Temporary Use Permit Renewal (Community Benefit)	\$350
Other Permits	
15. Siting and Use Permit	\$250
16. Heritage Alteration Permit	\$1,700
Combination Applications	
17. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
18. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,000
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rated in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.

- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is more than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The (Insert LTC Name) will maintain a record of annual 2% increases and make that record available for public inspection.

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 “[Insert LTC Name] Local Trust Committee Fees Bylaw No. [XX]” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME this st day of , 20

READ A SECOND TIME this st day of , 20

READ A THIRD TIME this st day of , 20

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

this th day of , 20

ADOPTED this th day of , 20

Chair

Deputy Secretary



Policy:	5.7.1
Approved By:	Trust Council
Approval Date:	March 12, 1994
Amendment Date(s):	March 11, 1995; December 7, 1996 June 16, 2005, June 20, 2017
Policy Holder:	Director of Local Planning Services

LOCAL TRUST COMMITTEE BYLAWS CHECKLIST

Purpose

1. To ensure that local trust committee bylaw processing is carried out in accordance with statutory requirements as outlined in the *Islands Trust Act* and the *Local Government Act*.
2. To ensure proper completion and procedural certainty of the finished bylaw document.

A. Definitions of Terms

1. The Bylaw Checklist for local trust committee bylaws is generated from the Bylaw Management Database. The Bylaw Checklist used as a tool by planning staff to ensure that statutory requirements, public accountability, and proper completion of the bylaw are addressed.
2. The Policy Statement Directives Checklist (Attachment 1) is based on the directive only policies from the Islands Trust Policy Statement. It is a tool used by planners and local trust committee to ensure that proposed bylaws are not contrary to or at variance with the Islands Trust Policy Statement.

B. Procedure

1. Use of Bylaw Management Database Checklists

- 1.1 Authority is provided to the Islands Trust Corporate Secretary (and/or designate) to ensure the use of the Bylaw Checklist as follows:
 - 1.1.1 No public hearing shall be booked until the Corporate Secretary (or designate) provides authorization.
 - 1.1.2 Staff is responsible to ensure that local trust committees receive an updated Bylaw Checklist upon their consideration of a bylaw at the public hearing stage.
 - 1.1.3 Staff is responsible for ensuring that the Executive Committee receives an updated Bylaw Checklist upon its consideration of Section 22 approval.
- 1.2 The Policy Statement Directives Checklist is to be included with a bylaw referred to the Executive Committee for approval.

2. Bylaw Referrals

- 2.1 Planning staff may forward bylaws to referral agencies either before, or after, the bylaw has received first reading.
- 2.2 Planning staff will use the Policy Statement Directives Checklist as a reference when examining proposed bylaws for compatibility with the Policy Statement prior to first reading.
- 2.3 Planning staff may refer bylaws to Trust Area staff if they need to seek clarification relative to the Policy Statement.
- 2.4 The Executive Committee is not considered a referral agency for local trust committee bylaws.
- 2.5 Correspondence sent to the Executive Committee regarding local trust committee bylaws should be forwarded to the Director of Local Planning Services who may prepare a report for consideration by the Executive Committee.

3. Public Hearing

- 3.1 Final booking arrangements and notification for a public hearing may only occur after ALL of the following events have occurred in the order as presented below:
 - 3.1.1 either after 30 days from sending bylaw referrals to agencies, or when the agency referral responses are complete to the satisfaction of planning staff; and
 - 3.1.2 when the application file (public hearing binder) is ready for public viewing; and
 - 3.1.3 when the Corporate Secretary (or designate) has signed the Bylaw Checklist to authorize a bylaw to be booked for public hearing; and
 - 3.1.4 upon resolution of a local trust committee authorizing a bylaw to be forwarded to public hearing.
- 3.2 Each member of the local trust committee will receive a public hearing information binder which will include a copy of the Bylaw Checklist and any additional relevant information and material.

4. Executive Committee Approval

- 4.1 Under Section 22 of the *Islands Trust Act*, the Executive Committee must consider approval of all local trust committee bylaws after third reading.
- 4.2 Planning staff will forward to the Executive Committee after third reading, a copy of the proposed bylaw, the signed Bylaw Checklist and the Policy Statement Directives Checklist.

5. Ministerial Approval

- 5.1 If Ministerial approval is required, the following documentation is sent to the Ministry of Community, Sport and Cultural Development:
 - 5.1.1 two copies of the bylaw submission form; and
 - 5.1.2 three copies of the proposed bylaw, certified at third reading; and
 - 5.1.3 the completed Bylaw Management Database Checklist (includes Executive approval and the date); and
 - 5.1.4 Any additional staff planner reports to accompany agency comments and public hearing notes if necessary.

6. Bylaw Adoption

- 6.1 Once the Bylaw has been adopted by the local trust committee, certified copies of the bylaw are sent to appropriate agencies and staff.

7. Bylaw Filing

- 7.1 Once the original bylaw has been sealed and filed in the fire-proof filing cabinet, the Corporate Secretary (or designate) of the Islands Trust signs and dates the Bylaw Checklist, which will be kept in the bylaw file along with a certified copy of the bylaw.

C. Legislated References

- 1. *Islands Trust Act:*
 - 1.1 Part 2, Trust Council, Trust Policy Statement Section 15 (4) and Approval of Bylaws Section 16.
 - 1.2 Part 3, Executive Committee, Section 22 Approval of Bylaws.
 - 1.3 Part 4, Approval requirement for Local Trust Committees, Section 27.
- 2. *Local Government Act*
- 3. The Islands Trust Council Bylaw No. 17, a Bylaw to Adopt a Policy Statement for the Trust Area cited as “The Islands Trust Policy Statement Bylaw, 1993”.
- 4. The Islands Trust Policy and Procedures Manual:
 - 4.1 Policy Statement, Implementation Policies 1.3.1, Policy Statement Implementation.
 - 4.2 Trust Council Executive Committee 2.4.4, Executive Committee Legislative Role.

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

ATTACHMENT 1 - Policy Statement Directives Checklist



Islands Trust

POLICY STATEMENT DIRECTIVES CHECK LIST

Bylaw and File No:

PURPOSE

To provide staff with the Directives Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Directives Checklist to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of

		adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	NO.	DIRECTIVE POLICY
	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
	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 for water are considered and allowed for.
	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

	4.6	Soils and Other Resources
	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
	5.8.6	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.

POLICY STATEMENT COMPLIANCE	
	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



Policy:	5.8.1
Approved By:	Trust Council
Approval Date:	March 10, 2005
Amendment Date(s):	
Policy Holder:	Director of Administrative Services

DIGITAL INFORMATION DISTRIBUTION

Purpose

To outline the conditions associated with the distribution of digital mapping information.

A. Definitions

n/a

B. Policy

1. The *B.C. Freedom of Information and Protection of Privacy Act* and Bylaw No. 409 will be considered an integral part of this policy and will govern the release of mapping and digital information.
2. Digital data that is produced and managed by the Islands Trust will be available without a fee structure if it is in a format ready for transfer.
3. Examination, inspection and copying of information will be restricted to regular business hours and may only be conducted by designated employees of the Islands Trust.
4. Requests that require substantial amounts of work will be completed as resources permit and there may be costs involved for time spent. If there are costs involved, mapping staff will provide customers with a cost, or estimated cost, for services and products. Requested data or products will not be released until full payment is received or method of payment is agreed on.
5. All parties obtaining digital data from the Islands Trust must enter into a Limited Use Agreement and sign a Disclaimer of Responsibility.

C. Procedure

1. Requests for digital geographic information system (GIS) data will be sent to the Islands Trust Mapping Department.
2. Requesting parties will sign and return to the Islands Trust a Limited Use Agreement and Disclaimer of Responsibility.

D. Legislated References

n/a

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

n/a



Policy:	5.9.1
Approved By:	Trust Council
Approval Date:	March 10, 2006
Amendment Date(s):	September 11, 2013; June 22, 2022
Policy Holder:	Director, Local Planning Services

BEST MANAGEMENT PRACTICES FOR DELIVERY OF LOCAL PLANNING SERVICES

Purpose

1. To ensure that Local Trust Committees (LTCs) use the Local Planning Services (LPS) staff resources provided to them in accordance with their legislated responsibilities under s. 24 of the *Islands Trust Act* or in accordance with any powers that may be delegated to them under s.10 of the *Islands Trust Act*.
2. To identify the core services provided to LTCs, and to outline the best practices for delivering those services to LTCs in a fair and equitable manner.
3. The Goals of the Policy are as follows:
 - 3.1 LTC planning projects are well-defined and planned;
 - 3.2 LTC projects reflect community and First Nations expectations;
 - 3.3 Staff, trustees, the public, and partners have certainty and clarity around how projects get allocated, resourced, and carried out, leading to realistic expectations;
 - 3.4 Resource allocation is efficient, fair and equitable;
 - 3.5 OCPs and LUBs are systematically updated on a regular basis;
 - 3.6 Planning is both proactive and adaptive;
 - 3.7 Local Planning implements Trust-wide planning initiatives and tools (eg. strategies, model bylaws).

A. Definitions

Major Policy/Regulatory Work - a review of an official community plan and/or land use bylaw that takes between six and 18 months to complete, includes discretionary activities that exceed required processes, and / or includes a budget request of more than \$5,000.

Minor Policy/Regulatory Work – amendments to an official community plan and/or land use bylaw that take six to 12 months to complete, and / or requires a budget of less than \$5,000.

Extraordinary Policy/Regulatory Work - a review of an official community plan and/or land use bylaw that includes discretionary activities that exceed required processes, and would require external consultants and / or additional funding considerations.

Regional Planning Team – a Planning team assigned to exclusively manage major and extraordinary bylaw reviews for local trust committees and policy planning work of the Regional Planning Committee.

Local Planning Team - a Planning team consisting of senior planners assigned to undertake day-to-day planning functions of assigned local trust committees, including managing minor bylaw amendments, processing of major applications and referrals, responding to enquiries, and administering local trust committee meetings.

Current Planning Team – a Planning team assigned to undertake the processing of routine referrals and land use permits for all local trust areas.

B. Policy

1. Official Community Plan and Land Use Bylaw Reviews and Amendments

- 1.1 The Regional Planning Team will develop and deliver comprehensive Major Policy Work, Official Community Plan (OCP), and Land Use Bylaw (LUB) documents to assist LTCs in identifying and establishing policy preferences for managing growth development and conservation in island communities.
- 1.2 Comprehensive OCP and LUB reviews are considered to be major policy/regulatory work.
- 1.3 Regional Planning Team Staff will maintain a checklist of the “health” of official community plans, and will use this to recommend to Trust Council via Regional Planning Committee prioritization of OCPs for review and update as part of Trust Council’s budget process.
- 1.4 New and updated official community plans and land use bylaws will follow a recommended process and format, with some customization to allow for local conditions permitted.
- 1.5 A maximum of two reviews of official community plans and land use bylaws may be started each fiscal year to ensure adequate resourcing is available to complete.
- 1.6 Where possible, the OCP and LUB should be reviewed concurrently as part of the same project, or the LUB should be scheduled to be reviewed as soon as the OCP review is complete.

2. Major Policy/Regulatory Work

- 2.1 The Regional Planning Team will undertake major policy/regulatory projects of LTCs and the Regional Planning Committee. A set of criteria will be used by Regional

Planning Team staff to recommend to Trust Council via the Regional Planning Committee prioritization of these projects.

- 2.2 Staff resources will limit the number and type of major policy/regulatory work that can start in any one year. This limit will also be considered when recommending OCP/LUB reviews.
- 2.3 The local trust committee must submit a business case as part of the budget process that sets out the scope, timeline and budget (including estimated staff resources required) of the proposed project. The business case must be endorsed by the local trust committee.
- 2.3 LTCs may initiate more frequent OCP/LUB reviews and extraordinary OCP/LUB review processes on specific policy issues subject to Trust Council approval of a special tax levy for the relevant Local Trust Area to fund the necessary costs, including additional staffing requirements. Minor OCP/LUBs reviews may also be undertaken as part of a LTCs normal work program, which would be undertaken pending available Local Planning Team resources.
- 2.4 LPS staff will strive for simplicity and certainty when drafting amendments and will engage stakeholders early in the review process. LTC chairs will ensure timely review and completion of documents.
- 2.5 LPS staff will provide LTCs with early advice about any proposed OCP amendment that may be inconsistent with the Islands Trust Policy Statement and will seek clarification from Trust Area Services staff if necessary. LPS staff will not spend time on OCP amendments that are inconsistent with the Islands Trust Policy Statement without the prior approval of Trust Council.
- 2.6 LPS staff will provide LTCs and the Executive Committee with early advice regarding any proposed OCP amendment that may require additional staff resources for administration or enforcement and will confirm the availability of those resources before bylaw adoption. LPS staff will ensure that Bylaw Enforcement staff confirm the enforceability of new OCP provisions that may require enforcement (such as Development Permit Areas) before they submit bylaws to an LTC for first reading.
- 2.7 For any policy work of an LTC to be considered to be undertaken by the Regional Planning Team, it must be a priority of the LTC and one of its top priorities.

3. Community Engagement

- 3.1 All community engagement for major policy/regulatory work will establish the appropriate IAP2 engagement level in the Project Charter.

- 3.2 All major policy/regulatory work shall follow the IAP2 commitments and provide opportunities to be heard, and provide feedback appropriate to the IAP2 level identified for that project.
- 3.3 Stakeholders and key partners should be identified early in the process and during the development of the Project Charter.
- 3.4 In some instances a community group may wish to independently review and make recommendations to the local trust committee. If this is endorsed by the local trust committee, this work would be outside of the Regional Planning Team. The Regional Planning Team could become involved if the local trust committee makes it a priority of the LTC, and has a Project Charter. These projects would be considered priorities the same as any other project under this Policy.

4. Local Trust Committee Meeting and Agenda Preparation

- 4.1 LPS staff will administer planning services through established agendas and a meeting schedule that the LTC pre-determines annually.
- 4.2 Legislative clerks and planners will prepare LTC business meeting agendas. LPS staff will release LTC business meeting agendas to trustees and post them on the Islands Trust website at least one week in advance of the meeting day.
- 4.3 LPS staff will provide applicants who have agenda items with a link to the agenda and any related reports at least one week prior to the meeting day.
- 4.4 LPS staff will not add late items to agendas except with the approval of the Chair. LTC members and staff should not add or suggest new decision items for the meeting agenda after staff has released it, unless the topic has arisen since the agenda release and must be resolved before the next LTC meeting. LTC members and staff who intend to suggest new decision items of this nature should ensure that all LTC members and LPS staff have at least two days' notice of any proposed resolutions.
- 4.5 LTC chairs will keep item debates focused and avoid public debate during the business session of the LTC.
- 4.6 LPS staff and LTC Chairs will ensure that all decisions on the LTC business agenda that require LPS staff resources are relevant to the responsibilities of LTCs to regulate the development and use of land, pursuant to s. 24 of the *Islands Trust Act*, or relevant to any powers that may be delegated to an LTC under s. 10 of the *Islands Trust Act*. LTCs should not instruct LPS staff to undertake work that is unrelated to these responsibilities.
- 4.7 Staff will only undertake work as directed by the local trust committee; trustees are to avoid individual directions or requests for significant staff work.

5. Special Projects

- 5.1 LTCs may undertake special planning projects subject to the necessary budget approvals by Trust Council, and management approval of the use of LPS staff resources.
- 5.2 LTCs that have had powers delegated under s. 10 of the *Islands Trust Act* may undertake special projects related to those powers, subject to the necessary budget approvals by Trust Council, and management approval of the use of LPS staff resources, or provision of additional staff resources.

6. Review of Development Applications

- 6.1 Local Planning Team or Current Planning Team planners will evaluate and provide reports to LTCs regarding all development applications that require an LTC decision.
- 6.2 Local Planning Team planning staff will provide updates at LTC meetings regarding the status of applications and referrals that do not require an LTC decision, except for building permit and Crown land referrals.
- 6.3 LTCs are encouraged to make decisions when staff has provided all requested information and avoid unnecessary extensions to the application review period.
- 6.4 At the discretion of an LTC, application referrals to Advisory Planning Commissions (APCs) or other advisory bodies may be limited to those applications requiring an LTC decision. Commissions and advisory bodies are required to reply within given timelines.
- 6.5 LPS staff and LTC chairs will ensure that staff recommendations and LTC resolutions that require the use of LPS staff resources do not exceed LTC decision-making responsibilities as indicated in s.24 of the *Islands Trust Act*, or responsibilities related to any powers that may be delegated to an LTC under s. 10 of the *Islands Trust Act*.
- 6.6 LPS staff will not undertake a comprehensive review of a development application that is inconsistent with the relevant OCP or the Islands Trust Policy Statement. If planning staff receive a development application that is inconsistent with the relevant OCP, the application will be returned to the applicant advising that the proposed application is contrary to the policies of the OCP. If the applicant wants to proceed the application must be amended to include a request to amend the OCP.
- 6.7 Community information meetings are encouraged in conjunction with the review of development applications. These meetings may be hosted by the LTC or the applicant and are desirable before first reading of the bylaw. The purpose of these meetings is to identify the scope of a project, identify issues that need to be reviewed in the planning analysis and to allow the public to ask questions of the

applicant, trustees and staff. Community information meetings are also desirable as a separate session immediately prior to a Public Hearing when a proposed bylaw is available and has received at least first reading by the LTC. Meetings at this point allow members of the public to engage in dialogue with the applicant, or ask questions of trustees and staff about the planning report or the bylaw prior to the Public Hearing.

7. Bylaw Enforcement

- 7.1 LPS staff will carry out bylaw enforcement activities in accordance with Trust Council Policy 5.5.1.

8. Management of Local Planning Services Staff Time

- 8.1 LTCs will endeavor to schedule most regular LTC business meetings during normal week day business hours of the Islands Trust. LTCs may schedule meetings to address comprehensive OCP and LUB reviews on weekend days to ensure participation by non-resident owners. LTCs will be mindful of the impact of staff overtime on their respective LTC work programs and will schedule staff participation accordingly.

9. First Nations Engagement and Reconciliation

- 9.1 First Nations with treaty and territorial areas, rights and title within the LTC should be identified. LTCs should be mindful that engagement may need to be inclusive of Indigenous and Métis people living on the island.
- 9.2 Early and meaningful engagement in the process is encouraged to allow for collaborative review and recommendations to the local trust committee.
- 9.3 Engagement and consultation processes will attempt to be flexible to meet the needs of the unique First Nation concerns and capacity.
- 9.4 LPS staff will seek guidance and advice to ensure that wherever possible content aligns with the Truth and Reconciliation Commission Calls to Action, and the Declaration on the Rights of Indigenous Peoples Act and upholds the Islands Trust Declaration on Reconciliation.

C. Legislated References

Sections 10 and 24, *Islands Trust Act*

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

n/a

Policy:	5.9.2
Approved By:	Trust Council
Approval Date:	September 10, 2014
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

PLANNING, REGULATION AND ADVOCACY INITIATIVES:

OUTER BOUNDARY OF ISLANDS TRUST AREA

Purpose

1. To provide for a consistent approach to potential Islands Trust Council advocacy initiatives along the outer boundary of the Islands Trust Area.
2. To provide for a consistent approach to potential local trust committee initiatives for land use planning, regulation and advocacy along the outer boundary of the Islands Trust Area.
3. To manage the financial resources that the Islands Trust Council devotes to local trust committee initiatives for land use planning, regulation, and advocacy initiatives along the outer boundary of the Islands Trust Area in a manner that is fair and equitable to all local trust committees.
4. To identify those areas that the Islands Trust Council considers the priority geographical areas within each local trust area for the land use planning and regulatory functions of local trust committees.

A. Definitions

‘advocacy’ is the act of influencing and/or seeking cooperation with other agencies and decision-makers about laws, regulations, policies, programs, budgets, priorities, and other decisions relevant to the Islands Trust mandate.

‘Islands Trust Area’ has the same meaning as is given in the *Islands Trust Act*.

‘Local Trust Area’ has the same meaning as is given in the *Islands Trust Regulation*.

‘Outer boundary of the Islands Trust Area’ means the boundary of the Islands Trust Area that is adjacent to Vancouver Island and the British Columbia mainland.

‘new land use planning and regulatory initiatives of local trust committees’ means initiatives that begin after the adoption date of this policy.

B. Background

1. Boundary of the Islands Trust Area

- 1.1 Schedule A to the *Islands Trust Act* defines the boundary of the Islands Trust Area through a ‘metes and bounds’ description. Generally, it includes all of the islands and waters that lie between the BC mainland and Vancouver Island, starting at the Canada-USA boundary in the south and extending to a line that runs north of Denman, Hornby and Lasqueti Islands.

The precise metes and bounds description, and other legislative references are provided in Attachment A.

- 1.2 The metes and bounds description of the Islands Trust Area indicates that the boundary begins and ends at the high water mark on Vancouver Island, and follows the international boundary where it exists. While the description does not specify where the boundary begins and ends on the British Columbia mainland, the Islands Trust Area map attached as Schedule A to the *Islands Trust Regulation* has insets that suggest the boundary may begin and end at the high water mark.
- 1.3 The metes and bounds description of the Islands Trust Area specifically excludes land within reserves defined in the federal *Indian Act* and land within the boundaries of the municipalities of Vancouver, Nanaimo, Delta and Richmond. It does not specifically exclude other adjacent municipalities whose boundaries include part of the foreshore.

2. Boundary of Local Trust Areas

- 2.1 Boundaries of local trust areas are defined by a map included as Schedule A to the *Islands Trust Regulation* (BC Reg 119/90).
- 2.2 The definition of a local trust area in the *Islands Trust Act* refers to 'island', which the *Islands Trust Act* defines as 'all of the land that makes up an island, and includes surrounding land attached to and extending from an island, whether or not water flows over or under it.
- 2.3 Local trust areas exclude any land that is in a municipality, all or part of which is in the Islands Trust Area.
- 2.4 Within a local trust area, the *Islands Trust Act* provides a local trust committee with most of the powers and authorities of a regional district for the purposes of land use planning and regulation as are provided by the *Local Government Act*. A local trust committee does not have jurisdiction over matters that fall within federal or provincial jurisdiction, such as resource extraction, navigation or water quality.
- 2.5 Section 32 of the *Islands Trust Act* indicates that a person must not begin construction on land in a local trust area that is not covered by a zoning bylaw unless the construction is approved by the local trust committee. Section 4 of the *Islands Trust Regulation* (BC Reg 119/90) indicates that Section 32 of the *Islands Trust Act* does not apply, on a parcel of land within a local trust area, to the construction of: a dwelling unit, (unless a dwelling unit already exists on the parcel), a recreational cottage not exceeding 400 square feet in floor area, unless a recreational cottage already exists on the parcel, and to any structure accessory to a dwelling unit or recreational cottage.
- 2.6 Local trust areas with boundaries adjacent to Vancouver Island or the British Columbia Lower Mainland are: Executive Committee (Ballenas-Winchelsea), Denman, Gabriola, Gambier, North Pender, Salt Spring and Thetis.
- 2.7 Legislative references related to the boundaries of local trust area are provided in Attachment B and the Islands Trust Area map is included in Attachment C.

3. Boundaries of Regional Districts

- 3.1 The boundaries of regional districts that are situated within the Islands Trust Area are illustrated in Attachment D.

4. Elected Representation

- 4.1 Pursuant to s. 23 of the *Islands Trust Act*, a local trust committee is comprised of the two local trustees for the local trust area and a member of the Executive Committee appointed by the Islands Trust Chair.
- 4.2 Pursuant to s. 6 of the *Islands Trust Act*, two local trustees are elected to represent the electors of each local trust area.
- 4.3 Electors of a local trust area consist of residents and non-resident property owners, who are otherwise eligible as electors under the *Local Government Act*. Property owners and residents living adjacent to the high water mark on Vancouver Island and the BC mainland (or on reserves defined in the *Indian Act*) elect representatives to Regional Districts and are not eligible to vote in Islands Trust elections, unless they also own property within the Islands Trust Area.

5. Recovery of Costs for Islands Trust Operations

- 5.1 Pursuant to section 47 of the *Islands Trust Act*, the majority of the costs of the operations of the Islands Trust are recovered by the requisition of taxes from within the Islands Trust Area.
- 5.2 Pursuant to sections 14(3)(c)(ii) and 47(2)(a)(ii) of the *Islands Trust Act*, the Islands Trust Council must identify expenditures relating to the 'general' operations of all local trust committees in its annual budget and may recover such costs through the requisition of taxes from within the entire Islands Trust Area, with the exception of island municipalities.
- 5.3 Pursuant to section 14(3)(c)(iii) of the *Islands Trust Act*, the Islands Trust Council's annual budget may also identify expenditures related to 'additional' operations of one or more of the local trust committees. If the annual budget identifies expenditures related to 'additional' operations of a local trust committee, section 47(5) of the *Islands Trust Act* allows for a special requisition to be made from the relevant local trust area to recover the costs. The Islands Trust Council has adopted *Islands Trust Council Policy 6.3.2 – Special Property Tax Requisition* to guide the use of special property tax requisitions.

6. Mapping and Information Resources

- 6.1 The Islands Trust Council routinely funds the collection of planning information and map data relevant to the islands within the Islands Trust Area, but does not routinely fund the collection of such information in regards to the outer boundary of the Islands Trust Area.

C. Policy

1. Priority Areas for Local Trust Committee Land Use Planning and Regulatory Initiatives

- 1.1 The Islands Trust Council identifies the following areas as its priority areas for funding new land use planning and regulatory initiatives of local trust committees:
- 1.1.1 the land and freshwater areas on the individual islands within each local trust area
 - 1.1.2 the tidal waters that extend from individual islands, provided they are:
 - 1.1.2.1 within 300 m of the high water mark of an island within the local trust area and
 - 1.1.2.2 no further from an island within the local trust area than the mid-point between that island and the nearest point on either Vancouver Island, the British Columbia mainland or a municipal boundary, or
 - 1.1.2.3 already zoned by a local trust committee on the date of adoption of this policy.

The Islands Trust Council could consider the expenditures related to such initiatives for funding in its annual budget as 'general' operations of a local trust committee pursuant to s. 14(3)(c)(ii) of the *Islands Trust Act*.

- 1.2 For clarity, a sample zoning map that illustrates the definition provided in C.1.1 is provided in Attachment E.
- 1.3 Unless it considers that the interests of the Islands Trust Area are significantly affected, the Islands Trust Council will normally consider that new land use planning and regulatory initiatives of local trust committees outside the area identified in C.1.1. are 'additional' operations of a local trust committee. The Islands Trust Council could consider recovering the costs of expenditures related to such initiatives through a special property tax requisition within the relevant local trust area, upon request of the local trust committee and in accordance with the process described in *Islands Trust Council Policy 6.3.2 – Special Property Tax Requisition*. Where a local trust committee has requested funding for such expenditures, the Islands Trust Council will consider legal advice regarding the local trust committee's authority in the area of the proposed initiative before making a decision regarding the request.
- 1.4 Where the Islands Trust Council's annual budget provides for a local trust committee's land use planning and regulatory initiatives within the area identified in C.1.1, the local trust committee may not use the funds for initiatives outside that area.

2. Resolutions Pursuant to s. 32 of the *Islands Trust Act*

- 2.1 Should a local trust committee become aware of or receive an application pursuant to s. 32 of the *Islands Trust Act* (unzoned areas) that is not within the area identified in C.1.1, the Islands Trust Council encourages local trust committees to provide advocacy comments only through the approval processes of other agencies. Such advocacy comments should be based on the Islands Trust object, the *Islands Trust Policy Statement* and any relevant Official Community Plan.
- 2.2 Should Islands Trust planning staff receive enquiries about proposed construction pursuant to s. 32 of the *Islands Trust Act* (unzoned areas) that is not within the area identified in C.1.1, they should advise that the local trust committee may wish to comment on the proposal in accordance with the Islands Trust object, the *Islands Trust Policy Statement* and any relevant Official Community Plan.

3. Priority Areas for Local Trust Committee Bylaw Enforcement Initiatives

- 3.1 The Islands Trust Executive, acting in its capacity under *Islands Trust Council Policy 5.5.1 – Bylaw Compliance and Enforcement*, will not approve the funding of legal action related to bylaw enforcement initiatives of a local trust committee outside the area described in C.1.1.
- 3.2 A local trust committee that wishes to undertake bylaw enforcement outside the area described in C.1.1 may request support from the Islands Trust Council for funding of any related costs.
- 3.3 The Islands Trust Council should not normally support legal action related to bylaw enforcement outside the area described in C.1.1 unless the matter is considered of significance to the entire Islands Trust Area and it has considered legal advice. The Islands Trust Council may recover the costs of such enforcement through a special requisition within the relevant local trust area.

4. Local Trust Committee Responses to Referrals

- 4.1 Should a local trust committee or Islands Trust planning staff receive a referral from another agency that is relevant to an area outside that described in C.1.1, they are encouraged to provide or recommend advocacy comments, in accordance with the Islands Trust object, the *Islands Trust Policy Statement* and any relevant official community plan. Proposed uses that would conflict with existing zoning should be identified. Related staff reports should make reference to this policy.

5. Communications

- 5.1 Should the Islands Trust Council, a local trust committee or Islands Trust planning staff receive enquiries or requests for land use planning and regulatory initiatives or bylaw enforcement relevant to an area outside that described in C.1.1, reference to this policy should be included in the response.

6. Advocacy Initiatives

- 6.1 Should an Islands Trust body propose an advocacy or other initiative that is relevant to an area outside that described in C.1.1, it is encouraged to base its initiative primarily on the Islands Trust object or the *Islands Trust Policy Statement*, or advocacy policies in an official community plan as appropriate, rather than on the potential exercise of land use planning or regulatory authority.

D. Implementation

1. Chief Administrative Officer

- 1.1 The Chief Administrative Officer will ensure that reference to this policy is included in materials provided to trustees during their orientation at the beginning of each term.
- 1.2 The Chief Administrative Officer will ensure that reference to this policy is included in the materials provided to all members of the management team during their orientation at the beginning of their employment.

2. Director of Local Planning Services

- 2.1 The Director of Local Planning Services will ensure that reference to this policy is included in the materials provided to all staff in the Local Planning Services Unit during their orientation at the beginning of their employment.
- 2.2 The Director of Local Planning Services will take steps to ensure that this policy is reflected in staff reports and advice to local trust committees (e.g. by amendment to planning report templates, bylaw enforcement report templates or other items to ensure they reflect this policy).

3. Regional Planning Managers

- 3.1 Regional Planning Managers will ensure that staff reports and budget requests related to local trust committee work on the outer boundary of the Islands Trust Area make reference to this policy.

4. Director of Trust Area Services

- 4.1 The Director of Trust Area Services will ensure that reference to this policy is included in the materials provided to all staff in the Trust Area Services Unit during their orientation at the beginning of their employment.
- 4.2 The Director of Trust Area Services will take steps to ensure that this policy is considered in any communications or advocacy initiatives relevant to the outer boundary of the Islands Trust Area.

E. Legislated References

Legislation

Islands Trust Act

Islands Trust Regulation (BC Reg. 119/90)

Islands Trust Policy

Islands Trust Policy Statement

Islands Trust Council Policy 2.4.4 – Executive Committee Legislative Role

Islands Trust Council Policy 5.5.1 – Bylaw Compliance and Enforcement

Islands Trust Council Policy 5.9.1 – Best Management Practices for Delivery of Local Planning Services to Local Trust Committees

Islands Trust Council Policy 6.3.2 – Special Property Tax Requisition

Islands Trust Council Policy 6.10.3 – Advocacy Policy

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

n/a

ATTACHMENT A

ISLANDS TRUST AREA BOUNDARY

LEGISLATIVE REFERENCES

Islands Trust Act Section 1: 'trust area' means the land located within the boundaries described in Schedule A.

Islands Trust Act Schedule A:

"All the land, except land situated within a reserve as defined in the *Indian Act* (Canada), on all the islands situated in the Strait of Georgia, Howe Sound and Haro Strait lying to the South of a line commencing at the most easterly corner of Lot 140, Comox District, being a point on the high water mark on the easterly shore of Vancouver Island; thence South 70° East in a straight line to the point of intersection with the middle line of Sabine Channel; then in a general south-easterly direction along the middle line and passing to the northeast of Jervis, Paul and Jedediah Islands and continuing south-easterly along the south-easterly prolongation of the middle line of Sabine Channel to the point of intersection with a straight line drawn from the most southerly extremity of Young Point (Lasqueti Island) to the most southerly southwest corner of Lot 6274, Group 1, New Westminster District; then north-easterly along the line to the most southerly southwest corner of Lot 6274 and North of a line commencing at the northwest corner of Section 74A, Lake District, being a point on the high water mark on the easterly shore of the Saanich Peninsula; then East to the point of intersection with the easterly boundary of the Province of British Columbia, excepting from the above described area those islands lying within the boundaries of the City of Vancouver, the City of Nanaimo and the District Municipalities of Delta and Richmond."

Community Charter (Schedule – Definitions and Rules of Interpretation)

"land"

- (a) for the purposes of assessment and taxation, means land as defined in the Assessment Act, and
- (b) for other purposes, includes the surface of water, but does not include
 - (i) improvements,
 - (ii) mines or minerals belonging to the Crown, or
 - (iii) mines or minerals for which title in fee simple has been registered in the land title office;

Local Government Act

5.1 Unless a term is otherwise defined in this Act or a contrary intention appears in this Act, the definitions in the ***Community Charter*** apply to this Act.

Interpretation Act

40 (1) So far as the terms defined can be applied, the definitions established by or applicable under

(a) the schedule to the *Community Charter*, and

(b) section 5 of the *Local Government Act*

extend to all enactments relating to municipal and regional district matters.

ATTACHMENT B
LOCAL TRUST AREA BOUNDARIES
LEGISLATIVE REFERENCES

Islands Trust Act Section 1:

‘island’ means all of the land that makes up an island, and includes surrounding land attached to and extending from an island, whether or not water flows over or under it;

‘local trust area’ means

‘(a) an island designated in Schedule B, or

(b) an island or group of islands in the trust area that is designated as a local trust area by regulation,

and includes those islands, if any, within boundaries surrounding an island or group of islands referred to in paragraphs (a) and (b) that may be specified by regulation, but does not include land in a municipality, all or part of which is in the trust area.’

Islands Trust Act Schedule B:

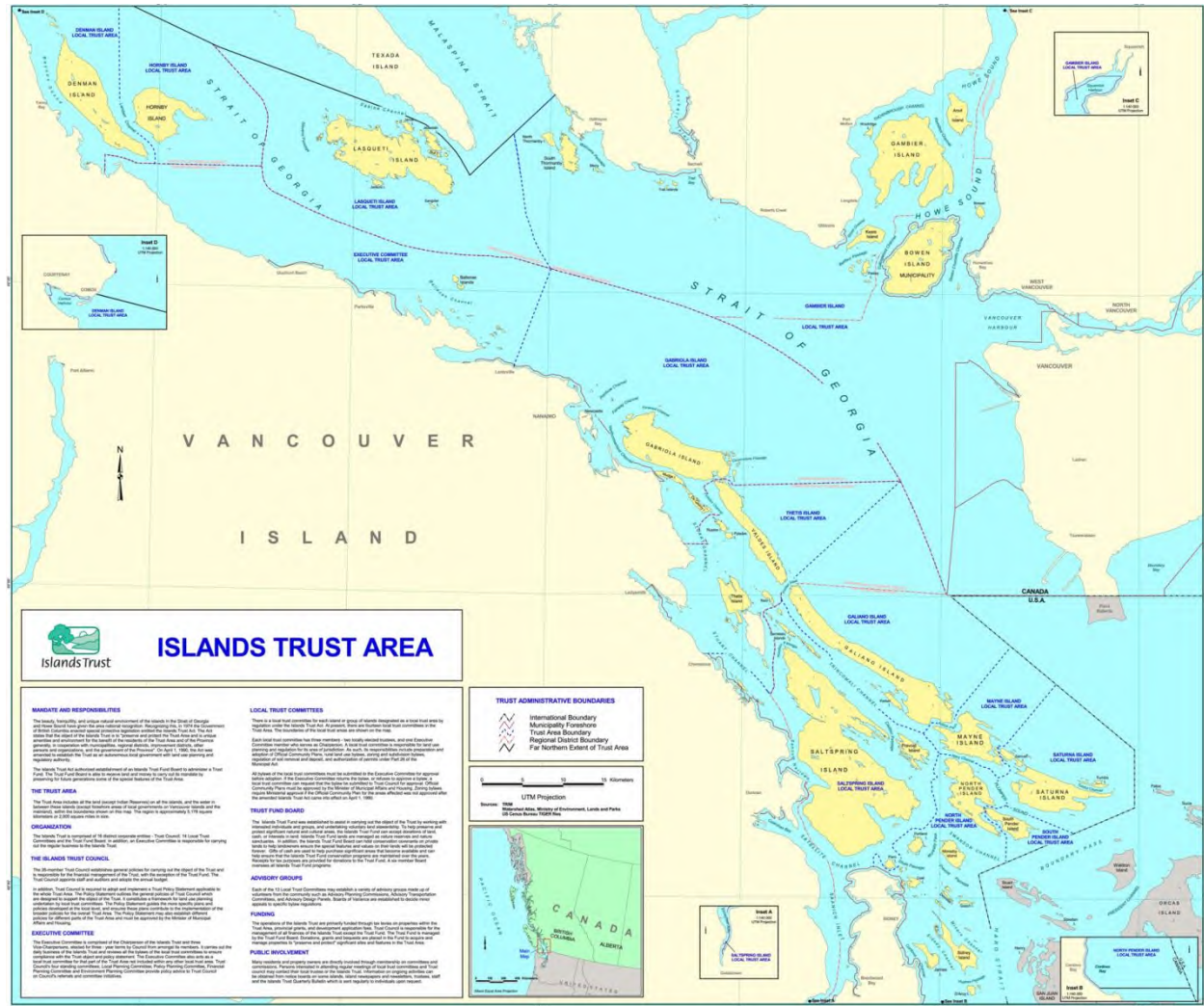
Names the following islands in reference to Section 1(a) of the *Islands Trust Act*: Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, North Pender, Saltspring, Saturna, South Pender and Thetis

Islands Trust Regulation (BC Reg 119/90) Section 3:

For the purposes of the Act, the boundaries of each local trust area are show on the map in Schedule A to the *Islands Trust Regulation*.

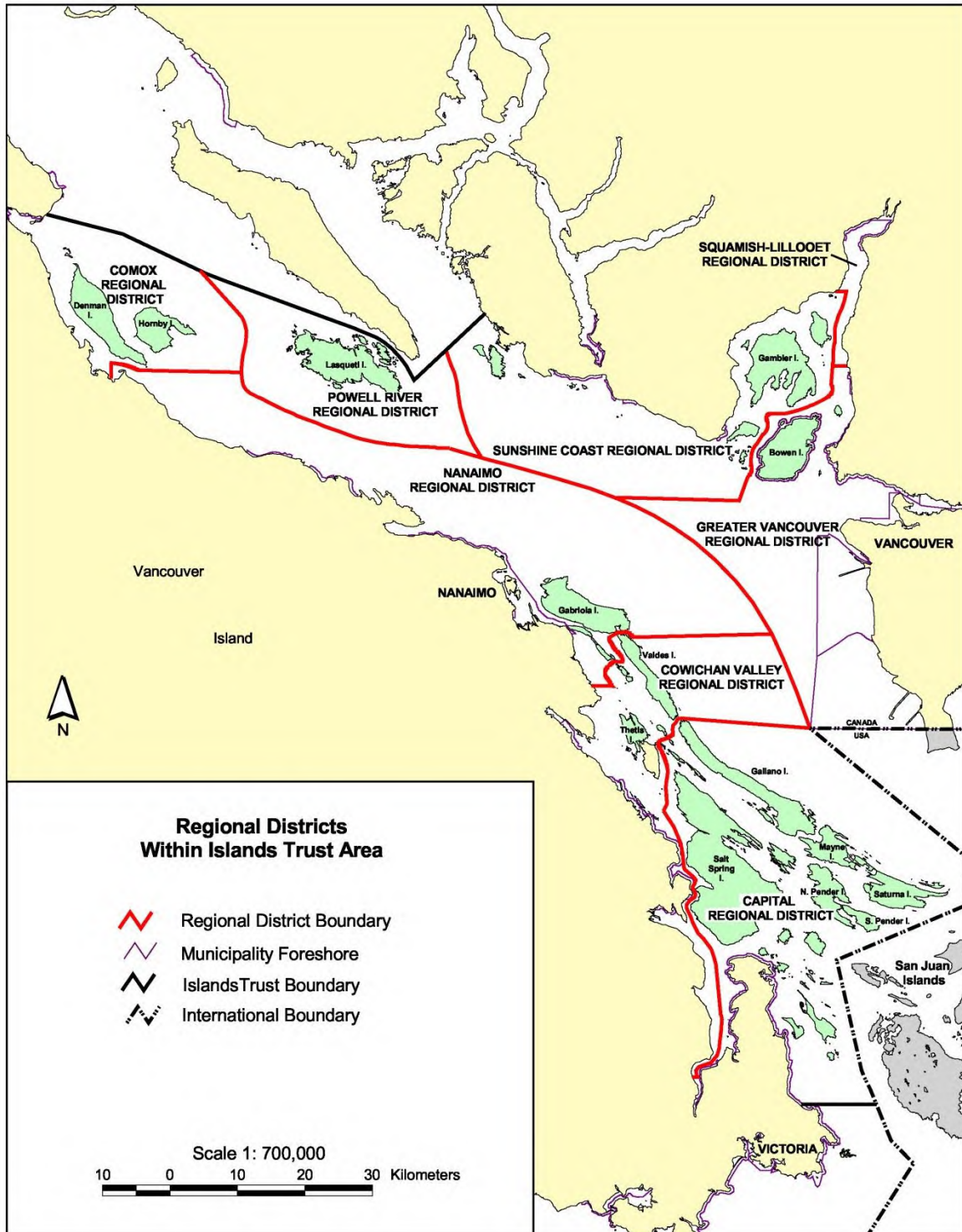
ATTACHMENT C

ISLANDS TRUST AREA



ATTACHMENT D

REGIONAL DISTRICTS WITHIN THE ISLANDS TRUST AREA



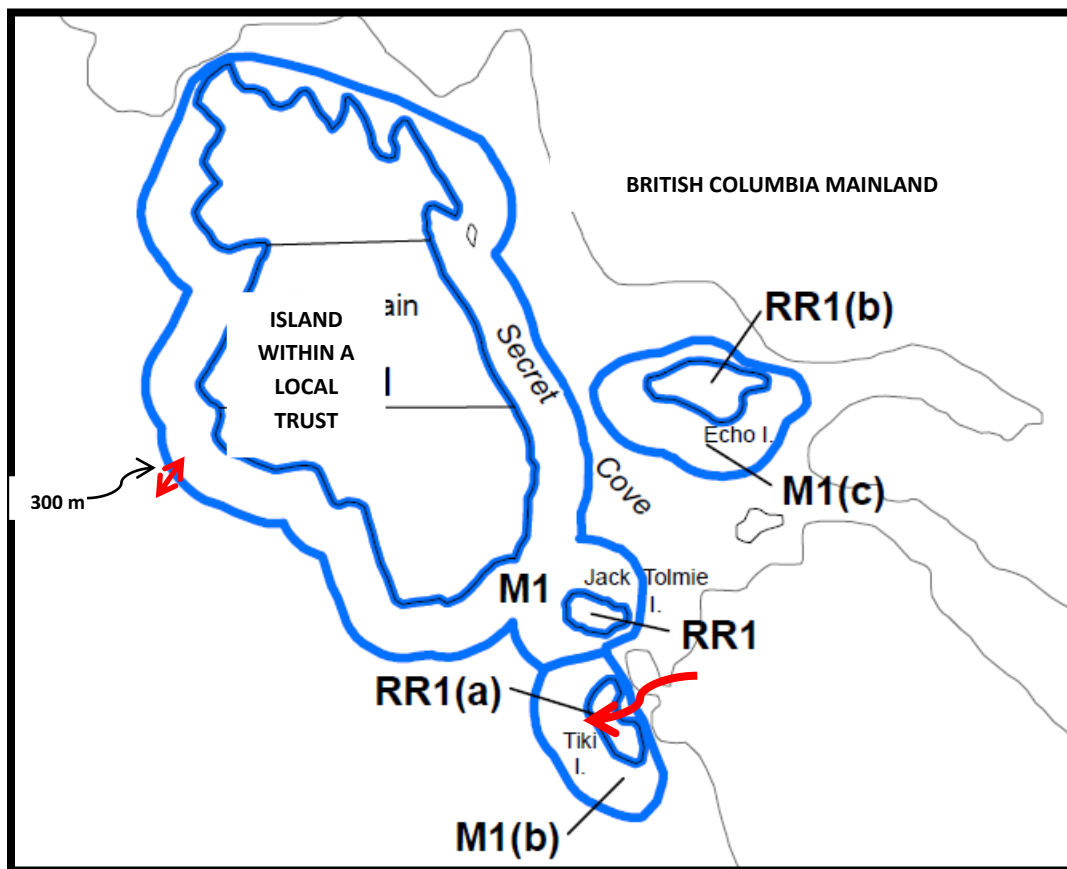
ATTACHMENT E

SAMPLE MAP ILLUSTRATING THE ISLANDS TRUST COUNCIL'S

PRIORITY AREAS FOR FUNDING LOCAL TRUST COMMITTEE

LAND USE PLANNING AND REGULATORY INITIATIVES

(SAMPLE PRIORITY AREAS REFERRED TO IN SECTION C.1.1 ARE INSIDE BLUE LINES)





Policy:	6.1.1
Approved By:	Trust Council
Approval Date:	December 7, 2016
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

FIRST NATIONS ENGAGEMENT PRINCIPLES

PURPOSE

1. To provide a framework for engaging and building relationships between Islands Trust and First Nations.
2. To find opportunities for collaboration and mutual support through its many organizational activities.
3. To initiate and maintain respectful relationships with First Nations communities.

A. BACKGROUND

In the Islands Trust Area, there is a high level of uncertainty regarding current and future First Nations ownership and management of the land base. As of November 2016, many things are in a state of flux because of evolving provincial, national and international recognition of Aboriginal Title.

1. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is an international instrument adopted by the United Nations on September 13, 2007. It describes a minimum standard of rights for the “survival, dignity and well-being of the indigenous peoples of the world.” Additionally, Article 26 states that “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired,” and it directs governments to recognize these territories. UNDRIP was endorsed by Canada in 2010 and officially adopted in May 2016.
2. In 2015, the Truth and Reconciliation Commission issued ‘Calls to Action’ to redress the legacy of residential schools and to advance the process of Canadian reconciliation. Several of these calls to action speak to the recognition of aboriginal rights over land. In particular, action 47 calls on all levels of government, including local governments, to “repudiate concepts used to justify European sovereignty over Indigenous peoples and lands... and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.” (Truth and Reconciliation Commission of Canada, 2015).
3. In 2014, the Supreme Court of Canada handed down a decision in the case of the *Tsilhqot’in Nation vs. British Columbia*. In that decision, the court concluded that the Tsilhqot’in Nation has Aboriginal title to over 1,750 square kilometers of their traditional lands, previously deemed Crown land. *Tsilhqot’in* also confirmed that where Aboriginal title has not been established, the Crown has a duty to consult with and accommodate First Nations with stated land claims.
4. The Islands Trust works with separate nations with different customs, history, culture and expectations of engagement.

B. DEFINITIONS

For the purpose of this policy:

“First Nations” refer to entities recognized by the Department of Aboriginal Affairs and Northern Development of Canada who have included the Trust Area, or a part of the Trust Area in the asserted traditional territory.

“Islands Trust” refers to all Islands Trust bodies, except island municipalities.

C. FIRST NATIONS ENGAGEMENT PRINCIPLES

1. Islands Trust is committed to becoming aware of what it does not know or understand about First Nations.
2. Islands Trust is committed to proving sincere desire for reconciliation.
3. Islands Trust is committed to integrating, where possible, activities that support First Nations reconnecting with the Trust Area lands and waters.

D. POLICY

1. The First Nations Engagement Principles in Section C:
 - 1.1 underpin every activity of Islands Trust in order to have an enduring relationship with First Nations based on trust, honour and goodwill; and
 - 1.2 are sequential and they speak of a way forward to acknowledge how profoundly First Nations have been ignored and disrespected, but these principles also point to a path forward that is genuine and sincere.
2. In committing to Principle C.1, Islands Trust should and island municipalities are encouraged to:
 - 2.1 commit to “listening and learning” about the history of First Nations’ connection to the land and waters;
 - 2.2 commit to “listening and learning” about First Nations’ perspective on treaties, rights and title; and
 - 2.3 commit to acknowledging that history, to ensure First Nations and ourselves that the history has been heard and understood correctly.
3. In committing to Principle C.2, Islands Trust should and island municipalities are encouraged to:
 - 3.1 commit to acknowledging the historical biases in the organization, which come from Canadian culture and assumptions, and have often resulted in non-Native citizens ignoring and minimizing their relationship with First Nations; and
 - 3.2 commit to undertaking actions that reflect an effort to change societal attitudes and systems.
4. In committing to Principle C.3, Islands Trust should and island municipalities are encouraged to:
 - 4.1 commit to supporting, where possible, traditional gathering and harvesting activities;
 - 4.2 commit to supporting, where possible, the integration of Traditional Knowledge into stewardship practices and policies; and
 - 4.3 commit to supporting the development of a Reconciliation Action Plan.

E. REFERENCES

1. *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, United Nations, Sept.13, 2007.
2. *Truth and Reconciliation Commission: Calls to Action*, Truth and Reconciliation Commission of Canada, 2015.
3. *Tsilhqot'in Nation vs. British Columbia*, Supreme Court of Canada, 2014.

F. ATTACHMENTS/LINKS TO SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES AND PROCEDURES

n/a



Policy:	6.2.1
Approved By:	Trust Council
Approval Date:	June 6, 1992
Amendment Date(s):	June 10, 2004; Sept. 21, 2022
Policy Holder:	Chief Administrative Officer

PRIORITY SETTING/REVIEW GUIDELINES

Purpose

1. To outline priority setting and review, within the Islands Trust's strategic planning function.
2. To focus political and administrative attention, in a results-oriented fashion, to the realistic pursuit and achievement of the Trust's policies and organizational strategic plans, long term goals, objectives and current issues/opportunities.
3. To provide a basis for budgeting, resource allocation and work programming decisions by the Trust's political bodies and management.
4. To monitor, adjust and evaluate the Trust's progress toward and achievement of performance targets.

A. Definitions

Action Plan - an outline of activities, considerations and resource requirements to implement a specific strategy.

Organizational Units - the following specific bodies of the Islands Trust which have some form of direction-setting authority including political units: Trust Council, Local Trust Committees (13), Council Committees (3), and Executive Committee; and the Management Unit: Directors and the Chief Administrative Officer.

Priorities - matters which have been assessed as being of key importance for response.

Priorities/Strategies Report - the summary document of the Islands Trust's structural units' endorsed strategies to respond to key priority areas in pursuit of the Trust's identified policy statements, policies, goals, objectives and current issues/opportunities.

Strategy - a preferred course of action among alternative responses to respond to and/or implement a priority.

Work Programs - the working document of specific organizational units of the Trust outlining their key priorities and listing of future topics to be considered.

B. Policy

1. Priorities/Strategies Report

- 1.1 The priorities/strategies report summarizes the top priorities of the Islands Trust's various structural units work programs:
 - 1.1.1 the Executive Committee;
 - 1.1.2 each of Trust Council's committees;
 - 1.1.3 the Islands Trust's 13 local trust committees as follows:
 - a. up to one active minor project at a time per Local Trust Committee other than Salt Spring Island;
 - b. Salt Spring Island is allotted three active projects; and
 - c. a list of major and extraordinary projects will be identified through the Trust Council budget process. This list would generally reflect rotational OCP amendment projects for LTCs so that the Islands Trust can begin to update all of its long range planning documents.
 - 1.1.4 the Islands Trust Conservancy Board.
- 1.2 The top priorities of an organizational unit must be those of the Trust Council's top priorities that fall within their terms of reference.
- 1.3 At each quarterly Trust Council meeting, the Trust Council will review and update the report based on recommendations from the above organizational units via the Executive Committee in consideration of management's advice.
- 1.4 The Chief Administrative Officer is responsible for coordinating the priority setting/review process.
- 1.5 The Executive Committee is responsible for monitoring and reviewing the priority setting/review process.

2. Work Programs

- 2.1 Each of the Trust's organizational units is required to develop and maintain a work program to reflect:
 - 2.1.1 those items which it has identified;
 - 2.1.2 items referred to it by Trust Council;
 - 2.1.3 those of Trust Council's top priorities that fall within its terms of reference.
- 2.2 Work program priorities of each organizational unit including activities, responsibilities, targets and status must be reported to Council on a quarterly basis.

- 2.3 Work program processes are coordinated by designated staff in consultation with the appropriate chair.
- 2.4 Concerns regarding local planning team work programs are to be addressed first by the regional planning manager, the Director of Local Planning Services and then by the Regional Planning Committee, if required.
- 2.5 Concerns regarding all other work programs are to be addressed by the Chief Administrative Officer and then the Executive Committee, if required.

3. Action Plans

- 3.1 Action plans for the implementation of specific strategies may be prepared and/or requested, as necessary, to enhance decision-making.

4. The Process

- 4.1 On a quarterly basis, all organizational units are required to submit to the Chief Administrative Officer their current work programs with their top priorities provided on page 1 of this document.
- 4.2 The Chief Administrative Officer will consolidate the top priorities of each organizational unit into the Priorities/Strategies Report for review by the Executive Committee.
- 4.3 The Executive Committee will present a Priorities/Strategies Report; a consolidation of each operational unit's priorities with a recommendation at each quarterly Trust Council meeting.
- 4.4 At the September quarterly Trust Council meeting, Council will conduct a major review of the Priorities/Strategies Report, in particular its top priorities, as the basis for the annual budget process.
- 4.5 Any organizational unit may, at any time, make a recommendation to Trust Council at its quarterly meeting, via the Executive Committee, for reconsideration and/or change to Trust Council's top three priorities.

C. Legislated References

Islands Trust Policy 6.7.1 *Work Program, Follow-up Action Lists and Priorities Chart*

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

n/a



Policy:	6.3.1
Approved By:	Trust Council
Approval Date:	June 15, 2001
Amendment Date(s):	September 14, 2001; December 9, 2005; June 19, 2014
Policy Holder:	Director of Administrative Services

BUDGET PROCESS

Purpose

The budgeting process is the major decision-making process for Islands Trust activities. Once the process is completed, the budget plan is the legal framework for revenue collection and spending. The purpose of this policy is to provide a framework for the planning, preparation, presentation and approval of the annual budget bylaw and financial plan to ensure overall effectiveness and clarity for Trust Council's budget discussions and decision making.

A. Definitions

n/a

B. Policy

1. The Budget Process

- 1.1 The treasurer, on behalf of Trust Council, is responsible for designing and implementing the annual budget process;
- 1.2 The process for developing the annual budget will be approved by Trust Council each year; and
- 1.3 The budget process will include the following components:
 - 1.3.1 Timeframe for developing the budget;
 - 1.3.2 Strategy for consultation with all stakeholders;
 - 1.3.3 Opportunities for identifying program priorities.

2. Planning the Budget

- 2.1 Stakeholders in the budget process are set out in Appendix A and include local trust committees, island municipalities, Islands Trust Conservancy Board, staff and the public.
- 2.2 A budget process timetable (similar to sample attached in Appendix B) is presented for approval to Trust Council in September of each year.
- 2.3 Budget Principles and Assumptions are approved by Trust Council in December of each year.

3. Preparation of the Budget

- 3.1 Immediately after a new fiscal year begins, the director of Administrative Services begins making plans for the budget that will be considered by Trust Council for the subsequent fiscal year.
- 3.2 Each line of the Detailed Budget is reviewed on a needs-basis by the responsible budget manager, giving consideration to previous years' spending and future work programs and services (including Trust Council's Strategic Plan initiatives).
- 3.3 Local trust committees are asked to provide their project needs and review their local trust committee expense budgets, passing any resolutions required to adopt/modify their budget proposals.
- 3.4 Directors review their respective committee work programs to ensure work plan activities are appropriately funded.
- 3.5 The Islands Trust Conservancy Board will be consulted directly, at the beginning of, and throughout, the budget process with respect to Board requirements, programs and administrative services. Appointed trustees of the Islands Trust Conservancy Board shall be given the opportunity to attend Financial Planning Committee and Trust Council meetings with observer status.
- 3.6 As provided for in Islands Trust Council Policy *7.2.6 Municipal Tax Requisition Calculation*, island municipalities will be consulted directly at the beginning of, and throughout, the budget process.
- 3.7 The Director of Administrative Services reviews the detailed spending, and projects costs on behalf of the organization with respect to completeness and accuracy, and compiles the Detailed Budget for the year. The overall Detailed Budget is reviewed by Islands Trust management team, prior to being submitted to the Financial Planning Committee for review and consideration.
- 3.8 The budget will build towards, and/or maintain, the General Revenue Fund Surplus to the level that is recommended in Islands Trust Council Policy *6.5.1 Reserves and Surplus*.
- 3.9 Local trust committees will be consulted throughout the budget process to ensure they understand and are following the process for any special property tax requisitions as set out in Islands Trust Council Policy *6.3.2 Special Property Tax Requisitions*.
- 3.10 A process for public input into the annual budget will be provided each year, as determined by the Financial Planning Committee.

4. Responsibilities

- 4.1 The treasurer is responsible for:
 - 4.1.1 designing, implementing and leading the annual budget process; and

- 4.1.2 ensuring effective linkages to the process for internal and external stakeholders.
- 4.2 Managers and directors are responsible for:
 - 4.2.1 coordinating the budget requirements for their departments; and
 - 4.2.2 submitting budget submissions when requested.
- 4.3 The Financial Planning Committee is responsible for:
 - 4.3.1 providing direction to management in developing a long-range financial plan;
 - 4.3.2 recommending the appropriate amount to be held in the General Revenue Surplus Fund;
 - 4.3.3 interpretation of Council's priorities and strategies;
 - 4.3.4 reviewing all budget proposals;
 - 4.3.5 developing and recommending the budget to Trust Council and providing guidance into the decision-making process; and
 - 4.3.6 designing the process for public input.
- 4.4 Trust Council is responsible for:
 - 4.4.1 identifying budget priorities;
 - 4.4.2 developing a strategic plan for the organization;
 - 4.4.3 directing the treasurer to prepare a budget bylaw; and
 - 4.4.4 approving the annual budget bylaw.
- 4.5 The Islands Trust Conservancy Board is responsible for:
 - 4.5.1 endorsing all budget requests for the Islands Trust Conservancy Board and Program operations.

C. Legislated References

Islands Trust Act

Islands Trust Policy 6.3.2 Special Property Tax Requisition

Islands Trust Policy 6.5.1 Reserves and Surplus

Islands Trust Policy 7.2.6 Municipal Tax Requisition Calculation

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

Appendix A: Stakeholders and Appendix B: Budget Timelines

APPENDIX A: Stakeholders

The following stakeholders provide input into the budget:

Financial Planning Committee	Develop and recommend the annual budget to Trust Council. Review all budget proposals. Recommend the appropriate amount to be held in General Revenue Surplus Fund. Review and approve financial reporting to Trust Council. Present the budget to Trust Council and provide guidance into the decision-making process.
Local Trust Committees	Discuss budget requests and work programs with planning staff. Provide budget requests to Director of Local Planning Services for review and allocation of resources. Be aware of the provisions of Policy 6.3.2 Special Property Tax Requisitions, which permits or in some cases, requires an individual local trust committee to request a special property tax requisition for additional operations that are not included within the general operations of all local trust committees.
Bowen Island Municipality	Review and confirm proposed municipal tax requisition calculation.
Islands Trust Conservancy Board	Discuss budget requests and work programs with Trust Area Services staff. Endorse all budget requests for the Islands Trust Conservancy Board and Program operations.
The Public	Review budget documents and be provided an opportunity to comment prior to Trust Council adoption.
Management	Coordinate the review of budget requirements for each department, in order to meet current Trust Council objectives and service levels. Look for opportunities to incorporate efficiencies and savings in the organization.

APPENDIX B: Budget Timelines

August FPC Meeting	Financial Planning Committee reviews draft budget assumptions and principles.
October FPC Meeting	Financial Planning Committee reviews and discusses the first draft of the budget.
November FPC Meeting	Financial Planning Committee approves the draft budget, and the draft budget assumptions and principles to be submitted to December Trust Council.
December Trust Council meeting	Trust Council endorses the draft budget for the purposes of seeking public input and supports the draft budget assumptions and principles recommended by Financial Planning Committee.
January	Consult with Bowen Island Municipality regarding the municipal tax requisition calculation. Financial Planning Committee reviews public consultation materials at their January meeting. In order to meet the Trust Council's continued commitment to transparency and dialogue with the community, the Financial Planning Committee seeks public input on the draft budget.
February FPC Meeting	Financial Planning Committee reviews the draft budget and public input regarding the budget. Financial Planning Committee makes recommendations for March Trust Council on property tax requisition, Bowen Island Municipality tax levy and any local trust committee special tax requisitions.
March Trust Council Meeting	At its March regular business meeting, Trust Council approves the final budget and financial plan. Formal resolutions to direct the preparation of the financial plan and revenue anticipation borrowing bylaws will be made. Financial plan and revenue anticipation bylaws forwarded to Ministry of Affairs for approval.



Policy:	6.3.2
Approved By:	Trust Council
Approval Date:	December 10, 2004
Amendment Date(s):	June 16, 2005; September 11, 2013; September 24, 2024
Policy Holder:	Director, Administrative Services

SPECIAL PROPERTY TAX REQUISITIONS

Purpose

To permit an individual local trust committee (LTC) to request a special property tax requisition for additional operations that are not included within the general operations of all LTCs, or that require an enhanced level of service or funding beyond the capacity of the base budget. Special property tax requisitions are approved by the Islands Trust Council.

A. Definitions

Special property tax requisition – a property tax requisition levied to taxable properties within a specified local trust area.

Financial Plan Bylaw – The bylaw that approves the financial plan (i.e. the budget) for any given fiscal year.

B. Policy

1. General

- 1.1 The *Islands Trust Act* (s. 47) provides the Islands Trust Council with the necessary authority to implement a special property tax requisition in respect of a local trust area;
- 1.2 A proposed special requisition related to a local trust area must be incorporated into the annual Islands Trust Financial Plan Bylaw and approved by the Islands Trust Council and the Minister;
- 1.3 The *Islands Trust Act* (s. 10) enables the Islands Trust Council to delegate by bylaw additional powers to a LTC subject to any restrictions or conditions specified in the bylaw.

2. Budget Submission

- 2.1 “Additional operations” of a LTC are those programs or services that are deemed by the Islands Trust Council to be:
 - 2.1.1 programs or services not offered in all local trust areas;
 - 2.1.2 enhanced service levels that reflect unique demands or additional powers that Trust Council has delegated to a LTC by bylaw; and

- 2.1.3 beyond the capacity of the base budget.
- 2.2 LTCs wishing to propose and undertake a LTC program or service valued at \$5,000 or higher must develop a business case to support the budget request to be presented for preliminary consideration by Trust Council in December of each year. Trust Council will determine if the proposed project constitutes an additional program or service requiring special requisition for funding under this policy.
- 2.3 The proposed program or service must be within the LTC's jurisdiction pursuant to the *Islands Trust Act* or be within powers delegated to it by Trust Council. Legal advice on that matter may be obtained and handled in accordance with Trust Council policies 2.1.6 *Legal Advice* and 6.9.2 *Legal Services Access*.

3. Evaluation Criteria

- 3.1 The Islands Trust Council will evaluate and consider including a local trust committee's local initiative program or service in the preliminary Islands Trust's general budget based on the following criteria:
 - 3.1.1 the program is considered to be a base service of the local trust committee;
 - 3.1.2 the program is a scheduled official community plan review or land use bylaw update; and
 - 3.1.3 the program has Trust-wide implications and benefits.
- 3.2 If none of the above criteria apply or if Trust Council does not approve a LTC budget funding request, then the LTC can propose a special requisition for its local trust area as a means of funding the proposed program or service.
- 3.3 Despite section 3.1 and 3.2 of this policy, where a delegation bylaw adopted by Trust Council pursuant to section 10 of the *Islands Trust Act* specifies that all or part of a LTC's operations related to delegated powers are to be funded by a special tax requisition within a local trust area, related requests from a LTC that are included in the preliminary Islands Trust budget must be in accordance with the requirements of the delegation bylaw.
- 3.4 A special property tax requisition will not be considered by Trust Council for an amount totaling less than \$5,000 per local trust area.
- 3.5 The process for development and approval of special property tax requisitions is subject to the provisions of Trust Council Policy 6.3.1 – *Budget Process*.

4. Public Consultation

- 4.1 The LTC must solicit feedback from the public in the local trust area, minimally through a mechanism of advertising and otherwise advising the public of the purpose and the cost of the proposed special requisition.

- 4.2 Section 4.1 conditions may be met via Trust Council's solicitation for general budget feedback so long as the public in the relevant local trust area can clearly distinguish the purpose and cost of the proposed special requisition, and their feedback can be separated from the general budget feedback for separate consideration by Trust Council.
- 4.3 Programs or services funded through special requisition that extend into multiple fiscal years must solicit feedback in accordance with section 4.1 in each fiscal year where the special requisition is proposed.
- 4.4 The feedback received, if any, must be considered by the Islands Trust Council prior to the final adoption of any bylaw that incorporates the special property tax requisition.
- 4.5 Trust Council will not approve special requisition funding for programs or services that have not undergone public consultation.

5. Approval

- 5.1 The proposed special property tax requisition must be formally requested by resolution of the LTC before being considered by the Islands Trust Council.
- 5.2 The proposed special requisition will be presented for approval to Trust Council in March of each year.
- 5.3 When presented to Trust Council, the special requisition program or service must be accompanied by a completed Special Property Tax Requisition Checklist outlined in section 7.
- 5.4 The special requisition(s) will be included in the Islands Trust Financial Plan Bylaw and forwarded by the Islands Trust Council to the minister responsible for the *Islands Trust Act* for approval. If the minister approves, the minister and Islands Trust staff will subsequently forward the requisition(s) to the Minister of Finance for collection within the relevant jurisdictions.
- 5.5 The Minister of Finance adds a collection fee to the requisition in calculating the amount of the levy to be assessed to property owners.

6. Funds Allocation

- 6.1 Once approved by Islands Trust Council within the annual Financial Plan Bylaw, the LTC is authorized to undertake the approved initiative at its discretion.
- 6.2 The LTC must not authorize the expenditure of funds generated through a special property tax requisition for any purpose other than that for which the requisition was approved.

- 6.3 Any funds generated through the special requisition which are unspent at the conclusion of the fiscal year will be held in reserve for the LTC's use in the subsequent fiscal year:
- 6.3.1 for any purpose for which the requisition was approved;
 - 6.3.2 to reduce the amount of the special requisition for the program or service in the next fiscal year;
 - 6.3.3 to complete the previously approved program or service; or
 - 6.3.4 in the event the previously approved program or service is complete, to undertake a new program within the local trust area at the request of the LTC.
- 6.4 Any special requisition funds held in reserve under section 6.3 that the LTC wishes to spend in the fiscal year must be included in the approved financial plan bylaw and approved by Trust Council as a transfer from the reserve fund prior to any expenditures being incurred. If a transfer from this reserve fund was not included in the financial plan bylaw, a budget amendment may be required under Policy 6.5.2 Budget Control and Adjustment Authority.
- 6.5 Unspent special requisition funds cannot be used to offset a general property tax requisition.

7. Special Property Tax Requisition Checklist

Annual Budget Submission

Description of Task	Deadline	Date Completed
Recommended:		
LTCs request staff to develop additional budget funding proposals. Planning staff communicate to finance staff base funding assumptions for FPC and TC information / awareness.	July - September	
Required:		
Planning Services staff develop 'additional operations' budget funding proposal for LTC's approval and submit them to Financial Planning Committee (FPC) for review prior to December Trust Council meeting.	October or November FPC meeting	
Director of Planning Services presents 'additional operations' budget funding proposals to Financial Planning Committee, with input from LTCs, indicating whether any of the proposed 'additional operations' are related to delegated powers.	October or November FPC Meeting & December Trust Council meeting	

Financial Planning Committee makes recommendations to Trust Council regarding budget funding proposals made by LTCs, identifying: - Any that must be funded through a special property tax requisition pursuant to a Trust Council delegation bylaw (e.g. Bylaw 154). - Any other LTC proposals that it recommends be funded through a special property tax requisition, rather than through inclusion in the general Islands Trust budget. Director of Planning Services provides additional information to Trust Council about LTC proposals, as needed.	November FPC Meeting & December Trust Council meeting	
If Trust Council does not approve the LTC 'additional operations' budget funding proposal for inclusion in the general Islands Trust budget at their December meeting, or if the LTC additional operations are related to delegated powers that must be funded through a special property tax requisition, each of the following is required to receive approval of a special property tax requisition:		
If not previously done, LTC passes resolution to pursue special property tax requisition to fund the proposed program:	Mid- December – early- January	
- Copy of resolution attached		
LTC requests staff to conduct the required public consultation on the program proposed under the special tax requisition (see Section 4 of Policy 6.3.2):	Before consultation begins in late January to mid-February	
- Copy of advertisement attached		
- If a public meeting is held regarding the proposed program or service, minutes of the meeting and related discussion attached		
- Written summary of public feedback attached		
Staff prepare Request for Decision (RFD) proposed by LTC for the March Trust Council meeting, requesting a bylaw to authorize a special property tax requisition. The RFD will include an assessment of organizational and other implications, and a completed copy of this checklist along with any attached documentation noted throughout the checklist.	February FPC meeting (mid-February)	

C. Legislated References

Islands Trust Act, S.10, S.14(3)(c)(iii), and S.47(5)

Community Charter, Part 6, Division 4, S.189 (1) and (2)

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

Islands Trust Council Delegation Bylaw 154, 2013

Islands Trust Council Policy 2.1.6 – *Legal Advice*

Islands Trust Council Policy 6.5.1 – *Reserves and Surplus*

Islands Trust Council Policy 6.5.2 – *Budget Control and Adjustment Authority*

Islands Trust Council Policy 6.9.2 – *Legal Services Access*

Islands Trust Council Policy 7.2.6 – *Municipal Tax Requisition Calculation*



Policy:	6.5.1
Approved By:	Trust Council
Approval Date:	December 5, 1992
Amendment Date(s):	September 14, 2001; December 5, 2003; September 17, 2004; December 9, 2005; December 12, 2008; September 11, 2013; June 21, 2017
Policy Holder:	Director of Administrative Services

RESERVES AND SURPLUS

Purpose

To establish the framework for the use of reserves and managing annual year-end operating surpluses.

A. Definitions

General Revenue Surplus Fund – The accumulated excess of revenue over expenditures from the operations of the Trust, excluding transfers to Specific Reserve Funds.

Reserve – Funds set aside for a specified purpose.

Specific Reserve Fund – A fund established for a specific purpose.

Surplus – Unappropriated funds in a Reserve Fund.

B. Policy

1. All Reserve Funds must be established, maintained and used for a specified purpose.
2. Islands Trust will strive to develop appropriate reserves to meet future obligations and operating needs. Reserves may be established to (1) ensure predictable and stable taxation; (2) provide for operating emergencies; (3) finance new capital assets; and (4) safeguard and maximize existing assets.
3. General Revenue Surplus Fund
 - 3.1 The General Revenue Surplus Fund is created through a transfer of excess revenue over expenditures from the operations of the Trust. In addition, the annual budget may include a line item “Contribution to Surplus” to deliberately increase the amount in the General Revenue Surplus Fund.
 - 3.2 The General Revenue Surplus Fund may be used to fund significant and/or unanticipated general expenditures, for major emergent operating issues and for one-time and intermittent projects that would create a potential deficit situation at year-end. Trust Council must approve the amount of surplus to be used.
 - 3.3 The recommended minimum amount of money to be contained within the General Revenue Surplus Fund is three months of expenses net of three months of revenue, excluding revenue from property taxes or the provincial grant.
 - 3.4 Contributions to or withdrawals from the General Revenue Surplus Fund are approved through the annual Financial Plan Bylaw.

4. Specific Reserve Funds

- 4.1 In addition to the General Revenue Surplus Fund, Trust Council may approve the establishment of specific reserve funds, as recommended by the Chief Administrative Officer and approved by the Financial Planning Committee.
- 4.2 Specific Reserve Funds are established for a specific purpose and are created through a transfer from the General Revenue Surplus Fund.
- 4.3 These funds will be reviewed by the Financial Planning Committee on an annual basis during the budget process.

5. Special Property Tax Requisitions

- 5.1 Any funds generated through a special tax requisition within a local trust area which are unspent at the conclusion of the fiscal year will be held in reserve for the use of the relevant local trust committee in the subsequent fiscal year, as indicated in section 6.3 and 6.4 of Islands Trust Council Policy 6.3.2.

6. Reporting

- 6.1 The balance in each of the funds identified in Sections 3., 4., and 5. will be reported to the Financial Planning Committee along with quarterly financial reports.

C. Legislated References

Islands Trust Act Regulations, s.13

Policy and Procedures Manual:

Replaces Policy 6.5.1 (General Reserve), 6.5.2 (Capital Reserve), and 6.5.3 (Legal Reserve)

Policy 6.3.2 Special Property Tax Requisition

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

n/a



Policy:	6.5.2
Approved By:	Trust Council
Approval Date:	March 10, 1993
Amendment Date(s):	June 10, 2004; March 13, 2008; September 16, 2010; September 11, 2013
Policy Holder:	Director of Administrative Services

BUDGET CONTROL AND ADJUSTMENT AUTHORITY

Purpose

This policy provides the authority by which periodic adjustments can be made to the approved annual operating budget and the timing when Trust Council and the minister have to be notified of either changes to the budget or anticipated operating deficits.

A. Definitions

General Ledger Account - General Ledger (GL) accounts summarize the budgeted expenses for a certain activity for the entire organization. For example, GL Account 69000 (Office – rent & services) summarizes the office rent/services budget for all office locations within Islands Trust.

Location Code – Location codes are used in the general ledger, in combination with the General Ledger Account to specify the finest level of detail in the budget. Location codes are used for physical locations and/or organizational units (see Appendix A).

Operational Unit - Operational units are the four broad categories in the organization (Trust Council, Islands Trust Conservancy Board, Local Planning Services and Administrative Services) that perform specific activities for the Islands Trust. This organizational arrangement also supports the development and presentation of the budget as required in the *Islands Trust Act*, s.14.3 (c). In the general ledger, the Operational Units are defined by groupings of location codes, as illustrated in Appendix A.

Political Entity - The *Islands Trust Act* grants corporate status to Islands Trust Council, Local Trust Committees and the Islands Trust Conservancy Board.

Provided for in the Annual Budget - The *Islands Trust Act* uses the phrase “provided for in the annual budget” when defining a lawful expense. For the purposes of this policy an expenditure is provided for in the annual budget if the detailed budget documents approved by Trust Council have:

- Identified a type of expenditure by general ledger account (eg. rent, salaries); and,
- Approved a budget amount for the general ledger account.

Also, a general ledger account may be provided with a budget to fund non-specified activities (eg. Special Projects – Local Planning) where the non-specified activities fall within the normal range of activities for one of the Operational Units.

B. Background

1. The goal of this policy is to provide the authority matrix and procedures for budget adjustments. The policy also specifies when the minister responsible for the *Islands Trust Act* needs to be notified of changes to the budget.
2. The Islands Trust expenditure budget is presented to Trust Council in Schedule A of the annual Financial Plan Bylaw, and subsequently to the minister responsible for the *Islands Trust Act*, in three categories: Trust Council, Local Planning Services (which includes LTC expenses) and Islands Trust Conservancy Board. The expenditures for the Administration Operational Unit are allocated to the three other Operational Units based on the proportion of their budgeted expenditures before considering Administration. This presentation format is defined in the *Islands Trust Act*.

Islands Trust prepares an expenditure budget with much more detail than is provided in Schedule A of the Financial Plan Bylaw, with budgeted amounts assigned to GL Account/Location Code combinations.

3. As operations unfold during a fiscal year, situations often arise that are not precisely aligned with the way the detailed budget was developed and approved. For example, a vacancy in a salaried staff position may require a temporary contract with a consultant to continue the workflow until the staff position can be filled.

An organization can address a changed approach to financial expenditures in one of two ways, while still maintaining the same total expenditure budget:

- 3.1 Overspend in one expense area (eg. contracted services), while underspending in another area (eg. salaries and benefits). In financial reporting at the detail level, this approach retains the original financial plan but requires some variance analysis to explain why the actual expenditures did not follow the original plan.
- 3.2 Adjust the budget so the area requiring greater expenditures (e.g. contracted services) receives a transfer of budget funds from the area requiring lesser expenditures (e.g. salaries and benefits). In financial reporting at the detail level, this approach loses the intent of the original financial plan, but does not require any variance analysis.

In most cases, Islands Trust will use approach 3.1 so that the original approved budget can be compared against actual results.

C. Policy

1. The authority to administer the Islands Trust Operating Budget is provided to the Treasurer and Chief Administrative Officer (Deputy Treasurer).
2. In general, budget adjustments will not be required within an Operational Unit for expenditures that are at variance with the budget.
3. When an actual or anticipated over-expenditure (whichever comes first) exceeds \$20,000 for a project or general ledger budget line within an Operational Unit, management must inform

the Executive Committee at the next scheduled Executive Committee meeting, and continue to provide reports on the status of the project or budget line to the Executive Committee on a monthly basis; or, as frequently as requested by the Executive Committee. Upon being informed of over-expenditure, the Executive Committee will decide what initial corrective action will be taken, if any.

Copies of all Executive Committee notifications and reports on over-expenditures will be copied to members of the Financial Planning Committee.

4. In cases where there is a desire to revise the budget within an Operational Unit, the change will be initiated at the request of the manager for that Operational Unit, or by the Chief Administrative Officer (CAO). A request for adjustments to the budget must be forwarded to the Treasurer for implementation, and must include both program and financial implications. The Financial Planning Committee must be informed of budget changes within an Operational Unit at the next scheduled meeting of the Committee. Any funds generated by a special tax requisition within a Local Trust Area must be used in accordance with Section B.6 of Trust Council Policy 6.3.2 – *Special Property Tax Requisition*.
5. In cases where there is a recommendation by management to transfer current year budget funds that are associated with a particular Local Trust Committee (LTC), from that Local Trust Area to another Local Trust Area, the LTC must pass a resolution approving the transfer, specifying the dollar amount and the budget affected before the budget transfer will be processed. Examples of budget funds associated with a particular LTC are budgets for Official Community Plans (OCPs), Land Use Bylaws (LUBs) or current year program items. Any funds generated through a special tax requisition within a Local Trust Area may not be transferred for use within another Local Trust Area.
6. In cases where there is a desire to transfer budget money from one Operational Unit to another, a Request for Decision must be forwarded to the Financial Planning Committee and subsequently to Trust Council for approval.

In cases where a proposed budget adjustment between Operational Units is approved by Trust Council, a new financial plan bylaw is required along with ministerial approval.

7. Unbudgeted revenue may be received during a fiscal year and expended on goods or services that are provided for in the annual budget without a budget adjustment or notification to the minister.

Expenditures on unbudgeted goods or services that are not provided for in the annual budget must be approved with a new financial plan bylaw and ministerial approval before the expenditures are made.

8. During a fiscal year, special circumstances may require expenditures in excess of the total budgeted expenditures for an Operational Unit. In these circumstances, and when the actual or anticipated over-expenditure (whichever comes first) exceeds \$50,000, management must inform the Executive Committee at the next scheduled Executive Committee meeting and provide a proposal to mitigate the impact of the over-expenditure.

Copies of all Executive Committee notifications and reports on over-expenditures will be copied to members of the Financial Planning Committee. The Financial Planning Committee will decide on what notification is required for Trust Council.

The minister must be informed if over-expenditures are expected to produce a deficit from operations for Islands Trust as a whole that exceeds \$100,000.

D. Legislated References

n/a

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

n/a

Appendix A

Islands Trust Location Codes (as of August 2010)

Operational Unit Sub-Unit Descriptions Location Code

Trust Council	Council	100
	Executive	110
	Trust Area Services	150

Trust Fund Board	Islands Trust Fund	210
	ITF - recovery (eg Naptep)	220

Local Planning Services LTCs (included in LPS for budgeting purposes)	Victoria planning office	510
	Ganges planning office	520
	Gabriola planning office	530
	Mapping Services	540
	Bylaw Enforcement	580
	Director of LPS	590
	Executive Islands	610
	Denman	615
	Gabriola	620
	Galiano	625
	Gambier	630
	Hornby	635
	Lasqueti	640
	Mayne	645
	N. Pender	650
	Salt Spring	655
	Saturna	660
	S. Pender	665
	Thetis	670
	Exec on LTCs	675

Administration	Victoria Admin office	810
	Chief Admin Officer	820
	Finance/HR/Info Systems	830
	Trust-wide general	999



Policy:	6.5.3
Approved By:	Trust Council
Approval Date:	March 25, 1996
Amendment Date(s):	March 29, 2007; December 9, 2009; September 16, 2010; September 11, 2013; March 5, 2014; December 5, 2017
Policy Holder:	Director of Administrative Services

PROCUREMENT

Purpose

In accordance with the *Islands Trust Act*:

1. To set out purchasing procedures that support the costs of operations which the Islands Trust is authorized to recover through property tax requisition under *Section 47(2)* of the *Islands Trust Act*;
2. To set out the responsibilities and accountability associated with the efficient, economical and transparent acquisition of goods and services;
3. To ensure that the most appropriate method of procurement is used to acquire goods and services at the best value including consideration of environment and local economy;
4. To ensure properly delegated purchasing authority is maintained; and
5. To ensure consistency with relevant financial policies, procedures and controls, and to provide linkage to the current operating and capital budgets.

A. Definitions

n/a

B. Policy

1. Delegation of Authority

The Treasurer is accountable for the management of the acquisition of goods and services for the Islands Trust and the implementation of the day-to-day administration of the purchasing policies. To meet this objective, the Treasurer will establish such processes and procedures as are determined appropriate to the efficient and effective operation of purchasing services.

It is the intention of the policy to provide internal control measures through the separation of duties and responsibilities relating to the acquisition of goods and/or services. The tables in Appendix A establishes the signing authority delegation for procurement processes.

Trustees do not have authority to make commitments or indications of preference to a supplier of goods or services, to avoid any real or perceived perception that trustees are improperly influencing a decision of staff to select contractors in accordance with this policy.

Staff with purchasing authority have the following responsibilities:

- Ensure that appropriate approvals have been obtained and are adequately documented.
- Communicate with Administrative Services on anticipated purchasing commitments and creation of service contracts.
- Ensure that no expenditure exceeds approved budgets.
- Ensure that no expenditure is made that is not included in the annual budget.
- Ensure that expenditures are consistent with the required or permitted operations of Islands Trust bodies, as identified in the *Islands Trust Act*.
- Be familiar with the provisions of the Government of British Columbia's Standards of Conduct for Public Service Employees in Government Procurement Processes.

2. Creation of Purchase Orders and Service Contracts

Purchase orders can be created by any employee authorized by the Director, Administrative Services.

Service contracts will be created by the Finance Clerk based on information provided by staff.

3. Regular Disbursements

Expenditures occurring on a monthly or recurring basis and disbursed in the same, or similar, amounts do not require an approved purchase order or service contract. These expenditures will be approved by the Director, Administrative Services, as required. Example expenditures of this type would be rent, telephone charges and BC Mail.

4. Legal Services

The Chief Administrative Officer (or designate) will manage all legal matters through an organizational process. The process involves on-going monitoring of legal costs, monitoring of legal services quality, and regular reporting to Trust Council.

The Chief Administrative Officer will determine if expenditures require review or approval by the Executive Committee or Trust Council.

5. Financial Assistance to Community Organizations and Other Groups or Individuals

Financial assistance to community organizations or other groups or individuals is only permitted if made by the Islands Trust Council, its delegate, or the Executive Committee acting on its behalf, pursuant to Section 8(2)(h) of the *Islands Trust Act* which states that Trust Council may:

- “(f) engage in activities to gain knowledge about the history and heritage of the trust area and to increase public awareness, understanding and appreciation of its unique amenities and environment,*
- (g) conserve heritage property.”*

Local Trust Committees may not provide financial assistance to community organizations or other groups or individuals unless Trust Council has, by bylaw, delegated its authority under Section 8(2)(h) of the *Islands Trust Act*.

6. Disclosure of Contracts

If a trustee (or a person who has been a trustee in the previous six months) has a direct or indirect pecuniary interest in a contract with the Islands Trust, their conduct is governed by Section 107 of the *Community Charter*.

If a staff member has a direct or indirect pecuniary interest in a contract with the Islands Trust, their conduct is governed by the Code of Conduct of the Public Service Agency of BC.

7. Local Trust Committee Expenses

7.1 Disbursements must only be made as authorized by Part 4 of the *Islands Trust Act* and typically include the following:

7.1.1 Advisory Planning Commission expenses (meeting and secretarial costs)

7.1.2 LTC meeting costs including advertising, hall rental, external facilitation costs, and secretarial costs

7.1.3 Local mail-outs and/or trustee newsletters

7.1.4 Open house costs

7.1.5 Purchases of goods or services that support the land use planning and regulatory operations of the LTC.

7.2 Disbursements must be made in accordance with the budget allocation, be processed via the Trust's financial system, and comply with all financial policies and procedures; including use of purchase orders or service contracts where required, and appropriate approvals by the Treasurer and/or designate;

7.3 Any disbursement over \$500 which is to be charged against the local trust committee expense budget, with the exception of those items noted in Section 7.1.1 through 7.1.4 above, should be approved by resolution of the LTC;

7.4 Expenditures cannot exceed the annual budget allocation provided to each local trust committee by Trust Council. However, if a local trust committee anticipates extraordinary costs they should approach the Executive Committee to request a budget adjustment;

7.5 Trustee travel and other expenditures must comply with Islands Trust Policy 7.2.3, Trustee Travel Policy and Procedures; and

7.6 Trustee expenses related to attendance at training and/or conferences must comply with Islands Trust Policy 6.12.1, Trustee Training/Conference Attendance.

8. Competitive Process

The table in Appendix A establishes the dollar limits for different types of competitive processes.

An individual project with a total value greater than \$25,000 that will be completed over more than one fiscal year will require a formal competitive process with a Request for Proposal.

A competitive process can be held at the discretion of the Manager with budget authority, even if the estimated value of the goods or services falls below the dollar thresholds in Appendix A.

All competitive processes must be coordinated by the Finance Officer to ensure that best competitive practices are followed.

When a direct award is made, staff are still expected to obtain goods and services at the best available price, while taking into consideration the quality and followup service available (if applicable) for the goods and services. To expedite routine or regular purchases, a qualified vendors' list may be established. Vendors on the qualified vendors' list will be selected in accordance with established procedures.

9. Direct Awards

If one or more of the following circumstances exist, the Chief Administrative Officer, in conjunction with the Director of Administrative Services, determines whether to approve a purchase by direct award:

- The requirement is valued at less than \$25,000.
- An emergency exists and requirements cannot be satisfied in time by means of a competitive process.
- A process delay would interfere with Islands Trust's ability to maintain security or order, or to protect human, animal, or plant life or health.
- The required service is confidential.
- There is a single supplier that clearly provides the best value in the circumstances of a particular purchase.
- Where the competitive process is impractical because of the need to obtain unique third party skills, there is a requirement for contractor continuity, or there is a strong case for the cost effectiveness of maintaining a current contractor for a specific task.
- For work to be performed on or about a leased building that may be performed only by the lessor or the lessor's approved suppliers.
- The Islands Trust receives grant funding on behalf of a third party who initiated the project or funding request, and is named in the funding proposal. In this circumstance, the

Director of Administrative Services may, at his or her discretion, directly award a contract to the third party, a contractor, or community group, after confirming the chosen contractor or community group demonstrates the capability and qualifications to complete the work funded by the grant. If the work is being conducted on behalf of a local trust committee, the proposed work must be within the legislated role of the local trust committee (*Islands Trust Act, Section 24*).

- For projects covered under a partnership agreement, where the Islands Trust is not the only source of funds and the other funding source(s) has already selected the contractor. In this circumstance, the Director of Administrative Services may, at his or her discretion, directly award a contract to the selected contractor after confirming the contractor demonstrates the capability and qualifications to complete the work.

10. Selection Criteria

In a competitive process, selection criteria shall be established before a competitive process is posted. The selection criteria should consider all the relevant factors in a purchasing decision including, price, quality, qualifications, delivery time, quality of the response, environmental and social policy considerations, local purchasing and any other factors as determined by the Manager with budget authority for the purchase.

A local trust committee may request that the Regional Planning Manager provide the selection criteria for their review prior to posting the competition.

All details of the selection process shall be retained by the Finance Clerk.

11. Consultant Evaluations

A firm's performance is assessed for services based on the quality of the project in terms of how successfully it fulfils the stated objectives for the project. In the case of studies and briefs, where there is no built work involved, the product refers to the actual work produced by a consultant. Quality of 'services' assesses the firm's ability to manage and deliver professional services in a comprehensive, effective, reliable and timely manner throughout each stage of the project.

12. Contract Renewals

Once a competitive process is held (where required) and a vendor selected, contracts may be signed with the selected vendor to allow for renewal periods of up to five years, provided that satisfactory service continues to be received. At the completion of the renewal period, a new competitive process should be held, if required by the Purchasing Policy in place at the time.

A competitive process for a particular business service can be delayed for up to one year at the discretion of the Chief Administrative Officer if high quality service is being provided at a reasonable price by the current service provider.

13. Fiscal Year

Contracts should not extend beyond the end of the current fiscal year-end to provide for budget approvals. Should the situation arise where this is required, approval by the Chief Administrative Officer is required.

14. Environmental Considerations

When making purchases every effort will be made to select suppliers whose environmental practices are consistent with those of the Islands Trust.

Environmental considerations include such things as the suppliers' efforts towards recycling; use of environmentally friendly products; and manufacturing goods from recycled or recyclable materials.

In addition, purchases of equipment and supplies should have Canadian content wherever possible, practical and economical.

15. Social Policy Considerations

When making purchases every effort will be made to select suppliers whose products or services align with the attributes of social procurement policy.

Social procurement considerations include contributions towards a stronger local economy; enhancing the number of local jobs; and enhancing community arts and culture infrastructure.

16. Local Purchasing Considerations

When making purchases every effort will be made to purchase local goods and services including:

- Local food procurement – Islands Trust staff engaged in the purchase of food for operational needs will ensure that when practical, both operationally and economically, at least 40% of purchases will be local. Suppliers will be made aware of this policy and will be encouraged, again where practical, to increase the availability and variety of local foods. “Local” is defined as food that is produced within British Columbia, with preference given to items produced in the Islands Trust Area or on Vancouver Island.
- Community Stewardship Awards – Islands Trust staff engaged in procuring Community Stewardship Awards, or other awards that from time to time may be required, will ensure that awards represent the unique nature of the Islands Trust Area and, where practical, are constituted from products distinct to the Islands Trust Area.
- Contractors and service providers with a presence in the Islands Trust Area, and/or whose employees reside in the Islands Trust Area.

17. Staff Travel and Training

Travel expenses are submitted via Islands Trust Expense Claim. All those claiming expenses are expected to ensure that the most cost effective method of travel is provided. Approved Expense Claims are considered equivalent to an approved purchase order or service contract.

Training requests are approved via an authorized "Training/Conference Request Form" (see Policy 8.2.1, Staff Training and Conference Attendance). All staff travel and training requests must be approved by the appropriate Manager.

Managers have the responsibility to ensure all Employee Expense Claims are in accordance with established processes (i.e., BCGEU travel allowance chart).

C. Legislated References

Islands Trust Act

BC Government Purchasing Handbook

Ministry of Finance Core Policy 6.0 Purchasing

Islands Trust Policy 8.2.1, Staff Training and Conference Attendance

Islands Trust Policy 6.12.1, Trustee Training/Conference Attendance

Islands Trust Policy 7.2.3, Trustee Travel Policy and Procedures

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

Appendix A – Method of Procurement and Approval Authority

APPENDIX A – METHOD OF PROCUREMENT AND APPROVAL AUTHORITY

COMMITMENT MATRIX October 10, 2017						
	Commitment/ Spending \$ Level	Commitment Type	Number of Quotes	Method of Purchase	Document Submitted to Finance	Special Conditions
1	<\$100	Petty Cash	One	Verbal, in person	Petty Cash Reconciliation	Receipt Required with payment claim - record purpose of purchase on receipt
2	<\$500	Petty Cash, Corporate Credit Card	One	Verbal, in person	Petty Cash or Corporate Credit Card Reconciliation	Receipt Required with payment claim - record purpose of purchase on reconciliation
3	<\$5,000 per item or aggregate	Service Contract or Purchase Order	One	Verbal or written quote from one or more known vendors	Invoice	Approval of Invoice with indication of Project Code if any including indication that services/goods were received as ordered
4	\$5001to \$25,000 per item or aggregate		Request at least Three	Verbal or written quote from at least Three known vendors. If no "known" vendors then formal competitive process ITQ or RFP	Invoice	
5	>\$25,001per item or aggregate		Public Process	Appropriate Competitive process - RFP/ITQ	Invoice	
All Direct Award Service Contracts or Purchase Orders over \$10,000 must be approved by the Chief Administrative Officer						

SIGNING AUTHORITY MATRIX October 10, 2017										
Position Type of Decision	Commitment Type	Executive Committee	Chief Administrative Officer	Treasurer (Director of Administrative Service)	Director (Local Planning Services and Trust Area Services)	Corporate Secretary (Manager of Legislative Services)	Regional Planning Manager	Manager - (Manager of Islands Trust Fund, Manager of Information Systems, Executive Coordinator)	Supervisor (Finance Officer and Employee Services Coordinator)	
1 Authorization of Purchase of Services or Goods	Petty Cash, Corporate Credit Card Charge, Purchase Order or Service Contract to be done when required by policy	N/A	Greater than \$300,000 or direct award greater than \$30,000	Up to \$300,000	Up to \$25,000	Up to \$30,000	Up to \$30,000	Up to \$5,000	Up to \$500	
2 Authorization of new Positions	Email approval prior to initiation of hiring process	N/A	Yes	Yes	N/A	N/A	N/A	N/A	N/A	
3 Authorization to fill vacant positions or changes to existing Positions	Offer Letter	N/A	Yes	Yes	N/A	N/A	N/A	N/A	N/A	
4 Authorization of Training Request prior to registration or travel bookings	Training Request Form	N/A	Greater than \$50,000 or for any amount for training outside of the Province of BC	Up to \$50,000 - Training within Province of BC	Up to \$30,000 - Training in the Province of BC	Up to \$30,000 - Training in the Province of BC	Up to \$30,000 - Training in the Province of BC	Up to \$30,000 - Training within the Province of BC		
5 Authorization of Travel and Expense reimbursements	Expense Form	N/A	Greater than \$50,000 or for any amount for travel outside of the Province of BC	Up to \$50,000 - Travel within Province of BC	Up to \$30,000 - Travel within Province of BC	Up to \$30,000 - Travel within Province of BC	Up to \$30,000 - Travel within Province of BC	Up to \$30,000 - Travel within Province of BC	N/A	
6 Authority to sign Grant Agreements or Memorandum of Understanding with external parties	Contract	N/A	Greater than \$300,000	Up to \$300,000	Up to \$25,000	N/A	N/A	N/A	N/A	
7 Authority to sign Contracts with external parties with no monetary implications	Contract	N/A	Within area of accountability	Within area of accountability	Within area of accountability	Within area of accountability	Within area of accountability	Within area of accountability	N/A	
8 Authority to sign Project Charter	Contract	N/A	Greater than \$300,000	Up to \$30,000	Up to \$30,000	Up to \$5,000	Up to \$5,000	N/A	N/A	
9 Authority to sign Legal Services requests	Legal Services Request	N/A	Greater than \$300,000	Up to \$300,000	Up to \$25,000	Up to \$30,000	Up to \$30,000	Up to \$5,000	N/A	
10 Authority to sign Lease/Rental Agreements	Agreement	N/A	Greater than \$300,000	Up to \$300,000	N/A	N/A	N/A	N/A	N/A	
11 Authority to release LTC project funds from the LTC Project Reserve Fund	Agreement	Greater than \$20,000	Up to \$20,000	Up to \$20,000	N/A	N/A	N/A	N/A	N/A	



Policy:	6.5.4
Approved By:	Trust Council
Approval Date:	December 9, 2009
Amendment Date(s):	June 15, 2016
Policy Holder:	Director of Local Planning Services

GRANTS AND DONATIONS ADMINISTRATION

Purpose

1. To facilitate a process for seeking and receiving external funding that supports the legislated responsibilities of Trust Council, the Executive Committee, Council Committees, local trust committees and island municipalities and that is cost-effective for taxpayers.
2. To clarify roles and streamline procedures for seeking and receiving grants and donations in order to efficiently and effectively use staff and trustee resources.
3. To ensure all grant applications and funded projects meet strategic, financial and legal requirements of the Islands Trust and funding agencies.
4. To ensure trustees and staff units are aware of grant opportunities, consider the potential for collaborative projects, and have equal opportunity to apply.
5. To preserve the Islands Trust's reputation among funders and donors by presenting a cohesive strategy and avoiding an excess of requests to any one source.

Background

The *Islands Trust Act* provides Trust Council with the authority to levy property taxes to fund the operations of Islands Trust bodies. To provide cost effectiveness for taxpayers, Trust Council may also direct staff to seek and receive alternative sources of funding. In 2008, Trust Council created a Grants Program Manager staff position in response to trustee requests to increase effectiveness at receiving grants. This policy provides guidance to the Islands Trust bodies seeking external funding or requiring service from that position. In 2014 the Canada Revenue Agency confirmed *Qualified Donee* status for the Islands Trust, which enables requests to an increased pool of funding organizations and the authority to issue receipts for income tax purposes to donors. This policy does not apply to the Islands Trust Conservancy Board, which is governed by Policy ITC 06001.

A. Definitions

"Committees" refers to Executive Committee, council committees (including Trust Programs Committee, Financial Planning Committee, Regional Planning Committee and any select committee struck by Trust Council) and local trust committees. Island municipalities are not bound by this policy unless they are seeking support from Islands Trust staff or committees.

"Donations" refers to gifts freely given to Islands Trust without going through a formal application process.

"Grants" refers to gifts granted to Islands Trust by a funding agency after application through a granting process.

“Legislated Responsibilities” refers to the roles of Islands Trust bodies as defined in the *Islands Trust Act* per sections 8 (2), 21 (1) and 24 (2).

“Staff Units” refers to the management team, Local Planning Services, Trust Area Services and Administrative Services, including Victoria, Salt Spring and Northern offices.

“Grants Program Manager” refers to the person designated by the Chief Administrative Officer to fulfill this role.

“Primary Applicant” refers to the entity legally responsible for execution of the funded project and meeting the granting agency terms and conditions.

“Project Manager” refers to the staff person or contractor assigned by a committee or senior management staff to manage a project.

B. Policy and Procedures

1. General Guidelines

- 1.1 This policy applies to all grant applications seeking \$5,000 and over.
- 1.2 This policy applies to grant applications wherein the Islands Trust is named as the primary applicant. It does not apply to grants where community groups are named as the primary applicant with the Islands Trust and/or its committees as supporting partners.
- 1.3 Trust Council and its staff will ensure that the Islands Trust adheres to professional standards such as those developed by Imagine Canada and the Association of Fundraising Professionals.

2. Seeking Grants and Donations

Grant Notification

- 2.1 The Grants Program Manager will maintain a current inventory of grants available to local government agencies including: the grant title, source, eligibility, description, application deadline, funds available, funding guidelines and Islands Trust work program key words.

Grant and Donation Research

- 2.2 The Grants Program Manager will regularly review the Islands Trust Council Priorities Chart and be prepared to provide information on grants relevant to those priorities upon request.
- 2.3 Trust Council and any Committee or staff member may ask the Grants Program Manager to research grant and/or donation opportunities on specific topics. The research must be in support of Trust Council’s Strategic Plan, the Policy Statement or the legislated responsibilities of the Islands Trust body. Significant research requests

are subject to a review of work program implications by the Director of Local Planning Services.

- 2.4 The Grants Program Manager's research and advice will be reported to the initiator of the request and the staff member assigned to the relevant committee in a timely manner.
- 2.5 Trustees may also choose to independently research grant and donation opportunities. The Grants Program Manager should be informed about this research so they may provide information on existing relevant research for reasons of efficiency and effectiveness.
- 2.6 Contact with the funder/donor should be done by the Grants Program Manager, unless otherwise agreed by the primary applicant for reasons of efficiency and effectiveness.

Internal Expressions of Interest

- 2.7 A brief expression of interest/project summary will be submitted to the appropriate committee and Grants Program Manager according to the following schedule, which takes into account varying granting agency deadlines. This will provide equal opportunity to apply for limited grant funding, while maintaining confidentiality.
 - 2.7.1 Expressions of interest will be submitted 60 calendar days prior to granting agency's deadline, unless sections 2.7.2, 2.7.3 or 2.7.4 applies. If no expressions of interest are received 60 days before the agency's deadline, the grant may be pursued on a first-come, first-serve basis subject to the criteria and practices recommended in this policy.
 - 2.7.2 When a grant is announced with fewer than 60 calendar days to apply, the Grants Program Manager will notify all staff and trustees at the same time. Expressions of interest are required within 5 business days following this notification.
 - 2.7.3 Where no deadline exists or ongoing applications are accepted until the program is fully allocated, expressions of interest should be received as soon as a decision is made. If the project is community-initiated, the Grants Program Manager will keep the project topic confidential. The Grants Program Manager will notify committees and staff that other expressions of interest must be received within 10 business days of receiving notification. Objections to the revised deadline must be received within 2 business days. If objections are noted, the Grants Program Manager will seek a deadline acceptable to all interested applicants or request direction from the Executive Committee.
 - 2.7.4 If special circumstances require a grant application to begin before the above deadlines, a request for a shorter deadline may be submitted to the Grants Program Manager. If the project is community-initiated, the Grants Program Manager will keep the project topic confidential. The Grants Program Manager

will notify committees and staff of the new deadline. Objections to the revised deadline must be received within 2 business days. If objections are noted, the Grants Program Manager will seek Executive Committee's direction about whether to make an exception to the steps outlined in 2.7.1, 2.7.2 and 2.7.3 of this policy.

- 2.8 The Grants Program Manager will review expressions of interest according to the granting agency criteria. Submissions that do not meet funder criteria will receive feedback and suggestions for potential remedies in a timely manner. Applicants whose projects have potential to partner will be notified so they may consider a joint application.
- 2.9 If a grant opportunity is of interest to multiple applicants, an adjudication process will occur under section 2.10.

Multiple Grant Adjudication Process

- 2.10 When a grant opportunity is of interest to multiple primary applicants within the Islands Trust, the following steps apply:
 - 2.10.1 The Grants Program Manager will contact the granting agency to see if more than one proposal can be submitted and/or approved.
 - 2.10.2 When only one submission is allowed, the Grants Program Manager will use the applicant's expression of interest/project summary to discuss all projects with the funder to help determine those that are most feasible. If more detailed information is required by the funder on a potential project, the Grants Program Manager will direct them to the appropriate trustee or staff member.
 - 2.10.3 The Grants Program Manager will contact applicants with the granting agency recommendations.
 - 2.10.4 Committees must pass a resolution indicating they want to proceed with the grant application. Applicants will then advise the Grants Program Manager of the decision.
 - 2.10.5 If too many eligible proposals remain, a final decision will be made by the Executive Committee in a timely manner as to which grant proposal will be submitted. This decision will consider the following factors:
 - 2.10.5.1 Urgency: to deal with issues in the short term or meet required legislation;
 - 2.10.5.2 Risk: the need to manage potential negative implications;
 - 2.10.5.3 Impact: a project's potential to manage or change a strategic priority on a regional rather than local level;

- 2.10.5.4 Community Partners: has identified community project partners;
- 2.10.5.5 Need: meets needs of an island community and other agencies;
and
- 2.10.5.6 Funder Advice: meets priorities and recommendations of funder.

Requests for Donations

- 2.11 As a general rule donations will be requested only when a specific need is identified by staff and trustees and approved by the CAO or his/her designate (normally the Director of Local Planning Services).
- 2.12 Donations will only be requested for specific projects as identified by committees or staff.
- 2.13 Donations will only be requested for projects that align with current committee priorities.
- 2.14 All requests for donations must be coordinated through the Grants Program Manager to avoid multiple applications to the same potential donor.

Accepting Donations

- 2.15 Donations will only be accepted when the gift is freely given and there is no expectation of benefit, favour or return by the donor. The only benefit would be a tax receipt and a possible donor recognition event or tribute.
- 2.16 Before accepting any donation, the Grants Program Manager will advise the donor to seek professional advice for all the financial, tax or legal considerations.
- 2.17 Donations will be accepted in only the following forms unless the CAO approves an exception:
 - 2.17.1 Cash;
 - 2.17.2 Tangible property (including real estate – see 2.20);
 - 2.17.3 Stocks or securities; and
 - 2.17.4 Endowments.
- 2.18 Donations of tangible property will be accepted only after the following have been assessed:
 - 2.18.1 Compliance with all Islands Trust Bylaws and/or policies;
 - 2.18.2 Compliance with the laws, conventions and treaties of other levels of government;

- 2.18.3 Consistency with the Islands Trust's priorities, mandates and strategic and business plans;
- 2.18.4 Associated risks (e.g. financial risk, political risk, health and safety issues);
- 2.18.5 Condition of the donation;
- 2.18.6 Value of the donation;
- 2.18.7 Usefulness of the donation to Islands Trust; and
- 2.18.8 Cost/Benefit analysis if CAO deems it necessary.
- 2.19 Any donations received as stock or securities will be cashed immediately unless otherwise directed by the Executive Committee by resolution after considering the advice of the CAO.
- 2.20 Any donations of tangible property including real estate will be sold at fair market value after offering the Islands Trust Conservancy Board the opportunity to own the property as a nature reserve. The Islands Trust Conservancy Board may require a cash endowment for ongoing property management before accepting real estate.
- 2.21 Any donations received in the form of an endowment will be immediately deposited into a designated account and investment and management options will be researched by staff.
- 2.22 Before accepting donations for a specified project the Grants Program Manager will inform the donor that once a receipt for income tax purposes is issued, any remaining funds from the donation cannot be refunded and the funds will be reallocated to other projects by the Executive Committee in consultation with the donor, where possible.
- 2.23 Any donation made without donor direction as to its use will be allocated by the Executive Committee.
- 2.24 If any donations are received by bodies other than the "Islands Trust," the CAO will advise and seek direction from the Executive Committee.

Project Review

- 2.25 Before applying for grants or seeking donations, committees will assess the implications for budget and staff resources by:
 - 2.25.1 Seeking input from senior management staff for staff-initiated proposals or Regional Planning Managers for trustee-initiated proposals;
 - 2.25.2 Reviewing related revenue and expenditure lines in the approved Trust Council budget; and
 - 2.25.3 Assessing potential for in-kind or cash funds from other project partners.

- 2.26 Committees must pass a resolution to proceed with committee-initiated grant applications before seeking staff support for grant applications, taking into consideration the factors listed in this policy.
- 2.27 Executive Committee approval is required for staff-initiated projects in the following circumstances:
 - 2.27.1 Grant or donation exceeds \$10,000 in value;
 - 2.27.2 Project is not related to the goals of the Policy Statement, Trust Council's Strategic Plan or the legislated responsibilities of the Islands Trust;
 - 2.27.3 Proposal requires formal Trust Council endorsement; or
 - 2.27.4 Issues remain that cannot be resolved under section 2.10 of this policy.
- 2.28 When Executive Committee approval is required for staff-initiated projects, the committee will consider the following factors:
 - 2.28.1 Budget and staff resources allow for effective administration;
 - 2.28.2 Compliance with relevant legislation and policies;
 - 2.28.3 Grant proposal / donor request does not compete with island-based stakeholder proposals to the same funder / donor, to the best of trustee and staff knowledge;
 - 2.28.4 Grant proposal / donor request supports the relevant committee's work program; and
 - 2.28.5 Project will be self-sustaining or not require additional resources upon its completion.
- 2.29 If it appears that the investment in fundraising required (including staff salaries) for a special project may exceed 25% of the amount to be raised, Islands Trust staff will seek direction from Executive Committee.

Grant Development & Submission

- 2.30 Prior to grant submission, committees and staff units will explore the implications for budget adjustments according to Trust Council's Budget Control and Adjustment Authority Policy 6.5.2.
- 2.31 Committees and staff units will assign a trustee or staff representative to coordinate the writing and development of the draft project proposal, seeking the assistance of the Grants Program Manager as needed. In consultation with the Director of Local Planning Services, the level of assistance provided by the Grants Program Manager will take into account work program implications and the factors outlined in section 2.10.5 of this policy.

- 2.32 Submissions to the funding agency must be made by the Grants Program Manager on behalf of committees and staff units, unless otherwise agreed by the primary applicant for reasons of effectiveness and efficiency.
- 2.33 The Grants Program Manager will provide notification to the relevant committees and staff of the outcome and terms of the grant if successful. If unsuccessful, the Grants Program Manager will seek feedback from the funder to improve future proposals.
- 2.34 Contact with the funder will be done by the Grants Program Manager, unless otherwise agreed by the primary applicant for reasons of efficiency and effectiveness.

3. Tracking & Implementation of Grants

- 3.1 Grant revenue and disbursements and related service contracts will be administered by Islands Trust Administrative Services. The CAO may decide whether to apply an administrative charge to the project, ideally during the proposal-writing stage.
- 3.2 The Grants Program Manager will use the following procedures to track and implement grants:
 - 3.2.1 Ensure project activities comply with legislation and Islands Trust policies;
 - 3.2.2 Maintain an accurate database of grants received and provide quarterly updates to the Executive Committee and Trust Council on project status;
 - 3.2.3 Maintain a financial tracking and reporting system for grants received that complies with individual granting agency terms and conditions; and
 - 3.2.4 Assist committees and staff units in monitoring performance, auditing costs, meeting deliverables, and complying with reporting requirements.
- 3.3 The Grants Program Manager must be notified of all funds (cash and in-kind) committed by project partners.
- 3.4 Each project must have a project manager assigned, whether staff or contractor, who will be responsible for implementing the project, complying with reporting requirements, and liaising with the Grants Program Manager.
- 3.5 If grant funds are to be used to hire contractors or procure services, procurement is to follow practices consistent with Trust Council Procurement Policy 6.5.3.
- 3.6 Project managers in consultation with a senior manager will submit interim and final reports to the committee or senior staff person who initiated the project and the Grants Program Manager for review in a timely manner. The Grants Program Manager will ensure that required reporting is complete and submitted to the granting agency according to agency deadlines.

- 3.7 The Grants Program Manager will represent the Islands Trust to funding agencies, partners and stakeholders to negotiate increases in funding or extensions in deadlines, unless otherwise agreed by the Grants Program Manager and the primary applicant.

4. Use of Excess Funds

- 4.1 Interest earned on funds from special project grants or donations will be used only for those same purposes or as determined in agreement with the granting agency or donor.
- 4.2 When a special project fails to be completed for any reason, any grant funds will be returned according to the terms and conditions of the granting agency.
- 4.3 When a special project has been completed with excess grant funds remaining, the funds will be returned or administered according to the terms and conditions of the granting agency. For donations for which tax receipt have been issued, see 2.22

5. Relationship to Other Islands Trust Bodies

- 5.1 The Grants Program Manager will encourage committees to collaborate on initiatives of other Islands Trust bodies, the Islands Trust Conservancy and island municipalities wherever possible and avoid competing for the same funding sources, especially when recommended by the granting agency.
- 5.2 The Grants Program Manager will maintain communication with other Islands Trust bodies and the Islands Trust Conservancy to keep each other informed of potential grant opportunities, areas for collaboration and the status of funding proposals.

6. Issuance of receipts for income tax purposes

- 6.1 Receipts for income tax purposes will only be issued as per Canada Revenue Agency guidelines.
- 6.2 Record keeping of the receipting process will be kept by Islands Trust in accordance with Canada Revenue Agency requirements.

C. Legislated References

Islands Trust Act: Responsibilities of Local Trust Committees 8(2); 21(1); 24(2)

Islands Trust Strategic Plan

Islands Trust Conservancy Fundraising and Donations Policy (ITC 06001)

Policy and Procedures Manual:

Executive Committee Terms of Reference (2.4.1)

Associated Islands Project Prioritization Criteria (4.1.12)

Priority Setting/Review Guidelines (6.2.1)

Budget Control and Adjustment Authority (6.5.2)

Procurement Policy (6.5.3)

Local Trust Committee Expense Account (7.2.1)

Additional References:

Standards Program For Canada's Charities & Nonprofits, Imagine Canada, 2012.

AFP Code of Ethical Principles and Standards of Professional Practice, Association of Fundraising Professionals, 2004.

Municipal or public bodies performing a function of government in Canada, Canada Revenue Agency, 2014

Keeping Records, Canada Revenue Agency, 2013

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

Attachment 1 – Grants Administration Policy Matrix

Attachment 1. Grants Administration Policy Matrix

ADMINISTRATION PROCESS	
GRANT NOTIFICATION	
On-line database of current grants available maintained.	Grants Administrator
GRANT RESEARCH	
Research priorities	Trust Council's Strategic Plan, Policy Statement, Legislated Responsibilities
Request for research from Grants Administrator	Trustee/Committee/Staff → Grants Administrator
Resolution required?	No. Significant research is subject to a review of work program priorities
Research & advice provided	Grants Administrator → Trustee/Committee/Staff
Independent research by trustees	Inform Grants Administrator of topic Existing research will be provided to trustee(s)
Funder contact re: project inquiries	Grants Administrator, unless otherwise agreed by primary applicant
EXPRESSIONS OF INTEREST (EOI)	
EOI Submissions	Staff/Trustee → Committee/Grants Administrator
Deadline for submissions	60 calendar days prior to granting agency deadline, unless sections 2.7.2, 2.7.3, 2.7.4 apply
Review of submissions	Grants Administrator → Committee/Staff/Trustee ▪ Feedback/solutions provided when funding criteria not met ▪ Applicants with collaborative potential notified ▪ Multiple applicants referred to grant adjudication process in section 2.10
MULTIPLE GRANT ADJUDICATION	
Confirm funder limits re: multiple applications	Grants Administrator
Multiple applications allowed	All eligible applications will proceed
One application allowed	Grants Administrator will use EOI to discuss project viability with funder
Notification of granting agency recommendations	Grants Administrator → Committee/Staff/Trustee
Decision to proceed or not	Committee/Staff/Trustee → Grants Administrator
Resolution required to proceed with application?	Yes
Too many eligible applications remaining?	Final decision made by Executive Committee according to criteria listed in section 2.10.5
PROJECT REVIEW	
Determining project costs	Prior to finalization of grant application, committees will determine project costs through: ▪ Input from senior management staff for staff-initiated proposals or regional planning managers for trustee-initiated proposals ▪ Review of related revenue and expenditure lines in the Trust Council budget

	▪ Potential for in-kind or cash funds from other project partners
Resolution required for committee-initiated projects?	Yes, by the relevant committee, before grant applications are finalized
Resolution required for staff-initiated projects?	Executive Committee resolution is required in the following cases: ▪ exceeding \$10,000 ▪ not related to the goals of the Policy Statement, Trust Council's Strategic Plan or legislated responsibilities ▪ funder requires resolution with application ▪ subject to issues that cannot be resolved under section 2.10
Factors to consider when debating resolutions	▪ Budget and staff resources allow ▪ Complies with Islands Trust legislation and policies ▪ Does not compete with an island stakeholder ▪ Self-sustaining project ▪ Investment required does not exceed 25% of amount raised
GRANT DEVELOPMENT & SUBMISSION	
Budget adjustments required?	Refer to Budget Control and Adjustment Authority Policy 6.5.2
Writing of grant application	Committees/Staff to assign trustee or staff to coordinate Requests for Grants Administrator's assistance can be made to TAS Director.
Grant submission	Grants Administrator, unless otherwise agreed with primary applicant
Grant outcome notification	Funder → Grants Administrator → Committee/Staff
Contact with funder	Grants Administrator, unless otherwise agreed with primary applicant
GRANT TRACKING & IMPLEMENTATION	
Receiving, administering and disbursing	Administrative Services
Project manager	Staff or contractor to be assigned as project manager
When using contractors for staff, committee or community-initiated projects	Refer to Procurement Policy 6.5.3 Direct awards may be available for community-initiated projects
Interim and final reporting	Project Manager → Committee/Senior Management/Grants Administrator
Funder contact for project revisions & report submissions	Grants Administrator, unless otherwise agreed with primary applicant
USE OF EXCESS FUNDS	
Surplus funds upon completion of project	Refer to section 4
RELATIONSHIP TO OTHER ISLANDS TRUST BODIES	
Islands Trust Conservancy, Island Municipalities	Refer to section 5



Policy:	6.7.1
Approved By:	Management Group
Approval Date:	December 17, 1992
Amendment Date(s):	Sept. 21, 2022
Policy Holder:	Chief Administrative Officer

WORK PROGRAM, FOLLOW-UP ACTION LIST AND PRIORITIES REPORT

Purpose

To provide guidelines for the use of Work Program, Follow-up Action List and Priorities Report formats as tools to allocate resources to tasks and projects, to prioritize work activities relative to available resources and to focus on the achievement of specific results.

A. Definitions

1. The Islands Trust's work program system is comprised of three working documents that are linked to the Trust's annual budget and organizational strategic planning process in terms of day-to-day and/or short range activity projections.
 - 1.1 The **Follow-up Action List** is designed to deal with matters to be dealt with during the next three months that arise from meetings, to highlight matters arising from day-to-day activities, and to define specific tasks associated with work program items.
 - 1.2 The **Work Program** is designed to identify a long list of specific projects or activities that are not items for the Follow-up Action List for potential future work, to identify the top priority projects approved for current work, and to define specific tasks to be accomplished for the top priority items.
 - 1.3 The **Priorities Report** is designed to highlight the specific activities to be pursued for the organizational unit's top priorities that are consistent with available resources for endorsement by Trust Council at its quarterly meetings.
 - 1.4 The **Organizational Unit** includes any political or staff entity identified on the Priorities Matrix.

B. Policy

1. Follow Up Action List

- 1.1 The Follow-up Action List (FUAL) should only include specific tasks that can be reasonably accomplished over the next three months.
- 1.2 The FUAL entry should include only the key words required to prompt recall of the item and/or a reference (i.e. report, resolution number or minutes) as to where to obtain information that is more detailed.

- 1.3 FUAL entry notations should only be completed - key words, responsibility assignment, target date and time budget estimates - upon agreement between the person responsible to complete the task, and the person(s) or entity responsible for reviewing the task to ensure it has been completed.
- 1.4 Whenever possible, FUAL entries should note the expected date to complete the task in the responsibility assignment column.
- 1.5 The FUAL should be updated on a continual basis, distributed on a regular basis as determined by the relevant organizational unit, and reviewed at regular meetings of the relevant organizational unit.
- 1.6 FUAL entries should not be archived as complete or no longer required, and/or transferred to the work program, until received by the organizational unit (not an individual).
- 1.7 FUAL entries should be separated chronologically according to the organizational unit's regular or special meetings to easily track when they were identified.

2. Work Program

- 2.1 The Work Program is comprised of two components - top priority and future projects list.
- 2.2 The future projects list may be categorized by broad topic areas for the convenient indexing of specific potential work program topics.
- 2.3 Any potential project or future discussion topic may be included in the future projects list for the purposes of maintaining a record of topics raised.
- 2.4 Action on the top priority or future projects list items is subject to the organizational unit's assignment of its available time and/or assigned resources.
- 2.5 The Work Program's top priority should be identified within the future project list and then listed on the top page of the Work Program.
- 2.6 Specific activities that are to be pursued over the next 3-6 months to complete an element of a priority should be highlighted for the top priority in the Work Program.
- 2.7 Implementation of activities for top priorities is subject to available staff resources and assigned fiscal resources through the annual budget.
- 2.8 A Work Program should be forwarded by the organizational unit's designated staff person to the administrative staff when it is updated.

3. Priorities Report

- 3.1 Each organizational unit identifies a number of priorities which it may present on a quarterly basis for Trust Council's input and endorsement.
- 3.2 The top priorities of each organizational unit are extracted from the top page of the organizational unit's current Work Program.
- 3.3 An organizational unit may update its portion of the Priorities Report at any time.
- 3.4 The Executive Committee will review the current Priorities Report prior to presentation to quarterly Trust Council meetings for its recommendations relative to the listed priorities' compatibility with available resources.

C. Legislated References

Policy and Procedures Manual: Priority Setting/Review Guidelines (6.2.1)

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

n/a



Policy:	6.9.2
Approved By:	Trust Council
Approval Date:	December 5, 1992
Amendment Dates:	June 6, 1997; September 16, 2005; June 9, 2021 (Repealed 6.9.1)
Policy Holder:	Chief Administrative Officer

LEGAL SERVICES ACCESS AND MANAGEMENT

Purpose

To outline the process to access and manage the provision of legal services, and instruct and monitor the use of legal counsel in a manner that is efficient and cost effective.

A. Definitions

n/a

B. Policy

1. Legal Counsel Access

- 1.1 Opening and/or extending legal files with legal counsel shall only be initiated through staff using established legal services management procedures.
- 1.2 A staff member or an individual trustee has the authority to contact Islands Trust legal counsel to deal with matters of a potential conflict of interest regarding his or her self when approved by the Chief Administrative Officer (CAO).
- 1.3 Trustee requests for opening new and/or extending existing legal files must be initiated by a resolution of the appropriate local trust committee, Executive Committee, Trust Council, or Islands Trust Conservancy Board.
- 1.4 Trustee requests for consultation with legal counsel may be facilitated by staff in a manner that permits obtaining of legal advice such that it is available to others concerned, and /or the Trust in general.
- 1.5 Subject to the Islands Trust indemnification bylaw, where a trustee is a named defendant in a litigation matter, he/she shall be able to access Islands Trust's legal counsel on matters related to the litigation. In this instance, instructions to legal counsel must be provided by the CAO or a Director, following consultation with the trustee.

2. Authority to Consult with Legal Counsel

- 2.1 The following staff have the authority to consult with legal counsel: Chief Administrative Officer (CAO), Director of Local Planning Services, Director of Administrative Services, Director of Trust Area Services, Legislative Services Manager,

Islands Trust Conservancy Manager, Planners, and Bylaw Compliance and Enforcement Officers.

- 2.2 Staff must contact legal counsel through the use of a Legal Services Request (LSR) form which shall be completed without charge by legal counsel, and endorsed by the CAO, a Director or designate. A Legal Services Request form must be used for services that are expected to exceed \$100.00.
- 2.3 Directions from a local trust committee (except section 1.2) to staff to access legal counsel services must result from a local trust committee resolution.
- 2.4 Matters of local trust committees initiating litigation must be approved by resolution of the Executive Committee.
- 2.5 Requests from Executive Committee, Trust Council and/or council committees (except section 1.2) to staff to access legal services shall result from a resolution. The CAO's (or designate's) approval of such access may be subject to Executive Committee review. The Islands Trust Conservancy Board will operate under its own policy and procedures.

3. Legal Service Request Form (See Attachment 1)

The following provides guidelines and notes for the completion of the legal services request form.

3.1 To/From

All request forms go to the contractor providing legal services, with a copy to the file lawyer who staff are consulting with, and copies to staff who should be aware of the request. The originating staff is the staff person making the request and who will be responsible for processing the request and managing the file.

3.2 File Code

3.2.1 All requests must identify the Program Unit requiring the legal services:

- 3.2.1.1 Local Trust Committee - specific matter and note which committee
- 3.2.1.2 Executive Committee - specific matter identified by Executive Committee
- 3.2.1.3 Local Planning - planning unit or broad trust committee matter
- 3.2.1.4 Management - of an administrative nature
- 3.2.1.5 Policy/Research - of a legislative interpretation nature
- 3.2.1.6 Other - undefined under above terms
- 3.2.1.7 Islands Trust Conservancy Board - specific to the Islands Trust Conservancy and billed separately
- 3.2.1.8 Cost Recovery - to be paid by a third party and billed separately

3.2.2 Sub-Client Code

- 3.2.2.1 Does it exist now? – name it

- 3.2.2.2. Is it a new file? – give it a name
- 3.2.2.3 LYA code is the legal firm's reference code

3.3 Background

- 3.3.1 Provide some background, context or terms of reference for the request.
- 3.3.2 Indicate if additional information is provided as an attachment or under separate cover and also list other information available upon request.

3.4 Instructions

- 3.4.1 The request for services, or question to be addressed, or parameters must be stated very clearly to expect the lawyer to be able to provide a reasonable cost estimate. State if there are several stages involved, what the expected product is, and what are the expected time lines.
- 3.4.2 Identify who the lawyer should contact regarding questions if not the originating staff, and identify a target date for the lawyer to provide a cost estimate for the request.

3.5 Lawyer Response

The lawyer, at no cost, is expected to state a course of action on a clear product with cost estimates for billable fees and extraordinary disbursements and a target or targets for billing in stages and/or upon completion.

3.6 Request Approval

Approval by the CAO or designate Director indicates support for the request as to: the instructions; expected course of action or product; verification that the matter has not been previously dealt with; and its importance to be addressed relative to their program unit.

3.7 Service Approval

Service Approval is given when an LSR is approved/signed by the CAO or approved/signed by a Director on behalf of the CAO which authorizes legal counsel to proceed to bill for services and for staff to consult further with legal counsel.

4. Legal Counsel Instruction

- 4.1 All resolutions requesting staff to access legal services should be clear in providing: instructions to legal counsel as to the key question(s) to be addressed, expected product, time-frame to respond, and materials to be provided to legal counsel.
- 4.2 All requests for legal counsel services should be initiated by staff using a LSR form processed according to established procedure.

- 4.3 Legal services requirements of an urgent nature may be initiated by staff and although established procedure may not initially be followed, a LSR form shall be processed immediately.

5. Legal Service Approval

- 5.1 Only the CAO and Directors can approve staff access to legal counsel to initiate the opening of a new litigation file and/or extension of an existing file (obtain an estimate).
- 5.2 The advancement of any bylaw enforcement litigation file to the Courts, shall be initiated by a resolution of the relevant local trust committee, and approved by the Executive Committee.
- 5.3 The initiating local trust committee owns the bylaw enforcement litigation, and by resolution and through staff, provides direction to legal counsel as required. Authorization to legal counsel to settle a claim, or discontinue a claim, is made by resolution of the initiating local trust committee. If the settlement or discontinuance has a financial implication, approval of the Executive Committee is also required.
- 5.4 Where a claim is made against a local trust committee, local trustees, or staff, approval of defending shall be approved by the Executive Committee, in consideration of the indemnification policy and legal counsel advice and estimates of costs.
- 5.5 All legal service bills shall be approved by the Director of Administrative Services for payment subject to a satisfactory reconciliation with the relevant LSR cost estimate and the designated staff member's verification.
- 5.6 The Director of Local Planning Services shall be responsible to monitor and supervise the use of legal services as per the conditions of the Legal Services Contract.
- 5.7 The Executive Committee may, at any time, on matters where it deems it necessary, access legal counsel directly through the Chair, with notification to the CAO.

6. Managing Services

6.1. Relationship

Any concerns that cannot be dealt with at a lawyer/staff level or general concerns regarding the legal counsel/Trust relationship should be communicated to the CAO or designated Director on the part of the Trust and to a partner at the legal contractor.

6.2. Request Estimate Changes

- 6.2.1 It is the responsibility of the originating staff to solicit updates to the LSR estimates (and billing month) from the file lawyer and submit the request form as an update to previously quoted estimates.

6.2.2 It is the responsibility of the CAO's office or designated staff to file copies of the approved request form in the Islands Trust's electronic storage area network.

6.3. Legal Firm Correspondence

6.3.1 The legal firm will forward correspondence directly to the originating staff.

6.3.2 It is the responsibility of the originating staff to internally distribute copies of legal correspondence to appropriate trustees and staff as well as to the relevant manager and to the central file system.

6.4. Legal Opinion Inventory

6.4.1 It is the Corporate Secretary's office responsibility to forward appropriate legal correspondence for the Legislative Services Clerk's inclusion in the legal opinion inventory.

6.4.2 It is the Legislative Services Clerk's responsibility to coordinate and maintain a legal opinion inventory system that is readily accessible for trustees and staff.

6.4.3 Originating staff shall check the legal opinion inventory before making legal service requests.

7. Monitoring Services

The contract law firm provides individual invoices for each file by using an individual file code and marked attention to the originating staff in a monthly invoice package sent to the Director of Administrative Services.

7.1. File Review

The Director of Administrative Services distributes each file invoice to the appropriate originating staff Directors and managers for review, signature of approval, and return to the Director of Administrative Services.

7.2. Work in Progress System

The Director of Administrative Service's office maintains a registry of active legal files and records estimate billings from approved legal service requests on a calendar spreadsheet.

7.2.1 It is the responsibility of the Director of Administrative Service's office to distribute the active legal services chart to all legal service access designates (see 2.1) on a monthly basis.

7.2.2 It is the responsibility of all designated staff to immediately advise the Director of Administrative Services of any corrections, edits, missing files, and/or fee estimates.

7.3. Legal Service Appraisal

The Director of Local Planning Services will advise the Management Group, and the Executive Committee quarterly on the status of files subject of litigation proceedings.

7.4. Legal Service Refusal

The CAO, a Director or designate may, at any time, refuse to authorize the approval of a legal service request or legal service approval because:

- 7.4.1 the service is not deemed to be required because the subject of the service request has been previously dealt with, it can be handled by staff and/or it is not of a legal nature; and/or
- 7.4.2 the legal services budget does not have the capacity to accommodate the request;
- 7.4.3 such a decision may be reviewed by the CAO or designate upon request of a local trust committee and, if required, by the Executive Committee.

C. Legislated References

Policy and Procedures Manual: Legal Services Access (2.1.6)

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

Attachment 1: Legal Services Request form

Description:

TO:

Copy To:

DATE:

FROM:

(← Originating Staff)

URGENT:

UNIT NAME:

(← i.e. billable costs to which unit?)

FILE CODE:

Existing

☐

New File

☐

File Name

LYA Code:

BACKGROUND (Description or Context Matter):

Additional Information:

Attached

☐

Available Upon Request:

☐

Is this Legal Services Request a Cost Recovery:

Yes

☐

No

☐**INSTRUCTIONS (to File Lawyer)**

If this is a Cost Recovery, legal services work must not commence until written confirmation from the relevant Islands Trust staff that a cost recovery agreement has been finalized and signed. Please quote the following file number on all correspondence:

Legal service work must not commence prior to written authorization from the Director of Local Planning Services or his designate.

Designate Staff Contact

Target Response Date

for Cost Estimate

Target Response Date
for Legal Services Completion

LAWYER RESPONSE

FEES

DISBS.

BILLING
MONTH

\$

\$

File Lawyer

LYA Partner

HAVE CHECKED LEGAL OPINION INVENTORY FOR SIMILAR OPINIONS:

☐ YES

☐ NO

Comments:

FUNDING APPROVAL:

DATE:



Policy:	6.10.1
Approved By:	Trust Council
Approval Date:	September 12, 1992
Amendment Date(s):	September 15, 2006 September 14, 2011
Policy Holder:	Director of Trust Area Services

ANNUAL REPORT

Purpose

The purpose of this policy is to provide a process for developing the Islands Trust Annual Report, in compliance with the *Islands Trust Act*, Section 19.

Background

1. Section 19 of the *Islands Trust Act* requires the Islands Trust Council to prepare and file with the minister annually a report respecting the previous fiscal year that includes:
 - 1.1 an audited balance sheet and statement of receipts and expenditures;
 - 1.2 a report of Trust Council, Executive Committee and local trust committee operations; and
 - 1.3 the annual report of the Islands Trust Conservancy Board as required under Section 46 of the *Act*.
2. The report may be enhanced by way of other additional reports on operational highlights and initiatives, as well as educational or promotional background about the Trust.

A. Definitions

n/a

B. Policy

1. Format

An outline of contents, a presentation format and a production budget will be prepared and presented to the Executive Committee for approval.

2. Content

The contents will include the legislative requirements of Section 19 of the *Act*, the Islands Trust Council's progress in achieving its adopted Strategic Plan and the highlights of local trust committee achievements in the fiscal year.

3. Review

A draft report document, including all text and data content, will be submitted to Trust Council for approval before submission to the minister.

4. Timing

- 4.1 In March of each year, staff will present the annual report budget, outline, format and template for committee reports (council committees and local trust committees) to the Islands Trust Executive Committee for approval.
- 4.2 In April of each year, senior staff will draft all committee reports using the approved outline and template and submit drafts to each committee for review and approval.
- 4.3 By April 30 of each year, senior staff will submit reports to the Chief Administrative Officer (CAO) regarding their unit's achievements, including their progress on Trust Council's Strategic Plan.
- 4.4 By May 30 of each year, the CAO will submit a draft document to the Islands Trust Executive Committee for review and approval by Trust Council in June.
- 4.5 Within one month of Trust Council's approval, the Annual Report for the previous fiscal year will be distributed.

5. Distribution

- 5.1 In fulfilment of Section 19 of the Act, the Annual Report, together with a covering letter under the signature of the Chair of the Islands Trust, will be sent to the Minister responsible for the Islands Trust.
- 5.2 Electronic versions of the Annual Report will also be sent to the following:
 - 5.2.1 Bowen Island Municipal Council
 - 5.2.2 Regional Districts within the Trust Area
 - 5.2.3 MLAs and MPs in ridings within the Trust Area
 - 5.2.4 Islands Trust trustees
 - 5.2.5 The Islands Trust website

C. Legislated References

Islands Trust Act: Section 19

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

n/a



Policy:	6.10.2
Approved By:	Trust Council
Approval Date:	September 17, 2004
Amendment Date(s):	
Policy Holder:	Director of Trust Area Services

COMMUNICATIONS

Purpose

1. To define policies and procedures for effective, accessible and consistent communications in accordance with related policies of Islands Trust Council.
2. To enhance appropriate internal communications among staff and trustees.
3. To facilitate proactive Islands Trust communications with island communities, First Nations, other levels of government, non-government organizations and the public at large.
4. To ensure that the information provided by Islands Trust is accurate.

A. Definitions

n/a

B. Policy

1. General

- 1.1 The Chief Administrative Officer (CAO) will be responsible for the Islands Trust communications policies and procedures.
- 1.2 There are internal and external types of communication policies and procedures. Internal communications relate to communications among staff and trustees. External communications refer to communications that staff and trustees have with islanders, First Nations, other levels of government, non-government organizations, and the public at large.

2. Internal Communications

- 2.1 The Islands Trust Council encourages positive and proactive communications within the organization.
- 2.2 Internal staff communication tools include regular staff, management, unit, and focus group meetings, ongoing electronic communications (intranet, email and electronic newsletters), as well as written and verbal communications including tele-conferencing.
- 2.3 All staff and trustees will have access to the appropriate level of technology in order to complete their work-related responsibilities.

- 2.4 Administrative Services will provide new employees with an Orientation Handbook before they begin their Islands Trust work responsibilities. The Orientation Handbook is also available to all staff through the Islands Trust intranet site.
- 2.5 Administrative Services will consolidate and update organizational telephone and contact lists to enhance customer service and internal referrals.
- 2.6 All trustees will be provided with technology orientation information to enable them to participate in electronic communications.

3. External Communications

- 3.1 The Chair of the Islands Trust Council, or acting chair, is the designated spokesperson for Islands Trust Council and the Executive Committee. From time to time, the Chair may request an Executive Committee member, or the CAO, to speak on behalf of the Islands Trust Council. In the event of an issue regarding specific technical background and knowledge, the Chair may appoint a staff spokesperson.
- 3.2 The CAO is the authorized spokesperson on behalf of Trust Council regarding matters affecting the administration of the Islands Trust.
- 3.3 All members of a local trust committee (LTC) are spokespersons for their LTC. Members of a LTC should identify if they are speaking for themselves as an individual, or as a LTC member. If the personal opinion of a trustee differs from the resolutions of the LTC, or of the Islands Trust Council, then the trustee should identify the difference.
- 3.4 In all communications, staff and trustees should identify whether they are representing a LTC, the Executive Committee, Trust Council, or the Islands Trust Conservancy Board.
- 3.5 Staff is authorized to speak regarding adopted policy and technical planning matters or matters related to their work program.
- 3.6 Staff and trustees will forward inquiries to the designated spokesperson(s) where appropriate.
- 3.7 Staff and trustees will notify the CAO immediately if staff or trustees become aware of any incorrect information that significantly influences the public's perception of an Islands Trust matter. If the incorrect information relates to a LTC, then the Chair of the LTC should consult with the LTC before deciding whether to act. The Chair with the CAO, will decide on whether a correction will be requested, or if Islands Trust response is necessary and under which format.
- 3.8 There are various means to enhance communications and provide information to the public about the activities of the Islands Trust and the use of them as follows:
 - 3.8.1 Notices published in newspapers as part of a statutory requirement under the provisions of the *Local Government Act*, or any other government statute, will not be subject to prior Trust Council approval;

- 3.8.2 Staff is authorized to advertise routine operations and LTC business information in newspapers;
- 3.8.3 Staff is encouraged to use news releases to communicate recent activities, decisions, projects, and services. Staff is to submit a draft news release to the CAO, or other designated staff, for approval and verification before publishing. If the news release includes a quotation from an individual trustee, then staff should obtain the trustee's approval in advance. News releases are to be created using the current Islands Trust template and are to be copied to staff, trustees and the media and then posted on the Islands Trust website;
- 3.8.4 Islands Trust will produce an electronic newsletter for distribution and website publishing to keep staff, trustees, and the public up-to-date on the activities pertaining to Trust Council; and
- 3.8.5 Staff and trustees are encouraged to use the Islands Trust and the Islands Trust Conservancy pamphlets when distributing background information about the Islands Trust.
- 3.9 The Islands Trust will maintain an Islands Trust website and an Islands Trust Conservancy website for public access to up-to-date user-friendly information such as Islands Trust meetings, activities, decisions and resources (www.islandstrustconservancy.ca and www.islandstrust.bc.ca). In addition, Islands Trust will maintain a third website for internal use by staff and trustees.
- 3.10 The following publishing procedures apply to all of the Islands Trust websites:
 - 3.10.1 The appropriate staff in each unit will post routine information to the website by sending information directly to website publishing. For any non-routine information, staff are to submit a draft to the CAO, or other designated staff, for approval and verification before sending the information to the staff responsible for website publishing;
 - 3.10.2 Staff is to indicate an expiry or follow-up date for all website publishing requests;
 - 3.10.3 Staff will ensure that the information appearing on the Islands Trust website is published in accordance with the Islands Trust Information Systems Reference documents; and
 - 3.10.4 Information appearing on the Islands Trust website will not promote an individual political philosophy, an individual business or a type of business over any other, but will always strive to promote the mandate of Islands Trust.

C. Program Costs and Fees

1. General

- 1.1 Trust Council will provide the CAO support in implementing the communications policy subject to budgets.
- 1.2 At the discretion of the CAO, other types of support, such as the Staff Communications Group, may continue to assist in implementing the communications policy.

D. Legislated References

- 1. The *Islands Trust Act* defines the Islands Trust's purpose, referred to in the legislation as its "Object":

"The Object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."
- 2. The Islands Trust Policy Statement
 - 2.1 The two relevant principles that guide Trust Council in its day-to-day planning and decision-making are:
 - 2.1.1 Trust Council will seek information from a broad range of sources in its decision-making processes, recognizing the importance of local knowledge in this regard; and
 - 2.1.2 Trust Council believes that open, consultative public participation is vital to effective decision making for the Trust Area.
 - 2.2 The Islands Trust Policy Statement includes many policies that depend upon effective communications with staff and trustees and with others outside the organization. Implementing those actions that enhance communications will assist with achieving the mandate of the Trust.
- 3. The Islands Trust Policy and Procedures Manual:
 - 3.1 Trust-Wide Administrative Procedures – Section 11 (1996) - Policy 2.1.7
 - 3.2 Council Meeting Preparation (1994) - Policy 2.2.2
 - 3.3 Islands Trust/Islands Trust Conservancy Board Communications (1999) – Policy 6.10.4 (formerly 3.2.9)
 - 3.4 Trustee/Staff Responsibility Guideline (1992) - Policy 6.11.1
 - 3.5 Administrative Fairness Principles (1994) – Policy 7.1.1

- 4. The Islands Trust Operations Manual:
 - 4.1 Telephone Reception and Voice Mail Procedure (2002) - Code A. 4. ii.
 - 4.2 Information Systems and Services and Support and Help-desk (2002) - Code C. 1. ii.
 - 4.3 Electronic Mail (2002) - Code C. 1. iv.
 - 4.4 Data Management (2002) - Code C. 1. vii.
 - 4.5 Voice Mail (2000) - Code C. 1. ix.
 - 4.6 Internet Usage Policy (2000) - Code C. 2. i.
 - 4.7 New Employee Checklist (1996) - Code E. 2. ii. and Appendix F
- 5. The Islands Trust Orientation Handbook
 - 5.1 The Islands Trust Orientation Handbook
- 6. The Islands Trust Information Systems References
 - 6.1 Creating and Publishing PDF Documents Guidelines (draft)
 - 6.2 Website Naming Conventions and Content Publishing (draft)
 - 6.3 Website Standards and Guidelines (draft)
 - 6.4 Islands Trust Privacy Policy (draft)

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

n/a



Policy:	6.10.3
Approved By:	Trust Council
Approval Date:	September 12, 2012
Amendment Date(s):	September 30, 2013
Policy Holder:	Director of Trust Area Services

ADVOCACY

Purpose

1. To provide guidelines for advocacy activities in the context of legislation and policy.
2. To define policies and procedures for effective advocacy.
3. To ensure that advocacy positions are credible and supported by public process.
4. To clarify roles and responsibilities for implementing this policy, for the benefit of Islands Trust as well as the public and agencies involved in advocacy in the Islands Trust area.

Background

The *Islands Trust Act* establishes that the Object of the Islands Trust is to preserve and protect the Trust Area and its unique amenities and environment in cooperation with others. Based on this legislated mandate, Trust Council encourages cooperation by all levels of government, First Nations, industry, business, not-for-profit and community groups to act in ways that advance the Object, using a variety of strategies, such as protocol agreements, letters of understanding and advocacy. All levels of government, First Nations, non-profit agencies, businesses, property owners, residents and visitors share responsibility for the preservation and protection of the unique environment and amenities of the Trust Area.

A. Definitions

In this policy,

1. **“Advocacy”** is the act of influencing and/or seeking cooperation with other agencies and decision-makers about laws, regulations, policies, programs, budgets, priorities, and other decisions relevant to the Islands Trust mandate.
2. **“Islands Trust bodies”** are the legal entities within the organizational structure of the Islands Trust, including Trust Council, local trust committees, council committees and the Islands Trust Conservancy Board.
3. **“Consultation”** is the act of seeking comment on a proposed position or program, or other decision and then considering input received.

B. Policy

1. From Communications Policy 6.10.2: “In all communications, staff and trustees should identify whether they are representing a Local Trust Committee, the Executive Committee, Trust Council, or the Islands Trust Conservancy Board” or speaking as an independent elected official or private citizen.”

2. Islands Trust bodies will conduct their advocacy activities in a manner that enhances Islands Trust's reputation as an organization that works proactively, constructively and collaboratively to advance the Object in an informed, organized, respectful, and transparent way.
3. Islands Trust bodies will ensure that their advocacy positions are consistent with the *Islands Trust Act*, the Object and established policy and are supported by a resolution of Trust Council, Executive Committee, Islands Trust Conservancy Board or local trust committee.
4. Islands Trust bodies will ensure that their advocacy positions consider the roles and needs of all other bodies of the Islands Trust. When practical, Islands Trust bodies will coordinate their advocacy efforts through the Executive Committee so that related issues can be advanced strategically, in the context of Trust Council's Strategic Plan.
5. When making decisions about new advocacy positions and actions, Islands Trust bodies will base those decisions on research, such as: a) a review of related past Trust Council and Executive Committee decisions and actions; b) consistency with the Islands Trust Policy Statement; c) consistency with Official Community Plan policies; d) relevant evidence; e) contextual information; f) an assessment of partnership opportunities; g) implications of proceeding or not proceeding with certain courses of action; and h) potential workload implications for staff and trustees.
6. When practical, Islands Trust bodies will proactively monitor the legislation and policy development activities of other levels of government so that advocacy actions can be undertaken early in the policy development process when they might be most effective.
7. When developing an advocacy position, or substantially changing an advocacy position, Islands Trust bodies will consult other Islands Trust bodies that could be affected. The consulted body will consider adding the item to its next public agenda and convey through a resolution whether or not there are any concerns, the nature of the concern and, if appropriate, measures that would resolve or address the concern. In the case of an urgent matter, an Islands Trust body may wish to comment through a Resolution Without Meeting process.
8. Islands Trust bodies will adapt their advocacy strategies in response to changing political and economic contexts and new information.
9. Islands Trust bodies will consider the impact on existing work programs when considering advocacy positions.
10. Islands Trust bodies will ensure their advocacy positions and strategies:
 - 10.1 respect the roles and needs of other stakeholders, and demonstrate a sincere attempt to build lasting relationships, even during conflict;
 - 10.2 are non-partisan;
 - 10.3 respect the public policy process by targeting requests to decision-making bodies with the mandate to act on the request, and demonstrate adequate knowledge and expertise, using scientific knowledge where appropriate.
11. Advocacy letters from Islands Trust bodies to elected officials should be signed by an elected official and be grounded in a resolution made at a public meeting.
12. Before announcing an advocacy position, Islands Trust bodies will prepare a strategic communications plan, and prepare for media attention and comment from constituents,

stakeholders or partners. Community outreach may be considered before and/or after taking a position.

13. When entering partnerships for the purpose of advocacy, Islands Trust bodies will consider broader implications such as:
 - 13.1 conflicts may arise between the requirements of statutes such as the *Community Charter* or *Local Government Act* and the practices of non-governmental groups;
 - 13.2 partnerships may require employees to receive confidential information requiring prior authorization by Trust Council or the Executive Committee consistent with Trust Council Policy 7.1.7, Receipt of Confidential Information from External Government Organizations and Agencies; and
 - 13.3 partners may expect commitments for a longer duration than a one-year budget cycle or four-year election cycle.
14. Islands Trust bodies will ensure that advocacy strategies involving partnerships, especially those using the Islands Trust logo, include agreement among all partners on the provisions in B.12, the roles and responsibilities within the partnership and the decision-making processes.

C. Roles and Responsibilities:

Trust Council

1. The Islands Trust Council establishes overall advocacy direction through the Islands Trust Policy Statement, sets priorities through its Strategic Plan and takes advocacy positions by resolution.

Executive Committee

2. The Executive Committee coordinates Trust Council's advocacy direction.
3. Executive Committee members encourage a coordinated approach to advocacy and external liaison as part of their appointment to local trust committees and the Islands Trust Conservancy Board.
4. The Executive Committee appointee will notify the Executive Committee when a local trust committee or the Islands Trust Conservancy Board passes a resolution related to advocacy.
5. The Executive Committee directs individual advocacy actions in accordance with the advocacy direction set by Trust Council through resolutions and the Strategic Plan.
6. The Executive Committee may assist local trust committees, island municipalities and the Islands Trust Conservancy Board with advocacy if a request for support is referred to the Executive Committee by resolution of those bodies.
7. The Executive Committee will seek a resolution of support from a local trust committee before engaging in advocacy on a local trust area issue.
8. The Executive Committee will include a report on advocacy activities in its quarterly report to Trust Council.

9. The Executive Committee will use its annual joint meeting with the Islands Trust Conservancy Board and Bowen Island Municipality to discuss current and emerging advocacy topics of mutual interest.

Local Trust Committees

10. Local trust committees conduct advocacy based on the Islands Trust Object, the Islands Trust Policy Statement and their Official Community Plan(s).
11. Local trust committees may, by resolution, undertake advocacy on land use issues specific to their local trust area and consistent with the official community plan after considering whether the position may fetter their discretion on current or future land use planning decisions.
12. Where the Islands Trust Council has adopted a bylaw, pursuant to Section 10 of the *Islands Trust Act*, that delegates powers under Section 8(2)(b),(c), (d) or (e) of the *Islands Trust Act* to a local trust committee, the local trust committee may, by resolution, undertake related advocacy, subject to any restrictions or conditions specified in the bylaw.
13. The duties of elected office to make unbiased decisions about land use planning will take precedence when an advocacy topic overlaps with those duties.
14. When a local trust committee adopts an advocacy position, it will inform the Executive Committee, and will consider how the item relates to the staff work program.
15. If a local trust committee wishes to advocate on an issue not related to land use planning or not consistent with its Official Community Plan, the local trust committee chair will seek approval from the Executive Committee to allocate staff time to the project.
16. If a local trust committee wishes to advocate on an issue overlapping with the jurisdiction of another Islands Trust body or island municipality, it will consult with the affected body. After considering the advice from that body, it may take an independent position that is consistent with the object of the Islands Trust and the Islands Trust Policy Statement, and will inform that body of the position.

Islands Trust Conservancy Board

17. Islands Trust Conservancy Board advocacy is governed by Islands Trust Conservancy Board policies ITC 1.3 Islands Trust Conservancy Board Roles and Responsibilities, ITC 3.3 Relationships with External Groups and ITC 3.5 Consulting Trust Council, Local Trust Committees, Island Municipalities, and Local Trustees on Islands Trust Conservancy Board Matters. If the Islands Trust Conservancy Board wishes to advocate on an issue overlapping with the jurisdiction of another Islands Trust body or island municipality, it may consult with the affected body as described in those policies. After considering the advice of that body, it may take an independent position consistent with the object of the Islands Trust, and will inform the affected body of the position.

Individual Trustees

18. Only the Chair of Trust Council may represent Trust Council advocacy positions to the media unless the Chair designates this role to a trustee.

19. Individual trustees may advance advocacy positions that are established by local trust committee policy, resolution or bylaw.
20. Trustees will comply with policies on communications, letterhead and logo when communicating about advocacy or other topics.
21. Local trustees are encouraged to notify the Executive Committee of any upcoming meetings with provincial or federal ministers to ask if there is an opportunity to promote the broader interests of the Islands Trust. The likelihood of success increases when positions are sponsored by the broader organization, and are consistent with other positions being advocated to that same minister.
22. Before advancing an advocacy position as a private individual, a trustee must ensure they are taking into account the principles of administrative fairness, and he or she is acting in accordance with Trust Council Guidelines on Statutory Rules of Conduct and section 103 of the *Community Charter*, which imposes restrictions regarding conflict of interest and outside influence.
23. Municipal trustees will be responsible for liaison between Trust Council and the municipality on advocacy issues in between the annual joint meeting between the municipality and Executive Committee.

Staff

24. The Chief Administrative Officer will be responsible for the Islands Trust's advocacy policies and procedures.
25. Staff who become aware of emerging legislative or other issues relevant to the Islands Trust mandate will notify their Director, who will raise the topic at the subsequent team meeting. If the issue warrants further action, the request will be forwarded to the Trust Area Services Director for discussion at an Executive Committee meeting.
26. Trust Area Services staff are responsible to alert the Executive Committee to new issues that directly affect Islands Trust operations, or mandate, and to seek political direction before investing staff time exploring the issue.
27. When a local trust committee passes a resolution related to advocacy, Local Planning Services staff will notify the Director of Local Planning, who will then notify the Director of Trust Area Services.
28. Local Planning Services staff are responsible for research on issues identified by local trust committees relating to land use planning, the official community plan and any advocacy topics that are related to additional powers delegated to the local trust committee by Trust Council.
29. When a local trust committee considers an advocacy issue that is relevant to the whole Trust Area, including Bowen Island Municipality, the Director of Local Planning Services may ask the Executive Committee for support from Trust Area Services. The Executive Committee will consider the requests for service and the advice of the Chief Administrative Officer, and decide on staff support to carry out the local trust committee direction as time allows.

30. When researching background about a potential advocacy position, staff will convey to contacts that the inquiry is for research purposes only.
31. When researching advocacy positions, staff will work with external contacts at the staff to staff level, and will communicate with non-Islands Trust elected officials only with the permission of the appropriate Chair and/or the Chief Administrative Officer.
32. When participating in advocacy partnerships that involve the receipt of confidential information, staff will comply with the Trust Council Policy 7.1.7, Receipt of Confidential Information from External Governmental Organizations and Agencies (See B.12).
33. When Trust Area Services staff are involved in advocacy work related to Islands Trust Conservancy Board activities or interests, they will notify the Islands Trust Conservancy Board Manager and, as appropriate, work with Islands Trust Conservancy Board staff to prepare briefing and decision documents for the Islands Trust Conservancy Board.

D. Spokespeople

1. Communications Policy 6.10.2 will guide decisions about spokespeople.
2. As the official representative of the Islands Trust Council, the Chair of the Islands Trust Council may independently and immediately state advocacy positions that are consistent with the Object, the Policy Statement or previous resolutions of Islands Trust bodies.
3. Spokespeople should keep their comments as concise as possible, limit their comments to their own scope of knowledge and, when practicable, should indicate that their statements are in support of the Object, Policy Statement policies or resolutions of an Islands Trust body. Where additional technical detail is desired, a staff or consultant report or comment can support the spokesperson.
4. Spokespeople should advance advocacy positions in a manner that is consistent with Trust Council's policy on standards of conduct.
5. Spokespeople should notify the Chief Administrative Officer and Executive Committee of public statements made on an advocacy topic as soon as possible, and provide copies of any printed materials used to the directors of units with a relevant work program.

E. Reporting

1. The Director of Trust Area Services will prepare a summary of advocacy activities for inclusion in the Islands Trust annual report.
2. The Executive Committee will report advocacy activities to each quarterly Trust Council meeting and seek updates from other Islands Trust bodies involved in advocacy.
3. Annually, the Executive Committee will report to Trust Council on advocacy actions and highlights from conventions of the Association of Vancouver Island and Coastal Communities and the Union of British Columbia Municipalities.

F. Budget

1. Funding for advocacy activities will be considered in accordance with the Islands Trust Council's policy on budget process.

G. Evaluation

1. Islands Trust bodies are encouraged to celebrate positive results by thanking or congratulating key decision-makers.
2. In the last year of every Islands Trust Council term, the Executive Committee will review and evaluate the effectiveness of the advocacy work undertaken during that term, considering the general policies in section B.

H. Legislated References

1. The *Islands Trust Act* defines the Islands Trust's purpose, referred to in the legislation as its "object" and defines Trust Council's advocacy roles in section 8 and 9. Trust Council may, by bylaw, delegate its advocacy role to another party.

2. Islands Trust Policy Statement, section on Roles and Responsibilities

The Islands Trust Council cannot effectively implement the Policy Statement without the support of all stakeholders. Assistance, cooperation and collaboration are required from local trust committees, island municipalities, the Islands Trust Conservancy Board, the Provincial Government, other government agencies, non-government organizations, communities, First Nations, property owners, residents and visitors.

In the spirit of the legislated object of the Islands Trust, it is expected that all corporate entities of the Islands Trust will consult with other agencies on matters involving potential conflict between the legislated object of the Trust and the legislated mandate of other agencies.

3. Islands Trust Policy Statement, Part 1: Purpose and implementation of the Trust Policy Statement, Roles and Responsibilities, Role of Other Government and Non-Government Organizations.

Government agencies and non-government organizations can contribute greatly to the preservation and protection of the environment and amenities of the Trust Area through cooperative actions based on the Policy Statement. Cooperative actions such as protocols and mutually supportive strategies and action plans are necessary for the sustainability of the Trust Area.

4. 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.”

5. Islands Trust Policy Statement, Part II - The Islands Trust object and its meaning, Guiding Principles:

- *The primary responsibility of the Islands Trust Council is to provide leadership for the preservation, protection, and stewardship of the Trust Area’s amenities, environment, and resources.*
- *When making decisions and exercising judgment, Trust Council will place priority on preserving and protecting the integrity of the environment and amenities in the Trust Area.*
- *Trust Council will seek information from a broad range of sources in its decision-making processes, recognizing the importance of local knowledge in this regard.*
- *Trust Council believes that open, consultative public participation is vital to effective decision making for the Trust Area.*
- *Trust Council will implement a plan for the advancement of the Policy Statement as part of its annual budget process, and the Executive Committee of Trust Council will report to Council on progress in achieving the goals of the Policy Statement.*

6. Islands Trust Policy Statement, Part III Ecosystem Preservation and Protection, Policy 3.1.9

Trust Council encourages actions and programs of other government agencies which:

- *place priority on the side of protection for Trust Area ecosystems when judgment must be exercised,*
- *protect the diversity of native species and habitats in the Trust Area, and*
- *prevent pollution of the air, land and fresh and marine waters of the Trust Area.*

7. Trust Council Policy 1.3.1 Policy Statement Implementation Policy

8. Trust Council Policy 2.1.1 Statutory Rules of Conduct

9. Trust Council Policy 2.1.2 Standards of Conduct

10. Trust Council Policy 2.3.4 Trust Programs Committee Terms of Reference

11. Trust Council Policy 2.4.1 Executive Committee Terms of Reference

12. Trust Council Policy 5.4.2 Procedural Fairness in Rezoning

13. Trust Council Policy 6.3.1 Budget Process

14. Trust Council Policy 6.10.1 Annual Report

15. Trust Council Policy 6.10.2 Communications

16. Trust Council Policy 6.10.4 Islands Trust/Islands Trust Conservancy Board Communications

17. Trust Council Policy 6.12.2 UBCM/AVICC Membership and Resolutions

18. Trust Council Policy 7.1.3 Use of Local Trustee Letterhead
19. Trust Council Policies 7.1.4 and 7.1.6 Use of Islands Trust Letterhead and Corporate Logo
20. Trust Council Policy 7.1.7 Receipt of Confidential Information from External Governmental Organizations and Agencies
21. Trust Council Strategic Plan
22. Local Trust Committee Official Community Plans
23. Islands Trust Conservancy Board Policy 1.3 Roles and Responsibilities
24. Islands Trust Conservancy Board Policy 3.3 Relationships with External Groups
25. Islands Trust Conservancy Board Policy 3.5 Consulting Trust Council, Local Trust Committees, Island Municipalities, and Local Trustees on Trust Conservancy Board Matter
26. Best Election Practices for Staff and Trustees – Guidelines

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

n/a



Policy:	6.10.4
Approved By:	Trust Council
Approval Date:	September 16, 1999
Amendment Date(s):	June 13, 2008
Policy Holder:	Manager of Islands Trust Conservancy

ISLANDS TRUST/ISLANDS TRUST CONSERVANCY BOARD COMMUNICATIONS

Purpose

To identify mutual commitment on the part of the Islands Trust and the Islands Trust Conservancy Board to nurture a positive and productive working relationship.

A. Definitions

n/a

B. Policy

1. Communications with Trust Council

- 1.1** Islands Trust Conservancy Board will provide an annual workshop at Trust Council meetings to provide trustees with information regarding the work of the Islands Trust Conservancy.
- 1.2** The Islands Trust information package to candidates running for trustee will include information on the Islands Trust Conservancy and Islands Trust Conservancy Board. Islands Trust staff will request the Islands Trust Conservancy Manager to review and update information when new packages are being developed.
- 1.3** Information packages to all trustees, following elections, will note that two trustees will be elected at the first Trust Council meeting to sit as members of the Islands Trust Conservancy Board and a contact for further information about the Islands Trust Conservancy Board.
- 1.4** Orientation at the initial Trust Council meeting will include information regarding the Islands Trust Conservancy and Islands Trust Conservancy Board.
- 1.5** The Islands Trust Conservancy Board may meet with Trust Council Committees to discuss areas of mutual interest.
- 1.6** The Islands Trust Conservancy Board will invite the Chairpersons of Council Committees to Board meetings when discussing issues or items specific to the Committee.
- 1.7** The Islands Trust Conservancy Board members will be invited to attend any part of a public Trust Council meeting.

- 1.8** The Islands Trust Conservancy Board will provide a report highlighting completed, current and planned activities for each quarter at all Trust Council meetings.

2. Communications with Executive Committee

- 2.1** Director of Trust Area Services or Islands Trust Conservancy Manager will provide highlights of Islands Trust Conservancy Board activities at the Executive Committee meeting directly following each Islands Trust Conservancy Board meeting.
- 2.2** The Islands Trust Conservancy Board will meet with Executive Committee as soon as possible after each December Trust Council meeting to establish a schedule for regular meetings to plan or respond to Trust Council items. At a minimum, the Board and Executive Committee will meet annually.

3. Communications with Trustees

- 3.1** Information on Islands Trust Conservancy-owned properties on each island will be included in the Islands Trust Orientation Manual. The Islands Trust Conservancy Manager will ensure this information is kept current.
- 3.2** Local trustees will be advised of any meetings and joint initiatives the Islands Trust Conservancy Board undertakes on their island(s).
- 3.3** The Islands Trust Conservancy Board will ensure that local trustees are made aware of the date(s) for site monitoring for Islands Trust Conservancy properties and covenanted lands on their island.
- 3.4** Communication between Local Trust Committees, Bowen Island Municipality and the Islands Trust Conservancy Board is guided by the Memoranda of Agreement between Local Trust Committees and the Islands Trust Conservancy Board.
- 3.5** The Islands Trust Conservancy Board will provide regular updates to the newsletter of Islands Trust.

4. Communications with Staff

- 4.1** The Islands Trust Conservancy Staff and Local Planning Services will have a joint meeting at least annually to exchange information on current and planned work of mutual interest.
- 4.2** The Islands Trust Conservancy Manager will provide an example Conservation Covenant for reference purposes to planning staff.
- 4.3** Regional Planning Managers will provide new planning staff with a copy of the Memoranda of Agreement between the Local Trust Committees and the Islands Trust Conservancy Board for Local Trust Committees they will be dealing with.
- 4.4** Legal Services workshops for Trust Council will also consider items relating to the work of the Islands Trust Conservancy.

- 4.5** Islands Trust Conservancy Board members will be introduced to the management team as a part of their orientation by the Islands Trust Conservancy Manager.

C. Legislated References

n/a

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

n/a



Policy:	6.12.1
Approved By:	Trust Council
Approval Date:	June 6, 1992
Amendment Date(s):	
Policy Holder:	Chief Administrative Officer

TRUSTEE TRAINING/CONFERENCE ATTENDANCE

Purpose

To outline Council's support, subject to available resources, for trustee training and conference attendance as a means to enhance trustees' contribution to the organizational effectiveness of the Islands Trust.

A. Definitions

n/a

B. Policy

1. Authorization for Trustee Training

1.1 Trust Council

- 1.1.1 Trust Council and/or the Executive Committee may request a trustee to undertake target training and/or attend specific conferences and seminars on behalf of Trust Council.
- 1.1.2 Trustees may request support to undertake target training and/or attend specific conferences and seminars on behalf of Trust Council.
- 1.1.3 All requests of trustees and/or to trustees for training or conference attendance shall be reviewed by the Executive Committee for Trust Council consideration when possible or approved by the Executive Committee.
- 1.1.4 The Executive Committee's recommendations or approvals will be guided by their responsibility to monitor and control the Trust Council Training/Conference account.
- 1.1.5 The Executive Committee is responsible for proposing trustee in-service training programs for Trust Council consideration via the Finance Committee within the annual budget process.

1.2 Islands Trust Conservancy

The Islands Trust Conservancy Board shall be responsible to budget, approve and control Board member training and conference attendance within its annual budget.

1.3 Local Trust Committees

Local trust committees shall be responsible, by way of a resolution, to budget, approve and control trustee training and conference attendance related to the local trust committees within its annually budgeted LTC - Local Expense Account.

1.4 Council Committees

Council Committees shall be responsible, by way of resolution, to budget, approve and control trustee training and conference attendance related to Council Committee interests within its annually budgeted Council Committee Expense Account.

1.5 Executive Committee

The Executive Committee shall be responsible, by way of resolution, to budget, approve and control Executive Committee member training and conference attendance related to Executive Committee interests within its annually budgeted Executive Committee - Training/Conference account.

2. Expectations of Trustee

2.1 It is expected that trustees, for Trust-supported training and conference attendance, will provide a written/verbal report to the approving authority body and to Trust Council at the next quarterly meeting.

2.2 It is expected that trustees, for Trust-supported training and conference attendance, will provide useful materials to the administrative secretary to copy for the Trust's reference library.

2.3 It is expected that trustees, when making a request to attend a training program or conference, will submit costs, rationale and benefits to the relevant approving authority (See Attachment 1-Training Request Form).

2.4 It is expected that trustees, whenever possible, will submit requests to attend upcoming training programs within the annual budget process via the appropriate approval authority.

3. Approving Authority Expectations

3.1 It is expected that each approving authority will:

3.1.1 solicit submissions of trustees for any requests during the upcoming fiscal year;

3.1.2 consolidate and prioritize these submissions with their budget submission to the Finance Committee;

3.1.3 monitor follow-up reports by trustees.

4. Administrative Requirements

For ease of processing, it is suggested that the attached Training/ Conference form (Attachment 1) be utilized to request and process requests for Training/Conference attendance.

5. Funding Guidelines

5.1 Level 1

5.1.1 Approving authority requests a trustee to attend - 100% expenses and registration fee or, as otherwise agreed and/or determined by the budget; or

5.1.2 Trustee attendance approved by an approving authority as high relevance/benefit to it - 100% expenses and registration fee, or as otherwise agreed and/or determined by the budget.

5.2 Level 2

Potential relevance to approving authority while of a personal developmental interest to the trustee - a portion of expenses and registration fee, as agreed and/or determined by the budget.

5.3 Level 3

Primarily of personal development interest to the trustee - No sponsorship by Islands Trust.

C. Legislated References

Annual Budget

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

Attachment 1: Training Request Form

ISLANDS TRUST
REQUEST FOR TRAINING, CONFERENCE AND WORKSHOPS

TRUSTEE INFORMATION

Name: LTA:

Is this request for a conference: No ☐ Yes ☐ (if Yes, please note that Executive Committee or Trust Council resolution of approval is required as per sections 1.1.3 and 2.3 and 4 of Trust Council Policy 6.12.1)

COURSE/CONFERENCE INFORMATION

Name of Course/Conference:

Date(s) of Course/Conference:

Offered by:

Training Location:

Brief Summary of Course/Conference content: (attach detailed course information)

Describe how this training will benefit Islands Trust and you.

Are you aware of other trustees who are attending this event?

FUNDING GUIDELINES

☐ Level 1 funding – Approving authority requests a trustee to attend OR trustee attendance approved by an approving authority as high relevance/benefit to it

☐ 100% expenses and registration fee

☐ or as otherwise agreed and/or determined by the budget

☐ Level 2 funding – Potential relevance to approving authority while of a personal developmental interest to the trustee

▪ A portion of expenses and registration fee, as agreed and/or determined by the budget

TRAVEL STATUS

☐ Full travel status

☐ Negotiated travel expenses – please indicate details:

COST SUMMARY:

Registration Fee	0.00
Per Diem Meal Costs	0.00
Accommodation **	0.00
Travel to/from Location **	0.00
Course Materials	0.00
Other	0.00
Total Training Request	\$ 0.00

**** Contact the Victoria Administrative Assistant for assistance with accommodation and travel estimates. *All travel arrangements (flights, hotel reservations, etc.) are to be coordinated through the Victoria Administrative Assistant.***

Trustee Signature _____ Date _____

EC or TC Resolution
number (if required) _____ Date _____

REGISTRATION

Confirm you have registered for this course: **Yes** ☐ **No** ☐ (Administrative Assistant to register)

PAYMENT

Confirm “cheque payment” selected on registration: **Yes** ☐ (Finance to send cheque) **No** ☐

REGISTRATION AND PAYMENT INSTRUCTIONS:

1. Register for the course/conference and choose “cheque payment” as the option. Print and attach the invoice to this form. Finance will arrange for payment of your course/conference fee. ***If you are unable to register without making payment, please contact Finance immediately.***
2. Submit completed form to the Victoria Administrative Assistant.

It is the Employee’s responsibility to notify the Victoria Administrative Assistant immediately if the Employee is unable to attend the course so that any available refund can be obtained.



Policy:	6.12.2
Approved By:	Trust Council
Approval Date:	December 5, 1992
Amendment Date(s):	June 17, 2005; March 11, 2015
Policy Holder:	Director of Trust Area Services

UBCM/AVICC MEMBERSHIP AND RESOLUTIONS

A. Policy

1. Membership

- 1.1 The Islands Trust Council will purchase an annual membership with the Union of British Columbia Municipalities (UBCM) and its local chapter, the Association of Vancouver Island and Coastal Communities (AVICC), subject to Trust Council approval of the expenditure during the annual budget process.
- 1.2 A local trust committee (LTC) may decide to purchase annual memberships with the UBCM and its local chapter, the AVICC, by passing a resolution to make the related expenditure from its Local Expense Special Projects account.

2. Convention Attendance

- 2.1 Members of the Executive Committee and senior staff will represent the Islands Trust Council at the annual AVICC and UBCM conventions, subject to Trust Council approval of the expenditure during the annual budget process.
- 2.2 A LTC may decide to have one or more of its members attend the annual AVICC and/or UBCM conventions by passing a resolution to make the related expenditures from its LTC trustee Expenses account.

3. Positions Regarding Proposed AVICC and UBCM Resolutions

- 3.1 Members of the Executive Committee will represent the Islands Trust Council when resolutions are put to a vote at AVICC or UBCM conventions.
- 3.2 Each year, staff will place the annual AVICC or UBCM's resolution publications on the next Executive Committee agenda. The Executive Committee may seek staff advice for Executive Committee members who will attend the relevant convention about whether specific resolutions are consistent with past or current Trust Council positions, and/or relevant to the jurisdiction and Object of the Islands Trust.
- 3.3 All Islands Trust elected officials and staff that speak or vote at a convention in regards to AVICC and UBCM resolutions must ensure that their positions and statements are consistent with the position and jurisdiction of the body that they represent at the convention, with the Islands Trust Policy Statement, and with the jurisdiction of the Islands Trust.

- 3.4 Islands Trust elected officials attending the UBCM or AVICC conventions are encouraged to coordinate, in advance of the convention, planned public statements during the resolutions sessions, and to ensure that statements made comply with the policies in the External Communications section of the Islands Trust Council Communications Policy 6.10.2 and the Islands Trust Council Standards of Conduct Policy 2.1.2.

4. Islands Trust Initiatives Regarding Resolutions

- 4.1 Trustees and staff are encouraged to propose resolutions for submission to the AVICC or UBCM conventions to the Executive Committee by the end of each calendar year.
- 4.2 All Islands Trust bodies that develop resolutions for consideration at AVICC and UBCM conventions must ensure that their resolutions address topics within their legislated jurisdiction and are consistent with the Islands Trust Policy Statement.
- 4.3 Trust bodies must comply with UBCM and AVICC procedures for resolution submissions.
- 4.4 Members of the Executive Committee, or a trustee chosen by the Executive Committee as its delegate, will represent Executive Committee's proposed resolution(s) at the annual AVICC and/or UBCM convention.
- 4.5 LTCs that are members of AVICC and/or UBCM, and that are planning to have a representative attend a convention(s), may develop resolutions for consideration. Such proposals must be endorsed by the LTC in advance and a member of the LTC must be selected to present the resolution at the AVICC and UBCM conventions. LTCs that develop resolutions for consideration at an AVICC or UBCM convention must provide a copy of the proposed resolution(s) on the next Executive Committee agenda and, in the case of a late resolution, the LTC chair must also circulate it as soon as possible to Executive Committee members.

B. Legislated References

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."

Islands Trust Council Standards of Conduct Policy 2.1.2

Best Management Practices for Delivery of Local Planning Services to local trust committees 5.9.1

Procurement Policy 6.5.3

Communications Policy 6.10.2 (Section 3 external communications)

Islands Trust Council Advocacy Policy 6.10.3

Trustee/Training Conference Attendance Policy 6.12.1

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

n/a



Policy:	6.12.3
Approved By:	Trust Council
Approval Date:	December 10, 1999
Amendment Date(s):	
Policy Holder:	Director of Administrative Services

VOLUNTARY STAFF TRAVEL TO ISLANDS

Purpose

To provide Trust Council's support and encouragement for all Trust staff to develop an understanding of the islands and their communities, subject to available resources, and to enhance staff's contribution to the organizational effectiveness of the Islands Trust.

A. Definitions

n/a

B. Policy

1. Authorization for Staff Access to Islands in the Trust Area

- 1.1 Islands Trust Council believes it is in the best interest of the organization for employees to have some knowledge of the Trust Area and island lifestyles.
- 1.2 Most planning staff can attend meetings on islands or travel to view sites under consideration for land use changes as a regular part of their duties. However, there are other support staff in the offices that never have the opportunity to go to other islands as part of their regular duties. This policy provides an opportunity to increase familiarity with the islands for those staff.

2. Management Responsibility

- 2.1 The Management Group will develop an overall plan relating the value of island exposure to work objectives of staff.
- 2.2 The Chief Administrative Officer will provide an evaluation of this program to Trust Council annually to include benefits achieved, staff interest in the program, and cost.

3. Funding Guidelines

- 3.1 All expenses will be paid by Islands Trust under normal travel expense regulations.

C. Legislated References

Annual Budget

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

n/a



Policy:	6.13
Approved By:	Trust Council
Approval Date:	June 13, 2012
Amendment Date(s):	
Policy Holder:	Legislative Services Manager

ISLANDS TRUST MINUTES GUIDELINES

Purpose

1. To provide guidelines for the preparation of meeting minutes for all Islands Trust bodies.
2. To provide for a high standard of organizational minute taking, which includes consistency of format and general content of minutes across all Islands Trust bodies.
3. To ensure that properly called and constituted meeting minutes are recorded, prepared, distributed and filed in a consistent manner and available for public viewing in keeping with statutory requirements.

Scope

These guidelines apply to the minutes of all Islands Trust bodies including: Trust Council, Executive Committee, Financial Planning Committee, Regional Planning Committee, Trust Programs Committee, Islands Trust Conservancy Board, Local Trust Committees, and all standing, select, or other committees, including advisory committees and commissions appointed by these bodies, and Boards of Variance.

A. Definitions

n/a

B. Policy (Guidelines)

1. **Purpose of Minutes:** Minutes are a formal public record of all proceedings passed at meetings of Trust bodies. The minutes shall record every resolution of the body, including every resolution closing a meeting to the public, the reading and adoption of every bylaw, and every declaration made in relation to a conflict of interest.
2. **Minutes Standard:** The recommended standard for Islands Trust minutes will be *anecdotal* minutes which include the decisions/actions and objective summaries of discussion or debate leading to decisions, as deemed necessary. Ideally, such minutes contain point-form summaries of debate and discussion and do not attribute comments to individual members. This style of minutes falls in between *decision-only* and *verbatim* minutes and is the recommended standard for minutes in most cases.

3. Draft Minutes Format

3.1 Draft minutes must be prepared in accordance with Policy 6.13 Islands Trust Minutes Guidelines, in the standard format lay-out as set out in:

- Appendix 1 to Policy 6.13 (sample *open meeting* minutes); and
- Appendix 2 to Policy 6.13 (sample *closed meeting – in camera* – minutes)

which include wording for standard motions and decisions, and as prescribed in the templates designed for the electronic meeting management system used by Islands Trust.

The Legislative Services Manager is authorized to create, maintain and amend the Appendices, as required from time to time, for approval by Executive Committee.

3.2 Draft minutes shall be prepared by Islands Trust staff within 7 days of the meeting.

3.3 Draft minutes shall be prepared by contract minute takers within the time period set out in the contract, which in any event must not exceed 7 days from the day of the meeting.

3.4 Minimum Content

The following are the minimum content requirements for meeting minutes:

- 3.4.1 at the beginning, list the type of meeting (e.g. regular, special, in-camera, community information, town hall, etc.);
- 3.4.2 name of the body, date and location of the meeting;
- 3.4.3 list the Council/Committee members as Present, Absent or Regrets, as appropriate;
- 3.4.4 members participating in a meeting by audio or audio/visual electronic means are deemed to be present at a meeting; indicate the method of the electronic communication in brackets after the member's name, e.g. Trustee Smith (by telephone); or, where numerous members are attending by electronic means, indicate their presence in a grouping, e.g. Present by telephone: Trustees Jones, Smith;
- 3.4.5 separately list staff and other guests present;
- 3.4.6 include full names of members, staff and guests and their respective positions or titles;
- 3.4.7 indicate the approximate number of members of the public present;
- 3.4.8 no abbreviations other than recognized planning abbreviations or standard contractions shall be used;

- 3.4.9 the time the meeting was called to order;
- 3.4.10 Chair's welcoming remarks to be included in summary or point form; if acknowledged by the chair, include a statement that the meeting is being held on First Nations territory;
- 3.4.11 list items as they appear on the agenda; the order of the agenda may be changed by the meeting participants;
- 3.4.12 document the decisions made by motion for each item listed on the agenda or added under New Business, or a specific direction not made by a motion;
- 3.4.13 if a member makes a declaration of conflict of interest under Section 100(2) of the Community Charter, or having made such a declaration and subsequently obtained legal advice makes a further declaration under Section 100(4), the Recorder shall record the declaration, the reasons given for it and the time of the member's departure from the meeting and, if applicable, the time of the member's return to the meeting;
- 3.4.14 any member who so requests may have their comment(s) recorded "for the record" in the draft minutes;
- 3.4.15 record when a member enters the meeting after it has commenced and when a member leaves or returns to the meeting;
- 3.4.16 when recording comments of a member or a chair, the member will be addressed by the title "Trustee" followed by the member's surname and the chair will be addressed by the title "Chair" followed by the chair's surname;
- 3.4.17 note time of adjournment of the meeting;
- 3.4.18 put in signature block at the end of the minutes including a line for the chair to sign, as well as a line for the recorder to certify minutes.

3.5 Discussion and Debate by Meeting Members

If discussion or debate is included it shall:

- be minimal
- be very concise
- be in summary or point form
- pertain only to the item being considered
- not attribute comments or actions to a Trust body as a whole unless the specific decision or direction is made in the form of a motion
- when summarizing member statements or positions of support or concern, qualify the reference by using the following terms: "some trustees" or "some _____ Committee members" or "trustees".

As directed by *Roberts Rules of Order*, minutes are a record of what happened at a meeting, not what was said, so leave out:

- 3.5.1 direct speech or quotes except as formal motions;
- 3.5.2 names of people making suggestions or comments unless reference is to a motion, decision, agreement to follow up, or delegation of a specific task to a named person. The exception to this is if a member expressly requests that their comment(s) be recorded “for the record”;
- 3.5.3 off-topic comments or discussion;
- 3.5.4 details of a lengthy discussion that reaches no conclusion.

3.6 Common Principles for Recording Effective Minutes

Note that a quorum must be present for the meeting to begin. If a quorum is not present, the meeting may continue but no motions or decisions can be made.

To assist the chair when required, Recorders must keep track of the status of all motions on the floor as well as the order of meeting proceedings in relation to the approved agenda. Prior arrangements may be made with the chair on the most appropriate way to alert the chair to a problem or issue which arises during the meeting. Such arrangements may include passing a note, speaking up, or showing a cue card (e.g. repeat the motion, take the vote, etc.).

When recording and preparing minutes, the following general principles will apply:

- 3.6.1 completeness and accuracy in recording all motions made and actions taken;
- 3.6.2 if unsure of the wording of a motion, ask permission to read it out loud for confirmation;
- 3.6.3 professionalism (thoroughly reviewed, no typos or grammatical errors);
- 3.6.4 consistent in form and content and laid out in accordance with Islands Trust format standards so that they are clear, appealing and easy to read;
- 3.6.5 written in plain, easily understood language;
- 3.6.6 written in the third person using past tense;
- 3.6.7 minutes do not carry or imply the opinions of the recorder;
- 3.6.8 written in sufficient detail to allow a person who was not at the meeting to understand what business was transacted and the reasoning behind decisions;
- 3.6.9 where a staff member presents a staff report or other agenda material at a meeting, provide a concise executive style summary of the key issues or concepts covered; and leave out exhaustive information or minutia which is available by reading the report itself;
- 3.6.10 focus on decisions, key points, ideas, arguments and facts presented and not on the individuals present (*record points, not people*);

3.6.11 with the exception of agenda items such as *Trustee Reports* or *Chair's Report*, maintain a collective focus on the body as a whole and not what each individual said or did; summaries of debate or discussion shall be done in concise point-form and not in essay style;

3.6.12 identify details of any documents or material related to agenda items, e.g. type, author, date, subject.

3.7 Delegations

Presentations made by a delegation or speaker shall be very briefly summarized in one or two sentences, i.e. the delegation was in favour/opposed to an item on the agenda, or an indication of what the delegation wants the Islands Trust to do. Reference shall be made in the minutes to any written documentation received from the delegation that is being kept for the record including the type, author, date of material and subject.

3.8 Local Trust Committee Community Information Meetings and Town Hall Meetings

Whether as a stand-alone meeting or as a portion of a Local Trust Committee meeting, these minutes shall contain a synopsis of the issue(s) being discussed and a point form summary of the comments made by the public attending the meeting. If several members of the public raise the same views or comments, it is not necessary to restate those comments repeatedly. Public commentary may include the speaker's name; however personal information such as the speaker's street address, or email address, shall not be included in the minutes.

3.9 Motions

3.9.1 A motion is on the floor when it has been moved and seconded.

3.9.2 With the exception of Trust Council minutes, it is not necessary to record the name of the member who moved or seconded a motion. For example:

3.9.2.1 Trust Council:

MOVED by Trustee Jones, SECONDED by Trustee Smith, that ...

3.9.2.2 All other Trust bodies:

It was MOVED and SECONDED that....

3.9.3 Record the result of the motion i.e. CARRIED, DEFEATED or WITHDRAWN.

3.9.4 Anyone wishing to be recorded as having an opposite vote will be noted as follows:

CARRIED

Trustees Jones, Cook and Smith Opposed

- 3.9.5 Amendments to motions shall be recorded. Only two amendments may be made to the original motion and are voted on in reverse order.
- 3.9.6 Where there is agreement by the body to change a motion without a formal amending process, the resulting motion is to be recorded.
- 3.9.7 Routine and non-controversial decisions such as:
- 3.9.7.1 approval of the agenda;
 - 3.9.7.2 adoption of minutes;
 - 3.9.7.3 handling reports and correspondence, i.e. receipt or endorsement of material, or direction to staff and members;
 - 3.9.7.4 approval of meeting rules (e.g. speaking protocol, speaking limits, etc.); and
 - 3.9.7.5 adjournment
- may be made by consensus, if there is no objection from members, and shall be recorded in the event a motion is not put. Consensus-based decisions, as stated by the chair, shall be formatted to stand out in the minutes in the same way as motions so that they are easily identified.
- 3.9.8 Numbering of Motions: Each motion shall be identified in the minutes by a code identifying the Trust body, a sequential number, and the year. A separate number shall be assigned for each motion to amend, withdraw or table a motion already on the floor. It is not necessary to assign a new number where a motion has been made, then amended once or twice, and restated in the minutes with the inclusion of the amendments, for the final vote on the main motion, as amended.
- 3.9.9 Where there is considerable discussion or debate on a motion, which results in either a member or the Chair calling for the question on the motion to be put, the following phrase may be used:

“The question on the motion was then called,

CARRIED”

3.10 In Camera or Closed Meeting Minutes

- 3.10.1 A motion must be made in an open meeting to close a meeting in accordance with the Community Charter in order to go in camera.
- 3.10.2 In camera minutes are to include only motions made, and no summary of discussion or debate.
- 3.10.3 Minutes of in camera meetings are to be a separate document and kept separately.
- 3.10.4 Motions to close a meeting and Rise and Report shall be in accordance with the samples provided in Appendix 2.

4. Distribution of Draft Minutes

- 4.1 Once draft minutes have been prepared by the Recorder, they must be vetted as follows:
 - 4.1.1 proof-read and spell-checked by the Secretary or designate;
 - 4.1.2 reviewed for content by a second designated staff person who attended the meeting;
 - 4.1.3 finally, reviewed by the chair of the Trust body for informal feedback before circulation to members and posting on the Islands Trust website. The chair may make suggestions to enhance the clarity and accuracy of the minutes, but may not alter the draft minutes to modify decisions with which they disagree. Any substantive changes must be brought to the next meeting for formal amendment by the body; and
 - 4.1.4 returned to the secretary or designate for distribution.
- 4.2 Prior to distribution, the word "DRAFT" shall be:
 - 4.2.1 prominently placed at the top of the front page,
 - 4.2.2 within the footer of each page, and
 - 4.2.3 as a diagonal watermark across each page.
- 4.3 Draft minutes are to be distributed to trustees prior to the Trust body meeting when the draft minutes are to be considered for adoption.
- 4.4 The secretary or designate is responsible for:
 - 4.4.1 making copies or otherwise distributing draft minutes in accordance with the agreed-upon distribution list; and
 - 4.4.2 publishing the "open meeting" draft minutes to the Islands Trust website once they have been vetted in accordance with section 4.1, have had the word "DRAFT" applied in accordance with section 4.2, and provided that they are accompanied by a standard Islands Trust disclaimer to the effect that minutes are not official until adopted at the next meeting or a subsequent meeting.

5. Adopting Minutes

Minutes are not official until adopted at the next meeting.

- 5.1 Draft minutes of the previous meeting must be brought forward to a subsequent meeting of the Trust body for adoption. The draft minutes shall be adopted by consensus or by a resolution of the Trust body.
- 5.2 Draft "open meeting" minutes may be adopted through a Resolution Without Meeting instead of being adopted at the subsequent meeting, if required.

- 5.3 As an exception, draft “in camera” minutes shall be adopted at a subsequent In Camera meeting and cannot be adopted by Resolution Without Meeting. Note that staff may act on a matter decided by resolution at an in camera meeting without waiting for the minutes to be adopted.
- 5.4 Once the draft minutes have been adopted, the word "DRAFT" will be:
 - 5.4.1 removed from the top of the first page,
 - 5.4.2 replaced by the word "ADOPTED" in the footer of each page of the adopted minutes, and
 - 5.4.3 the watermark removed.
- 5.5 As soon as possible following adoption of the minutes, the Secretary or designate will publish the adopted “open meeting” minutes to the Islands Trust website, replacing the draft minutes of the same meeting.
- 5.6 The Secretary or designate will ensure that both the Recorder and the chair sign the original copy of the adopted minutes on the signature lines, which appear on the last page of all minutes, and will file the minutes as required under Section 7.1 of these guidelines.

6. Availability of Minutes to the Public

- 6.1 Adopted minutes, other than minutes of a closed meeting, shall be open for inspection by any person and any person may have copies and extracts of the minutes made at all reasonable times upon request and on payment of the fee of 25 cents per page (*Community Charter* Sections 95 and 97).
- 6.2 The secretary or designate is responsible for ensuring that adopted minutes are published to the Islands Trust website.

7. Filing

- 7.1 Original signed minutes must be filed directly into minute files and stored in fire-proof cabinets located in each Islands Trust office, after appropriate copies have been distributed. An electronic copy of the adopted minutes will be filed in the electronic meeting management program minutes library.
- 7.2 Minutes are an historical record of decisions, directions and policies of the Islands Trust and are to be retained as a permanent record.

C. Legislated References

Community Charter - Sections 90, 91, 92, 95, 97 and 100

Freedom of Information and Protection of Privacy Act

Applicable **Islands Trust Procedures Bylaws**: Bylaw 101 – Trust Council & Council Committees; Bylaw 1 – Islands Trust Conservancy Board; and

Local Trust Committee Procedures Bylaws: Bylaw 163 – Denman Island; Bylaw 225 – Gabriola Island; Bylaw 162 – Galiano Island; Bylaw 87 – Gambier Island; Bylaw 118 – Hornby Island; Bylaw 74 – Lasqueti Island; Bylaw 126 – Mayne Island; Bylaw 156 - North Pender Island; Bylaw 391 – Salt Spring Island; Bylaw 83 – Saturna Island; Bylaw 93 – South Pender Island; and Bylaw 105 – Thetis Island

Local Government Act - Section 223

Robert's Rules of Order, Newly Revised – 11th Edition.

Mina, Eli, *Mina's Guide to Minute Taking – Principles, Standards & Practical Tools*, Eli Mina Consulting, Vancouver, BC, eli@elimina.com, www.elimina.com

Cryderman, Paula, *Minutes to Success*, Canadian Secretary, May 1985

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

Appendices (attached)

Appendix 1 to Policy 6.13 Islands Trust Minutes Guidelines: Sample Open Meeting Minutes

Appendix 2 to Policy 6.13 Islands Trust Minutes Guidelines: Sample Closed Meeting – *In Camera* - Minutes

Appendix 3 to Policy 6.13 Islands Trust Minutes Guidelines: Suggested verbs to use in discussion summaries

APPENDIX 1 to Policy 6.13 Islands Trust Minutes Guidelines:

SAMPLE OPEN MEETING MINUTES

Index of Sample Wording to be Used

	Item # in Sample Minutes	Topic
a.	Item 2	Approval of agenda – either by motion or consensus, including adding or deleting items and changing the order
b.	Item 3	Adoption of minutes – by motion or consensus
c.	Item 4.1.3	Bylaw readings
d.	Item 4.2.2	Amending a motion and assigning Resolution Numbers
e.	Item 4.3.1	Example of point form or summarized discussion
f.	Item 6.1	Motion to Close Meeting – done in open meeting; cite the basis for going <i>in camera</i> directly from the <u>Community Charter</u>
g.	Item 7	Rise and Report – done in open meeting – list only those items included in Rise and Report motion(s) from the <i>in camera</i> meeting
h.	Item 9	Adjournment - either by motion or consensus

APPENDIX 1 to Policy 6.13 Islands Trust Minutes Guidelines:

SAMPLE OPEN MEETING MINUTES (including wording for standard motions and decisions)



**Executive Island
Local Trust Committee
Minutes of a Regular* Meeting**

[* OR Special, Community Information, Town Hall]

Date of Meeting: Wednesday, May 30, 2012
Location: Islands Trust Office Boardroom,
200-1627 Fort Street, Victoria, BC

Members Present: Susan White, Chair
Brian Gray, Local Trustee
Adam Black, Local Trustee

Regrets: Michael Green, Local Trustee

Staff Present: Ken Kona, Island Planner
Mary Smith, Recorder

Staff Absent: Brenda Leader, Regional Planning Manager

Media and Others Present: Five members of the public

1. CALL TO ORDER

The meeting was called to order at 10:04 am. Chair White acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. Trustees and staff were introduced.

2. APPROVAL OF AGENDA

The following additions to the agenda [or deletions or reordering of items] were presented for consideration:

- 4.3.2 Correspondence from Charles Jones dated May 28, 2012 re: Oil Tanker Traffic
- 4.4.1 EC-RZ-2011.2 (Paul John) Staff Report dated May 1, 2012

By general consent the agenda was approved, as amended.

OR

By general consent the agenda and addendum were approved.

APPENDIX 1 to Policy 6.13 Islands Trust Minutes Guidelines:

SAMPLE OPEN MEETING MINUTES (including wording for standard motions and decisions)

OR

EX-2012-011

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

CARRIED

3. MINUTES AND FOLLOW-UP ACTION

3.1. Minutes of Meetings/Resolutions Without Meeting

3.1.1. Executive Island Local Trust Committee Minutes of March 5, 2012

EX-2012-012

It was MOVED and SECONDED,
that the Executive Island Local Trust Committee Minutes of March 5, 2012 be adopted.

CARRIED

OR

EX-2012-013

It was MOVED and SECONDED,
that the Executive Island Local Trust Committee Minutes of March 5, 2012 be amended by deleting the phrase “except as indicated” in item 4.1.1, and that the minutes be adopted as amended.

CARRIED

OR

By general consent the Executive Island Local Trust Committee Minutes of March 5, 2012 were adopted [,as amended].

3.2. Follow-up Action List

The follow-up action list was reviewed.

4. BUSINESS ITEMS

4.1 Trustees Report

Trustee Gray reported that he attended a briefing session in Nanaimo, BC on May 14, 2012 regarding proposed ferry fare increases within the Islands Trust area.

APPENDIX 1 to Policy 6.13 Islands Trust Minutes Guidelines:

SAMPLE OPEN MEETING MINUTES (including wording for standard motions and decisions)

Trustee Black advised that he participated in a meeting in Courtenay, BC on May 17, 2012 with Comox Valley Regional District elected and staff representatives on various matters of common interest.

4.2 Bylaws

4.2.1. Executive Island Local Trust Committee Bylaw No. 263

Staff indicated that Executive Island Bylaw No. 263 was a bylaw which set out notification procedures for bylaw enforcement.

EX-2012-014

It was MOVED and SECONDED,

that Executive Island Local Trust Committee Bylaw No. 263, cited as "Executive Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 263, 2011", be read a first time.

CARRIED

EX-2012-015

It was MOVED and SECONDED,

that Executive Island Local Trust Committee Bylaw No. 263, cited as "Executive Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 263, 2011", be read a second time.

CARRIED

EX-2012-016

It was MOVED and SECONDED,

that Executive Island Local Trust Committee Bylaw No. 263, cited as "Executive Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 263, 2011", be read a third time.

CARRIED

EX-2012-017

It was MOVED and SECONDED,

that Executive Island Local Trust Committee Bylaw No. 263, cited as "Executive Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 263, 2011", be adopted.

CARRIED

APPENDIX 1 to Policy 6.13 Islands Trust Minutes Guidelines:

SAMPLE OPEN MEETING MINUTES (including wording for standard motions and decisions)

4.3 Correspondence

4.3.1. Letter from Residents & Owners Association of Executive Island dated May 2, 2012 re: Authority for Beach Accesses

Committee members reviewed and discussed the above noted letter which requested the Trust Committee to consider alternatives to the current authority and approval process for providing beach accesses on the island.

By general consent Committee directed staff to prepare a response for the Chair's signature.

4.3.2 Correspondence from Charles Jones dated May 28, 2012 re: Oil Tanker Traffic

EX-2012-018

It was MOVED and SECONDED,

that the letter from Charles Jones dated May 28, 2012 be forwarded to the Federal Minister of the Environment.

EX-2012-019

It was MOVED and SECONDED,

that the motion be amended by adding the words "with the other letters received to date on this topic" to the end of the motion.

CARRIED

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

CARRIED

OR

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

That the letter from Charles Jones dated May 28, 2012 be forwarded to the Federal Minister of the Environment with the other letters received to date on this topic.

CARRIED

4.4 Applications and Permits

4.4.1 EC-RZ-2011.2 (Paul John) Staff Report dated May 1, 2012

Planner Kona presented the staff report and recommended an updated definition of affordable housing which was distributed to Committee with the addendum agenda. She indicated that the rezoning proposal had been referred to the

APPENDIX 1 to Policy 6.13 Islands Trust Minutes Guidelines:

SAMPLE OPEN MEETING MINUTES (including wording for standard motions and decisions)

Advisory Planning Commission in April and that the Commission recommended in favour of moving forward with the rezoning.

There was discussion on the proposal and the following points were raised:

- annual review and regulation of the number of occupants is required;
- a definition of affordable housing in the Land Use Bylaw is needed;
- consider specific versus generic terminology in the definition.

EX-2012-020

It was MOVED and SECONDED,

that staff be requested to amend the draft definition of “affordable housing” to remove specific low income requirements.

During debate the reasons for drafting the new affordable housing definition and changing the income cutoff for eligibility were considered.

CARRIED

5. **NEW BUSINESS – None.**

6. **CLOSED MEETING**

6.1 **Motion to Close the Meeting**

EX-2012-021

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s. 90(1)(a) personal information about an identifiable individual who is being considered for a position appointed by the Committee and that the recorder and staff attend the meeting.

CARRIED

Committee closed the meeting at 11:05 am

By general consent Committee reconvened in open meeting at 11:11 am to rise and report [OR without report].

7. **RISE AND REPORT**

Chair White reported on the following:

APPENDIX 1 to Policy 6.13 Islands Trust Minutes Guidelines:

SAMPLE OPEN MEETING MINUTES (including wording for standard motions and decisions)

Appointments to Executive Island Advisory Planning Commission

Jim Brown and Bob Black were appointed for a term to begin June 1, 2012 and to expire May 31, 2013; and Don Green was appointed for a term to begin June 1, 2012 and to expire May 31, 2014.

8. NEXT MEETING

The next meeting will take place on June 8, 2012.

9. ADJOURNMENT

By general consent the meeting adjourned at 11:13 am.

OR

EX-2012-022

It was MOVED and SECONDED,
that the meeting be adjourned at 11:13 am.

CARRIED

Susan White, Chair

CERTIFIED CORRECT:

Mary Smith, Deputy Secretary and Recorder

APPENDIX 2 to Policy 6.13 Islands Trust Minutes Guidelines

SAMPLE CLOSED MEETING – IN CAMERA – MINUTES

Index of Sample Wording to be Used

Item # in Sample Minutes		Topic
a.	Item 2	Approval of agenda – either by motion or consensus
b.	Item 3	Adoption of minutes – either by motion or consensus
c.	Item 4.1	Appointment of Commission members <u>plus motion to Rise and Report</u> <i>Note: Preferably, a recommendation to rise and report should form part of the staff recommendation(s) in the report to the Trust body, wherever applicable. If the report does not include a rise and report recommendation, then it can be added at the end of the motion when the recommendation is being MOVED.</i>
d.	Item 5	Or, a rise and report motion can be made under the standing agenda item RISE AND REPORT at the end of the meeting and may cover all instances where the body reports out to the public.
e.	Item 6	Adjournment – either by motion or consensus

APPENDIX 2 to Policy 6.13 Islands Trust Minutes Guidelines:

*SAMPLE CLOSED MEETING – **IN CAMERA** - MINUTES* (including wording for standard motions/decisions)

Note: In Camera minutes will include only motions/decisions made and actions taken. No summary of discussion or debate is included.



Executive Islands Local Trust Committee

Minutes of the *In Camera* Portion of a Regular [or Special] Meeting

Date of Meeting: Wednesday, May 30, 2012
Location: Islands Trust Office Boardroom,
200-1627 Fort Street, Victoria, BC

Members Present: Susan White, Chair
Adam Black, Local Trustee
Brian Gray, Local Trustee

Regrets: Michael Green, Local Trustee

Staff Present: Ken Kona, Island Planner
Mary Smith, Recorder

Staff Absent: Brenda Leader, Regional Planning Manager

Media and Others Present: None

1. CALL TO ORDER

The meeting was called to order at 11:05 am.

2. APPROVAL OF AGENDA

By general consent the agenda was approved, as amended.

OR

By general consent the agenda and addendum were approved.

OR

EX-IC-2012-012

It was MOVED and SECONDED,
that the agenda [and addendum] be approved.

CARRIED

APPENDIX 2 to Policy 6.13 Islands Trust Minutes Guidelines:

SAMPLE CLOSED MEETING – IN CAMERA - MINUTES (including wording for standard motions/decisions)

Note: In Camera minutes will include only motions/decisions made and actions taken. No summary of discussion or debate is included.

3. MINUTES

3.1. Executive Island Local Trust Committee *In Camera* Minutes of March 5, 2012

EX-IC-2012-013

It was MOVED and SECONDED,

that the Executive Island Local Trust Committee *In Camera* Minutes of March 5, 2012 be adopted.

CARRIED

OR

EX-IC-2012-013

It was MOVED and SECONDED,

that the Executive Island Local Trust Committee *In Camera* Minutes of March 5, 2012 be amended by deleting the name of Linda Jones from the list of Staff Present, and that the minutes be adopted as amended.

CARRIED

OR

By general consent the Executive Island Local Trust Committee *In Camera* Minutes of March 5, 2012 be adopted [as amended].

4. BUSINESS ITEMS

4.1 Appointments to Executive Island Advisory Planning Commission

EX-IC-2012-014

It was MOVED and SECONDED,

- 1) that the following persons be appointed to the Executive Island Advisory Planning Commission:

For a term to begin June 1, 2012 and to expire May 31, 2013

Jim Brown 1234 Seaway Road, Executive Island, BC V0N 1Z0

Bob Black 272 Starfish Lane, Executive Island, BC V0N 1Z0

For a term to begin June 1, 2012 and to expire May 31, 2014

Don Green 12 Straits Road, Executive Island, BC V0N 1Z0
(replacing Ann Jons)

- 2) and that Committee rise and report on the appointments.

CARRIED

APPENDIX 2 to Policy 6.13 Islands Trust Minutes Guidelines:

*SAMPLE CLOSED MEETING – **IN CAMERA** - MINUTES* (including wording for standard motions/decisions)

Note: In Camera minutes will include only motions/decisions made and actions taken. No summary of discussion or debate is included.

5. **RISE AND REPORT** [Alternative if rise and report motion not included in motion appointing APC members – as in 4.1 above]

EX-IC-2012-015

It was MOVED and SECONDED,

that the Executive Committee rise and report on the appointment of members to the Executive Island Advisory Planning Commission.

CARRIED

6. **ADJOURNMENT**

By general consent the meeting adjourned at 11:11 am.

OR

EX-IC-2012-016

It was MOVED and SECONDED,

that the meeting be adjourned at 11:11 am.

CARRIED

Susan White, Chair

CERTIFIED CORRECT:

Mary Smith, Recorder

Appendix 3 to Policy 6.13 Islands Trust Minutes Guidelines:

Suggested verbs to use in discussion summaries

Common verbs for use by minute takers in place of the word “said” which may imply a direct quote, e.g. “John Doe or Trustee Smith **said** that....”

advised
addressed
announced
acknowledged
answered

cautioned
claimed
commented
confirmed

estimated
expressed (concern/opposition/support)
explained

indicated

mentioned

noted

observed

proposed

questioned

recommended
remarked
reported

spoke to or spoke on
stated
suggested
summarized
supported

Islands Trust, January 2014

Policy:	7.1.1
Approved By:	Trust Council
Approval Date:	June 11, 1994
Amendment Date(s):	September 17, 2009
Policy Holder:	Chief Administrative Officer

ADMINISTRATIVE FAIRNESS PRINCIPLES

Purpose

1. To provide administrative fairness principles to guide trustees, staff, local trust committees, the Islands Trust Council and the Executive Committee to:
 - 1.1 act in a non-discriminatory and reasonably prompt manner;
 - 1.2 ensure actions and decisions are lawful, not negligent, and for a proper purpose;
 - 1.3 conduct decision-making processes that are reasonably fair and prompt within a defined process and timeframe.

Note: This policy does not refer to the Islands Trust Conservancy Board, which is guided by its own policies.

A. Definitions

n/a

B. Policy

The Islands Trust should utilize its best efforts to achieve the following aims for its administrative functions:

1. General Conduct

1.1 Statutory Responsibilities

All Islands Trust bodies, trustees and staff of the Islands Trust, with the exception of the Islands Trust Conservancy Board, should provide advice and analyses consistent with their professional training, their position duties, and statutory requirements.

1.2 Standards of Conduct

All Islands Trust bodies, trustees and staff, with the exception of the Islands Trust Conservancy Board which has its own Board Administration policies, should reasonably attempt to carry out their duties in a manner that provides impartial and equal service to all, faithful discharge of duties without fear or favour and democratic processes that are duly responsible to the public in accordance with the rules for ethical conduct in the *Community Charter*, the *Local Government Act*, the *Islands Trust Act*, and the Islands Trust's Policy and Guidelines regarding Standards of Conduct.

1.3 Governance Principles

All Islands Trust bodies, trustees and staff, with the exception of the Islands Trust Conservancy Board, should strive toward an effective, responsible and democratic system of government with regard to the Islands Trust's Guidelines regarding Governance Principles.

2. Exercise of Power

2.1 Enabling Legislation

Decisions and actions shall be clearly authorized by, and consistent with, applicable government statutes and regulations.

2.2 Proper Delegation

Delegation of decision-making power or discretionary authority should be consistent with enabling legislation.

2.3 Legal Responsibilities

Policies and bylaws requiring potential enforcement should be enacted in good faith and with a view to reasonably attempting to satisfy obligations to act.

2.4 Policy Consistency

Bylaws, policies and procedures should be reviewed for consistency with existing Trust policies and agreements.

2.5 Interagency Cooperation

Relationships with other agencies to improve services, provide programs, and/or clarify administrative processes, should be documented in written form for regular and public review.

3. Fair Decision Making

3.1 Notice of Proceedings

Parties whose interests may be affected by a decision or action should be notified in a timely and adequate manner about the decision-making process and opportunities to participate in it.

3.2 Statutory Notice

Procedural requirements of the *Community Charter*, the *Local Government Act*, the *Islands Trust Act* and relevant procedures bylaws in respect of land use decisions, shall be strictly adhered to.

3.3 Opportunity to Review

Parties whose interests may be affected by a decision or action should be given a reasonable opportunity to review the nature of the resulting action or decision and to examine the information of other sources being considered.

3.4 Opportunity to be Heard/to Respond

Parties whose interests may be affected by a decision or action should be given a reasonable opportunity to provide written or verbal information in support of their position.

3.5 Impartiality

Trustees must comply with Division 6 of Part 4 of the *Community Charter* “Conflict of Interest”, and should consider the Islands Trust’s Guidelines regarding Statutory Rules of Conduct to deal with conflicting interests that may affect, or appear to affect, the making of an impartial decision.

3.6 Relevant Information

Decisions should be based on a review of relevant information, excluding all irrelevant considerations.

3.7 Timeliness

Decisions and actions should be made reasonably promptly according to timelines established and communicated to identified parties who may be affected by a decision or action.

3.8 Reasons

Identified, affected parties should be provided with reasons, in writing if requested, for the decisions and actions of Islands Trust bodies. Whenever relevant, written reasons should indicate the information and opinions considered, and should quote relevant documents such as Official Community Plans, the Islands Trust Policy Statement, the *Islands Trust Act* or other statutes.

3.9 Confidentiality - Privacy

Islands Trust bodies should only exclude members of the public from a decision-making situation when a meeting has been properly closed for a purpose identified in Division 3 of Part 4 of the *Community Charter* (“Open Meetings”).

4. Appeal Procedures

4.1 Complaint Handling

Complaints related to administrative fairness concerns should be handled in accordance with the Islands Trust's Procedures for Handling of Administrative Fairness Complaints.

4.2 Available Remedies

Interested parties should be fully informed, upon their request, of the available internal and external mechanisms of appeal, review, and/or complaint regarding a decision made or action taken.

4.3 Bylaw Infractions

Complaints about bylaw infractions should be considered by the Islands Trust in accordance with its procedures regarding bylaw enforcement.

5. Organizational Management

5.1 Staff Structure

The staff structure and structural amendments shall be reviewed and approved by Trust Council for implementation by the Chief Administrative Officer, monitored by the Executive Committee and conveyed to the public.

5.2 Delegation of Management Authority

The Executive Committee shall approve the delegation of management authority for implementation by the Chief Administrative Officer.

5.3 Delegation of Staff Authority

The Chief Administrative Officer should approve the delegation of staff authority for implementation by management.

5.4 Personnel Matters

A review or hearing process that affects an employee who is a member of a union shall be governed by the relevant collective agreement. For other staff, the employee will be given reasonable and timely notice and an opportunity for input before the commencement of a review or hearing process.

6. Information/Communications

6.1 Public Information

Reasonable efforts should be made to communicate the role of the Islands Trust and its programs, procedures and activities.

6.2 Written Material

Forms, brochures and letters should be written in plain language.

6.3 Information Availability

Mechanisms should be developed and used to respond to public requests for information that is public and not confidential.

6.4 Access - Information

Trustees and staff must adhere to the *Freedom of Information and Protection of Privacy Act* and should adhere to the Islands Trust's policies and procedures regarding access to information.

6.5 Access - General

Ongoing attention should be given to monitoring public access to Trust activities or services by those with special needs, inadequate telephone access, and minimum levels of service.

C. Legislated References

Community Charter

Freedom of Information and Protection of Privacy Act

Islands Trust Act

Local Government Act

Ombudsperson Act

Policy and Procedures Manual:

Statutory Rules of Conduct (2.1.1)

Standards of Conduct (2.1.2)

Governance Principles (2.1.3)

Procedural Fairness in Rezoning (5.4.2)

Bylaw Compliance and Enforcement (5.5.1)

Handling of Administration Fairness Complaints (7.1.2)

Freedom of Information and Protection of Privacy (7.6.1)

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

n/a



Policy:	7.1.2
Approved By:	Trust Council
Approval Date:	June 11, 1994
Amendment Date(s):	March 9, 2001
Policy Holder:	Legislative Services Manager

HANDLING OF ADMINISTRATIVE FAIRNESS COMPLAINTS

Purpose

To ensure that best effort is used to handle formal complaints regarding Islands Trust administrative practices, processes and procedures (excluding land use bylaw infractions) in a fair, equitable and timely manner in accordance with the Administrative Fairness Principles Policy.

A. Definitions

Formal complaints are limited to those submitted in writing and directed to the Chief Administrative Officer (CAO).

Islands Trust refers to the following decision-making bodies: Trust Council, a local trust committee and the Executive Committee, as well as trustees or staff.

Ombudsperson Office referrals of complaints should be directed to the CAO.

Review Bodies include the CAO and the Executive Committee whose roles are explained in Section B.

Verbal concerns should be handled by trustees and staff within the spirit of this policy.

B. Principles

1. **Confidentiality** - To protect the privacy of the complainant, formal complaints should be handled in a confidential manner by trustees and staff upon receipt from the complainant and upon referral by the CAO or the Executive Committee, unless the complainant provides a written waiver of this provision to the CAO. The complainant and complaint will be made known to the affected staff, trustees or local trust committee.
2. **Availability** - The provisions of this policy should be available to every person or organization, including Islands Trust trustees and staff affected by a decision or action of the Islands Trust.
3. **Notification** - Trustees and staff should advise parties who might be adversely affected by a decision or action of the Islands Trust, or upon request, of the provisions of this policy should they wish to dispute a matter.
4. **Acknowledgement** - All formal complaints should be acknowledged, stating the expected process and time-frame to be taken to respond to the complaint, as well as any limitations of the review process with respect to the complaint.
5. **Accountability** - All formal complaints should be responded to, with reasons, with a view to using best efforts to resolve the complaint.

6. **Ombudsperson Office** - Referrals from, requests for assistance to, or complaint file communications with the Ombudsperson, shall be directed through the CAO, or, alternatively, the Islands Trust Chairperson.
7. **Corporate secretary's Role** - The Corporate secretary is to coordinate the handling of administrative fairness complaints in an objective manner.
8. **Executive Committee's Role** - The Executive Committee's role, within the provisions of Section 4(3) of the *Islands Trust Act*, is to review matters related to the day-to-day business of the Islands Trust and activities of a local trust committee, and, in that context, it may observe, advise and offer recommendations on such matters to a local trust committee or Trust Council, and seek remedies as required in matters for which it has jurisdiction.
9. **Access to Information** - Complainants should be given access to public information that would assist them in stating their complaint in a timely manner within the provisions of the Islands Trust's Freedom of Information and Protection of Privacy bylaw(s), policies and procedures, and the *Freedom of Information and Protection of Privacy Act*.
10. **Ombudsperson Act** - Complainants, while being encouraged to utilize the provisions of this policy to have their complaints addressed by the Islands Trust, should also be advised of the services of the Ombudsperson's Office and provisions of the *Ombudsperson Act*.
11. **Scope of Authority** - The review bodies, being the CAO and Executive Committee, do not have the power to judicially review the conduct of Trust Council, a local trust committee, or a trustee or staff person and are limited to making recommendations to decision-making bodies of the Islands Trust, to modify their own decisions or actions, and to direct staff on remedial efforts appropriate to their respective personnel authority - Executive Committee to CAO and CAO to all other staff.
12. **Consultation** - It is expected that the primary purpose of this policy's processes is to maximize communication among all affected parties to a complaint.
13. **Accessibility** - The cost and complexity of the Islands Trust's administrative fairness complaint handling process should not constitute a deterrent or present unreasonable obstacles to a complainant submitting a formal complaint.
14. **Chief Administrative Officer's Role** – The CAO's role is to request staff action, as required, and to conduct reviews involving staff matters.

C. Procedure

1. **Receipt of Formal Complaints**
 - 1.1 **Informal Complaints** - Every effort should be made to direct verbal complaints to the appropriate Islands Trust decision-making body, trustee or staff person, and to notify the complainant of the provisions of this policy for pursuing a formal complaint.
 - 1.2 **Formal Complaint** - Complainants should be informed that, in order to have complaints formally processed under the provisions of this policy, they must be in

writing directed to the CAO for complaints regarding staff, and to the Chair for complaints regarding local trust committees or trustees.

- 1.2.1 Complaint Content - Complainants must state the specific nature of a formal complaint and provide their name, address and phone number before complaints will be processed under the provisions of this policy.
- 1.2.2 Confidentially - Complainants must also acknowledge in writing that such complaints are not considered confidential with respect to affected staff or local trust committees.
- 1.2.3 Complaint File - A copy of the formal complaint should be forwarded to the corporate secretary, who is to open a file respecting the complaint.
- 1.2.4 Complaint Tracking - The corporate secretary is responsible for logging the complaint in an Administrative Fairness Complaint Log, and for tracking all steps of the complaint-handling process to its conclusion.
- 1.2.5 Referral - The corporate secretary will refer the formal complaint to the appropriate decision-making body, and/or trustee or staff person, for consultation in acknowledging the complaint.
- 1.2.6 Acknowledgement - The corporate secretary should acknowledge the formal complaint within 10 days, unless otherwise communicated to the complainant, in writing, advising the complainant as to whom the complaint has been referred to, the complaint handling process, expected timelines to deal with the complaint, and legal, legislative and/or policy limitations with respect to responding to the complaint.

2. Stage I Investigation

- 2.1 **Staff-Related Complaints** - Staff investigation of formal complaints, as requested by the CAO, are expected to adhere to the following process:

- 2.1.1 Referral

The CAO should refer appropriate complaints to the relevant staff person and his/her supervisor with a copy of the acknowledgement letter for the investigation within timelines provided by the CAO.

- 2.1.2 Complainant Contact

The staff person and/or supervisor should promptly contact the complainant to arrange a meeting by telephone, or, if desired by the complainant, with a view to addressing the complaint.

2.1.3 Investigation

The staff person should thoroughly ascertain the facts and issues, and prepare a report containing the facts, issues, and results of efforts to address the complaint in consultation with his/her supervisor.

2.1.4 Response

The staff person should communicate, in writing, his/her efforts to address the complaint, with reasons, to the complainant, with a copy to the CAO, corporate secretary, his/her immediate supervisor, and the appropriate decision-making body, as required.

2.2 **Decision-making Bodies** - Staff investigations at the request of the Executive Committee involving matters directly related to decisions of decision-making bodies are expected to adhere to the following process.

2.2.1 Notice to Complainant

Reasonable and timely notice, in writing, should be given to the complainant of a complaint investigation by a decision-making body.

2.2.2 Complainant Contact

If required or requested by the corporate secretary or the complainant, the complainant should be given an opportunity to provide information to support his/her position, in person, or in writing, in addition to the original written complaint.

2.2.3 Investigation

Staff reports as per clause 2.1.3 should be directed to the appropriate decision-making body with a copy to the CAO and the corporate secretary.

2.2.4 Decision

The decision-making body, in consideration of the relevant facts, issues and staff advice should determine, by resolution, its response to the complainant.

2.2.5 Response

The staff person should communicate to the complainant, in writing, the decision-making body's decision, with reasons in response to the complaint, with a copy to the CAO, the corporate secretary, and the Executive Committee.

2.3 **Trustee Related Complaints** - Must be directed to the Islands Trust Chair or the Executive Committee. The Chair or Executive Committee will refer complaints to the relevant trustee, with a copy of the acknowledgement letter for his/her investigation

and response to the complainant, using steps 2.1.1 to 2.1.4. Reviews will be handled by the Executive Committee.

3. Appeals

3.1 To the Chief Administrative Officer - In the event the complainant is not satisfied with the efforts of the designated staff person and/or supervisor to address the complaint, the CAO is to address the complaint utilizing steps outlined in 2.1.1. to 2.1.4 with a copy of the written documentation to the Executive Committee, corporate secretary and appropriate staff, trustee and/or decision-making body.

3.2 To the Executive Committee

3.2.1 CAO Efforts

In the event the complainant is not satisfied with the efforts of the CAO to address the complaint, the Executive Committee is to conduct a review of the matter in accordance with clause 3.2.4.

3.2.2 Decision-Making Body Efforts

In the event the complainant is not satisfied with the efforts of an Islands Trust decision-making body to address the complaint, or at the request of that decision-making body by way of resolution, the Executive Committee is to conduct a review of the matter in accordance with clause 3.2.4.

3.2.3 Trustee Efforts

In the event the complainant is not satisfied with the efforts of a trustee to address the complaint, or at the request of that trustee, the Executive Committee is to conduct a review of the matter in accordance with clause 3.2.4.

3.2.4 Executive Committee Review

Executive Committee review is to proceed in the following manner:

3.2.4.1 The Executive Committee should give reasonable and timely notice to persons, including the complainant, who might be affected by the review process.

3.2.4.2 The Executive Committee should advise the complainant of the Executive Committee's limited mandate as appropriate to deal with the complaint.

3.2.4.3 Persons who might be affected by the review should be given an opportunity to provide information to support their positions in addition to the original written complaint of the complainant.

3.2.4.4 A member of the Executive Committee who was involved in the local trust committee land use planning decision, resolution or bylaw complained of, or is the subject of the complaint, is not to take part in the review. The Conflict of Interest Guidelines apply to members of the Executive Committee conducting the review.

3.2.4.5 The Executive Committee, in consideration of the relevant facts, provides advice to staff and, in its scope of authority, should determine, by resolution, its response to the complainant.

3.2.4.6 The Islands Trust Chair should communicate, in writing, the Executive Committee's decision, with reasons, to the complainant, with a copy to the CAO, corporate secretary, and relevant staff and/or decision-making body.

4. Coordination

4.1 **Tracking** - The corporate secretary is to maintain a tracking system to ensure attention is being given to all complaints and to monitor communications with the complainant.

4.2 **Regular Reporting** - The corporate secretary is to keep statistical and qualitative descriptions of complaints and the results of internal complaint processes, and to report quarterly to the Executive Committee and Trust Council via the CAO.

4.3 **Annual Reporting** - The corporate secretary is to provide information on the statistical and qualitative descriptions of complaints, including reviews, to be included in the Islands Trust's annual report.

4.4 **Complaint Files** - The corporate secretary is responsible for maintaining files containing documentation related to a formal complaint.

4.5 **Complaint Records** - All trustees and staff are to provide a record of discussions and meetings relevant to a formal complaint to the corporate secretary.

C. Legislated References

Ombudsperson Act

Policy and Procedures Manual:

Administrative Fairness Principles (7.1.1)

Bylaw Compliance and Enforcement (5.5.1)

Freedom of Information and Protection of Privacy (7.6.1)

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



Policy:	7.1.3
Approved By:	Trust Council
Approval Date:	September 9, 1994
Amendment Date(s):	December 5, 2003
Policy Holder:	Director of Trust Area Services

USE OF LOCAL TRUSTEE LETTERHEAD

Purpose

1. The purpose of this policy is to provide guidance to local trustees in the use of local trustee letterhead, and to ensure that when local trustee letterhead is used by local trustees as individuals:
 - 1.1 statutory requirements are met;
 - 1.2 a proper record keeping system is kept;
 - 1.3 operational efficiency and effectiveness is achieved.
2. When a letter from a local trustee is written in this context, it is inappropriate to use Islands Trust letterhead, which is only to be used by Islands Trust corporate entities, upon resolution.

A. Definitions

n/a

B. Policy

1. Islands Trust letterhead may be used by a corporate entity of the Islands Trust only when a decision of the corporate entity has been made by resolution to initiate a letter stating the actions/wishes/requests of the corporate entity. It must not be used by a local trustee who is initiating correspondence as an individual.
2. Where a member of a local trust committee is corresponding as an individual local trustee from a local trust area, the local trustee may use local trustee letterhead.
3. When a local trustee is corresponding on local trustee letterhead, the local trustee must use an opening paragraph to make it clear that they are corresponding in their individual capacity as trustee, and to avoid misleading the recipient of the correspondence into thinking that the contents of the correspondence are necessarily the view of the local trust committee, e.g.:

"As a local trustee from _____ Island, I express the following views regarding..." It must be clear that the content of the correspondence reflects the position or opinion of an individual local trustee. It must also be clear that the letter is not written on behalf of the local trust committee.

4. When a local trustee is corresponding on local trustee letterhead, the signature line must identify the trustee as a local trustee of the island he/she is representing. The following signature line example should be followed:

Trustee _____
_____ Island Local Trustee

5. All letters on trustee letterhead must be copied to the Victoria office, to ensure that proper record keeping systems are kept, and to ensure compliance with the *Freedom of Information and Protection of Privacy Act*.
6. Local trustee letterhead will be designed in accordance with Attachment 1, and will be printed on high quality, recycled white paper.
7. Local trustees must not correspond on Islands Trust or local trust committee letterhead with any person, corporation, governmental or other body in order to influence in any way a decision, recommendation or action to be made or taken by any other person or body, if the local trustee has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

C. Legislated References

1. *Community Charter* Sections 102 and 103.
2. *Freedom of Information and Protection of Privacy Act*.
3. Policy and Procedures Manual: Use of Islands Trust Letterhead (7.1.4).

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

Attachment 1 – Sample of Local Trustee Letterhead



Trustee XX
XX Island Local Trustee

Trustee Address
Trustee Address

Telephone:
Email: xx@islandstrust.bc.ca
Web: www.islandstrust.bc.ca

Date

Name
Address

Dear XX:

As a local trustee from XX Island, I express...

Yours sincerely,

Trustee XX
XX Island Local Trustee

cc: Islands Trust Victoria Office



Islands Trust

Trustee XX
XX Island Local Trustee

Trustee Address
Trustee Address

Telephone:
Email: xx@islandstrust.bc.ca
Web: www.islandstrust.bc.ca

Date

Name
Address

Dear XX:

As a local trustee from XX Island, I express...

Yours sincerely,

Trustee XX
XX Island Local Trustee

cc: Islands Trust Victoria Office



Policy:	7.1.4
Approved By:	Trust Council
Approval Date:	September 9, 1994
Amendment Date(s):	December 5, 2003
Policy Holder:	Director of Trust Area Services

USE OF ISLANDS TRUST LETTERHEAD

Purpose

1. The purpose of this policy is to provide guidance to Islands Trust corporate entities on the appropriate use of Islands Trust letterhead, and, when Islands Trust letterhead is used by a Trust corporate entity, to ensure:
 - 1.1 that statutory requirements are met;
 - 1.2 that a proper record keeping system is kept;
 - 1.3 that operational efficiency and effectiveness is achieved.

A. Definitions

n/a

B. Policy

1. Islands Trust letterhead may only be used by a corporate entity of the Islands Trust, being all local trust committees, the Executive Committee, and Trust Council, when a decision of the corporate entity has been made by resolution to initiate a letter stating the actions/wishes/requests of the corporate entity.
2. A letter from a corporate entity of the Islands Trust must be signed by the appropriate Chair unless otherwise authorized by the local trust committee.
3. All local trust committee correspondence must be copied to local trustees and the responsible senior planner and other persons, as required.
4. All Executive Committee correspondence must be copied to the Executive Committee members and the Chief Administrative Officer, to local trustees, if required, the responsible manager for follow-up and other persons, as required.
5. All Trust Council correspondence must be copied to the Executive Committee members and the Chief Administrative Officer, the responsible manager for follow-up and other persons, as required.
6. Letters sent to a federal or provincial minister should be signed by the Trust Committee Chair.
7. Letters sent to senior federal or provincial government officials should be signed by the Chief Administrative Officer or a manager.

8. The format of a letter on Islands Trust letterhead shall be:
 - 8.1 Block style
 - 8.2 File Number at top right of first page
 - 8.3 Calibri 11-point font
9. Local trustees must not correspond on Islands Trust or local trust committee letterhead with any person, corporation, governmental or other body in order to influence in any way a decision, recommendation or action to be made or taken by any other person or body, if the local trustee has a direct or indirect pecuniary interest in the matter to which the decision, recommendation or other action relates.

C. Legislated References

Community Charter Sections 102 and 103

Freedom of Information and Protection of Privacy Legislation

Policy Manual: Use of Local Trustee Letterhead (7.1.3)

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

n/a



Policy:	7.1.5
Approved By:	Trust Council
Approval Date:	December 7, 1996
Amendment Date(s):	
Policy Holder:	Chief Administrative Officer

OMBUDSPERSON REFERRALS

Purpose

To standardize the process for dealing with administrative fairness complaint inquiry and investigation referrals from the Ombudsperson's office concerning local trust committees, Islands Trust Council and the Islands Trust Conservancy Board by the Corporate Secretary of the Islands Trust.

A. Definitions

n/a

B. Policy

The implementation of this policy is assigned to the Corporate Secretary.

1. Initial Contact by the Ombudsperson's Office

- 1.1 Initial contacts by staff from the Office of the Ombudsperson for assistance, information or documentation shall be referred to the Corporate Secretary.
- 1.2 Initial contacts regarding a specific file from the Office of the Ombudsperson about the Islands Trust shall be logged within the Islands Trust Complaint Referral Log by the Corporate Secretary.
- 1.3 The Corporate Secretary may contact staff or trustees in confidence, for the purposes of providing assistance to an inquiry from the Office of the Ombudsperson.

2. Investigation Process

- 2.1 The Corporate Secretary shall forward the investigation referral to the appropriate Islands Trust Manager and the Chief Administrative Officer.
- 2.2 The Chief Administrative Officer or Manager should forward the investigation referral to the relevant Islands Trust body or person with instruction for acknowledgment within timelines outlined in 2.4.2 of this Policy.
- 2.3 The Corporate Secretary may enter into a consultation process under section 14(3) of the *Ombudsperson Act* with the designate from the Office of the Ombudsperson.

2.4 The consultation process may involve:

2.4.1 the Corporate Secretary coordinating direct access to designated staff and trustees by staff of the Office of the Ombudsperson;

2.4.2 a 30-day response time unless otherwise agreed to in writing by the Corporate Secretary and staff of the Office of the Ombudsperson; and

2.4.3 documentation clarifying the role of the Office of the Ombudsperson and the Islands Trust along with key steps of the Office of the Ombudsperson investigation process.

3. Referral Tracking

3.1 The Corporate Secretary is responsible for tracking all steps of the process to its conclusion.

3.2 Trustees and staff are to provide records relevant to the investigation directly to the Corporate Secretary for safekeeping.

4. Resolution of Disagreements

4.1 At any time throughout an investigation, a local trust committee, Islands Trust Council or the Islands Trust Conservancy Board may, by resolution, request a meeting with the Ombudsperson through the Corporate Secretary.

C. Legislated References

Handling of Administrative Fairness Complaints (7.1.2)

Bylaw Enforcement Policy (5.5.1)

Freedom of Information and Protection of Privacy Policy and Procedures (7.6.1 and 7.6.2)

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

n/a



Policy:	7.1.6
Approved By:	Trust Council
Approval Date:	September 16, 1999
Amendment Date(s):	March 29, 2007
Policy Holder:	Director of Trust Area Services

CORPORATE LOGO

Purpose

To provide guidelines for the use and reproduction of the Islands Trust logo, wordmark and slogan.

A. Definitions

n/a

B. Policy

1. Authority

- 1.1 The Islands Trust logo, wordmark and slogan (the 'logo') are the exclusive property and right of the Islands Trust Council, and can be displayed or used for official Islands Trust business by, or on behalf of, the Island Trust Council, Executive Committee, local trust committees and local trustees. The logo may not be displayed or used in any manner by any other individual, organization, or other entity without the written consent of the Islands Trust.
- 1.2 The Chief Administrative Officer will ensure that this Policy is being followed and has authority under this Policy to grant use of the logo.
- 1.3 A decision to allow or disallow use of the logo may be appealed to the Executive Committee or Trust Council.

2. Use

- 2.1 It is the policy of the Islands Trust Council that the corporate logo will only be used for official Islands Trust purposes related to the business of an Islands Trust entity, trustee or staff member. That business may include: formal correspondence, website, signs, documents, application forms, job postings, publications, advertisements, public announcements, awards, certificates, clothing for the identification of Islands Trust staff or trustees, official promotional and protocol items and other uses as approved.
- 2.2 Reproducing the Islands Trust logo on materials that are not intended for official use is not permitted.

2.3 For formal correspondence, the corporate logo will appear in the upper left-hand corner of the page.

2.4 Use and reproduction of the Islands Trust logo is to follow the guidelines in the attached document entitled “Islands Trust Logo and Slogan Guidelines”.

C. Legislated References

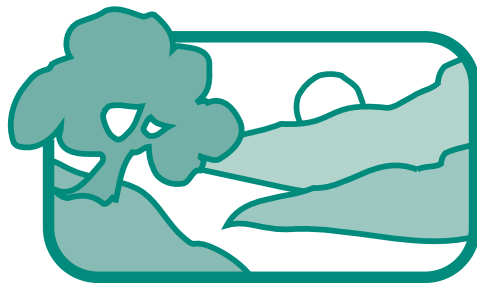
Communications Policy (6.10.2)

Use of Islands Trust Flag Policy (4.1.10)

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

Attachment - Islands Trust Logo and Slogan Guidelines

Islands Trust Logo and Slogan Guidelines



Islands Trust

These guidelines are created for everyone who has the
occasion and permission to use the Islands Trust logo
wordmark and slogan

Preserving **Island** communities, culture and environment



AUTHORIZED USE

The visual identity is made up of two elements:

1. the Islands Trust logo (1)
2. the wordmark identifying Islands Trust (2)

These elements are NEVER used separately

FONT

The font used is ITC Flora Medium

COLOUR

Spot colour: pms 562 (green) and black

Process colour: C76 M0 Y47 K30



GREYSCALE

When the logo appears in its greyscale version, it must appear in the same screened percentages as provided



BLACK ONLY

Use this version when a very small logo is needed



Islands Trust



Islands Trust



Islands Trust



Islands Trust



Islands Trust

UNAUTHORIZED USE

When using the full logo and wordmark together, in both the colour and the greyscale versions, do not change the relationship between the elements, or the position of the elements

Do not scale the logo in an unconstrained fashion

Do not replace the wordmark font with any other font

Do not change the colours

Do not use the low resolution logo from the website for printwork. It will not appear crisp and clear

Preserving **Island** communities, culture and environment

The Islands Trust slogan is provided as a separate graphic element, and can be used separately from the logo

FONT

The font used is ITC Flora Medium and ITC Flora Bold for the word "Island"

COLOUR

Spot colour: pms 562 (green) and black

Process colour: C76 M0 Y47 K30

Preserving **Island** communities, culture and environment

A black only version is also supplied

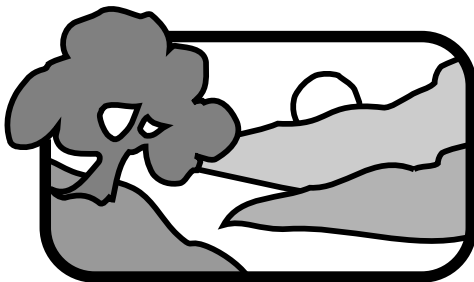
**THE FOLLOWING LOGO FILE FORMATS ARE AVAILABLE FROM ISLANDS TRUST.
FORMATS ARE AVAILABLE FOR BOTH PC AND MACINTOSH PLATFORMS**



Islands Trust

ITlogoMAC.eps
ITlogoMAC.tif
ITlogoMAC.jpg

ITlogoPC.eps
ITlogoPC.tif
ITlogoPC.jpg



Islands Trust

ITlogoGS_MAC.eps
ITlogoGS_MAC.tif
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ITlogoGS_PC.eps
ITlogoGS_PC.tif
ITlogoGS_PC.jpg



Islands Trust

ITlogoBW_MAC.eps
ITlogoBW_MAC.tif
ITlogoBW_MAC.jpg

ITlogoBW_PC.eps
ITlogoBW_PC.tif
ITlogoBW_PC.jpg

**THE FOLLOWING SLOGAN FILE FORMATS ARE AVAILABLE FROM ISLANDS TRUST.
FORMATS ARE AVAILABLE FOR BOTH PC AND MACINTOSH PLATFORMS**

Preserving **Island** communities, culture *and* environment

ITsloganMAC.eps

ITsloganMAC.tif

ITsloganMAC.jpg

ITlogoPC.eps

ITlogoPC.tif

ITlogoPC.jpg

Preserving **Island** communities, culture *and* environment

ITsloganBW_MAC.eps

ITsloganBW_MAC.tif

ITsloganBW_MAC.jpg

ITsloganBW_PC.eps

ITsloganBW_PC.tif

ITsloganBW_PC.jpg

NOTES ON FILE FORMATS AND THEIR USAGE

eps

this file is a "vector" (smooth lines) file and can be enlarged or reduced to any size. It can be imported into most page layout programs, but will not print correctly on a non-postscript printer. Use for signage, in page layout, t-shirts etc.

tif

this file is "raster" (pixillated) file and should be enlarged to no more than 125%, or it will not print clearly. It can be imported into most page layout programs, and will print clearly on both post-script and non-postscript printers. Use in page layout programs.

j

pg

this file is also a "raster" file, but is more compressed to make the file size smaller. Use for the world-wide web.

If any other file format is required, please contact
Beacon Hill Communications Group
Victoria, BC
Telephone **250-383-5590**



Policy:	7.1.7
Approved By:	Trust Council
Approval Date:	March 9, 2001
Amendment Date(s):	December 7, 2001; December 5, 2003
Policy Holder:	Chief Administrative Officer

RECEIPT OF CONFIDENTIAL INFORMATION FROM EXTERNAL GOVERNMENTAL ORGANIZATIONS AND AGENCIES

Purpose

To set the parameters and conditions under which information from external governmental sources can be received in confidence and to clarify how such information should be handled.

This policy applies to information received from federal and provincial governments and Crown corporations, and local governments external to the Islands Trust. This policy does not deal with or affect the confidential land and land interest negotiations of the Islands Trust Conservancy Board. Such negotiations are confidential to the Board and Islands Trust Conservancy Staff. The Memorandum of Agreement between the Islands Trust Conservancy Board and Trust Council will address how and when such negotiations will be discussed with Trust Council and local trust committees.

A. Definitions

n/a

B. Policy

Employees

1. The Basic Rule

Employees are employees of the Trust Council and, in respect of all matters that engage the Islands Trust in carrying out its statutory mandate, owe a duty of undivided loyalty to the Trust Council. Except as provided in this Policy, no information received by an employee in the course of employment may be treated as confidential from the Trust Council.

2. Exceptions to the Basic Rule

2.1 An employee may fully respect and adhere to conditions of confidentiality imposed on the receipt of information from external sources in circumstances which the Trust Council or the Executive Committee has, prior to the receipt of the information, authorized the employee to receive the information on confidentiality conditions acceptable to both the Trust Council or the Executive Committee and the source of the information. Such conditions may include an undertaking to the employee not to disclose the information to the Trust Council or to any other local trust committee. When a request is made by an external government agency to the employee, Trust Council, or local trust committee to participate in meetings, the proceedings and

product of which are to be confidential, the Trust Council or the Executive Committee will be able to address the confidentiality conditions in advance and agree or not as the case may be.

- 2.2 Despite the basic rule, the Chief Administrative Officer of the Islands Trust may fully respect and adhere to conditions of confidentiality imposed on the receipt of information from an external source where the Chief Administrative Officer believes such action to be consistent with the best interests of the Islands Trust or any Islands Trust entity.

3. Unanticipated and Gratuitous Information

- 3.1 Where information in any recorded form is provided to an employee with an unanticipated condition of confidentiality, meant to be binding on the employee, no copies of such record should be made, and it should immediately be returned to the source with the advice that confidentiality may only be respected with the prior authorization of the Trust Council or the Executive Committee.
- 3.2 Where in the course of a conversation, an employee is advised in advance that what is said is to be confidential, the source should be immediately interrupted and advised that such information, if imparted, cannot be held in confidence without the authorization of the Trust Council or the Executive Committee. The source can then decide whether to continue or seek Trust Council or Executive Committee authorization for the employee to receive the information.
- 3.3 Where an oral communication to an employee is followed by an after-imposed condition of confidentiality, meant to bind the employee, the source should be immediately advised that such condition is unacceptable and cannot be respected.

4. Authorization by Trust Council or the Executive Committee

- 4.1 Trust Council or Executive Committee authorization for an employee to accept information on conditions of confidentiality is always subject to any obligation on the part of the Trust Council and the employee to provide records pursuant to the *Freedom of Information and Protection of Privacy Act*, or to provide records and information pursuant to any other statute, or regulation requiring its disclosure, or pursuant to any order to disclose or produce, made by any authority having jurisdiction.

C. Trust Council and Local Trust Committees

1. The Trust Council and a local trust committee may receive any information in any medium or form on any conditions of confidentiality it chooses, provided that any undertaking of confidentiality will by law be subject to:
 - 1.1 Trust Council or local trust committee will not be able to give an effective undertaking as to confidentiality, since any mention of the matter is made at a Trust Council or local trust committee meeting (including the agreement that the matter be

confidential) it must be in public pursuant to S. 89 and S. 90 of the Community Charter;

- 1.2 Any obligation to provide records pursuant to the *Freedom of Information and Protection of Privacy Act*, or to provide records on information pursuant to any other statute or regulation requiring its disclosure, or pursuant to any order to disclose or produce made by any authority having jurisdiction; and
- 1.3 The acceptance by the source that the conditions of confidentiality bind the Trust Council or local trust committee as a corporation in its corporate capacity, and cannot bind the elected individual members of the Trust Council or a Local trust committee in their personal and political capacity.

D. Elected Trustees

1. Elected trustees in their personal and political capacity are not covered by this Policy. The Trust Council and local trust committees are not bound by personal undertakings of confidentiality made by individual trustees. Conversely, individual trustees may personally retain any confidences they choose when information of any form or type is given to them.

E. Executive Committee

1. The Executive Committee is not a separate corporation for the purposes of most of its functions. It is the Executive of the Trust Council and thus simply part of the Trust Council, except where it is acting as a Local Trust Committee – in which case it is a separate corporation and part “C” of this Policy applies to it in that capacity.
2. Where the Executive Committee is acting merely as the Executive of the Trust Council (S.21(1)(c) of the *Islands Trust Act*), its members are part of the Trust Council, and as an entity the Executive Committee has no legal capacity to enter into agreements with other governmental bodies relating to confidentiality, and any information provided to the Executive Committee in its capacity as the Executive Committee in relation to the mandate of the Islands Trust should not be confidential from the Trust Council.
3. Individual members of the Executive Committee receiving information in their personal or political capacity are governed by Part “D” of this Policy.

F. Legislated References

Freedom of Information and Protection of Privacy Act

Local Government Act

Handling of Administrative Fairness Complaints Policy (7.1.2)

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

n/a



Policy:	7.2.1
Approved By:	Trust Council
Approval Date:	December 8, 2010
Amendment Date(s):	June 15, 2011; March 11, 2015; June 21, 2017; January 16, 2019
Policy Holder:	Director of Administrative Services

TRUSTEE REMUNERATION

Purpose

To define the process for determining the remuneration and benefits received by trustees, Executive Committee members, and members of Trust Council Committees.

A. Definitions

Trustees

Trustees are elected officials as defined in the *Islands Trust Act*, Sections 6 (local trustees) and 7 (municipal trustees).

Population

Population for local Trust Areas is determined by the most recent census conducted by Statistics Canada.

Folios

1. Folios are individual properties as defined by BC Assessment.
2. The number of folios in each local Trust Area is determined annually by BC Assessment and reported to the Islands Trust.

Trust Council Committees

Trust Council Committees are the standing committees of Council as defined in Trust Council Policy 2.3.1, exclusive of the Executive Committee.

Executive Committee

Executive Committee means the committee referred to in section 20(1) of the *Islands Trust Act*, and is composed of the Chair and Vice-Chairs.

Benefits

1. Benefits are defined as:
 - 1.1 Premiums for Medical Services Plan (MSP)
 - 1.2 Premiums for dental plans available through the Union of BC Municipalities (UBCM)
 - 1.3 Premiums for extended health care available through the Union of BC Municipalities (UBCM)

B. Policy

1. The Islands Trust endeavors to provide trustee remuneration that reflects the relative workload of individual trustees due to their membership on local trust committees (LTC), Trust Council and Trust Council Committees.
2. Trustee Remuneration will be calculated based on the sum of four factors:
 - 2.1 An amount for membership on Trust Council. This amount will be equal to the remuneration paid to municipal trustees and will be referred to as the “Trust Council Base Amount”.
 - 2.2 An amount for participation in LTC business and LTC meetings. This amount shall be referred to as the “LTC Local Base Amount”.
 - 2.3 An amount for the population within a Local Trust Area. This amount shall be referred to as the “Population Amount”.
 - 2.4 An amount for the number of folios within a Local Trust Area. This amount shall be referred to as the “Folio Amount”.
 - 2.5 The amounts for each of the above factors are defined in Section C: Implementation.
 - 2.6 Effective April 1, 2019, an amount for attendance at Trust Council committee meetings (excluding Executive Committee, which is remunerated in accordance with Section 3). Meeting attendance will be remunerated at \$100.00 per meeting attended for committee members, and \$150 per meeting attended for committee Chairs.
3. Additional Remuneration for the Executive Committee
 - 3.1 Members of the Executive Committee receive remuneration for carrying out their duties on the Executive Committee and their duties as chairs of LTCs.
 - 3.2 The vice-chairs’ remuneration shall be defined as equal to the Salt Spring Trustee Remuneration amount, plus 10%.
 - 3.3 The chair’s remuneration shall be defined as the vice-chair remuneration, plus 25%.
4. Payment of Benefit Premiums for Trustees
 - 4.1 Trustees will be offered the opportunity to have benefit premiums paid by the Islands Trust. Payments for trustee benefit premiums may be subject to income tax as defined by the Canadian Revenue Agency.
 - 4.2 Trustees who do not subscribe to benefit coverage through Islands Trust will receive an annual amount as defined in Section C: Implementation.

C. Implementation

1. The implementation of this policy will commence with swearing in of trustees elected in November 2011.

2. The defined annual compensation amounts for the first implementation of this policy are the sum of:
 - 2.1 Trust Council Base Amount = \$3,200.00
 - 2.2 LTC Local Base Amount = \$4,200.00
 - 2.3 Population Amount = \$1.30 per person
 - 2.4 Folio Amount = \$1.30 per folio
3. The defined annual compensation amounts in section C.2 of this policy, and the methodology for making adjustments as defined in sections C.4 and C.5 of this policy, will be incorporated into a Trust Council Trustee Remuneration Bylaw.
4. Overall Review of Trustee Remuneration
 - 4.1 The Trustee Remuneration calculations will be reviewed when the results are available from the most recent census. Any adjustments based on changes in population or folios will be implemented on April 1st of the following year.
5. Annual Adjustments for Inflation
 - 5.1 The defined annual compensation amounts in section C.2 of this policy will be adjusted on an annual basis, coinciding with the fiscal year, based on the annual change in the Victoria Consumer Price Index as reported by BC Statistics in December. Adjustments to Trustee Remuneration that result from inflation will be implemented on April 1st of the following year.
6. Payments to Trustees Who Do Not Register for Benefits Through Islands Trust
 - 6.1 Local trustees who do not register for benefits through Islands Trust will receive an annual payment of \$1,000.00, paid evenly over the fiscal year (i.e., \$83.33 per month).
 - 6.2 If local trustees take office part way through the fiscal year, this payment will be applied proportionately based on how many months are remaining in the fiscal year.

D. Legislated References

Annual Budget Document

Islands Trust Act

Report on Proposed Trustee Remuneration prepared by Paul McKivett of James R. Craven and Associates dated August 24, 2010

Trustee Remuneration Committee Report dated August 24, 2010

RFD on Trustee Remuneration approved by Trust Council September 15, 2010

Trust Council Policy 2.3.1 – Council Committee System

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

n/a



Policy:	7.2.2
Approved By:	Trust Council
Approval Date:	June 11, 1994
Amendment Date(s):	
Policy Holder:	Director of Administrative Services

ADMINISTRATIVE SERVICE CHARGES

Purpose

To provide direction to staff in charging for administrative services in response to requests from the public for information.

A. Definitions

n/a

B. Policy

1. Charges

- 1.1 The charges for copying shall be \$.25 per copy with the allowance that the first 10 copies will be provided at no charge. The photocopier meter shall be used to determine and record the number of copies produced.
- 1.2 Charges for staff research and preparation of information shall be \$15 per hour or portion thereof for all preparation time in excess of 15 minutes.

2. Estimating Charges

- 2.1 All requests will be recorded on a standardized request form including the costs quotation as outlined below. The form will be filed for reference purposes.
- 2.2 An estimate of time must be made prior to initiating the work, and the lesser of the time quoted or time used will constitute the actual charge. If extenuating circumstances cause the time required to increase, reasons for the increase must be provided to the information requester and a revised estimate made.
- 2.3 The information requester shall be advised of all costs prior to initiation of any copying or preparatory work.

3. Deposit and Payment

- 3.1 A deposit of 50% of estimated costs shall be paid in advance of work being initiated where the estimated costs exceed \$30. Costs based on estimates not in excess of \$30 shall be paid upon completion of the work. In no instance will information be provided to the requester until payment is received in full.

- 3.2 Additional amounts due as a result of revised estimates will be paid by the information requester before work proceeds. An overpayment resulting from the estimated costs exceeding the actual costs shall be refunded to the information requester.

4. Appeals

- 4.1 Disputes or appeals with respect to the quotation of costs shall be referred to the Chief Administrative Officer. Initiation of work shall not proceed until agreement on costs is reached.

C. Legislated References

n/a

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

n/a



Policy and Procedure:	7.2.3
Approved By:	Trust Council
Approval Date:	June 19, 2014
Amendment Date(s):	
Policy Holder:	Director of Administrative Services

TRUSTEE TRAVEL

A. Objectives

- 1.1 Ensure effective travel management and administration, and promote economy and efficiency in the use of Islands Trust funds.
- 1.2 Support the Islands Trust Council's commitment to low carbon business travel by making choices that mitigate the production of greenhouse gas emissions.
- 1.3 Establish standards to ensure:
 - 1.3.1 travel expenses are proper, reasonable and necessary to the business of Islands Trust bodies;
 - 1.3.2 accountability for travel claim requests and approvals, and travel emission reports and approvals.
- 1.4 Provide and promote alternatives to travel to carry out the business of Islands Trust bodies.

B. General

This policy and the attached procedure establishes travel guidelines, allowances, reimbursement rates and limits for elected trustees of the Islands Trust Council and trustees appointed to the Islands Trust Conservancy Board.

For the purposes of this policy, the term "trustee" is used as defined in the [Islands Trust Act](#), as amended.

For the purposes of this policy, allowable travel includes travel while on business for the following purposes:

- Trust Council meetings and business (liaison, training, etc.);
- Local trust committee business (e.g. travel to local trust committee meetings, site visits or other purposes related to local trust committee business);
- Council committee meetings and business;
- Islands Trust Conservancy Board meetings and business.

If a trustee with a physical disability requires a personal attendant in order for the trustee to travel to undertake Islands Trust business, the personal attendant may claim as if the attendant were a trustee,

for expenses incurred and allowances permitted under this policy for the period that the personal attendant aided the trustee in carrying out Islands Trust business.

Roles and Responsibilities

- Trustees are responsible for:
 - confirming authority and securing budget approval for any extraordinary¹ travel expenses before they are incurred, by seeking a resolution of the body on whose behalf the extraordinary travel is to be undertaken;
 - certifying that their travel expense claims are correct, complete and comply with this policy; and
 - ensuring that all necessary documentation is provided, along with their travel expense claim, within the timeframes set out in this policy.
- Financial staff are responsible for:
 - providing reports on expenditures; and
 - certifying that travel expense claims:
 - are for business purposes, appear reasonable and comply with policy;
 - that travel related goods and services have been received.
- The Director of Administrative Services establishes procedures for the administration and processing of travel expenses, and advises trustees on travel policy and procedures.
- The Director of Administrative Services provides liaison with provincial agencies that negotiate accommodation rates, vehicle rental rates and negotiations with travel agencies.
- Where a matter related to the reimbursement of expenditures is not covered by this policy or the attached procedures, then policies and procedures established by the Ministry of Finance for the reimbursement of expenditures of elected officials will apply.

C. Policy

1. Alternatives to Travel

Trustees and Islands Trust bodies must consider alternatives to travel wherever practical. Video conferencing and teleconferencing and other methods should be used where feasible to achieve cost savings and to mitigate the production of greenhouse gas emissions.

2. Travel Approval

¹ Extraordinary travel expenses are expenses that are not related to the day-to-day travel required to perform the regular duties of a member of an Islands Trust body, and that are not similar to the expenses typically incurred by other members of the same Islands Trust body.

- 2.1 The means of travel chosen needs to be operationally feasible and cost effective, and give consideration to travel methods that will mitigate the production of greenhouse gas emissions. Trustees are eligible for reimbursement of travel expenses when:
 - 2.1.1 trip approval for extraordinary travel is obtained (by resolution of the relevant Islands Trust body) before travel expenses are incurred;
 - 2.1.2 the expenses are paid by the trustee while away from home to discharge official duties;
 - 2.1.3 claims are reasonable, properly reported and comply with established rates and allowances; and
 - 2.1.4 are supported by proof of payment documentation.
- 2.2 Reimbursement claims require review by the Finance Officer before they can be paid. (see Trustee Travel Procedures).

3. Combining Personal Travel

- 3.1 Travel that combines Islands Trust and personal business must be reimbursed at the lesser of:
 - 3.1.1 actual transportation expenses; or
 - 3.1.2 an estimate of the minimum acceptable expenses that would have been incurred if the personal travel had not taken place.
- 3.2 Additional expenses arising from personal extensions to business travel are the trustee's responsibility.
- 3.3 Expenses for an employee's spouse or family members are not reimbursable.
- 3.4 Because the Islands Trust has an internal process for purchasing carbon offsets, trustees must not claim any optional payments or surcharges related to carbon offset programs administered by travel service providers.

4. Out-of-Province/Country Travel

- 4.1 In order to be eligible for reimbursement, trustee out-of-province and out-of-country travel, including complete plans to combine personal travel, requires prior approval by resolution of an Islands Trust body.

5. Airfare

- 5.1 The most economical airfare for air travel considering operational requirements and options that mitigate the production of greenhouse gases is required. This requirement may be waived in exceptional circumstances, with the prior approval of the Director of Administrative Services. Such approval will be based on policies established by the Ministry of Finance.

- 5.2 Travel loyalty program benefits, such as airline frequent flyer points that are accumulated by trustees while travelling at public expense, must not be used for personal benefit. Such benefits or discounts should be applied only against future business travel or donated to charities associated with the program. Benefits accumulated while travelling at public expense should not be used beyond the term of office.

6. Chartered Aircraft or Watercraft

- 6.1 The use of a chartered aircraft or watercraft by a trustee is permitted only when:
- 6.1.1 There is no scheduled service available that can meet the travel requirements (timing or duration) of the trustee(s); or
 - 6.1.2 The charter cost is economical as compared to the scheduled service; and
 - 6.1.3 The charter aircraft or watercraft and crew meet the safety, maintenance and experience standards established by Transport Canada for such operations.

7. Meals / Per Diems

- 7.1 Trustees are eligible to claim meals, per diems and incidental travel amounts when on 'travel status'.
- 7.2 Trustees are considered to be on travel status for the purpose of claiming meals and per diems when they are travelling outside the local Trust Area or island municipality they represent on Islands Trust business.
- 7.3 Trustees who live outside the local Trust Area they represent are not entitled to claim meals and per diems while travelling from their home to their local Trust Area. Trustees who live outside the local Trust Area or municipality they represent are on travel status when travelling from their home to other locations on Islands Trust business (e.g. attendance at Trust Council or Council Committee meetings).
- 7.4 Appointed trustees on the Islands Trust Conservancy Board are on travel status when travelling from their home on Islands Trust Conservancy Board business.
- 7.5 On the date of departure, travel status must start before 7:00 a.m. to claim breakfast; before 12:00 noon to claim lunch; and, on the date of return, travel status must end after 6:00 p.m. to claim dinner.
- 7.6 Per diem charges for meals may not be made where meals have been provided (e.g. as part of an Islands Trust meeting or function or when meals are provided as part of the fee paid for a convention or training event).
- 7.7 See Schedule A for the applicable meal and per diem allowances that trustees may claim.

8. Mileage and Private Vehicle or Vessel Expenses

- 8.1 Trustees are entitled to claim mileage for the use of a privately owned vehicle on travel related to Islands Trust business.
- 8.2 Trustees are expected to carpool where practical to minimize costs and the production of greenhouse gas emissions.
- 8.3 Trustees may claim vehicle mileage where they are driven to the departure location (i.e., airport, bus, ferry or train terminal) and picked up upon return.
- 8.4 Trustees are entitled to claim the cost of parking a private vehicle while on Islands Trust business.
- 8.5 Trustees are responsible for paying parking fines, traffic violation fines, and impoundment and towing fees when driving a privately owned vehicle on Islands Trust business.
- 8.6 Trustees may claim for use of privately owned boats in accordance with the rates provided in Schedule A.
- 8.7 The vehicle or vessel owner is responsible for purchasing and maintaining valid third-party liability insurance in an amount not less than \$2 million. Trustees transporting Islands Trust property, other trustees, employees, contractors, volunteers, or other persons in privately owned vehicles in the course of Islands Trust business are not required to carry higher limits.
- 8.8 The vehicle owner is responsible for ensuring that the vehicle is rated for business use if required by the Insurance Corporation of British Columbia. Islands Trust will reimburse the differential between “Business Use” and “To and From Work” or “Pleasure Use”.
- 8.9 Trustees transporting Islands Trust property, other trustees, employees, contractors, volunteers, or other persons in privately owned vessels in the course of Islands Trust business are responsible for meeting applicable laws that apply to the safe operation of water vessels.

9. Rental Vehicles

- 9.1 A rental vehicle should be used when public transportation is not operationally feasible or a privately owned vehicle is not available or economical.
- 9.2 Trustees renting vehicles for Islands Trust business travel, regardless of the form of payment (corporate travel card, purchasing card, invoice, cash), must not purchase any additional insurance (collision, personal accident, etc.). All required insurance is included for in-province travel in vehicles rented under Islands Trust insurance policies.
- 9.3 Trustees are entitled to claim the cost of parking a rental vehicle while on Islands Trust business.

- 9.4 Trustees are responsible for paying parking fines, traffic violation fines, and impoundment and towing fees when driving a rented vehicle on Islands Trust business.

10. Accommodation

- 10.1 Trustees may use private accommodation instead of commercial accommodation and claim a private accommodation allowance as indicated in Schedule A.
- 10.2 Reimbursement for commercial accommodation within BC must be in accordance with the BC Government's hotel accommodation guide approved accommodation rates. Trustees making their own reservations must ensure they request the B.C. Provincial Government rate when booking rooms.
- 10.3 Accommodation expenses within BC that exceed the limits noted above require pre-authorization from the Director of Administrative Services. Amounts in excess that are considered acceptable may be determined on a case by case basis, considering variables such as the urgency of the travel, whether travel is occurring in peak season and if accommodations at the established limits are not available.

11. Miscellaneous Expenses

- 11.1 Trustees are entitled to claim miscellaneous travel expenses for:
- 11.1.1 ferry tolls, ferry reservation fees and highway tolls in accordance with the Trustee Travel Expense Procedures;
 - 11.1.2 airport improvement and security fees, NAV CANADA fees and applicable fuel charges;
 - 11.1.3 bus/taxi/limousine services;
 - 11.1.4 vehicle rental and related fuel charges;
 - 11.1.5 parking charges;
 - 11.1.6 business phone calls;
 - 11.1.7 dependent care;
 - 11.1.8 other miscellaneous travel expenses consistent with the Trustee Travel Procedures.

12. Loss or Damage

- 12.1 Where a trustee on Islands Trust business incurs a loss of or damage to personal property which is pertinent to the performance of his or her duties, that is not otherwise covered by Islands Trust policy or insurance, the trustee may be reimbursed for the lessor of the loss, or the costs of repair, or the deductible portion of the trustee's insurance policy, up to a maximum of \$500.

13. Travel Cards

- 13.1 Executive Committee members are eligible to be issued an Islands Trust credit card for paying for travel related expenditures.
- 13.2 Executive Committee members are eligible to be issued an Islands Trust BC Ferry Travel Card which must be used to purchase all ferry tickets, where applicable, in order to access the most favourable fare.

14. Islands Trust Online Travel Claim

- 14.1 The Islands Trust online travel claim is a web-based system for processing expense reports. When a trustee submits a claim, their electronic signature is equivalent to certifying that the expense report is correct, complete and complies with Islands Trust policy.
- 14.2 Travel expense receipts must be provided as proof of payment as set out in Schedule A of the Trustee Travel Procedure. Travel claims should be completed and submitted to the Islands Trust Finance Department on at least a monthly basis. Payment is generally made within 30 days.

D. Legislated References

Islands Trust Act

Related Policies:

- Policy 6.5.3, Purchasing Procedure
- Policy 6.12.1, Trustee Training/Conference Attendance
- Policy 7.2.1, Trustee Remuneration

TRUSTEE TRAVEL PROCEDURES

Trust Council: June 2014

1. General

- 1.1 Trustees are responsible for making their own travel arrangements, except where they have been notified that arrangements have been made on their behalf (e.g. for Trust Council and Executive Committee meetings or business).
- 1.2 Allowable expenditures and rates of reimbursement are specified in Schedule A of this Procedure. Schedule A may be amended from time to time by the Executive Committee, after receiving advice from the Director of Administrative Services, to ensure that it is:
 - 1.2.1 current with the allowable expenditures and rates of reimbursement provided for provincially-elected officials in British Columbia, as determined by provincial policies and procedures;
 - 1.2.2 amended to reflect inflationary increases, for those expenditures and rates that are not determined by provincial policies and procedures.
- 1.3 All expenses associated with travel must be paid by the trustee travelling except for airline tickets and some accommodation billings which may be paid directly by the Islands Trust.
- 1.4 Supporting receipts, invoices with proof of payment, and applicable resolutions of an Islands Trust body (where required by travel policy) must be attached to expense claims as per Schedule A.
- 1.5 Travel claims should be completed and submitted at least monthly. Travel claims that have not been submitted within the quarterly timelines established by the Finance Officer for financial reporting will not be honoured unless approved by the Executive Committee.
- 1.6 Claims for less than the allowable amount are permitted. A brief note should be attached to show the trustee is aware of the undercharge.

2. Reasonable Accommodation and Support for Persons with Disabilities

- 2.1 Reasonable accommodation and support for persons protected under the *Human Rights Code*, (e.g. such as those with a disability) will be provided.
- 2.2 Policies requiring less costly travel alternatives still apply. However, when a trustee with a disability is required to travel, reasonable accommodation will be provided to minimize any disadvantage the individual might experience as a result of the disability.
- 2.3 Trustees with disabilities who travel or attend meetings on Islands Trust business may have special needs and may claim additional expenses incurred to reasonably accommodate those needs. For example, a trustee with a disability may need to pay a hotel rate exceeding the government rate where rooms available are not sufficiently accessible. Reasonable accommodation need not be limited to expenses that normally require receipts. Incidental,

meal and local transportation expenses may need to be increased to offset the additional costs.

3. Travel Claims

3.1 General

3.1.1 To claim expenses, trustees must use the Islands Trust's online [Expense Claim](#) form.

3.1.2 [Instructions for use of the online form](#) provide further details about each field that must be completed.

3.2 Foreign Exchange on Travel Expenses

3.2.1 Each receipt and/or allowance is to be converted to Canadian funds. Actual exchange rates charged on supporting documentation (e.g. travel credit card statements, currency exchange slips) should be used, if available.

3.2.2 When the travel credit card exchange rate is not available, the currency converter at: <http://www.oanda.com/currency/historical-rates-classic> should be used to obtain average historical exchange rates for currency pairs for the range of dates travelled. Key in the dates travelled, select the foreign currency to convert and Canadian dollars, and then select the "Typical credit card rate plus 2%" from the "Interbank rate" drop down box. Generate the conversion table, and then use the "Average rate" for the trip to convert the foreign currency to Canadian funds.

3.3 Vehicle Travel

3.3.1 Trustees making their own vehicle rental reservations must ensure they request the B.C. Provincial Government rate at the time of booking. Trustees renting vehicles for travel related to Islands Trust business must not purchase additional insurance coverage. Islands Trust has specific insurance riders in place to cover these types of expenses.

3.3.2 Trustees must comply with the operating restrictions in the vehicle rental agreement. Before taking possession of the vehicle, trustees must inspect the vehicle for exterior and interior damage, and report any damage to the rental firm.

3.3.3 Trustees must not accept any charges for damages to a rental vehicle. Refer the rental firm to the Director of Administrative Services.

3.3.4 Trustees are expected to protect government property while in their possession by locking and securing the rental vehicle when not in use. An extraordinary loss of personal property may be reimbursed. If an Islands Trust credit card was used to pay for the vehicle rental, the loss of personal property secured in the vehicle may be claimed. For personal property loss or insurance information, contact the Director of Administrative Services.

3.4 Vehicle Accidents, Vandalism and Other Losses

3.4.1 Rental Vehicles

3.4.1.1 All accidents must be reported to:

- the rental agency within 24 hours; and
- the Director of Administrative Services

The local police must be informed within 24 hours when:

- damages exceed \$1,000;
- a person has sustained injury or death; or
- there has been a hit-and-run accident with damage.

An operator involved in an accident must not admit liability and provide only the information required by the investigating police officer.

3.4.1.2 If a rental vehicle is stolen, the theft must be reported to the local police and the rental firm immediately. All damage resulting from vandalism or theft must be reported to:

- the rental company within 24 hours; and
- the local police (before the vehicle is moved, if possible).

3.4.2 Private Vehicle or Vessel Damage Reimbursement

Note: This section will not apply where a court holds that the trustee/driver of the vehicle or vessel is guilty of wilful, wanton or gross negligence.

3.4.2.1 To claim reimbursement for damage to a private vehicle or vessel that occurred while on Islands Trust business, trustees must provide the following documentation, if applicable, in support of their claim:

- 3.4.2.1.1 a covering letter outlining the circumstances of the damage, signed by the trustee;
- 3.4.2.1.2 a copy of the police report, if applicable;
- 3.4.2.1.3 copy of the trustee's insurance documents (Owner's Certificate(s) of Insurance); a copy of ICBC repair estimate, or if ICBC coverage did not apply, copies of estimates from two (2) repair shops;
- 3.4.2.1.4 a copy of the receipt for repair, if not repaired through ICBC; and
- 3.4.2.1.5 a copy of the receipt for payment of the deductible portion of the loss.

3.4.2.2 Claims are to be sent to the Director of Administrative Services for review;

3.4.2.3 After reviewing the claim, the Director of Administrative Services will send a letter to the trustee making the claim informing the trustee of the decision and authorizing the payment amount, if applicable.

3.5 Taxi Charges

3.5.1 Claims for taxi costs while travelling on Islands Trust business will be reimbursed when other more economical means of transportation are either unavailable or unsuitable (e.g. public transit).

3.6 Ferry Travel

3.6.1 Claims for the full cost of ferry travel will be reimbursed. Receipts are required.

3.6.2 Where there is a valid business reason for making a reservation (e.g. travel during peak travel periods) the costs may be reimbursed. Trustees are responsible for the costs associated with cancellations, except in exceptional circumstances (i.e., they are involved in a traffic accident en-route).

3.7 Air Travel

3.7.1 The passenger copy of the air ticket is to be attached to the travel claim.

3.7.2 Trustees are not authorized to fly private or personally rented aircraft on Islands Trust business.

3.8 Accommodation

3.8.1 Supporting hotel/motel receipts must be attached to the travel claim. A trustee must declare that "SINGLE RATE ONLY IS CLAIMED", in cases where the hotel/motel receipt shows that more than one person occupied the room.

3.8.2 Trustees are responsible for cancelling hotel or other accommodation reservations in time to avoid "no show" charges, including accommodation reservations that have been made on their behalf (e.g. for attendance at Trust Council or Executive Committee meetings); the Islands Trust will reimburse for these charges where the trustee has no control over the circumstance and is not at fault. If necessary, such determinations will be made by the Executive Committee.

3.9 Miscellaneous Expenses

3.9.1 Business Meeting Expenses

Business meeting expenses may be claimed if incurred while a trustee is on travel status. Business meeting expenses are to be approved in advance by resolution of an Islands Trust body (e.g. expenses related to a local trust committee event or function should be approved by resolution of the local trust committee).

3.9.2 Business Travel Medical Insurance

3.9.2.1 Trustees covered under the Islands Trust's extended health plan are covered for travel out-of-province or out-of-country. Before travelling out of the province or the country, trustees should discuss their coverage with the Finance Officer to ensure appropriate coverage is in place and to understand the existing related procedures.

3.9.2.2 Trustees without extended health coverage through the Islands Trust are not covered under the group travel insurance plan. There are no exceptions. Trustees without extended health coverage should confirm their travel medical insurance status with the Finance Officer prior to making travel arrangements.

3.9.2.3 If out-of-province or out-of-country business travel is required to conduct Islands Trust business, trustees without coverage under the Islands Trust's travel medical policy should purchase an individual travel insurance plan and claim the expense through their travel claim. When purchasing travel insurance, make sure to read and understand the fine print. Most individual travel insurance plans exclude coverage for pre-existing conditions. Trustees should carefully consider their personal health circumstances before travelling for work.

3.9.3 Travel Expenses in Foreign Locations

3.9.3.1 Foreign Locations

For travel in the U.S., meal or per diem allowances are amounts for BC in U.S. currency, which are then converted to Canadian dollars for claim purposes.

3.9.3.2 Miscellaneous Foreign Travel Expenses

3.9.3.2.1 Trustees travelling to a foreign country should contact the Finance Officer to obtain an Islands Trust credit card.

3.9.3.2.2 Reimbursement may be claimed for foreign currency exchange costs and reasonable expenses incurred that relate directly to foreign travel as follows (receipts must be provided):

3.9.3.2.2.1 car rental insurance (Collision Damage Waiver (CDW) is automatically provided when a trustee uses an Islands Trust credit card to pay for the rental vehicle);

3.9.3.2.2.2 visa(s) and passport(s);

3.9.3.2.2.3 inoculation(s);

3.9.3.2.2.4 traveller's cheques;

3.9.3.2.2.5 bottled water;

3.9.3.2.2.6 preventive medication i.e., malaria tablets etc.;

3.9.3.2.2.7 premiums for additional medical insurance to provide coverage equivalent to that available under the Provincial Medical Plan in BC (Note: Premium reimbursement is only provided if the trustee is not covered under the Islands Trust's extended health plan which includes Travel Medical Insurance);

3.9.3.2.2.8 additional baggage insurance;

3.9.3.2.2.9 similar directly-related travel costs.

3.9.4 Election expenses

Travel expenses related to election campaigns are the personal responsibility of the trustee.

3.9.5 Discretionary Expenditures

3.9.5.1 Trustees should exercise care, and use sound judgement when incurring discretionary expenditures that are not directly required to conduct Islands Trust business, as determined by:

3.9.5.1.1 the authority and jurisdiction of Islands Trust bodies, as indicated in the *Islands Trust Act*;

3.9.5.1.2 work programs and resolutions of Islands Trust bodies.

3.9.5.2 As trustees are accountable for effective management of Islands Trust finances, due regard must be given to the spirit and intent of the Islands Trust's management and financial policies. Trustees should be aware of the public perception with respect to purchases, and use the utmost discretion prior to initiating the expenditure.

3.9.6 Dependent Care Expenses

3.9.6.1 Expenses for care of a dependent that are incurred as a result of attending a meeting that requires an overnight stay, or to conduct local trust committee business within a local Trust Area, will be reimbursed in accordance with Schedule A upon production of a receipt.

3.9.6.2 The supporting receipt must be a signed statement indicating the date(s) being charged, the hourly rate of pay, the total hours of care provided, the caregiver/agency and the total amount charged.

3.9.6.3 This reimbursement is not considered a taxable benefit, rather, a reimbursement of reasonable travelling expenses of the trustee. (These amounts must not be claimed as a childcare expense on an individual's personal income tax return.)

Schedule A

Trustee Expense Allowance Chart

ALLOWABLE EXPENDITURE	RATE	RECEIPT REQUIRED (YES/NO)	NOTES
Accommodation	Actual cost	Yes	Trustees are responsible for utilizing accommodations where there is a BC Government negotiated rate where applicable.
Private Accommodation	Per diem for each full day on travel status	No	At the BC Government published rate.
Meals	Per diem for each full day on travel status	No	At the BC Government published rate.
Specific travel expenses (ie. ferry, taxi, water taxi, parking, etc.)	Actual cost	Yes	
Incidental travel expenses (ie. laundry, phone calls)	Per diem for each full day on travel status	No	At the BC Government published rate.
Vehicle mileage	Actual mileage	No	At the BC Government published rate.
Rental Vehicles	Actual cost	Yes	Trustees are responsible for requesting the BC Government negotiated rental rate.
Auto Insurance – personal vehicle	Actual differential	Evidence to be provided	Differential between “Business Use” and “To and From Work” or “Pleasure Use”.
Water travel – personal motor vessel	Actual mileage at \$3.00 /km.	No	
Air Travel	Actual cost	Yes	
Dependent Care	Up to \$135 per day	Yes	When required to attend business/meeting with overnight stay.
	Up to \$80 per day	Yes	When required to attend local/on-island business/meeting.



Policy:	7.2.4
Approved By:	Trust Council
Approval Date:	September 28, 1996
Amendment Date(s):	
Policy Holder:	Director of Administrative Services

APPLICATION FEE REFUNDS

Purpose

To provide the principles by which the Treasurer is authorized to refund application fees.

A. Definitions

n/a

B. Policy

Details

1. **Zoning/Bylaw Amendments (Official Community Plan (OCP), Rural Land Use Bylaw (RLUB), Land Use Bylaw (LUB))**
 - 1.1 Applications which proceed with processing but are rejected by a Local Trust Committee (LTC) prior to public hearing are subject to the refund provisions of the respective LTC Application Fees Bylaws.
 - 1.2 Applications which are rejected by a LTC early in the review process, and which require little or no staff time or other costs, shall be refunded in full.
 - 1.3 Authorization to refund, for either item 1.1 or 1.2 above, shall be based on a LTC resolution not to proceed with further processing of the application.
2. **Permits**
 - 2.1 Applications which proceed with processing but are rejected prior to public notification are subject to the refund provisions of the respective LTC Application Fees Bylaw, if so provided in the bylaw.
 - 2.2 Applications which are rejected by a LTC without having been forwarded for processing shall be refunded in full.
 - 2.3 Authorization to refund, for either item 2.1 or 2.2 above, shall be based on a LTC resolution not to proceed with further processing of the application.
3. **Referrals (Subdivision, Agricultural Land Commission (ALC), Forest Land Commission (FLC), etc.)**
 - 3.1 Applications received from other agencies are processed completely, as requested by that agency, and are therefore not eligible for a refund.

C. Legislated References

Application Processing Services Model

Local Trust Committee Fees Bylaws

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

n/a



Policy:	7.2.5
Approved By:	Trust Council
Approval Date:	September 18, 1998
Amendment Date(s):	December 4, 1998; December 6, 2012
Policy Holder:	Director of Administrative Services

INCORPORATION STUDY COST ALLOCATIONS

Purpose

To provide the methodology for providing information about planning costs for a Local Trust Committee (LTC), should an Incorporation Study Committee request such information within an Incorporation Study.

Principles

1. to provide relevant information to a community that is considering incorporation;
2. to ensure consistency of information for consideration by Incorporation Study Committees;
3. to ensure procedural certainty for dealing with Incorporation Study Committee requests for information.

A. Definitions

n/a

B. Policy

1. Information Sections and Related Methodologies

1.1 Cost to Islands Trust for Providing Planning Services

One of the primary goals of an Incorporation Study is to establish the current costs for providing planning services to the area that is considering incorporation. However, the implicit goal is also to provide typical or average costs to avoid variations in particular costs that may be affected by events in a particular fiscal year.

There are three planning offices in the Islands Trust organization. The current offices are listed below, along with the local trust committees (LTCs) that are served by each:

- Southern Planning Office – Galiano, Mayne, North Pender, Saturna, South Pender;
- Salt Spring Office – Salt Spring;
- Northern Office – Denman, Gabriola, Gambier, Lasqueti, Hornby, Thetis, Executive (Ballenas-Winchelsea Islands).

The planning staff in each of the three offices uses the time collection system to record their work activities and to identify the LTC for whom the work was conducted. This information is used to allocate costs for staff and facilities to LTCs in the creation of the Allocated Financial Statements for a particular fiscal year.

To develop the costs for providing planning services as an input into an Incorporation Study, several methods are used depending on the cost item being considered:

- Direct budgeted costs – some costs are directly allocated to an LTC, for example, the LTC Local Expense budget;
- Allocated budgeted costs – costs that are provided through a planning office use this allocated approach. The budgeted amount is allocated to an LTC based on the time allocation from the most recent Allocated Financial Statements. For example, the staff salary and benefit costs would be allocated to an LTC in this manner;
- Five year average of actual costs – for costs that vary widely depending on the activity in a particular year, a five-year average of actual costs is used. Legal costs for bylaw litigation are an example of when this approach would be appropriate;
- Budget estimate – some costs that are recorded as administrative costs in Islands Trust actually provide benefit to the planning offices, which in turn provide benefit to the LTCs. For example, furniture costs for planners would be estimated when detailing the costs to provide planning services to an LTC.

Appendix 1 itemizes the Islands Trust general ledger codes and the approach to be used in providing an Incorporation Study Committee with the cost of providing planning services for an LTC.

1.2 Estimated Municipal Contribution After Incorporation

The *Islands Trust Act* defines the framework for tax contributions by island municipalities. Policy 7.2.6 describes the detailed methodology for calculating the tax contribution from island municipalities in a particular year.

To provide an Incorporation Study Committee with a reasonable estimate of the tax contribution that would be payable by a new island municipality, the following approach will be taken:

- The current year Islands Trust budget detail will be restated to remove the budgeted costs and revenues that are attributable to the LTC that is the subject of the Incorporation Study;
- Other adjustments to the Islands Trust budget detail will be made to reflect potential impacts on other cost and revenue budget lines;
- The methodology in Policy 7.2.6 will be applied to the modified budget and the Incorporation Study Committee will be informed of the resulting municipal contributions for potential island municipalities.

2. Request Procedure

- 2.1 The request for information must be made in writing to the attention of the Treasurer who will verify that the request is from an approved Incorporation Study Committee.

- 2.2 The information will be provided to the Incorporation Study Committee as well as to the Islands Trust's Financial Planning Committee, Executive Committee, relevant LTC and the Governance and Structure Branch of the Ministry of Municipal Affairs and Housing.

3. Use of Information

- 3.1 Responses to requests, as provided under this policy, will indicate that:
- 3.1.1 the information is intended for the convenience of an Incorporation Study Committee;
 - 3.1.2 the information is based on a Trust Council approved policy and the principles and methodology may be subject to revision from time to time and is, therefore, not intended to reflect a permanent or on-going allocation of resources; and
 - 3.1.3 the information is deemed to be in the public domain once provided to the Incorporation Study Committee.

C. Legislated References

- 1. Detailed financial information used to create the most recent Islands Trust Financial Plan Bylaw;
- 2. Detailed financial information from prior years that were used to create audited financial statements for Islands Trust;
- 3. Prior years' Allocated Financial Statements for Islands Trust, including allocation of time to LTCs by planning staff;
- 4. Policy 7.2.6, Municipal Tax Requisition Calculation; and,
- 5. Policy 7.6.1, Freedom of Information and Protection of Privacy.

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

- Appendix 1: Method to Calculate Cost of Planning Services Provided by Islands Trust by General Ledger Code

Appendix 1

Method to Calculate Cost of Planning Services Provided by Islands Trust by General Ledger Code

Legend:

- **Direct** – direct assignment of LTC budget
- **Allocation** – allocated amount from Local Planning staff time collection information and planning office budget line amounts
- **5 Yr Avg** – five year average of actual expenditures for an LTC for that budget line
- **Estimate** – budget estimate

General Ledger		
Account #	Account Description	Method
50900	Amortization	Estimate
52500	Board of Variance	5 Yr Avg
55100	Computer Non Capital H/W & S/W OVER \$150	Estimate
55105	Computer S/W License renewal & maintenance	Estimate
55200	Computer "Internet Charges"	Allocation
55400	Computer "Non Capital H/W & S/W UNDER \$150"	Estimate
55500	Computer "Technical Support"	Estimate
55600	Computer "Trustee Hardware & Internet"	5 Yr Avg
56500	Contract Services	Allocation
58000	Equipment Leases, Supplies & Maintenance	Allocation
60000	Insurance	Estimate
62000	Land Title Registrations	5 Yr Avg
63000	Legal "General"	5 Yr Avg
63100	Legal "Bylaw Enforcement Litigation"	5 Yr Avg
63200	Legal "Litigation Defence"	5 Yr Avg
65000	LTC "Trustee Expenses"	Direct
65200	LTC Local Expenses	Direct
67500	Memberships	Estimate
68100	Notices Statutory & Non Statutory	5 Yr Avg
69000	Office "Rent & Services"	Allocation
69100	Office Non Capital Furniture & Equipment OVER \$150	Estimate
70000	Postage & Courier	Allocation
72001	Project Projects funded by grants	Estimate
72300	OCP or LUB Project	5 Yr Avg
73001	Program Current Fiscal	Estimate
76100	"Salaries Planners & RPM's"	Allocation
76110	"Benefits Planners & RPM's"	Allocation
77100	"Salaries Planning Support Staff"	Allocation
77110	"Benefits Planning Support Staff"	Allocation
78100	"Salaries Bylaw"	Allocation
78110	"Benefits Bylaw"	Allocation
79000	Stationery & Supplies	Allocation
80100	Telephone "Lease"	Allocation
80200	Telephone "Toll Charges"	Allocation

80300	Telephone "Cell Phones"	Allocation
81400	Training & Conferences "Planners/RPM's"	Allocation
81405	Travel for Training Planners/RPM	Allocation
81500	Training & Conferences "Planning Support"	Allocation
81505	Travel for Training Planning Support	Allocation
81600	Training & Conferences "Bylaw"	Allocation
81605	Travel for Training Bylaw	Allocation
82400	Travel "Planners/RPM's"	Allocation
82500	Travel "Planning Support"	Allocation
82600	Travel "Bylaw"	Allocation



Policy:	7.2.6
Approved By:	Trust Council
Approval Date:	March 10, 2004
Amendment Date(s):	December 6, 2012; December 4, 2013; December 5, 2017; September 19, 2018
Policy Holder:	Director of Administrative Services

MUNICIPAL TAX REQUISITION CALCULATION

Purpose

To provide guidelines for allocating the Islands Trust annual budget for the purpose of calculating a municipal tax requisition.

A. Definitions

n/a

B. Background

1. Legislative Framework

- 1.1 The Islands Trust budget must be developed in accordance with Section 14 of the *Islands Trust Act*:

“14(1) On or before March 31 in each year, the trust council must, by bylaw, adopt an annual budget for the trust for the next fiscal year.

(2) Subject to subsection (6), a bylaw under subsection (1) has no effect until it is approved by the minister.

(3) The budget must

(a) show separately revenues obtained from appropriations, including operating grants and anticipated recoveries from taxes levied under sections 48 and 49, and other sources,

(b) show appropriated surpluses of prior years, and

(c) set out separately the anticipated expenditure relating to

(i) operations of the trust council and of the executive committee, except the operations of the executive committee acting as a local trust committee under section 23 (5),

(ii) general operations of the local trust committees, including the operations of the executive committee acting as a local trust committee under section 23 (5) and excluding the operations referred to in subparagraph (iii),

(iii) operations of a local trust committee that are additional operations not included within the general operations of all the local trust committees under subparagraph (ii), and

- (iv) *administrative operations of the Islands Trust Conservancy board.*

1.2 Calculation of the municipal tax requisition must be undertaken in accordance with Sections 47(2)(b) and 47(6) of the *Islands Trust Act*:

“47(2) On or before April 25 in each year, the minister may deliver requisitions

- (b) to each municipality in the trust area in relation to*
(i) the cost of operations of the trust council and the executive committee, except the operations of the executive committee acting as a local trust committee under section 23 (5), and
(ii) the cost of administrative operations of the Islands Trust Conservancy board.

47(6) The amount that is to be recovered by means of requisitions under subsections (2)(a) (i) and (2)(b) must be apportioned between the municipalities and the local trust areas on the basis of the converted value of land and improvements in the trust area.”

Not mentioned in the *Islands Trust Act* are the budgets for Administration. Administrative units in Islands Trust serve other units within Islands Trust. For example, Mapping Services support Local Planning Services (included in Local Trust Committee operations), Trust Area Services (included in Trust Council operations) and the Islands Trust Conservancy (included in Islands Trust Conservancy Board administrative operations). Similarly, Finance, Human Resources, and Information Systems serve all the employees and activities in the Islands Trust. In the detailed budget, and in all financial reporting by Islands Trust, General Administrative expenses are allocated to Trust Council, Local Planning Services and the Islands Trust Conservancy.

2. Islands Trust Financial System

- 2.1 To achieve the reporting requirements for budgeting purpose, the financial systems used by Islands Trust are organized in two dimensions:
- 2.1.1 General Ledger Account Number – each revenue and expense category has a General Ledger (GL) number associated with it. For example, “Contract Services” has the GL number 56500.
 - 2.1.2 Location Code – various operational and political units are assigned Location Codes. For example, Trust Council is Location Code 100.
- 2.2 When Islands Trust budgets are created, dollar amounts for budgets are recorded in the combination of both the GL Account Number and Location Code. For example a \$5,000 budget for Contract Services for use by Trust Council would be recorded as a budget entry to GL account 56500 and Location Code 100 (i.e., 56500-100) in the amount of \$5,000.
- 2.3 The Islands Trust fiscal year runs from April 1 to March 31.

C. Procedure

1. Calculation of a Municipal Tax Requisition

1.1 The calculation of a municipal tax requisition will be undertaken as follows:

- 1.1.1 From the approved budget in a fiscal year, a “Municipal Pool” will be calculated to represent the net amount of expenses and revenues that a municipality is responsible for contributing to, as defined in Section 47(2)(b) of the *Islands Trust Act*.
- 1.1.2 Once the Municipal Pool is calculated, the amount attributed to a municipality will be calculated in accordance with Section 47(6) of the *Islands Trust Act* and will be based on the proportion of the Converted Assessed Values of the municipality compared to the total Converted Assessed Values for the entire Islands Trust Area.

2. Calculation of the Municipal Pool

2.1 Budgeted expenses in the approved Islands Trust budget for a fiscal year that will be wholly included (except as noted in C.2.2.2) in the Municipal Pool include:

- 2.1.1 All Trust Council Expenses (location codes: 100 – Trust Council, 110 – Executive Committee, 150 – Trust Area Services)
- 2.1.2 All Islands Trust Conservancy expenses (location codes: 210 – Islands Trust Conservancy, 220 – ITC cost recovery for NAPTEP activities)

2.2 Specific expenses embedded in the location codes noted in C.2.2.1 that will be excluded from the Municipal Pool include:

- 2.2.1 Costs for Elections. Rationale – Islands Trust election costs are for local trust committee (LTC) members only and island municipalities bear the costs of their own elections.
- 2.2.2 Costs for Elected Officials Liability insurance coverage. Rationale – elected officials liability coverage primarily protects trustees for actions that occur while acting on an LTC and the Islands Trust Indemnification Bylaw does not indemnify Municipal Trustees for claims made against them in the course of their municipal duties.
- 2.2.3 Costs for the operation of the Local Planning Committee. Rationale – the Local Planning Committee advises Trust Council regarding land use planning matters, primarily related to the operations of LTCs.
- 2.2.4 Costs for the employer Canada Pension Plan (CPP) contribution. Rationale – the trustee remuneration amount paid to island municipality trustees is below the income threshold before CPP deductions are authorized on trustee income. The portion of each trustee’s remuneration allocated to the Trust Council budget is the same as the amount paid to island municipality trustees. Therefore, the portion of each trustee’s remuneration would not attract any CPP deductions, nor the equivalent employer contribution.

Note: health and dental benefits are budgeted in the LTC location codes because Municipal Trustees are not eligible for health and dental benefit coverage according to *Islands Trust Council Policy 7.2.1 - Trustee Remuneration*.

- 2.3 Budgeted Administration expenses from location codes 810, 820, 825, 830 and 999 in the approved Islands Trust budget for a fiscal year are allocated to the Municipal Pool at the Administrative Allocation Rate defined annually in the approved budget as “Total budgeted costs for Trust Council (excluding election costs) plus Islands Trust Conservancy divided by the Total Operational Units expenditure budget”. An example illustrating calculation of the Administrative Allocation Rate is included in Appendix C.
- 2.4 As some budget items in location codes 810, 820, 825, 830, or 999 may serve only parts of the organization instead of the whole organization. These budget items will be examined annually to determine the percentage to be allocated to the Municipal Pool. For example, if a particular budget item in Administration only applied to local planning services, then 0% would be allocated to the Municipal Pool.
- 2.5 Amortization will only be included in the Municipal Pool when it is included in the Financial Plan as an amount that taxes are requisitioned for. In such years, Amortization Expense will be included in the Municipal Pool at one-third of the Administrative Allocation Rate (ie. $27.3\%/3 = 9.1\%$). Rationale - About one-third of current assets being amortized are acquired under capital leases and, other than a small charge to interest from the capital lease payments, the amortization budget is the only budget line recording the expense of these assets. Other assets are budgeted as operating expenses, and they are only capitalized if they meet the tangible capital asset cost threshold of \$5,000. Using the example Administrative Allocation Rate, 9.1% of the Amortization budget will be added to the Municipal Pool.
- 2.6 Contribution to Surplus - When a Contribution to Surplus is budgeted, the treatment regarding the Municipal Pool may vary depending on the purpose of the Contribution to Surplus:
- 2.6.1 A general Contribution to Surplus that supports the overall operation of the Islands Trust will be added to the Municipal Pool as an expense at the Administrative Allocation Rate.
- 2.6.2 If a Contribution to Surplus is specifically targeted to an activity that benefits only a portion of the Islands Trust, then the proportion treated as an expense in the Municipal Pool will be determined at the time by mutual agreement between the Treasurers of the Islands Trust and each island municipality.
- 2.7 Islands Trust Revenues will be examined annually to determine if any should be allocated to the Municipal Pool in order to offset expenses. The calculation of revenues that will be allocated to the Municipal Pool will be based on logic similar to that used to calculate expenses. A list of the various Islands Trust revenue budget lines and how they are treated in contributing to the Municipal Pool are included in Appendix B.

3. Communications

- 3.1 The Islands Trust Treasurer will estimate the municipal tax requisition for each fiscal year, based on the initial draft of the Islands Trust budget that is reviewed by Trust Council in December of each year.

- 3.2 All documents used by the Islands Trust Treasurer to estimate the municipal tax requisition will be provided to the Treasurer of an island municipality for review by December 31 of each year, with a request that the island municipality Treasurer submit any concerns about the accuracy and completeness of the municipal tax requisition calculation by February 28 of the following year.
- 3.3 During its consideration of its annual budget in March of each year, the Islands Trust Council will be provided with any responses received from island municipality Treasurers in regards to the accuracy and completeness of the municipal tax requisition calculation.
- 3.4 This policy will be attached to the Islands Trust Council – Bowen Island Municipality Protocol Agreement.

4. Policy Amendment

- 4.1 This policy will be effective upon adoption and will not be applied retroactively.
- 4.2 Any changes to the policy will be effective upon adoption and will not be applied retroactively to any prior fiscal years.

D. Legislated References

- 1. *Islands Trust Act*, S.47
- 2. *Islands Trust Act*, S.14
- 3. Islands Trust Council Policy 7.2.1 – Trustee Remuneration
- 4. Islands Trust Council – Bowen Island Municipality Protocol Agreement

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

Appendix A – List of Islands Trust Financial System Location Codes

Appendix B - Revenue Budget Lines Categorized for Municipal Pool Calculations

Appendix C - Example Calculation of the Administrative Allocation Rate

APPENDIX A

The following is a list of the Location Codes in the Islands Trust financial system with each location defined in terms of how it would be described in the *Islands Trust Act*, section 14(3)(c), or as Islands Trust Administration.

Location Description	Location Code	Description of how Location Code fits into Budget Section in <i>Islands Trust Act</i>
Trust Council	100	"operations of Trust Council and Executive Committee"
Executive Committee	110	"operations of Trust Council and Executive Committee"
Trust Area Services	150	"operations of Trust Council and Executive Committee"
Islands Trust Conservancy	210	"administrative operations of the Islands Trust Conservancy Board"
ITC - recovery	220	"administrative operations of the Islands Trust Conservancy Board"
Victoria planning office	510	"general operations of the Local Trust Committees"
Ganges planning office	520	"general operations of the Local Trust Committees"
Gabriola planning office	530	"general operations of the Local Trust Committees"
Bylaw Enforcement	580	"general operations of the Local Trust Committees"
Director of LPS	590	"general operations of the Local Trust Committees"
Executive Islands	610	"general operations of the Local Trust Committees"
Denman	615	"general operations of the Local Trust Committees"
Gabriola	620	"general operations of the Local Trust Committees"
Galiano	625	"general operations of the Local Trust Committees"
Gambier	630	"general operations of the Local Trust Committees"
Hornby	635	"general operations of the Local Trust Committees"
Lasqueti	640	"general operations of the Local Trust Committees"
Mayne	645	"general operations of the Local Trust Committees"
N. Pender	650	"general operations of the Local Trust Committees"
Salt Spring	655	"general operations of the Local Trust Committees"
Saturna	660	"general operations of the Local Trust Committees"
S. Pender	665	"general operations of the Local Trust Committees"
Thetis	670	"general operations of the Local Trust Committees"
Exec on LTCs	675	"operations of the executive committee acting as a local trust committee"; this location code also includes costs for the Executive Committee members serving as chairs of local trust committees (travel costs plus 50% Executive remuneration)
Victoria Admin office	810	Administration
Chief Admin Officer	820	Administration
Information Systems	825	Administration
Finance/HR	830	Administration
Trust-wide general	999	Administration

APPENDIX B: Revenue Budget Lines Categorized for Municipal Pool Calculations

Revenue Category	Municipal Pool Treatment	Rationale
Fees & Sales (e.g. Development application fee; sales of OCP maps)	Excluded	Fees and Sales relate solely to activities of the Local Trust Committees, whose activities are excluded from the municipal tax requisition calculation.
Provincial Grant (general Regional District grants or Strategic Community Investment grants)	Included in the Municipal Pool	Provincial funding is for the whole organization, including Local Planning Services. Using the Administrative Allocation Rate would reflect the ratio attributed to Trust Council and Islands Trust Conservancy.
Property Taxes	Excluded	Property taxes are collected from the non-municipal Local Trust Areas.
Municipal Tax Levy	Excluded	This policy addresses the calculation of the municipal tax levies.
Special tax levies on individual Local Trust Areas	Excluded	Special tax levies relate solely to activities of the Local Trust Committees, whose activities are excluded from the municipal tax requisition calculation.
Appropriations from Surplus	Appropriations specifically identified for Trust Council, Trust Area Services or Islands Trust Conservancy are included at 100% of the appropriation amount. Appropriations specifically identified for Local Trust Committees or Local Planning Services are excluded. Appropriations specifically identified for Administrative Services, or general appropriations to reduce property taxes are included in the Municipal Pool at the Administrative Allocation Rate	100% of expenses for the same operational units are included in the Municipal Pool. Activities relating to Local Trust Committees or Local Planning Services are excluded from the Municipal Pool. Expenses for Administrative Services are allocated to the Municipal Pool at the same percentage. Non-specific appropriations are allocated to the Municipal Pool at the same rate as Administrative expenses which are also non-specific to a particular operational unit.

Revenue Category	Municipal Pool Treatment	Rationale
Interest income	Included at the percentage defined by the Administrative Allocation Rate.	Administrative revenue is allocated to the Municipal Pool at the same rate as Administrative expenses.
Income from grants	Grant income specifically identified for Trust Council, Trust Area Services or Islands Trust Conservancy are included at 100% of the budgeted revenue amount. Grant income specifically identified for Local Trust Committees or Local Planning Services are excluded. Grant income specifically identified for Administrative Services, are included in the Municipal Pool at the Administrative Allocation Rate.	Expenses for these operational units are 100% included in the Municipal Pool. Expenses for these operational units are excluded from the Municipal Pool. Expenses for Administrative Services are included in the Municipal Pool at the Administrative Allocation Rate.
Miscellaneous income	Treated the same as general grant income.	
Other Income – NAPTEP, ITC cost recovery	If budgeted, then 100% included in the Municipal Pool.	Islands Trust Conservancy costs are 100% allocated to the Municipal Pool. (Note: normally income in this category does not contain a revenue budget. The category is used to isolate fees from NAPTEP applications once the funds are received.)

APPENDIX C: Example Calculation of the Administrative Allocation Rate

\$ Millions

\$ 1.0 Trust Council budget

0.5 Islands Trust Conservancy budget

\$ 1.5 Sub-total for Trust Council and Islands Trust Conservancy

4.0 Local Planning Services budget

\$ 5.5 Total Operational Units expenditure budget

1.5 Administrative Services budget

\$ 7.0 Total Expenditure Budget

The Administrative Allocation Rate in this example is $\$1.5/\$5.5 = 27.3\%$



Policy:	7.4.1
Approved By:	Trust Council
Approval Date:	December 4, 2013
Amendment Date(s):	June 8, 2021
Policy Holder:	Legislative Services Manager

INCOMING LOCAL TRUST COMMITTEE CORRESPONDENCE: GENERAL

Purpose

To establish guidelines for processing incoming correspondence addressed to local trust committees, local trustees and local planning services staff, in a consistent, efficient and transparent manner.

Scope

This policy addresses how to process incoming correspondence to local trust committees, local trustees and local planning services staff.

The Legislative Services Manager is authorized to make minor, non-substantive amendments to this policy to maintain its currency, such as updates to references to legislation and position titles. A log of such minor amendments will be maintained as an attachment to the policy.

The Legislative Services Manager and other staff may develop administrative procedures and tools to implement this policy.

Principles

1. Local trustees, local trust committees and local planning services staff should receive correspondence addressed to them in an expeditious manner.
2. Correspondence addressed to a quorum of a local trust committee that is relevant to the actions or decisions of the local trust committee should be received in an open and transparent manner, so that those with interests in the topic have an opportunity to hear and respond to all information considered by the local trust committee that has been received within the relevant time limits for decision-making.
3. Despite the principles of openness and transparency expressed in Principle 2, Islands Trust bodies should not consider correspondence from anonymous sources and should not consider or publish written materials that are defamatory, profane or otherwise inappropriate for general circulation. Senders of such correspondence should have the opportunity to have their views considered by a local trust committee by being informed of the necessary amendments that would make their correspondence eligible for receipt and circulation on an open public agenda.

A. Definitions

"Correspondence" means any addressed written communication received by mail, courier, facsimile transmission, email, webmail or other electronic format, or in person.

"Defamatory" means false statements communicated to other people about a person that tends to hurt the person's reputation.

"Webmail" means email that is received through generic email addresses posted on the Islands Trust website.

B. Policy

Guidelines

1. Correspondence addressed to local planning services staff and individual trustees
 - 1.1 All incoming correspondence received by planning support staff that is addressed to a local planning services staff person or a local trustee, and is not marked private and/or confidential, is opened and forwarded to the addressee.
 - 1.2 Correspondence addressed to individuals that is marked private and/or confidential is forwarded to the addressee unopened.
 - 1.3 The Islands Trust maintains individual email addresses for each local trustee during their term of office and for each staff member during their term of employment. Such addresses, and the contents of the related inboxes, are managed by the individual named in the address in accordance with records management policies and procedures, but are ultimately part of the organizational record of the Islands Trust, rather than a private record.
 - 1.4 Correspondence addressed to an individual trustee, including emails sent to the individual trustee's personal or Islands Trust email account, which is not considered by that trustee to be intended for the local trust committee, is not forwarded by the trustee to other members of the local trust committee or to staff. If a trustee believes that the correspondence is intended to be for the local trust committee, or should be considered by the local trust committee and be part of the public record, the trustee advises the sender by direct response that, if the sender wants the local trust committee to consider the correspondence, it should be sent directly to the local trust committee at the appropriate email or regular mail address.
 - 1.5 Trustees should use the email addresses issued to them by Islands Trust for sending and receiving all official communications related to their role as an elected official. A separate private email address should be used for their personal communications.
 - 1.6 Correspondence related to the business of the local trust committee, that is addressed to more than one individual trustee (a quorum), is forwarded to the relevant planning support staff by the first named recipient, for distribution to the entire local trust committee and consideration for inclusion on the local trust committee's public agenda or for posting directly to the local trust committee's webpage under the pertinent subject heading.
 - 1.7 Bylaw complaints and correspondence regarding open bylaw enforcement files are forwarded to the Bylaw Compliance and Enforcement Administrative Assistant and are

not included in the public agenda of a local trust committee nor posted to the local trust committee's webpage

- 1.8 All correspondence received by Islands Trust staff or trustees in response to a Public Hearing Notice is forwarded to planning support staff or to the appropriate email address for Public Hearing submissions. Where a trustee receives such correspondence by email, a pre-approved standard reply message is used to inform the sender that the correspondence is being forwarded to planning support staff or to the appropriate email address for Public Hearing submissions.

2. Local Trust Committee Correspondence

- 2.1 The Islands Trust maintains group email addresses for each local trust committee that are the preferred address for distributing correspondence intended for all members of the local trust committee.
- 2.2 The Islands Trust offers the public the ability to access local trust committees through webmail addresses posted on the Islands Trust website. Planning support staff checks webmail for each local trust committee regularly to determine the appropriate distribution of the contents in accordance with this policy and guiding procedures.
- 2.3 All incoming correspondence received in an Islands Trust office that is addressed to a local trust committee is opened and forwarded electronically to the relevant local trust committee email address or to the appropriate recipient(s), with the exception of correspondence marked private and/or confidential, correspondence that is misaddressed, or unsolicited commercial correspondence unrelated to Islands Trust business.
- 2.4 If individual trustees receive correspondence described in 2.3 directly, including via email, they forward it immediately to the appropriate planning support staff that ensures the correspondence is distributed to the appropriate local trust committee email address.
- 2.5 Provided that the subject of such correspondence falls within the jurisdiction of the local trust committee, the original correspondence is forwarded to the Planner who ensures that the appropriate follow-up action is undertaken as follows:
 - 2.5.1 When correspondence may require a local trust committee response, the matter is brought forward on the next local trust committee agenda, provided it is received before the agenda deadline.
 - 2.5.2 Correspondence specific to an active development application or ongoing project may be received on a local trust committee agenda when that application or project is also on the agenda for consideration. Generally, correspondence for an active rezoning application, project or a development variance permit or temporary use permit is posted on the website under the relevant application or project. The Director of Local Planning Services or designate may direct that posting of correspondence cease where volumes are

overwhelming, there is uncertainty about defamatory statements or the correspondence is otherwise deemed inappropriate as determined by staff. Such correspondence may also be sent to the local trust committee group email address for information in the interim, depending on when the matter will next appear on an agenda

- 2.5.3 With the exception of correspondence posted directly to the local trust committee's webpage, as referenced in section 2.5.2, when correspondence may require local trust committee action or response and a staff report is essential for consideration, the matter is brought forward on the next local trust committee agenda with the relevant staff report, if it can be prepared in time. If a staff report is not prepared for the next agenda, the correspondence may be brought forward on the next agenda with an update from the Planner.
- 2.5.4 With the exception of correspondence referenced in sections 2.5.2, 2.5.7, 2.6 and 2.7, where the Planner determines that correspondence should be received by the local trust committee for information, and it is received within the deadlines for agenda package preparation, it is placed on the next local trust committee agenda. Correspondence received after the agenda deadline for the local trust committee meeting is placed on the following agenda, unless the local trust committee agrees to consider it as a late agenda item because it is of an urgent nature.
- 2.5.5 Misaddressed correspondence, for example to "Islands Trust" or to staff but is, in the opinion of the Planner, intended for a local trust committee is handled in accordance with sections 2.5.1 – 2.5.4.
- 2.5.6 Correspondence of a general operational nature, including general inquiries and routine requests for information, where a decision or action of the local trust committee is not required, is answered directly by staff. The staff response is copied to the local trust committee for information, if the incoming correspondence was addressed to the local trust committee.
- 2.5.7 Correspondence relevant to a matter that has been the subject of a Public Hearing and that is received after the close of that Public Hearing will be withheld from circulation to members of the relevant local trust committee until such time as it may be legally circulated to them. Trustees that receive such correspondence because it has been directed to the local trust committee's email address should refrain from opening or considering it, to the extent that this is practicable.
- 2.6 A local trust committee will not formally accept anonymous correspondence, or correspondence marked private or confidential, unless it could be considered in a closed meeting in accordance with Sec. 90 of the *Community Charter*.
- 2.7 Correspondence that is potentially defamatory toward an individual or that contains profanities or language that the Legislative Services Manager (or their designate)

deems to be inappropriate will not be placed on a local trust committee's webpage or a local trust committee agenda that is open to the public.

- 2.8 Senders of correspondence referenced in sections 2.5.7, 2.6 and 2.7 that does not qualify for receipt by the local trust committee will be notified by staff explaining the reasons and what would be necessary to have the correspondence received, if applicable.
- 2.9 Hard copy correspondence qualifying for inclusion on an agenda or posting to a local trust committee's webpage must include the first and last name of the sender as well as their residential address, including postal code or mailing address where there is no residential address. Email correspondence qualifying for inclusion on an agenda or posting to a local trust committee's webpage must include the first and last name of the sender and their email address.
- 2.10 With the exception of correspondence referenced in sections 2.5.7, 2.6 and 2.7, correspondence submitted to the local trust committee is a public record and may be posted to a local trust committee's webpage or published in a meeting agenda that is available for viewing by the public in hard copy and on the Islands Trust website.
- 2.11 Personal information supplied by the sender in correspondence to the local trust committee is also part of the public record and will have contact information (email address, house number, phone number) severed and may have signature severed before being included in an open meeting agenda package.

C. Legislated References

Community Charter

Freedom of Information and Protection of Privacy Act

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

- 1. [Policy Manual: Procedural Fairness in Rezoning \(5.4.2\)](#)
- 2. [Policy Manual: Handling of Correspondence: Chair and Executive Committee \(7.4.2\)](#)
- 3. [Policy Manual: Communications \(6.10.2\)](#)



Policy:	7.4.2
Approved By:	Islands Trust Council
Approval Date:	April 5, 1993
Amendment Date(s):	March 28, 2000; September 18, 2018
Policy Holder:	Legislative Services Manager

CHAIR & EXECUTIVE COMMITTEE CORRESPONDENCE

Purpose

To establish guidelines for processing incoming correspondence addressed to and outgoing correspondence sent from the Islands Trust Chair and Executive Committee in a consistent, efficient and transparent manner.

Scope

This policy addresses how to process incoming correspondence to the Islands Trust Chair and Executive Committee and outgoing correspondence from the Islands Trust Chair and Executive Committee.

The Legislative Services Manager is authorized to make minor, non-substantive amendments to this policy to maintain its currency, such as updates to references to legislation and position titles. A log of such minor amendments will be maintained as an attachment to the policy.

The Legislative Services Manager and other staff may develop administrative procedures and tools to implement this policy.

Principles

1. The Islands Trust Chair and Executive Committee should receive correspondence addressed to them in an expeditious manner.
2. Correspondence should be received in an open and transparent manner, so that those with interests in the topic have an opportunity to hear and respond to all information considered by the Executive Committee that has been received within the relevant time limits for decision-making.
3. Despite the principles of openness and transparency expressed in Principle 2, Islands Trust bodies should not consider correspondence from anonymous sources and should not consider or publish written materials that are defamatory, profane or otherwise inappropriate for general circulation. Senders of such correspondence should have the opportunity to have their views considered by the Islands Trust Chair and Executive Committee, by being informed of the necessary amendments that would make their correspondence eligible for receipt and circulation on an open public agenda.

A. Definitions

1. "Defamatory" means false statements communicated to other people about a person which could hurt that person's reputation.
2. "Executive Committee" means the Chair and Vice Chairs of the Islands Trust, as elected by the Trust Council.
3. "Incoming Correspondence" means any written communication received by mail, courier, facsimile transmission, email, webmail or other electronic format, or in person by Islands Trust.
4. "Outgoing Correspondence" means any written communication prepared by staff for Chair or Executive Committee member(s)' signature for external circulation.

B. Policy

1. Incoming Chair and Executive Committee Correspondence

- 1.1** The Islands Trust offers the public the ability to access the Executive Committee through email addresses posted on the Islands Trust website. Any correspondence sent to the Executive Committee email group will be acknowledged by the Executive Coordinator through a pre-approved standard reply message.
- 1.2** All incoming correspondence received in an Islands Trust office that is addressed to the Chair or Executive Committee will be forwarded to the Executive Coordinator. The Executive Coordinator will acknowledge receipt through a pre-approved standard reply message and forward correspondence electronically to appropriate recipient(s), with the exception of correspondence marked private and/or confidential, correspondence that is misaddressed, or unsolicited commercial correspondence unrelated to Islands Trust business.
- 1.3** If individual Executive Committee members or a quorum of the Executive Committee receive correspondence related to the business of the Executive Committee, including via email, they will forward it immediately to the Executive Coordinator who will ensure the correspondence is distributed accordingly.
- 1.4** Provided the subject of such correspondence falls within the jurisdiction of the Executive Committee, the Executive Coordinator will process the correspondence in accordance with the appropriate follow-up actions:
 - 1.4.1** When correspondence requires Executive Committee action, and a staff report is not essential for consideration, the correspondence is brought forward on the next Executive Committee agenda, provided it has been received before the agenda deadline.
 - 1.4.2** When correspondence requires Executive Committee action and a staff report is essential for consideration, the matter is brought forward on the next Executive Committee agenda with the relevant staff report, if it can be prepared in time. If a staff report is not prepared for the next agenda, the correspondence will be brought forward on the next agenda with an update from the responsible Manager.
 - 1.4.3** With the exception of correspondence referenced in sections 1.6 and 1.7 where the Executive Coordinator determines that correspondence should be received by the Executive Committee for information, and it is received prior to the agenda deadline for a meeting, it is placed on the next Executive Committee agenda. Correspondence received after the agenda deadline will be placed on the following agenda unless the Executive Committee agrees to consider it as a late agenda item, because it is of an urgent nature.
 - 1.4.4** Misaddressed correspondence, for example to "Islands Trust" or to staff but is, in the opinion of the Executive Coordinator, intended for the Executive Committee is handled in accordance with section 1.4 (1.4.1 - 1.4.3).

- 1.4.5** Correspondence of a general operational nature, including general inquiries and routine requests for information, where a decision or action of the Executive Committee is not required, is answered directly by staff. The staff response is copied to the Executive Committee for information, if the incoming correspondence was addressed to the Executive Committee.
- 1.4.6** Correspondence received by Islands Trust as part of a mass mailing, such as notifications and newsletters sent to all members of the Union of BC Municipalities, Association of Vancouver Island and Coastal Communities, Federation of Canadian Municipalities and other similar associations will be circulated to Executive Committee members.
- 1.4.7** A person who wants to appear before the Executive Committee at a regular meeting shall, at least eight full calendar days prior to the meeting, deliver the request in writing to the Executive Coordinator. The request must include the name of each petitioner, his or her residential address and a copy of the presentation. The subject of the petition or delegation must be related to a matter that is within the jurisdiction of the Executive Committee. At the discretion of the Chair, following consultation with other members of the Executive Committee, the petitioner or delegation may be given a space on the agenda. Priority will be given to petitions or delegations related to matters on the agenda of the Executive Committee meeting. The Executive Committee may consider requests for delegations after the deadline at the discretion of the Chair.
- 1.5** Further to section 1.4, where there is a question about whether the subject of correspondence falls under the terms of reference for the Executive Committee, or the appropriate course of action in relation to the correspondence is not clear, the Executive Coordinator will consult with the Chief Administrative Officer, or designate, for a decision.
- 1.6** The Executive Committee will not formally accept anonymous correspondence, or correspondence marked private or confidential unless it could be considered in a closed meeting in accordance with Sec. 90 of the *Community Charter*. In the case of private, personal or confidential correspondence, the Executive Coordinator will receive instructions from the addressee before opening or processing further.
- 1.7** Correspondence that is defamatory toward an individual or that contains profanities or language that the Legislative Services Manager (or designate) deems to be inappropriate will not be placed on an Executive Committee agenda that is open to the public.
- 1.8** Senders of correspondence referenced in section 1.7 that does not qualify for receipt by the Executive Committee will be notified by staff explaining the reasons and what would be necessary to have the correspondence received, if applicable.
- 1.9** Hard copy correspondence qualifying for inclusion on an agenda must include the first and last name of the sender as well as their address, including postal code. Email correspondence

qualifying for inclusion on an agenda must include the first and last name of the sender and their email address.

- 1.10** With the exception of correspondence referenced in sections 1.6 and 1.7 correspondence submitted to the Executive Committee is a public record and may be published in a meeting agenda that is available for viewing by the public in hard copy and on the Islands Trust website.
- 1.11** Incoming correspondence that has been received as a CC (courtesy copy) will be circulated to the Executive Committee for information but will not be placed on the meeting agenda unless specifically requested by an Executive Committee member.
- 1.12** Personal information supplied by the sender in correspondence to the Executive Committee is also part of the public record and may have contact information (email address, street name, house number, phone number) and signature severed before being included in an open meeting agenda package.

2. Outgoing Chair and Executive Committee Correspondence

- 2.1** Upon direction from the Executive Committee, by resolution or by general consent at a meeting, staff will prepare outgoing correspondence for the Chair or Executive Committee member(s)' signature in relation to Executive Committee matters.
- 2.2** Once prepared, the draft correspondence will be circulated to the Chair for approval and application of the Chair's electronic signature.
- 2.3** Once the outgoing correspondence has been approved and signed, the Executive Coordinator will process and make necessary file copies, one for the Chair Day Copies file and one for the subject file.
- 2.4** Where correspondence is distributed as an attachment to email, the original will not be sent by mail.
- 2.5** Copies of all outgoing correspondence signed by the Chair or Executive Committee member(s) shall be distributed by email to all members of the Executive Committee, the Chief Administrative Officer, relevant Committees, the responsible staff, and/or other applicable parties as directed.

3. Correspondence Log

- 3.1** The Executive Coordinator will track incoming correspondence addressed to the Chair or Executive Committee as well as outgoing correspondence under the signature of the Chair or Executive Committee member(s) in a correspondence log to ensure that it is responded to or acted upon in a timely manner.

C. Legislated References

- 1. *Community Charter*
- 2. *Freedom of Information and Protection of Privacy Act*

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

1. Policy Manual: [Incoming Local Trust Committee Correspondence: General \(7.4.1\)](#)
2. Policy Manual: [Communications Policy \(6.10.2\)](#)
3. Policy Manual: [Executive Committee Terms of Reference \(2.4.1\)](#)



Policy:	7.4.4
Approved By:	Trust Council
Approval Date:	December 5, 2003
Amendment Date(s):	
Policy Holder:	Director of Administrative Services

ON-ISLAND TRUSTEE OFFICES

Purpose

To provide guidelines that enable local trust committees to access appropriate office space, as required, within budgetary considerations.

A. Definitions

n/a

B. Policy

1. Request and Approval Process

- 1.1 Requests to rent on-island offices are to be made through the annual budget process preferably by November 30, to permit adequate review and processing, but in any event no later than the date of the March Trust Council meeting; and
- 1.2 Requests will be considered along with other program budget items, subject to final approval by Trust Council.

2. Office Specifications

- 2.1 The offices should be of an appropriate size to accommodate two work stations and a small meeting area for 6-8 people;
- 2.2 The offices will be equipped with 2 desks/chairs, small meeting table/chairs, locking file cabinet, and telephone service with one handset;
- 2.3 Fax and computer services will not be provided; and
- 2.4 Rental rates must not exceed market rates as determined by the local business/commercial rental market.

3. Office Use

- 3.1 These offices will be designated as a local trustee office and should not be referred to as a branch office for the purpose of conducting regular day-to-day business;
- 3.2 These offices can be made available to community groups at a nominal cost to help offset lease costs;

3.3 General uses include: workspace for trustees, public meeting space, local trust committee meetings (space permitting) and Advisory Planning Commission meetings; and

3.4 Staff will be provided with access to these offices, by arrangement with the local trustees, to conduct on-island business, review files, and to meet with the public.

4. Signage

4.1 Signs designating or advertising the location of an on-island office must consider the use of the Islands Trust's name and logo in accordance with existing policy in this regard;

4.2 Signage design and wording must be pre-approved by Islands Trust Communications staff; and

4.3 The cost of signage must be borne out of the office lease budget, as approved, or from the local trust committee expense account.

5. Responsibilities

5.1 The treasurer is responsible for:

5.1.1 Receiving and processing office requests via the budget process;

5.1.2 Determining market rental rates;

5.1.3 Negotiating rental contracts; and

5.1.4 Equipping offices as provided in this policy.

5.2 The Financial Planning Committee is responsible for:

5.2.1 Recommending annual budget allocations for on-island offices.

5.3 Trust Council is responsible for:

5.3.1 Considering office budget requests via the annual budget process, as required.

5.4 Local trustees are responsible for:

5.4.1 Security of office and safekeeping of keys and office contents.

C. Legislated References

n/a

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

n/a



Policy:	7.4.5
Approved By:	Trust Council
Approval Date:	June 12, 2013
Amendment Date(s):	
Policy Holder:	Director of Administrative Services

CARBON NEUTRAL OPERATIONS

Purpose

To commit the Administrative Services and Trust Area Services to on-going work to measure, reduce, offset and report corporate greenhouse gas (GHG) emissions and achieve carbon neutrality within Islands Trust operations as a signatory to the British Columbia Climate Action Charter.

This Policy will:

1. Establish a greenhouse gas emission reduction goal for corporate operations;
2. Define which Islands Trust greenhouse gas emissions will be measured and offset;
3. Guide activities reducing Islands Trust's greenhouse gas emissions;
4. Facilitate a process for purchasing offsets for Islands Trust's corporate greenhouse gas emissions; and,
5. Clarify roles and responsibilities for implementing this policy to achieve carbon neutral operations.

A. Definitions

n/a

B. Policy

General

1. Trust Council will ensure that there is no net increase in greenhouse gas (GHG) emissions from Islands Trust operations/activities through performing regular emissions inventories, reducing emissions and purchasing carbon offsets to counteract emissions that cannot be readily reduced.

Carbon Reduction Goal

2. Trust Council commits to reducing greenhouse gases from Islands Trust operations by 7% from 2012 levels by 2020.

Carbon Emission Sources

3. Islands Trust greenhouse gas emissions will be calculated using conversion factors set by the Province of British Columbia whenever practical and will be based on data from the following sources:
 - electricity used in Islands Trust corporate offices;
 - natural gas used in Islands Trust corporate offices;

- all staff, trustee and Islands Trust Conservancy Board member travel by private motor vehicle and rental cars (except taxi), (travel by airplane or helicopter is not included, as the assumption is that commercial aviation organizations have factored their GHG emissions into their operations); and
- paper purchased for Islands Trust corporate offices.

Offsetting Emissions to Achieve Carbon Neutrality

- Beginning in 2012, Islands Trust will offset corporate emissions such that annual net corporate emissions are zero.

Roles and Responsibilities

- The Carbon Neutral Committee will monitor and report to Trust Council on the carbon neutral program, support staff engagement in this issue, and prepare budget requests for carbon reduction activities and offset purchases.
- The Trust Programs Committee will be responsible for initiating, monitoring and reporting on carbon neutral activities.
- The Financial Planning Committee will be responsible for evaluating budget requests related to carbon reduction activities and offset purchases.
- The Director of Administrative Services will prepare an annual briefing for the Financial Planning Committee with projected emissions and offset purchase options. The briefing will include a projection of annual carbon emissions, and a recommendation for offset purchases based on the following criteria:

Purchasing/Investment criteria		Priority
Price		
	Less than or equal to the offset price per tonne being charged in the existing carbon marketplace.	Very High
Type of offset project		
	Offset projects that meet recognized certification standards and involve community organizations or businesses in the Islands Trust Area.	Very High
	Offset projects that meet recognized certification standards and meet goals in the Islands Trust Area Official Community Plans.	Very High
	Offset projects approved by the Green Communities Committee.	High
	Offset projects in developing countries that meet recognized certification standards.	Medium
	Offset projects in developed countries that meet recognized certification standards.	Low
Ability to report / tell story on where offset investments are going		
	Projects grouped into a bundle.	Low
	Stand-alone project.	Medium
	Stand-alone project that supports Islands Trust mandate.	High

- Trust Council is responsible for allocating funds for carbon reduction activities and offset purchases through approval of the annual budget bylaw.

Reporting

10. Annual reports will include a section on Islands Trust carbon emissions, carbon reduction activities and carbon offset purchases.

C. Legislated References

The [Islands Trust Act](#) defines the Islands Trust’s purpose, referred to in the legislation as its “object”:

“The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

The [Islands Trust Policy Statement](#):

Guiding Principles:

The primary responsibility of the Islands Trust Council is to provide leadership for the preservation, protection, and stewardship of the Trust Area’s amenities, environment, and resources.

Trust Council will implement a plan for the advancement of the Policy Statement as part of its annual budget process, and the Executive Committee of Trust Council will report to Council on progress in achieving the goals of the Policy Statement.

[BC Climate Action Charter](#), signed by Islands Trust September 25, 2007

[Trust Council Policy 2.3.3 Financial Planning Committee Terms of Reference](#)

[Trust Council Policy 2.3.4 Trust Programs Committee Terms of Reference](#)

[Trust Council Policy 6.3.1 Budget Process](#)

[Trust Council Policy 6.5.3 Procurement](#)

[Trust Council Policy 6.10.1 Annual Report](#)

Annual Budget Document

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

n/a



Policy:	7.5.1
Approved By:	Trust Council
Approval Date:	December 6, 2002
Amendment Date(s):	December 4, 2014
Policy Holder:	Director of Administrative Services

TRUSTEE EQUIPMENT ALLOCATION

Purpose

To establish the policy and guidelines for the allocation and use of equipment and other physical resources required by trustees, and for the retrieval of these items following the conclusion of the trustee's term of office. The rationale for this program is to support the work of trustees, including efficient electronic communication for trustees between staff, fellow trustees and their constituents. This will be accomplished through telephone, internet, e-mail, meeting management software and document sharing, which meet the business practices and overall objectives of the Islands Trust.

Principles

1. Computers allocated by the Islands Trust are **public assets**, and as such they are subject to certain conditions of use to ensure their integrity including:
 - 1.1 Security systems (e.g. passwords), designed to safeguard confidential records belonging to the Islands Trust, must be maintained and used as indicated by the Director of Administrative Services or their designate;
 - 1.2 Virus protection software will be supplied and must be kept up to date;
 - 1.3 Additions of hardware components or software applications should be primarily related to Islands Trust business and receive prior approval;
 - 1.4 Use of equipment by trustees should be consistent with their responsibilities as an elected official of the Islands Trust including statutory standards of conduct (see Trust Council Policy 2.1.1 – Statutory Rules of Conduct, and Trust Council Policy 2.1.2 – Standards of Conduct).
2. The acquisition of equipment is undertaken on a cycle whereby all equipment is purchased, financed, allocated, and retired within the trustee term of office.

A. Definitions

Equipment - Items purchased or owned by the Islands Trust including, but not limited to, computers, telecommunications equipment, office furniture and equipment.

B. Policy

1. Allocation of Equipment

Trustee equipment will be allocated at the beginning of each term of office, subject to budget availability. All trustees provided with equipment will be required to sign an acknowledgement of receipt and acceptance of the conditions of use.

2. Asset Inventory Records

All equipment purchased or acquired by the Islands Trust remains the property of the Islands Trust. Accordingly, all items purchased and paid from Trust funds will be entered into a physical asset inventory record. This inventory will indicate the specific equipment items held by each trustee.

3. Delivery, Operating Costs, and Support

All costs related to the delivery, connection, servicing, supplies and ongoing operating costs for trustee equipment will be paid for by the Islands Trust.

The Islands Trust will provide computer hardware and software support for those trustees who have been provided with a computer.

The Islands Trust does not provide computer hardware and software support for computers that have not been supplied by the Islands Trust, or for work unrelated to Islands Trust business.

4. Insurance

Insurance coverage for all equipment allocated to trustees is covered under the Islands Trust general insurance policy (office contents). Supplementary insurance coverage by the trustee is not required.

As soon as practicable after an occurrence, trustees must report any stolen, lost or damaged equipment to the Director of Administrative Services.

5. Retrieval of Equipment

Following the conclusion of a trustee's term of office where that trustee is not entering into a subsequent term, all equipment owned by the Trust must be returned. Trust staff will be responsible for its return to the Victoria office, or for coordinating the transfer of the equipment from an outgoing trustee to an incoming trustee.

At the sole discretion of the Director of Administrative Services, equipment may be purchased by an out-going trustee at fair market value, if it is surplus to the needs of the Islands Trust.

6. Sign-Out Procedure

All equipment will be signed out by the trustee, as received. The return of the equipment to the Victoria office will be signed off by the Director of Administrative Services, or their designate.

7. Charges for Non-Return

Equipment not returned by a trustee in accordance with section B.5, or otherwise arranged by the Director of Administrative Services, will be charged to that trustee by way of an invoice, at replacement cost.

C. Legislated References

n/a

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

n/a



Policy:	7.6.1
Approved By:	Trust Council
Approval Date:	September 9, 1994
Amendment Date(s):	December 9, 1995; December 5, 2003, September 23, 2021
Policy Holder:	Legislative Services Manager

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Purpose

For the purposes of administering the principles of the *Freedom of Information and Protection of Privacy Act* (the Act), the Islands Trust adopts the Ministry of Citizens' Services Freedom of Information and Protection of Privacy Policy and Procedure Manual, to be used in conjunction with the Islands Trust's Freedom of Information and Protection of Privacy bylaws, resolutions and procedures adopted by Trust Council, Executive Committee, and all Local Trust Committees and the most recent edition of the Local Government Management Association Freedom of Information and Protection of Privacy Act Toolkit for Local Government Organizations.

The Ministry of Citizens' Services Freedom of Information and Protection of Privacy Policy and Procedure Manual is intended to assist staff in meeting their responsibilities under the Act. It provides policies that interpret and offer guidance on the intent of the legislation to assist in implementing and administering the Act.

A. Definitions

"Trust body" in the context of this policy means the trust council, the executive committee and a local trust committee.

B. Policy

1. Confidentiality of Applicants Making a Request for Information

- 1.1 All Freedom of Information (FOI) requests must be in writing and received by the Head or Deputy Secretary either in person, by mail, by electronic mail or by facsimile. In a case where another staff person or trustee receives a written FOI request, that request must be immediately forwarded to the designated Deputy Secretary.
- 1.2 The personal information of a requester must not be disclosed, unless disclosure is necessary to:
 - 1.2.1 further the search for records to satisfy the request;
 - 1.2.2 obtain necessary information to compile a summary during the mediation procedure; or

1.2.3 obtain necessary information to compile documentation supporting the Head's decision in a formal inquiry or judicial review.

1.3 The personal information of a requester must not be disclosed to the Ombudsperson Office, unless disclosure is requested under the *Ombudsperson Act*.

2. Agenda Packages and Protection of Privacy

Information in the agenda package of a regular trust body meeting becomes public information once it is brought into the public forum.

2.1 Any correspondence addressed to a Trustee, a trust body, or Trust staff, that is not marked confidential, may be included in an agenda package.

2.2 Any personal information in correspondence marked "confidential", and that is addressed to any of the above, should not be included in the agenda package.

2.3 Any personal information (i.e. something identifying an individual including name, address and phone number) in correspondence from the general public not addressed to a Trustee, a trust body, or Trust staff, should not be included in an agenda package. Note that personal information about an employee's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff may be disclosed.

2.4 Personal information on any application form that does not relate to the property affected by the application should not be included in agenda packages. This includes an individual's phone number and address, if the address is different from the address of the property affected (i.e., Sever the applicant's "c/o address" or "alternative address" besides that of the property).

2.5 Any personal information in correspondence which has been compiled as part of an investigation into a possible violation of law (i.e., bylaw infraction), except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation.

3. Retention and Collection of Personal Information

3.1 The Islands Trust may not collect personal information unless:

3.1.1 the collection is authorized under an act;

3.1.2 the information is collected for the purposes of law enforcement; or

3.1.3 the information relates directly to, and is necessary for, an operating program or activity of the Islands Trust (e.g. collecting personal information from a rezoning applicant).

- 3.2 All recorded information collected by the Islands Trust and containing personal information must be retained by the Islands Trust for one year if the information collected is used to make a decision about a person that directly affects that person.
- 3.3 The methods of collecting and retaining personal information include audio, visual, and written.

4. Requests for Documents vs. Requests for Research and Opinions

- 4.1 Requests under the *Freedom of Information and Protection of Privacy Act* are limited to requests for records (i.e., any form of recorded information) in the custody or under the control of the Islands Trust. Requests under the Act are responded to per Freedom of Information and Protection of Privacy procedures. Staff will make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.
- 4.2 Requests for research and opinions, and requests for answers to enquiries, do not fall under the provisions of the *Freedom of Information and Protection of Privacy Act*. When staff receives a request of this nature, they will assist the applicant by:
 - 4.2.1 reviewing the correspondence;
 - 4.2.2 responding when it is possible to do so; and
 - 4.2.3 providing the applicant with available existing information.

C. Legislated References

- 1. [Freedom of Information and Protection of Privacy Act](#)
- 2. Trust Council and Local Trust Committee Freedom of Information and Protection of Privacy Bylaws
- 3. Islands Trust Conservancy Board and Executive Committee Freedom of Information and Protection of Privacy resolutions
- 4. Freedom of Information and Protection of Privacy procedures
- 5. [Ministry of Citizens' Services Freedom of Information and Protection of Privacy Policy and Procedures Manual](#)

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

n/a



Procedure:	7.6.2
Approved By:	Trust Council
Approval Date:	September 9, 1994
Amendment Date(s):	December 9, 1995; September 23, 2021
Policy Holder:	Legislative Services Manager

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY PROCEDURE

Purpose

To outline the required steps to process a formal request to access records in compliance with the *Freedom of Information and Protection of Privacy Act* (the “Act”).

A. Definitions

“Day” does not include a Saturday, a Sunday or a holiday

B. Procedure

1. Before a formal request is logged, the initial contact with an applicant is made by frontline staff. In consultation with the Deputy Secretary, frontline staff determines if the request is for routinely available records, or is a formal Freedom of Information (FOI) request. If a formal FOI request, the request must be received in writing (either on an official request form or by written letter or email) and submitted to the Deputy Secretary. If a trustee receives a formal FOI request, it must be forwarded to the Deputy Secretary.

30 WORKING DAY CLOCK STARTS ()

2. BY DAY 3

- 2.1 The Deputy Secretary reviews the request to confirm that it is a formal access request. The request should be further defined or clarified at this time, if necessary, and any changes to the scope of the request must be documented. Request is logged, file is established, and a decision is made to determine if the request should be transferred to another public body.
- 2.2 Deputy Secretary forwards an acknowledgement letter to the applicant (if transferring request, notify applicant of transfer), and the request is assigned to appropriate staff.

3. DAY 4 - 8

- 3.1 Deputy Secretary retrieves and copies records requested where possible. If more clarification is required, call applicant. Liaison with staff or trustees may be required at this point to request copies of the responsive records or to determine the location of files/documents being requested.

4. DAY 9

- 4.1 Deputy Secretary conducts a preliminary assessment of the records and:
 - 4.1.1 Considers fee estimate. If fee deposit is applicable, Deputy Secretary sends notice to applicant, and suspends processing until deposit is received.
 - 4.1.2 Considers transferring request to another public body. Within 20 working days after a request for records is received the final decision on whether to transfer request to another public body must be made. Deputy Secretary sends notice of transferring an access request at this time, if required.
 - 4.1.3 Considers if third party notice is required. Deputy Secretary sends notice to third parties if required in accordance with Section 23(3) of the Act. The third party has 20 working days to respond.
- 4.2 If third party notice is required, the time limit under Section 24 of the Act is in effect. If applicable, third party records must be provided to the applicant within 30 working days from the date of third party notice.
- 4.3 If a fee deposit is required, the response time clock stops until the fee deposit is received.

5. DAY 13

- 5.1 By end of 13th working day, the preliminary assessment should be complete, and any decisions on fees, consultations, and time extensions should be made.

6. DAY 14 - 18

- 6.1 Deputy Secretary performs a detailed line-by-line review of records and applies any exceptions in the Act. In considering records, the Deputy Secretary must decide if, at this time, there should be any further consultations with third parties or if additional internal and external public bodies should be consulted.

7. DAY 19 - 29

- 7.1 Day 29 is the deadline for responses from third parties. Complete review of third party representations by the end of day 29.
- 7.2 Deputy Secretary performs a final analysis of records being provided to applicant. In the case of complex requests, the Deputy Secretary should confer with the Head in making the final decision on the response.
- 7.3 At this time, exceptions in records are severed by the Head, if necessary.

8. DAY -29 - 30

- 8.1 Deputy Secretary sends response letter to applicant and encloses records. Applicant should be informed of any severing decisions which were made.

- 8.2 Day 27 is the last day on which a request for permission for an additional time extension can be sent to the Commissioner.
- 8.3 At this time, collect fee balance owing (if applicable) - suspend processing until fee balance is received (response time clock stops until fee balance received).

9. REVIEW OF HEAD'S DECISION BY COMMISSIONER

- 9.1 A request for a review of a decision of the Head by the Commissioner must be delivered to the Commissioner by the applicant within 30 days after the person asking for the review is notified of the decision of the Head. Once the Commissioner's Office receives a request for review, the Commissioner must give a copy to the Head of the Islands Trust and to any other person that the Commissioner considers appropriate.
- 9.2 If an appeal has not been requested by the applicant after 30 days of the Head's decision regarding an applicant's access request, the file is closed.
- 9.3 If the applicant requests an appeal or submits a complaint to the Commissioner within the 30 day notification period, the following takes place:
 - 9.3.1 A Portfolio Officer in the Commissioner's Office will contact the Deputy Secretary, and ask for a summary of the Islands Trust's decision relating to the request. The Deputy Secretary will contact the necessary staff and/or trustees to obtain relevant input and provide a comprehensive summary to the Portfolio Officer.
 - 9.3.2 Background information from trustees, staff or legal counsel may be provided to the Portfolio Officer along with the summary.
 - 9.3.3 If the appeal or complaint is settled through mediation with the Portfolio Officer, the Deputy Secretary closes the file, and informs the necessary staff and/or trustees.
 - 9.3.4 If the appeal or complaint is not settled through mediation, the Commissioner must conduct an inquiry. The Commissioner has broad discretion to determine how the inquiry will be conducted. The following applies:
 - 9.3.4.1 On receiving a request for a review, the Commissioner must give a copy of the request to the Islands Trust and any other person that the Commissioner considers appropriate.
 - 9.3.4.2 The Commissioner must conduct an inquiry and may decide all questions of fact and law arising in the course of the inquiry.
 - 9.3.4.3 The inquiry may be conducted in private.
 - 9.3.4.4 The person who asked for the review, the FOI Head of the Islands Trust, and any person given a copy of the request for review, must be given an opportunity to make representations of the Commissioner

during the inquiry. Assistance from Islands Trust legal counsel may be sought to prepare Islands Trust's formal response to the inquiry.

9.3.4.5 The Commissioner may decide

9.3.4.5.1 whether representations are to be made orally or in writing, and

9.3.4.5.2 whether a person is entitled to be present during, or to have access to, or to comment on, representations made to the Commissioner by another person.

9.3.4.6 The person who asked for the review, the Head of the Islands Trust, and any person given a copy of the request for review, may be represented at the inquiry by legal counsel or an agent.

9.3.4.7 An inquiry into a matter under review must be completed within 90 days after receiving the request for the review. The Head must comply with the Commissioner's orders within 30 days, unless an application for judicial review of the order is brought before that period ends.

C. Legislated References

1. [*Freedom of Information and Protection of Privacy Act*](#)
2. Freedom of Information and Protection of Privacy Bylaws and Resolutions
3. Policy Manual: [Freedom of Information and Protection of Privacy Policy \(7.6.1\)](#)
4. [Ministry of Citizen Services Freedom of Information and Protection of Privacy Policy and Procedure Manual](#)

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

n/a



Policy:	8.2.1
Approved By:	Trust Council
Approval Date:	June 6, 1992
Amendment Date(s):	
Policy Holder:	Director of Administrative Services

STAFF TRAINING/CONFERENCE ATTENDANCE

Purpose

To outline Trust Council's support, subject to available resources, for staff training and conference attendance as a means to enhance staff's contribution to the organizational effectiveness of the Islands Trust and staff professional development.

A. Definitions

n/a

B. Policy

1. Chief Administrative Officer

- 1.1 Trust Council and/or the Executive Committee may request the Chief Administrative Officer (CAO) to undertake targeted training and/or attend specific conferences and seminars on behalf of the Islands Trust, Trust Council and/or the Executive Committee.
- 1.2 The CAO requires approval for training/conference attendance requests from the Executive Committee.

2. Staff

- 2.1 The CAO may, in consultation with the Director of Administrative Services, request staff to undertake targeted training and/or attend specific conferences and seminars on behalf of the Islands Trust.
- 2.2 Staff requires approval on training/conference attendance requests from their immediate supervisor.

3. Administrative Requirements

- 3.1 Requests from and to staff for training/conference attendance are to be processed using the Training/Conference Attendance Form (Attachment 1).

- 3.2 In-service training programs and budget requests for staff units are the responsibility of appropriate managers in consultation with appropriate staff and the Director of Administrative Services.
- 3.3 Organizational training budget requests are the responsibility of the Director of Administrative Services in consultation with the management group. Organizational training funds are for support to approved staff training/conference attendance requested by the organization.
- 3.4 Resolving difficulties in determining mutually agreeable support levels for staff training/conference attendance will be handled by the next appropriate supervisory level and then the CAO, if required.

4. Support Levels

4.1 Level 1

- 4.1.1 Requests to a staff person to attend a training/conference event on behalf of the Islands Trust via the CAO: 100% of expenses and registration fees and provide time with pay (without overtime) from the organizational training budget account, or as otherwise agreed and/or determined by the budget; or
- 4.1.2 Requests from a staff person approved by their immediate supervisor as being relevant to their basic job function and beneficial to the organization: 100% of expenses and registration fees from budgeted funds for that staff person and provide of time with pay (without overtime) or as otherwise agreed and/or determined by the budget (i.e., related to their performance appraisal and current job description).

4.2. Level 2

- 4.2.1 Requests from a staff person approved by their immediate supervisor as being relevant to enhancing their job function and beneficial to the organization: a portion of expenses and/or registration fees from budgeted funds for that staff person and/or time off with pay (without overtime), or as otherwise agreed, and/or determined by the budget (i.e., related to their performance appraisal, determined expansion of their job).

4.3. Level 3

- 4.3.1 Requests from a staff person approved by their immediate supervisor as being relevant to enhancing their professional development: provision of either registration fees (less supplies/texts), or time with pay (without overtime), from budgeted funds for that staff person or as otherwise agreed and/or determined by the budget (i.e., related to further training for their career advancement).

5. Funding

- 5.1 Standard training/conference attendance allowances for each staff person will be proposed by management and approved by Trust Council within the annual budget process.
- 5.2 Staff may submit specific requests for training/conference attendance assistance beyond the proposed standard budgeted amount for each staff person through their immediate supervisor within the annual budget process.
- 5.3 The Director of Administrative Services is responsible for coordinating proposed in-service training and organizational training amounts, within the annual budget process.

6. Expectations of Staff

- 6.1 It is expected that staff, for Trust supported training and conference attendance, will provide a written/verbal report to their immediate supervisor and, if appropriate, other staff.
- 6.2 It is expected that staff, for Trust supported training and conference attendance, will provide useful materials to the Administrative Secretary to copy to the Trust's reference library.
- 6.3 All staff is expected to provide the Director of Administrative Services with details on upcoming training/conference attendance, who in turn will post/distribute these materials as appropriate.

C. Legislated References

Annual Budget

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

Attachment 1 – Islands Trust Training/Conference Request

Attachment 1

Islands Trust

Training/Conference Request

Date:

To (Approving Authority):

STAFF/TRUSTEE NAME:

CONFERENCE/TRAINING EVENT NAME:

HOSTED/COORDINATED BY:

LOCATION:

DATE(S):

REASON FOR ATTENDING:

EXPECTED BENEFITS TO TRUST/Approving Authority:

COSTS:	Registration Fee
	Per diem/Meal Costs
	Accommodation
	Travel
	Course Materials
	Other: _____
Total:	

TOTAL REQUEST: _____

OFFICE INSTRUCTIONS:

RECOMMENDED BY: _____

(i.e. processing for registration fees)

APPROVED BY: _____

AMOUNT APPROVED: _____

DATED APPROVED: _____



Policy:	8.4.1
Approved By:	Executive Committee
Approval Date:	June 11, 2013
Amendment Date(s):	July 29, 2014
Policy Holder:	Chief Administrative Officer

CHIEF ADMINISTRATIVE OFFICER CONTINGENCY SUCCESSION PLAN

Purpose

To ensure continuous coverage of those executive duties that are critical to the ongoing operation and sustainability of the Islands Trust, in the event of the *unplanned* and *extended* absence of the Islands Trust's Chief Administrative Officer (CAO).

To provide procedures for the temporary appointment of an Acting CAO in the event of the *unplanned* and *extended* absence of the Islands Trust's CAO.

This plan covers all situations where an *unplanned* and *extended* absence of the Islands Trust's CAO occurs, whether that absence is *temporary* or *permanent*.

This plan does not apply to absences that are *planned*. It is the CAO's responsibility to inform the Executive Committee of a *planned temporary* or *short-term* absence, and to plan accordingly.

Background

1. Legislative and Policy Framework

- 1.1 Section 8 of the *Islands Trust Act* requires the Islands Trust Council to '*appoint officers and other employees*' subject to other sections of the *Islands Trust Act* and the *Public Service Act*.
- 1.2 Trust Council Bylaw 3 delegates the power of appointment to the Islands Trust Executive Committee.
- 1.3 Trust Council's Policy 2.4.1 -- Executive Committee Terms of Reference indicates that it is the Executive Committee's role to '*coordinate, when needed, the formation and operation of a Chief Administrative Officer Hiring Committee (CAOHC), consisting of the Executive Committee and the chairs of Trust Council's three Council Committees, that will be responsible for recruiting, orienting and evaluating a CAO during the initial six-month probationary period; to ensure that, prior to appointing a new CAO, the CAOHC has consulted with the Islands Trust Council and has complied with the terms of reference for such consultation indicated in Attachment 1 (to Policy 2.4.1)*'.
- 1.4 The Islands Trust CAO's Position Profile indicates that the CAO reports to the Executive Committee and is in turn given a number of responsibilities, including the hiring of all other employees of the Islands Trust Council.

2. Best Practices

While the Executive Committee acknowledges that an unplanned and extended absence of the CAO is improbable, it also understands that best practices in governance suggest that a contingency succession plan should be in place, in the event of an unplanned extended or permanent absence of CAO.

A. Definitions

Acting refers to a person who has been appointed to perform the duties of a permanent employee who is temporarily absent.

Chief Administrative Officer or CAO refers to the senior staff position at the Islands Trust.

Extended absence means an absence of greater than one month and includes a *permanent* absence.

Interim refers to a person who has been appointed to perform the duties of a vacant position while recruitment is underway.

Temporary absence means one in which it is expected that the CAO will return to their position once the events precipitating the absence are resolved.

Permanent absence means one in which it has been confirmed that the CAO will not return to their position.

Planned absence means one that arises after at least one month's notice or one where the CAO has an opportunity to make the necessary arrangements for coverage of their duties.

Unplanned absence means one that arises unexpectedly, leading to an absence with no notice or less than one month's notice and where the CAO has not had an opportunity to make the necessary arrangements for coverage of their duties.

Short-term absence means an absence of one month or less.

Table 1 illustrates some examples of absences. Those examples where this plan will apply are indicated in italics:

Table 1 – Examples of Absences

Italics indicate examples of absences covered by this plan

	Planned	Unplanned
Short-term (≤ 1 mo)	Annual vacation Short-term medical leave	Short term temporary absence due to sudden illness or accident
Extended (> 1 mo)	Extended absence due to an expected purpose such as medical operation or sabbatical	<i>Extended but temporary absence due to sudden illness or accident</i>
Permanent	Retirement or resignation with notice of 1 month or more Termination after 1 month notice	<i>Sudden retirement or resignation</i> <i>Sudden incapacity or death</i> <i>Termination with less than 1 month notice</i>

B. Policy

Plan

1. Plan Implementation

The Executive Committee will implement the terms of this plan in the event of an unplanned and extended absence of the CAO, including an absence that is expected to be permanent.

It is the responsibility of the most senior staff member on duty to notify the Executive Committee of an unplanned and extended absence of the CAO, as soon as possible.

As soon as feasible after receiving notification of an unplanned and extended absence of the CAO, the Executive Committee Chair will convene a meeting of the Executive Committee to review and ratify this plan, or to modify it if needed.

This plan is subject to the provisions of the *Public Service Act* and regulations and any provincial legislation that may apply.

2. Key Interim Responsibilities

The full position profile for the CAO is attached as Appendix A.

Among the duties listed in the position profile, Table 2 lists the key functions to be covered during an unplanned and extended absence of the CAO.

Table 2 – Chief Administrative Officer Key Functions

CAO FUNCTION
Strategic support to Trust Council and Executive Committee
Trust Council and Executive Committee agenda preparation
Liaison with political and executive level representatives of other agencies
Leadership of Management Team
Authorities delegated to CAO subject to the <i>Public Service Act</i>

In addition to the duties identified in Table 2, the Executive Committee will, in consultation with the senior management team, identify key priorities that must be addressed during the interim period before the CAO returns or a new CAO is appointed.

3. Authority and Restrictions

The person appointed as Acting or Interim CAO will have the full authority for decision-making and independent action as the regular CAO, except for the following decisions which must be ratified by the Executive Committee:

- termination or permanent hiring of directors
- direction to legal counsel in regards to litigation defence

4. Contract and Compensation

The person appointed as Acting or Interim CAO will receive a temporary salary increase to the entry level salary of the CAO or to 5% above his/her current salary, whichever is greater, subject to any limitations that may be properly imposed under the *Public Service Act* or other relevant legislation.

5. Communications

As soon as possible after an Acting or Interim CAO has begun covering an unplanned absence, the Executive Committee and the Acting CAO will communicate the temporary leadership structure to the following audiences, in order:

1. Islands Trust staff
2. Islands Trust Council members
3. Islands Trust Conservancy Board members
4. Bowen Island Municipality and staff

5. Islands Trust legal counsel
6. Ministry responsible for the *Islands Trust Act*

After the above contacts have been notified, the Executive Committee will consider developing a news release to announce the absence of the regular CAO, the time of their expected return, if known, and the temporary leadership structure.

6. Guidelines for Appointment of an Acting or Interim CAO

6.1 Short-Term Temporary Unplanned Absence

In the event of an unplanned absence of the CAO that is expected to last one month or less, the position of Acting CAO will be filled by the Director of Local Planning Services, subject to ratification of this appointment by resolution of the Executive Committee.

Should the Director of Local Planning Services be unable to serve, the back-up appointees for the position of Acting CAO will be the Director of Trust Area Services or the Director of Administrative Services, as determined by the Executive Committee.

If the Director of Local Planning Services is new to their position or to the Islands Trust organization (less than 1 year), the Executive Committee may appoint one of the back-up appointees to be Acting CAO, or may decide to divide the duties of the position among the designated appointees.

6.2 Long-Term Temporary Unplanned Absence

In the event of an unplanned absence of the CAO that is expected to last for more than one month, section 6.1 of this plan applies, and the Acting CAO will consider temporarily appointing an acting replacement to the position they have left vacant.

6.3 Permanent Unplanned Absence

In the event of an unplanned absence of the CAO that is confirmed to be permanent, and where the Islands Trust has no obligation to hold the CAO position open for an absent employee, section 6.2 of this plan applies until an Interim CAO has been appointed.

7. Recruitment of Permanent CAO Replacement

In the event of an unplanned absence of the CAO that is confirmed to be permanent, and where the Islands Trust has no obligation to hold the CAO position open for an absent employee, the Executive Committee will form a Chief Administrative Officer Hiring Committee (CAOHC) in accordance with s.9 and Attachment 1 of *Islands Trust Council Policy 2.4.1 – Executive Committee Terms of Reference*, to oversee the process for hiring a new, permanent CAO.

The CAOHC will make recommendations to the Executive Committee about the appointment of an *Interim* CAO as soon as possible, after seeking and considering the advice of the Public

Service Agency. A person appointed as *Interim* CAO should not be a candidate for permanent appointment to the position and will provide support to the CAOHC in completing its tasks related to hiring a permanent replacement for the CAO.

C. Preparations

1. Training of Potential Appointees to Acting CAO Position

For each of the positions that are identified in Section B.6 as potential appointees to the Acting CAO position, the incumbents will receive training as follows to prepare them to act as CAO in a contingency situation:

- 1.1 Regular opportunities to perform as the Acting CAO role during planned absences of the CAO, such as during vacations.
- 1.2 Regular opportunities to chair meetings of the management team.
- 1.3 Support for attendance at relevant training courses and opportunities.
- 1.4 Occasional opportunities to 'shadow' the CAO, in order to acquire knowledge unique to the Islands Trust CAO position.
- 1.5 Upon initial hiring, orientation regarding CAO responsibilities.

2. Development of a CAO Handbook

A CAO Handbook will be developed and maintained, to catalogue information determined to be useful for an Acting or Interim CAO.

D. Implementation

1. Approval

The Executive Committee will be the approval body for the CAO Contingency Succession Plan, ensuring its consistency with s.9 and Attachment 1 of *Islands Trust Council Policy 2.4.1 – Executive Committee Terms of Reference*.

2. Review

The Executive Committee will review the CAO Contingency Succession Plan, including any appendices, annually in January of each year, in consultation with the senior management team.

It is the responsibility of the Executive Coordinator to add the topic to the Executive Committee's meeting agenda each year.

3. Maintenance of Record

The 'Chief Administrative Officer Contingency Succession Plan' will be maintained in the Islands Trust Policy Manual.

The CAO is authorized to make minor, non-substantive, amendments to the plan to maintain its currency, such as updates to references to legislation and position titles. A log of such minor amendments will be maintained to be considered during the annual review process.

4. Implementation and Communications Tools

To assist in implementation of this plan, the CAO may attach implementation and communication tools in *Appendix B – Implementation and Communication Tools*, attached to the Chief Administrative Officer Contingency Succession Plan.

E. Legislated References

CAO Position Profile

Islands Trust Organizational Chart

Public Service Act

Islands Trust Council Policy 2.4.1 – Executive Committee Terms of Reference

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

Appendix A – Islands Trust CAO Position Profile

Appendix B – Implementation and Communication Tools

Appendix B-1 – Temporary Unplanned CAO Absence – Process Checklist

Appendix B-2 – Permanent Unplanned CAO Absence – Process Checklist

APPENDIX A

[Islands Trust CAO Position Profile](#)

APPENDIX B

Implementation and Communication Tools

Appendix B-1

Temporary Unplanned CAO absence - Process Checklist

- ☐ A member of staff receives notification that the CAO will be absent for an unplanned and extended period.
- ☐ The member of staff who has received the notification advises the most senior staff person on duty as soon as possible.
- ☐ Director of Local Planning Services assumes role of Acting CAO pending Executive Committee ratification.
- ☐ Most senior staff person on duty notifies Executive Committee of the absence as soon as possible.
- ☐ Executive Committee Chair calls for a special meeting of the Executive Committee as soon as possible.
- ☐ Executive Committee reviews CAO Contingency Succession Plan and ratifies or amends it.
- ☐ Executive Committee ratifies appointment of an Acting CAO.
- ☐ Acting CAO determines whether to appoint an acting replacement for the position they have temporarily left vacant.

Appendix B-2

Permanent Unplanned CAO absence – Process Checklist

- ☐ A member of staff receives notification that the CAO will be absent for an unplanned and permanent period.
- ☐ The member of staff who has received the notification advises the most senior staff person on duty as soon as possible.
- ☐ Director of Local Planning Services assumes role of Acting CAO pending Executive Committee ratification.
- ☐ Most senior staff person on duty notifies Executive Committee of the absence as soon as possible.
- ☐ Executive Committee Chair calls for a special meeting of the Executive Committee as soon as possible.
- ☐ Executive Committee reviews CAO Contingency Succession Plan and ratifies or amends it, ensuring consistency with [Islands Trust Council Policy 2.4.1 – Executive Committee Terms of Reference](#).
- ☐ Executive Committee ratifies appointment of an Acting CAO to serve until an Interim CAO is appointed.

- ☐ Acting CAO determines whether to appoint an acting replacement for the position they have left vacant.
- ☐ Executive Committee confirms that there are no legal obligations to hold the CAO position open for the absent employee.
- ☐ Executive Committee calls for the formation of a Chief Administrative Officer Hiring Committee (CAOHC) as soon as practicable, pursuant to S.9 and Attachment 1 of [Islands Trust Council Policy 2.4.1 – Executive Committee Terms of Reference.](#)
- ☐ CAOHC seeks and considers advice from the Public Service Agency regarding appointment of an Interim CAO.
- ☐ CAOHC makes recommendations to the Executive Committee regarding appointment of an Interim CAO who is not a candidate for the permanent position.
- ☐ Interim CAO determines whether to appoint an acting replacement, if they have left a position vacant within the Islands Trust.
- ☐ Interim CAO provides staff support to the CAOHC and staff liaison with Public Services Agency.
- ☐ CAOHC oversees the hiring process for a new permanent CAO, pursuant to S.9 and Attachment 1 of [Islands Trust Council Policy 2.4.1 – Executive Committee Terms of Reference.](#)